

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, SEPTEMBER 19, 2023 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:03 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:33) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Y. Davis, City Attorney Glen Torcivia and City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (0:57) was led by Mayor Betty Resch.

PLEDGE OF ALLEGIANCE: (1:31) was led by Commissioner Reinaldo Diaz.

ADDITIONS/DELETIONS/REORDERING: (2:01)

Consent Item C, Proclamation declaring September 17-23, 2023 as Constitution Week, was moved to Presentation D. New Business, Item C, 6th Avenue South Substation Property Exchange, was reordered to New Business A.

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve the agenda as amended.

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

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

- A. Certificate of Appreciation presented to LWB Water Utilities employees for their performance during Hurricane Ian by Lisa M. Wilson-Davis, Operations & Regulatory Compliance Manager for the City of Boca Raton on behalf of the Florida Water & Wastewater Agency Response Network (FlaWARN) (2:36)
- B. Proclamation declaring September 30, 2023 as Arbor Day (9:27)
- C. Proclamation declaring September 15–October 25, 2023 as Hispanic Heritage Month (12:00)
- D. Proclamation declaring September 17–23, 2023 as Constitution Week (15:33)

COMMISSION LIAISON REPORTS AND COMMENTS: (17:50)

CITY MANAGER'S REPORT: (40:33)

City Manager Davis provided the following report:

- attended the NAPC (Neighborhood Association Presidents Council) meeting on September 9 to answer questions and share information
- encouraged the public to visit the city's museum to see the new exhibition
- attended gang awareness night
- attended the ribbon cutting at the Recovery HUB
- would attend the ICMA (International City/County Management Association) conference in Austin, Texas from September 29 – October 5
- announced that the first Business Advisory Board meeting would take place on September 21 in the City Hall Conference Room at 6 PM
- reported that five candidates for the Assistant City Manager position would be interviewed on Thursday

CITY ATTORNEY'S REPORT: (44:07)

City Attorney Torcivia provided the following report:

- announced that the legislature enacted a requirement that municipal elected officials would be required to fill out a Form 6 extensive financial reporting for those in office on January 1, 2024; there would be a presentation regarding the topic on the October 3 agenda
- the Palm Beach County Supervisor of Elections created an exception to allow for an additional qualifying period in early January for those municipalities with elected officials who resign after the qualifying period in 2023

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (46:06)

APPROVAL OF MINUTES: (1:11:27)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the following minutes:

- A. Pre-agenda Work Session - August 11, 2023
- B. Special Meeting - August 15, 2023
- C. Regular Meeting - August 15, 2023
- D. Budget Work Session #4 - August 17, 2023
- E. Budget Work Session #5 - August 22, 2023

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items) (1:12:41)

- A. Fiscal Year 2024 State Aid to Libraries Grant Application
- B. Community Development Block Grant Project Agreement Amendment 002 for Harold Grimes Memorial Park Improvements Phase I
- C. (moved to Presentation D) Proclamation declaring September 17-23, 2023 as Constitution Week

- D. Eighth Amendment to Professional Services Agreement with Ben Few & Company, Inc.
- E. Sixth Amendment to the Agreement with Gallagher Bassett Services Inc. for Fiscal Year 2024
- F. Property and Casualty Insurance Services renewals with Brown & Brown Inc. and City insurance coverage for FY 2023-2024

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to approve the Consent Agenda.

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

PUBLIC HEARINGS:

- A. Ordinance 2023-10 - Second Reading - Amending the City's Comprehensive Plan, adding a new property rights element as required by F.S. 163.3177(6)(i) (1:12:51)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2023-10 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN, ADDING A NEW PROPERTY RIGHTS ELEMENT AS REQUIRED BY F.S. 163.3177(6)(i); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Ordinance 2023-10 amending the City's Comprehensive Plan, adding a new property rights element as required by F.S. 163.3177(6)(i).

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

- B. Ordinances 2023-17 & 2023-18 – Second Reading – A privately-initiated small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) for the project known as “Madison Terrace” located at 821 South Dixie Highway (1:13:26)

City Attorney Torcivia read the ordinances by title only.

