

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, MAY 12, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL:

Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy (arrived at 6:03 PM) and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

PLEDGE OF ALLEGIANCE: led by Vice Mayor Andy Amoroso.

UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

NEW BUSINESS:

- A. Consideration of and request for official action regarding the re-opening plan for the City's Beach

Michael Bornstein, City Manager, explained that there were some changes regarding the policy for reopening south Florida. He said that the Palm Beach County Commissioner (PBCC) considered opening the beaches last week but postponed it until May 18. He said that the cities and beach personnel have been included in the discussion. He stressed that there was no definitive opening date and requested specific direction from the Commission whether to open the beach. He said that the City could be more restrictive than the County, not less and thanked staff for coming up with a plan.

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to disapprove the plan for reopening the beach.

Juan Ruiz, Assistant City Manager, thanked Lauren Bennett, Larry Lightfoot, Doug Yoakum, PBSO and PBFR, all of whom participated in the discussion. He said that the City had been allowing takeout and delivery from the beach restaurants. He gave an overview of the plans regarding Phase One Beach Tenants. He reported that for March 13-17, Lake Worth Beach, Beach Park and William O. Lockhart Pier would remain closed, tenants would operate at 25% indoor capacity and offer outdoor seating with six feet between parties, the parking lot would open to 25% capacity (approximately 180 spaces) and Old Bridge Park would be for employee parking only. He stated that different cities in the County had different approaches to opening their beaches. He said that the City would try to mirror the policies of the County. He announced that Phase 2 reopening would include the beach and Beach Park from May 18-25, pursuant to the County Commission's

decision. He relayed that there would be 50% of the parking lot open with six feet of physical distancing markers, heavy promotion of the ParkMobile parking app, the William O. Lockhart Pier would be open with ten feet of physical distancing markers, restrooms would open, the towers would have one lifeguard with frequent shift rotation, six feet of distancing between staff and beach patrons, medical emergencies would be addressed by PBFR only and all staff would adhere to CDC and Social Distancing guidelines. He said that there would be heavy signage to reinforce the guidelines. He explained that for the Casino tenants, pursuant to PBC Executive Orders, there would be outdoor seating priority, parties could not to exceed ten people and there would have to be six foot distancing between parties. He stated that Phases 3 and 4 would follow when appropriate according to County implementation.

Comments/requests summary:

1. Commissioner Hardy asked about the number of parking spaces. He expressed concern that the risk of outdoor transmission was unknown and the risk was not worth it. He stated that the City beach drew people from outside of the community; people could get sun without going to the beach and many County facilities were open. He said that the criteria to reopen had not been met.
2. Vice Mayor Amoroso spoke in support of reopening the beach on Monday and sending a letter to the County. He said that he trusted City staff and PBSO and that the beach should open.
3. Commissioner Robinson said that the County mentioned resident requirements and if it would be legal to do so in the City. He stated that the City would be overwhelmed with County residents coming to the beach. He said that he was in favor of a phased reopening and that residents should be responsible. He iterated that the phased in approach should be stopped if residents did not adhere to the guidelines and that there should be consequences for those that did not follow them.

Assistant City Manager Ruiz replied that the legality was being explored and was unsure if it would be part of the PBCC's policy. He said that there would be signage boards monitoring the parking and active parking enforcement regarding guidelines. He said that staff was ready to manage the policy decided by the County.

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

Wes Blackman wrote in opposition to opening the beach beyond Phase 1.

Diane Skoglund wrote in opposition to reopening the beach.

City Manager Bornstein said that the Commission should make a policy at the meeting because there would not be time later. He stated that PBSO would be enforcing some activities.

4. Commissioner Hardy said that there had been a spike in crime and the priority would be protecting residents where they lived rather than enforcing guidelines at the beach.

He opined that the County was moving too quickly and being pressured by wealthy constituents. He stated that people who did not practice personal responsibility would harm others. He said that the City had a large minority population without insurance that would be negatively affected. He asked if the City had to allow access to the beach if Kreuzler Park were to open.

