

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, APRIL 21, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:05 PM by teleconference in Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia and City Clerk Deborah M. Andrea.

INVOCATION OR MOMENT OF SILENCE: led by Vice Mayor Andy Amoroso.

PLEDGE OF ALLEGIANCE: led by Commissioner Omari Hardy.

AGENDA - Additions/Deletions/Reordering:

There were no changes to the agenda.

PRESENTATIONS: (there was no public comment on Presentation items)

A. Presentation regarding the City of Lake Worth Beach(LWB) COVID-19 response

Michael Bornstein, City Manager, gave an update on activities that had occurred after the last Commission meeting. He reported that an Administrative Order (AO) strongly encouraging the use of masks was issued and the County had followed suit. The City had been working with Feeding South Florida to match people with resources other than food. He reminded everyone about the importance of the census; the percentage of participation nationwide was 51%, while LWB was only 38%. He asked everyone to recommit to making phone calls to ensure that LWB residents respond to the census. He said that Conservation staff was reaching out to customers who were up for (but not being) disconnected to tell them about the services that could help them get with grant money. He spoke about the calendar, which was planned far in advance; before COVID-19 many work sessions had been scheduled and the intention would be to hold the work sessions remotely. He stated that Staff was working and looking at other cities regarding events in the summer. He said the City was attending remote meetings with the County and State to stay informed. He announced that there were over 27,000 cases in Florida with south Florida a hot spot, PBC tested 18,536 people and over 2000 were positive; they were looking for trends such as 14 days of declining numbers, but it was too soon for that data. He iterated that the core critical functions at the City had been going well.

Vice Mayor Amoroso asked about virtual meetings with the County and that the City looked to the County and State to move forward. He said it was important that the cities stayed and worked together.

City Manager Bornstein stated that there were daily meetings with constant updates; the County was taking its lead from the State, but south Florida had high numbers so the beaches in PBC would not be opening any time soon. He said that there was conversation about planning to reactivate normal life in phases.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Robinson: thanked the citizens of the City for volunteering with food distribution and making masks. He said that people should make discussion about the census part of their conversations. He announced that Earth Day would be having virtual events. He thanked Public Works for having amnesty for bulk pickup. He said that the City would be in catch up mode for future meetings and that there should be a discussion with the Commission at a public meeting regarding opening the beaches, etc.

Commissioner Hardy: said that it was important that coastal cities did the right thing to contain the virus within their communities. He spoke about having a mandate for masks. He thanked the CRA for pressure washing the sidewalks downtown. He stated that some students did not have access to online learning or were not logging on because their parents were working; he said that there should be a conversation about free public Wi-Fi. He said that the City should only rely on itself for decisions regarding re-opening the City.

Commissioner Maxwell: said that the residents realized that this pandemic was a marathon and felt they were being useful to the community. He expressed pride in LWB, which showed how a diverse community could work together for the betterment of all. He thanked PBSO for their help and support and PB Fire Rescue for all they did for the community. He said that he had been working with various churches regarding matching needs to the residents. He stated that the small businesses could contact him for assistance with filling out the paperwork.

Vice Mayor Amoroso: thanked staff for their great work, Mayor Kerner and his staff for assisting the City, Cathy Turk for making masks and Don Rosenshine who donated to Feeding South Florida. He spoke about the various food programs around the City, including drive up programs. He said that the CRA had 20 grants for small restaurants or bars. He said that there were free programs to ensure that children were fed and that Leisure Services was having virtual programs on the website. He stated that the census numbers were low and information was being distributed at the feeding programs to encourage people to participate.

Mayor Triolo: reported that the MPO had met virtually. She thanked the CRA for the sidewalk cleaning and said the sidewalks would be sanitized as well.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

Deborah Andrea, City Clerk, read the comment cards submitted online by the following individuals:

Cliff Kohlmeyer wrote in opposition to the demolition of the historic structures on South L and M Streets.

Dustin Zacks wrote to request that the Commission reevaluate the decision to allow only two medical marijuana dispensaries in town.

Don Rosenshine wrote about possible initiatives to assist the small businesses in the City.

APPROVAL OF MINUTES:

There were no minutes on the agenda.

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to approve the Consent Agenda.

- A. Amendment #2 to Task Order #6 with Kimley Horn and Associates for the Neighborhood Road Program District 3, Year 4 project
- B. Consent to Assignment and Estoppel Agreement with IDON Media LLC

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

PUBLIC HEARINGS:

There were no Public Hearing items on the agenda.

UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

NEW BUSINESS:

- A. Discussion regarding the City's COVID-19 response going forward

City Manager Bornstein explained that he was seeking direction from the Commission regarding providing assistance with lease payments to tenants at the beach and the golf course. He asked if there should be a deferral program or adjustments to the lease payments or a combination of the two, with conditions applied, such as the business would have to apply for an SBA loan. He stated that a deferral program could be added to the end of the lease or there could be a payback beginning in January 2021.

Comments/requests summary:

Commissioner Hardy said that there would be either a loan or a payment deferral; the businesses' financial positions should be known before they received any funds. He stated that there would be a shortfall in funds used to pay for upkeep and the City was not receiving any parking revenue currently.

Vice Mayor Amoroso stated that there should be a deferment with a payment plan during season for both rent and utility bills. He expressed concern about the legalities of assisting some businesses and not all businesses.