ORDINANCE NO. 2023-18 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP THROUGH A SMALL SCALE MAP AMENDMENT FROM THE FUTURE LAND USE (FLU) DESIGNATION OF MIXED USE – EAST (MU-E) TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) FLU DESIGNATION ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH DIXIE HIGHWAY AND 9TH AVENUE GENERALLY LOCATED AT 821 SOUTH DIXIE HIGHWAY, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to approve Ordinance No. 2023-18, a privately-initiated Zoning Map amendment (rezoning) for the project known as “Madison Terrace” located at 821 South Dixie Highway.

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

ORDINANCE NO. 2023-17 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY’S OFFICIAL ZONING MAP FROM THE ZONING DISTRICT OF MIXED USE – DIXIE HIGHWAY (MU-DH) TO TRANSIT ORIENTED DEVELOPMENT – EAST (TOD-E) ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH DIXIE HIGHWAY AND 9TH AVENUE AT 821 SOUTH DIXIE HIGHWAY, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A; AND PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Ordinance No. 2023-17, a privately-initiated small-scale Future Land Use Map (FLUM) amendment for the project known as “Madison Terrace” located at 821 South Dixie Highway. (2:18:38)

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

City Attorney Torcivia read the ordinance by title only.

C. Ordinance 2023-16 – Second Reading – Consideration of a Mixed Use Urban Planned Development (Residential Only), Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights for the project commonly referred to as “Madison Terrace” (1:15:39)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2023-16 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A RESIDENTIAL PLANNED DEVELOPMENT DISTRICT, LOCATED AT THE NW CORNER OF SOUTH DIXIE HIGHWAY AND 9TH AVENUE SOUTH TO CONSTRUCT TWO, SIX-STORY MULTI-FAMILY BUILDINGS, CONTAINING A TOTAL OF 176 DWELLING UNITS AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE TRANSIT ORIENTED DEVELOPMENT – EAST (TOD-E) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF TRANSIT ORIENTED DEVELOPMENT (TOD) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING A DEVELOPMENT OF SIGNIFICANT IMPACT; APPROVING A CONDITIONAL USE PERMIT; APPROVING A HEIGHT, DENSITY, AND INTENSITY BONUS INCENTIVE THROUGH THE CITY’S SUSTAINABLE BONUS

INCENTIVE PROGRAM, TRANSFER OF DEVELOPMENT RIGHTS PROGRAM, AND AFFORDABLE/WORKFORCE HOUSING PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE DEVELOPMENT OF A RESIDENTIAL PLANNED DEVELOPMENT; APPROVING A RIGHT-OF-WAY ABANDONMENT; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve Ordinance No. 2023-16, a Mixed Use Urban Planned Development (Residential Only), Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights for the project commonly referred to as “Madison Terrace”.

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

The meeting recessed at 7:32 PM and reconvened at 7:41 PM.

NEW BUSINESS:

A. (reordered from New Business C) 6th Avenue South Substation Property Exchange (1:39:04)

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve the 6th Avenue South Substation Property Exchange.

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

B. (reordered from New Business A) Contract with Oceanside Beach Services, Inc., for beach equipment rental concessions (1:55:44)

Action: Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve the Contract with Oceanside Beach Services, Inc., for beach equipment rental concessions.

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

C. (reordered from New Business B) Consideration of an Unsolicited Offer to Purchase the City Owned, Vacant Lot at 1112 18th Avenue North (1:56:59)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the Consideration of an Unsolicited Offer to Purchase the City Owned, Vacant Lot at 1112 18th Avenue North.

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

C. (reordered to New Business A) 6th Avenue South Substation Property Exchange

UPCOMING MEETINGS AND WORK SESSIONS:

September 26 @ 6 pm - Utility meeting
September 28 @ 6 pm - 2nd Budget Hearing
October 3 @ 6 pm - Regular meeting

ADJOURNMENT: (2:17:43)

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to adjourn the meeting at 8:20 PM.

Vote: Voice vote showed: Mayor Resch, Vice Mayor McVoy, Commissioners Malega, Stokes and Diaz. NAYS: None.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved October 17, 2023

Item time stamps correspond to the video recording of the meeting on YouTube.