

**MINUTES  
CITY OF LAKE WORTH BEACH  
REGULAR CITY COMMISSION MEETING  
CITY HALL COMMISSION CHAMBER  
TUESDAY, JULY 18, 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:** (0:29) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Davis, City Attorney Glen Torcivia and City Clerk Melissa Ann Coyne.

**INVOCATION OR MOMENT OF SILENCE:** (0:57) was led by Vice Mayor Christopher McVoy.

**PLEDGE OF ALLEGIANCE:** (1:50) was led by Commissioner Sarah Malega.

**ADDITIONS/DELETIONS/REORDERING:**

There were no changes to the agenda.

**PRESENTATIONS:** (3:09) (there is no public comment on Presentation items)

- A. Presentation of Challenge Coins to Lt. Rafel Suarez, Paramedic Brandon Sharp and Firefighter Angelica Bondonese from Palm Beach County Fire Rescue (3:12)
- B. Presentation by Melissa Landis, Education Director of Lake Worth Waterkeeper, regarding the State of our Water (6:27)
- C. Proclamation declaring July 2023 as National Parks and Recreation Month (21:32)
- D. Proclamation declaring July 19, 2023 as the 12th Annual KidsFit Jamathon (25:13)
- E. PBSO Community Policing Update by Capt. Todd Baer (27:07)

**COMMISSION LIAISON REPORTS AND COMMENTS:** (58:14)

**Action:** Motion made by Commissioner Stokes and seconded by Commissioner Malega nominating Mayor Resch as the voting delegate for the Florida League of Cities' annual meeting in August

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

**CITY MANAGER'S REPORT:** (1:29:11)

City Manager Davis provided the following report:

- stated that she had received the annual report from Palm Beach Fire Rescue
- announced that Lake Worth Beach's Got Talent sponsored by For The Children, would be held on August 4 at the Lake Worth High School at 6 PM
- extended the economic development agreement for the Gulfstream Hotel for 180 days; any further extensions would be brought to the commission

**PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:** (1:3:41)

**APPROVAL OF MINUTES:** (1:49:47)

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

- A. Pre-Agenda Work Session - June 9, 2023
- B. Regular Meeting - June 20, 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) (1:49:59)

- A. Ratification of Memorandum of Understanding (MOU) between the City of Lake Worth Beach and the International Brotherhood of Electrical Workers (IBEW)
- B. Standard Insurance Policies for FY 2023/24 Employee Health and Welfare Benefits
- C. 2023 Internal Auditor's Annual Audit Plan
- D. Resolution No. 22-2023 - Establish the Proposed Millage Rate for fiscal year 2023-2024
- E. Resolution No. 24-2023 - Establish the Proposed Tentative Voter Approved Debt Rate for fiscal year 2023-2024
- F. Resolution No. 25-2023 - Directing the preparation of the Preliminary Refuse Assessment Roll for Fiscal Year 2023-2024
- G. Resolution No. 26-2023 - Directing the preparation of the Preliminary Stormwater Assessment Roll for fiscal year 2023-2024

**Action:** Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to approve the Consent Agenda.

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

The meeting recessed at 7:53 PM and reconvened at 8:04 PM.

**PUBLIC HEARINGS:** (2:01:27)

- A. Ordinance No. 2023-06 - First Reading – Amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping and minor changes for clarity, to provide for a reduction in the side setback requirements to 5 feet for accessory structures and pools on lots greater than 50 feet, to provide for new standards for street walls, and to expand and clarify the waiver provisions (2:01:43)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2023-06 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” BY AMENDING ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 2, “DEFINITIONS,” SECTION 23.1-12 - DEFINITIONS; ARTICLE 2 “ADMINISTRATION,” DIVISION 3, “PERMITS,” SECTION 23.2-27 - WAIVER; ARTICLE 2 “ADMINISTRATION,” DIVISION 3, “PERMITS,” SECTION 23.2-31 - SITE DESIGN QUALITATIVE STANDARDS; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-7 – SF-R - SINGLE-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-8 – SF-TF 14 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-10 – MF-20 - MULTI-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-11 – MF-30 - MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-12 – MF-40 - HIGH DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-1 – SECONDARY (ACCESSORY) DWELLING UNIT; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-10 – OFF-STREET PARKING; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-13 - ADMINISTRATIVE USES AND CONDITIONAL USES; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4.16. – MECHANICAL SYSTEMS / EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES, ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 – SIGNS; ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-3 – NONCONFORMITIES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve Ordinance 2023-06 on first reading, setting the second reading and public hearing for August 15, 2023, striking the text “to this subsection for the purpose of providing affordable / workforce housing, or to allow for an accommodation for accessibility,” in Exhibit I as recommended by the Planning & Zoning Board, for second reading.