Mayor Triolo said that she was more apt to have a deferment program and would need more information regarding the finances for the businesses leasing directly from the City.

Commissioner Robinson said that the City would have to judge the businesses fairly on a case-by-case basis.

Mayor Triolo said that many businesses in the City needed help.

Vice Mayor Amoroso stated that there were small businesses throughout the City and all should be included; the CRA grants were only available to businesses in the CRA district.

He suggested that the City could help facilitate information regarding the SBA loans. He asked City Attorney Torcivia what would happen if the City tenants stopped paying their bills.

Commissioner Hardy opined that each business should be dealt with differently as each had its own needs and only those that needed help should receive it. He requested to see their tax returns and balance sheets.

City Attorney Torcivia responded that each business had a lease and would require an amendment to the lease. He stated that no tenants had defaulted at this time and actions would be tailored to each lease.

Commissioner Maxwell stated that it would be important to determine if the tenants had a real need and then the City would examine their books to see if they had exhausted their options with the Federal government. He iterated three options, one to repay the rent over three seasons, an abatement of 75% or an abatement of 50% of the rent over one season.

Mayor Triolo agreed with having options for the businesses.

City Manager Bornstein explained that each lease was different and had been difficult to negotiate; staff was willing to speak with each business to tailor specific options appropriate to the specific business.

Commissioner Robinson spoke in favor of deferments rather than grants. He said that there should be a policy to assist the other businesses in the City.

Commissioner Hardy asked City Attorney Torcivia if an amendment of the leases would fall under emergency powers or have to go before the Commission. He asked Assistant City Manager Ruiz about how the Common Area Maintenance (CAM) had been determined and if there were any other issues with the leases.

City Attorney Torcivia responded that lease amendments could be under emergency powers, which would then be brought back to the Commission for ratification at a future meeting. He said that the businesses could not receive both an SBA loan and a deferment from the City.

Juan Ruiz, Assistant City Manager, replied that the CAM issue had been resolved and he could not answer any other questions pertaining to the leases; he said that the tenants were paying their rents and other charges and were adhering to the terms of their leases.

City Manager Bornstein stated that he had spoken with several of the businesses and some had expressed concern about what was happening; he said that nothing would be initiated with the tenants without Commission approval at the May 5 meeting.

Commissioner Maxwell stated that the City would have to exercise extreme caution when reopening the City. He suggested that the City produce a sign with guidelines to post at every business when the City reopened.

Commissioner Hardy suggested giving direction to the City Manager for staff to assist businesses with loan application processes and residents with unemployment.

City Clerk Andrea read the public comment submitted by the following individual:

Ryan Oblander wrote in favor of giving a partial refund of commercial utility deposits to help the small businesses of Lake Worth Beach during these economically unstable times along with having a payback plan.

City Manager Bornstein stated that staff would be able to assist the six tenants with loan applications but did not have enough staff to assist all the businesses in the City.

Commissioner Hardy stated that the City should be able to get something in return if a tenant was asking the City for help.

Vice Mayor Amoroso suggested having Finance Department staff help the businesses through the process.

The meeting recessed at 7:51 PM and reconvened at 8:08 PM.

B. Discussion regarding a Charter Review brought forward by Commissioner Robinson

Commissioner Robinson stated that the Charter had not been reviewed in 20 years and there might be items to be added or changed.

Commissioner Hardy spoke in favor of having a Charter Review Committee with each Commissioner appointing the same number of appointees, as well as participating on the committee. He said that there were issues in the Charter to review such as the necessity for run-off elections, moving the election to November and the composition of the Commission.

Commissioner Robinson sought a consensus regarding a committee rather than discussing specific changes.

Mayor Triolo asked how the number of appointees per Commissioner was determined.

City Attorney Torcivia replied that it was in the Rules of Procedure, not the Charter.

City Clerk Andrea responded that the number was in the ordinances establishing each board or committee.

Commissioner Robinson asked for consensus to work towards setting up a committee to review the Charter.

Commissioner Maxwell opined that Commissioner Hardy seemed to be taking the lead on the issue and with the pandemic; this was not the time to discuss the Charter. He said that the issues that Commissioner Hardy brought up had all been discussed in the past. He stated that there was a reason that the municipal elections were held in March.

Vice Mayor Amoroso agreed with Commissioner Maxwell regarding a Charter review at this time.

Commissioner Hardy gave his reasons regarding changing the election to November.

Commissioner Robinson asked when a Charter Review committee would be convened.

Mayor Triolo explained the reasoning behind moving the municipal elections to March, which had included keeping partisanship out of the elections and the cost for the election was less in March. She spoke in favor of having a Charter Review Committee established in late summer or early fall with new rules regarding appointees and without telling the committee what to review.

Commissioner Hardy stated that there was no reason to wait to draft an ordinance to create a Charter Review Committee now to meet jointly with the Commission to decide what changes should be made to the Charter.

Commissioner Robinson said that he envisioned forming the committee and bringing different ideas to the table.

Mayor Triolo stated that there were no public comment cards.

CITY ATTORNEY'S REPORT:

City Attorney Torcivia provided the following report:

- Everyone should continue to follow the applicable orders and stay safe.

CITY MANAGER'S REPORT:

City Manager Bornstein did not provide a report.

ADJOURNMENT:

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to adjourn the meeting at 8:37 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: May 5, 2020

A digital audio recording of this meeting will be available in the Office of the City Clerk.