City Attorney Goddeau responded that each County had emergency management that oversaw the cities within its jurisdiction; however, the City owned its beach. She opined that the logistics would be the biggest issue.

5. Vice Mayor Amoroso said that he thought the City was ready to reopen the beach and that it would be difficult to police having part of the beach closed when those north and south were open. He stated that lifeguards police the beach every day and that staff could maintain the restrooms. He said that PBSO stepped in when the lifeguards had issues, policed the guidelines downtown.

Captain Todd Baer of PBSO said that he was on the County beach reopening committee. He stated that he had asked for consistency throughout the County and that the guidelines be reasonable, understandable and enforceable. He said that some cities had gone to active use only, like swimming, running, etc.; sunbathing was not allowed. He opined that it would be hectic for a week until the novelty wore off and suggested the beach reopen during the week rather than on a weekend. He said that there was a plan for PBSO throughout the County and they were ready and fully staffed.

6. Commissioner Robinson asked that consequences be established if the public did not follow the guidelines.

Assistant City Manager Ruiz said that the gate was open at the beach and would cause a problem if it were closed. He stated that there had been input from the staff running the property.

Commissioner Hardy asked how the sink faucets worked.

Assistant City Manager Ruiz replied that the intent was to change any potential contamination surfaces to be as contactless as possible.

7. Commissioner Maxwell said that it was natural to have reservations about reopening the beach. He stated that the City would have to rely on science and that the County was making decisions in the best interest of the public.
8. Mayor Triolo praised the PBCC who deliberated for hours. She stated that the City's stance was to follow the County and other mayors in the County said the cities should stick together and be consistent. She said that people would have to be extra cautious for a while.

Vote: Voice vote showed: AYES: Commissioner Hardy. NAYS: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson.

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson with the

following amendments: with any phase, there would be an equal number of parking spaces for residents and non-residents, the beach would be limited to active use only and City Manager Bornstein could to shut down the beach if he, Captain Baer or the lifeguards felt it was out of control.

Vote: Voice vote showed: AYES: Commissioners Hardy and Robinson. NAYS: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell.

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve the phased in approach outlined by the City Manager and giving the City Manager the complete authority to take any action to mirror the County and to take any action he deemed necessary at his discretion.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: Commissioner Hardy.

The meeting recessed at 7:38 PM and reconvened at 7:56 PM.

B. Consideration of issues and request for official action regarding the Governor's Executive Order for Phase 1 Re-Opening of Florida

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve the Phase 1 reopening of Florida.

City Manager Bornstein explained that the City was reacting to actions by the Governor who moved PBC to Phase 1, which included allowing restaurants to go to 25% capacity for indoor seating. He said that he had spoken to restaurant owners who expressed concern that they might not be profitable due to the indoor constraints. He explained that there had been discussions with the downtown restaurant owners about expanding the outdoor seating beyond their normal permitted areas. He said that there could be leeway for restaurants on the alphabetical streets into the adjoining parking areas, which were owned and controlled by the City.

He reviewed three options for reopening the downtown area. He stated that there would need to be regulations for private entities to use public spaces. He reported that Public Works and Community Sustainability staff had come up with some stipulations to allow the businesses to take advantage of the outdoor space. He said that Option One would include the following: businesses must have an active City restaurant business license, a minimum of 500 square feet of right-of-way (ROW) adjacent to the frontage of the establishment would be provided to each business to allow for up to ten four seat tables, Public Works would install temporary FDOT approved barricades demarcating the ROW area for use by each business and coordinate with each restaurant to lay out the barricades and the ROW in question would be the City owned roadway on the lettered streets between Lucerne and Lake from J to M (Lake and Lucerne excluded). He explained that the next two options would require permission from the State to close Lake and/or Lucerne entirely from Fridays through Sundays; Option Two for Lake Avenue would have a related cost of \$11,490 for barricades and PBSO and Option Three for both Lake and Lucerne Avenues, incurring a cost of \$22,080. He requested official direction on how to proceed.

