

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, MARCH 1, 2022 - 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:01 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:52) Present were Mayor Betty Resch, Vice Mayor Herman Robinson and Commissioners Sarah Malega, Christopher McVoy and Kimberly Stokes. Also present were City Manager Carmen Davis, City Attorney Christy L. Goddeau and City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (1:10) led by Commissioner Sarah Malega.

PLEDGE OF ALLEGIANCE: (1:44) led by Vice Mayor Herman Robinson.

ADDITIONS/DELETIONS/REORDERING (2:03)

Presentation B, a proclamation declaring March 2022 as Florida Bicycle Month was added to the agenda.

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

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

PRESENTATIONS: (2:28) (there is no public comment on Presentation items)

A. Presentation by School Board Representative Erica Whitfield (2:35)

B. (added) Proclamation declaring March 2022 as Florida Bicycle Month (24:24)

COMMISSION LIAISON REPORTS AND COMMENTS: (28:00)

Action: Consensus for a proclamation in support of the people of Ukraine.

CITY MANAGER'S REPORT: (46:32)

City Manager Davis provided the following report:

- shared her appreciation for Vice Mayor Robinson's leadership and long years of service to the city.
- expressed gratitude to the team and staff for their hard work on the Street Painting Festival and thanked the sponsors for their resources and financial support.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (47:59)

APPROVAL OF MINUTES: (57:00)

Action: Motion made by Commissioner McVoy and seconded by Vice Mayor Robinson to approve the following minutes:

- A. Regular Meeting - February 1, 2022
- B. Pre-agenda work session - February 9, 2022

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

CONSENT AGENDA:

There were no items on the Consent Agenda.

PUBLIC HEARINGS: (57:16)

- A. HRPB 21-12400005 - Appeal by Madeline Burnside (property owner) of the denial of an application for a Certificate of Appropriateness (COA) by the Historic Resources Preservation Board (HRPB) for window replacement for the property located at 518 South L Street (57:19)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes that the evidence presented was competent and substantial and the decision of the Historic Resources Preservation Board to deny the application for a Certificate of Appropriateness (COA) for window replacement for the property located at 518 South L Street should be upheld.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega and Stokes. NAYS: Commissioner McVoy.

- B. Ordinance No. 2022-02 – Second Reading – amending the Advisory Board Appointment Process (1:52:52)

City Attorney Goddeau read the ordinance by title only.

ORDINANCE 2022-02 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 2, "ADMINISTRATION", ARTICLE I, "GENERAL", AT SECTION 2-9, "RESIDENCE REQUIREMENT; BOARDS NOT CREATED BY LEGISLATIVE PROCESS", TO RENAME SECTION 2-9 TO BE ENTITLED, "CITY BOARD APPOINTMENT PROCESS, TERMS OF OFFICE, AND RESIDENCE REQUIREMENT" AND BY CREATING THEREIN A NEW APPOINTMENT PROCESS FOR ALL MEMBERS OF CITY BOARDS, CHANGING THE TERMS OF OFFICE TO UNSPECIFIED TERMS

FOR ALL NEWLY APPOINTED BOARD MEMBERS, AND INCLUDING WITH REVISION THE CURRENT RESIDENCE REQUIREMENT FOR MEMBERS OF CITY BOARDS; REPEALING SECTION 2-12, APPOINTMENT OF MEMBERS OF CITY BOARDS AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Commissioner Stokes to approve Ordinance 2022-02 amending the advisory board process.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy and Stokes. NAYS: Vice Mayor Robinson.

NEW BUSINESS: (1:57:05)

A. Ordinance No. 2022-03 - First Reading - amending the City's Pension Plan Ordinance (1:57:06)

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2022-03 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 16, "PENSIONS AND RETIREMENT"; ARTICLE II, "EMPLOYEES' RETIREMENT SYSTEM"; SECTION 16-26, "PARTICIPATION IN THE PENSION PLAN", SECTION 16-27, "VESTING CREDITS", 16-29, "PENSION BENEFITS", SECTION 16-33, "SEVERANCE BENEFITS", SECTION 16-35, "BENEFIT LEVEL"; SECTION 16-44 "CASH BALANCE PLAN CREATED", AND SECTION 16-46, "ELIGIBILITY" TO PERMIT SPECIFIED EMPLOYEES TO PARTICIPANT IN THE CASH BALANCE PLAN AND TO PROVIDE A ONETIME OPTION FOR SPECIFIED EMPLOYEES TO REMAIN IN THE EXISTING BENEFIT STRUCTURE; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to approve Ordinance No. 2022-03 on first reading amending the City's Pension Plan Ordinance and setting the second reading and public hearing for March 15, 2022.