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

- B. Ordinance No. 2023-10 - First Reading - Amending the City's Comprehensive Plan adding a new property rights element as required by F.S. 163.3177(6)(i) (2:35:55)

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 Vice Mayor McVoy to approve Ordinance No. 2023-13 2023-10 on first reading, transmitting to the Florida Department of Economic Opportunity for review, and scheduling the second reading and public hearing after review by the State.

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

**UNFINISHED BUSINESS:** (2:38:25)

- A. Consideration of an Amended and Restated Purchase and Sale Agreement with the Lake Worth Beach Redevelopment Agency (CRA) for properties located at 1602 Lake Avenue and 15 North B Street (2:38:27)

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the amended and restated Purchase and Sale Agreement with the Lake Worth Beach Redevelopment Agency (CRA) for properties located at 1602 Lake Avenue and 15 North B Street.

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

- B. Resolution No. 13-2023 – Amending the City Commission Rules of Procedure (2:44:52)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 13-2023 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE RULES OF PROCEDURE FOR LAKE WORTH BEACH CITY COMMISSION; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve Resolution No. 13-2023 amending the City Commission Rules of Procedure

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

- C. Resolution No. 21-2023 – Approving a Correction to the Fees & Charges for Cemetery Fees related to the reconveyance of plots to the City (2:56:20)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 21-2023 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, CORRECTING THE FEES AND CHARGES SCHEDULE FOR CEMETERY FEES, RECONVEY PLOT TO CITY, FOR FISCAL YEAR 2023; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE

**Action:** Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve Resolution No. 21-2023 approving a Correction to the Fees & Charges for Cemetery Fees related to the reconveyance of plots to the City.

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

- D. Ordinance No. 2023-14 – First Reading - Revising Sections 2-82 & 2-83 relating to the City Tree Board, and changing its name to the Tree & Landscape Board (2:56:55)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2023-14 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE IX OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 2-82 AND SECTION 2-83 TO RENAME THE "CITY TREE BOARD" TO THE "TREE & LANDSCAPE BOARD," TO REVISE THE BOARD'S ADVISORY DUTIES FOR CLARITY AND SPECIFICITY, TO REDUCE THE MEMBERS FROM SEVEN TO FIVE, AND TO MODIFY THE BOARD'S MEMBERS, TERMS AND VACANCY REQUIREMENTS FOR CONSISTENCY WITH ORDINANCE 2022-02; AND PROVIDING FOR SEVERABILITY, THE REPEALS OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE

**Action:** Motion made by Vice Mayor McVoy and seconded by Commissioner Diaz to approve Ordinance No. 2023-14 on first reading, setting the second reading and public hearing for August 1, 2023.

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

**NEW BUSINESS:** (3:28:35)

- A. Ordinance No. 2023-15 – First Reading – sunseting the City Recreation Advisory Board (3:28:38)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2023-15 OF THE CITY OF LAKE WORTH BEACH, FLORIDA,

REPEALING ARTICLE XI OF CHAPTER 2 OF THE CODE OF ORDINANCES IN ORDER TO SUNSET THE CITY RECREATION ADVISORY BOARD; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Ordinance No. 2023-15 on first reading, setting the second reading and public hearing for August 1, 2023.

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

B. Purchase Order with Nextran Truck Center for the procurement of a new 60/40 Recycle Collection Truck (3:34:17)

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the Purchase Order with Nextran Truck Center for the procurement of a new 60/40 Recycle Collection Truck.

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

**CITY ATTORNEY'S REPORT:** (3:35:32)

City Attorney Torcivia provided the following report:

The City Attorney desired advice from the City Commission concerning pending litigation, specifically regarding settlement negotiations and strategy related to litigation expenditures in the case of City of Lake Worth Beach v. North H Enterprises, Inc., 15th Judicial Circuit Court (Case No. 50-2020-CA-009354), and was requesting an attorney-client session to be scheduled for July 25, 2023, at 5:00 p.m. The estimated length of the attorney-client session would be approximately one (1) hour. The session would be attended by the members of the City Commission: Mayor Resch, Vice Mayor McVoy; Commissioner Malega, Commissioner Stokes and Commissioner Diaz. City Manager Carmen Davis, City Attorney Glen Torcivia, and outside counsel Brian Sherman. A certified court reporter would also be present to ensure that the session was fully transcribed, and the transcript would be made public upon the conclusion of the above-cited, ongoing litigation.

**UPCOMING MEETINGS AND WORK SESSIONS:**

July 20 @ 6 pm - Work Session  
July 24 @ 6 pm - Budget Work Session #2  
July 25 @ 5 pm - Attorney-Client Session  
July 25 @ 6 pm - Utility Meeting  
July 29 @ 9 am - Board Interviews  
August 1 @ 6 pm - Regular Meeting

**ADJOURNMENT:** (3:37:47)

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to adjourn the meeting at 9:41 PM.

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

ATTEST:

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Betty Resch, Mayor

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Melissa Ann Coyne, City Clerk

Minutes approved August 1, 2023

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

DRAFT