Comments/requests summary:

1. Mayor Triolo said that she had spoken with several downtown business owners and there was consensus regarding the lettered streets, but not about completely closing down Lake or Lucerne Avenues. She asked if there had been a conversation with FDOT about those businesses being able to expand into the parking spaces in front of their restaurants.

City Manager Bornstein replied that there had been discussions with FDOT about what could be done on Lake and Lucerne Avenues, but there was no decision from FDOT.

2. Commissioner Hardy spoke in opposition to moving to Phase One and opined that going out to eat during a pandemic and not knowing what the outcome would be with people endangering others was not necessary. He reiterated that the reopening criteria had not been met.
3. Vice Mayor Amoroso spoke in support of Option 1. He stated that restaurant owners on Lake Avenue were concerned about being allowed to extend their outdoor areas to spaces where businesses were not opened.
4. Commissioner Robinson said that the cost was expensive and the owners on the letter streets had an advantage. He stated that people were not being responsible and all the City businesses needed help.
5. Mayor Triolo asked if the letter to the Governor regarding opening PBC for Phase 1 was unanimous.

City Manager Bornstein replied that the vote was 6-0.

Mayor Triolo said that some businesses were opening with social distancing. She stated that there was a new normal and that people would dine more outside. She spoke in favor of reopening with social distancing outside. She asked if restaurants with parking lots could use the lots for more tables.

City Manager Bornstein responded that restaurants with parking lots could be allowed to use them for more tables.

Vice Mayor Amoroso stated that the business owners could police their shops to ensure the people wore masks and practiced social distancing. He said that the restaurants could advertise for the other businesses in the City. He said that the workers were coming out and volunteering for the community.

6. Commissioner Hardy stated that the County Commissioners were not listening to the doctors or experts and cases were increasing. He asked what people with children would do when there was no one to watch their kids when they went to work and we would be endangering people who were safer at home. He said that the new normal was not to treat people as though they were expendable.
7. Commissioner Maxwell said that the City would need to put out communications in

three languages reminding them of the guidelines. He said that there should be a documented floorplan approved by the City for each restaurant.

8. Commissioner Robinson stated that the City was giving people the opportunity to endanger themselves. He asked if Option 1 incurred any cost to the City.

City Manager Bornstein replied that there would not be a cost to the City.

Commissioner Robinson said he would favor Option 1 and asked for the ability to rectify the decision if necessary. He said that it would not be fair for restaurants on Lake and Lucerne to pay to use outdoor space when the other restaurants did not.

Assistant City Manager Ruiz stated that there was a process for obtaining a permit to use parking spaces as an outdoor area as opposed to closing down Lake and Lucerne, which would be very costly.

9. Commissioner Hardy asked how the 25% capacity could be enforced.

City Manager Bornstein replied that the restaurants would have a plan regarding the seating arrangement to comply with the 25% maximum. He stated that the City would have the ability to revoke the permit to use public areas if they did not comply.

Commissioner Maxwell stated that businesses would not want their employees to get sick; this was the new normal and people would get accustomed. He said that there were enough responsible businesses that would take the directive seriously.

City Clerk Andrea read the public comment cards submitted by the following individuals:

Joseph Lipovich wrote in favor of reopening City businesses.

David Arm, on behalf of the Greater Lantana Chamber of Commerce, wrote in favor of using Option 3 for City businesses.

Rod Regan, owner of Brogues Downunder, wrote in favor of opening the businesses at 25% capacity.

Kevin Knight, owner of Rhum Shak, wrote in favor of reopening businesses.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: Commissioners Hardy.

City Attorney Goddeau stated that there were remedies to address restaurants not adhering to the 25% capacity rule. She said that the ability to use the right of way could be revoked and that both the State and PBSO could enforce the requirements, which would be a second-degree misdemeanor.

ADJOURNMENT:

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to adjourn

the meeting at 9:03 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 19, 2020

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