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

The meeting recessed at 7:59 PM and reconvened at 8:09 PM.

B. Fiscal Year 2022 - 2023 CDBG Application (2:09:02)

Action: Motion made by Vice Mayor Robinson and seconded by Mayor Resch (who passed the gavel) to select Memorial Park Improvements Phase II (facility concession and restroom replacement and upgrades) for FY 2022-2023 CDBG funding and to authorize the submission of an application to DHED for CDBG funds in the estimated amount of \$274,506 for the selected activity.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners McVoy and Stokes. NAYS: Commissioner Malega.

C. Resolution No. 13-2022 -- intent to abandon a portion of the City's right of way adjacent to 1401 North N Street (2:43:08)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 13-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER ABANDONMENT OF THE NORTH TWENTY FEET OF A FORTY FOOT PUBLIC RIGHT-OF-WAY LOCATED BETWEEN THE PROPERTIES AT 1331 NORTH N STREET AND 1401 NORTH N STREET; SETTING A PUBLIC HEARING FOR THE ABANDONMENT OF THE RIGHT-OF-WAY; REQUIRING ADVERTISEMENT OF THE PUBLIC HEARING; AND, PROVIDING AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Stokes to table Resolution 13-2022.

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

D. Change Order #4 with R&D Paving for the Park of Commerce Phase 2 Project (2:58:04)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to approve Change Order #4 to R&D Paving at a cost not to exceed \$86,151.20.

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

E. Purchase Order with Orlando Freightliner Isuzu Truck of Ocala for a new Grapple Truck with sideload tippers for the Solid Waste Division (3:00:27)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to approve the purchase order with Orlando Freightliner Isuzu Truck of Ocala for the purchase of a new Grapple Truck with sideload tippers for the Solid Waste Division.

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

F. FY 2022 interfund budget transfer for the purchase of a new vehicle (3:01:23)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the budget transfer of \$32,000 from the Building Department Fund to the City Garage Fund for the acquisition of a new vehicle.

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

- G. Ordinance No. 2022-04 - First Reading - Ordinance No. 2022-04 – amending Chapter 2 Administration regarding the sale of city-owned Properties to allow for exchange of property (3:06:173)

City Attorney Goddeau read the ordinance by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE I “IN GENERAL,” SECTION 2-1 “SALE OF CITY-OWNED PROPERTY,” PROVIDING FOR EXCHANGE OF PROPERTY; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to approve Ordinance No. 2022-04 on first reading amending Chapter 2 Administration regarding the sale of city-owned Properties to allow for exchange of property and scheduling the second reading for April 5, 2022.

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

- H. Discussion of Mobile Food Vending and Cottage Food Vending (3:08:19)

Action: Consensus to look at the issue in a new, less restrictive and more creative manner.

- I. Establishment of a Business Advisory Board (3:45:24)

Action: Motion made by Commission McVoy and seconded by Commissioner Malega to extend the meeting until 11:00 PM.

Action: Consensus to look at other cities’ business advisory board resolutions and ordinances to determine how to proceed.

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

- J. Stipulation of Dismissal in lawsuit brought by Gulf Stream of Lake Worth Condominium Association, Inc. (4:00:54)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the Stipulation of Dismissal in lawsuit brought by Gulf Stream of Lake Worth Condominium Association, Inc.

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

CITY ATTORNEY'S REPORT: (4:06:04)

City Attorney Goddeau did not provide a report.

UPCOMING MEETINGS AND WORK SESSIONS:

March 9 - pre-agenda work session @ 9 AM
March 15 - regular meeting
March 23 - pre-agenda work session @ 9 AM
March 29 - utility meeting

ADJOURNMENT: (4:06:26)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to adjourn the meeting at 10:07 PM.

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

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved April 5, 2022.

Item time stamps refer to the recording of the meeting which is available on YouTube.