

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL CITY COMMISSION MEETING #2
DOKA APPEAL CONTINUATION
CITY HALL COMMISSION CHAMBER
TUESDAY, MAY 25, 2021 - 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:05 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Betty Resch; Vice Mayor Herman Robinson and Commissioners Sarah Malega, Christopher McVoy and Kimberly Stokes. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and Deputy City Clerk Melissa Ann Coyne.

PLEDGE OF ALLEGIANCE: led by Vice Mayor Herman Robinson.

UNFINISHED BUSINESS:

- A. Appeal by Alfred Malefatto, Esq. on behalf of Marlin Industrial Park Owners Association of PZB Project # 20-01400035 commonly referred to as “Umdasch/Doka,” which included site plan, sustainable bonus and conditional use approvals to allow for the construction of a +/-47,000 square foot distribution facility and repair and maintenance uses within the Industrial Park of Commerce (I-POC) zoning district

Mayor Resch read the title of the case into the record stating that the issue was a continuation of the quasi-judicial hearing on the appeal by Alfred Malefatto, Esq., filed on behalf of Marlin Industrial Park Owners Association of PZB case number 20-001400035 (a project commonly referred to as the “Umdasch/Doka” project) pursuant to section 23.2-17 of the City’s code of ordinance. On May 11, 2021, the City Commission unanimously approved a two-week continuance of the appeal in order for the Appellant and Applicant/Appellee to discuss a potential resolution and withdrawal of the appeal.

Mayor Resch asked if the commissioners had any ex-parte communications, personal investigations or campaign contributions to disclose which arose during the continuation of the appeal.

Vice Mayor Robinson said that he had nothing to disclose.

Commissioner Stokes stated that she had met with Lisa Reves of Saul, Ewing, Arnstein & Lehr.

Commissioner McVoy reported that he had met with the two parties and gone beyond the scope by having written a letter with suggestions to facilitate an agreement. He recused himself from the meeting.

Commissioner McVoy left the meeting at 6:08 PM.

City Attorney Goddeau asked if the commissioners had read the letter sent by Commissioner McVoy and would therefore be able to serve as impartial decision makers in the matter.

Commissioner Malega stated that she deleted the letter after reading the first few lines.

Vice Mayor Robinson said that he read the letter and it would not affect his decision.

Commissioner Stokes iterated that she had skimmed the letter but it would not affect her decision.

Mayor Resch said that she did not read most of the letter and she had had conversations with Ms. Reves, with an attorney for the Appellee, with Ms. Crohn, with Mr. Malefatto and with Dan Hiatt.

Mayor Resch stated that the commission would have to hear if the Appellant and Appellee had reached an agreement.

Neil Schiller, representing Umdasch/Doka, said that no compromise had been reached.

Mayor Resch said that Ordinance 2020-14 passed in October 2020 clarifying some issues. She stated that the decision making body did not grant a continuance and therefore there was no due process and the appeal should be sent back to PZB.

City Attorney Goddeau replied that PZB had a special meeting scheduled for June 23, 2021 and there would be a request for the appeal to be heard at that time. She said that if there were new affected parties who ask for a continuance, the appeal would be heard in July 2021 and could come back to the commission two months later.

Commissioner Malega said that there had been confusion about the type of use, but the application would be changed to read administrative process for approval or something similar to alleviate the confusion.

Mr. Waters iterated that the wording had already been changed to Administrative Use Approval, which would be done by Staff and Conditional Use Approval which would go to an Advisory Board.

Mayor Resch asked if there was a motion on the appeal.

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes that because of the lack of due process, the appeal be remanded back to PZB.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega and Stokes. NAYS: None. ABSENT: Commissioner McVoy.

ADJOURNMENT:

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Stokes to adjourn the meeting at 6:19 PM.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega and Stokes. NAYS: None. ABSENT: Commissioner McVoy.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, Interim City Clerk

Minutes Approved: August 3, 2021