

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, DECEMBER 6, 2022 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:07 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:15) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Davis (via Zoom), Assistant City Manager Juan Ruiz, City Attorney Glen Torcivia and City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (0:32) was led by Commissioner Sarah Malega.

PLEDGE OF ALLEGIANCE: (1:32) was led by Vice Mayor Christopher McVoy.

ADDITIONS/DELETIONS/REORDERING: (1:51)

The presentations were reordered.

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

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

PRESENTATIONS: (2:35) (there is no public comment on Presentation items)

A. (reordered from Presentation B) Update on the Education Task Force by Mimi May, Chair (2:38)

B. (reordered from Presentation A) Presentation of the Bus Shelter Improvement Program by Clinton Forbes, Executive Director of Palm Tran Public Transportation (18:10)

COMMISSION LIAISON REPORTS AND COMMENTS: (16:39, 31:38)

CITY MANAGER'S REPORT: (39:41)

City Manager Davis provided the following report:

- stated that the redistricting issue would be on January 3, 2023 agenda; the alternative maps were posted on the website
- announced that today marked her one-year anniversary as City Manager

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (42:27)

APPROVAL OF MINUTES: (1:01:30)

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

- A. Work Session – November 7, 2022
- B. Regular Meeting – November 15, 2022

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

UNFINISHED BUSINESS: (1:01:42)

- A. Discussion of proposed Request for Proposal (RFP) regarding the Housing Crisis

Action: Consensus to proceed with the RFP with the following changes: have the costs broken out in the submitted proposals and change the evaluation point values for the criteria to up to 30 points for Responsiveness to RFP adding Creativity, Knowledge of LWB Issues and Innovation, 20 points for Cost Effectiveness, 25 for Experience with other Municipalities (title change), 15 for Related Projects (title change), and 5 each for the last two criteria.

The meeting recessed at 7:43 PM and reconvened at 7:53 PM.

NEW BUSINESS: (1:44:40)

- A. Presentation of conceptual design for the pool by CPZ Architects, Inc. (1:44:56)

Action: Consensus to have a bigger pool with a depth greater than four feet (with associated running costs) and to eliminate the artificial turf; the commission would send their ideas and concepts to Assistant City Manager Ruiz for further discussion at a future meeting.

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

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to extend the meeting until 11:00 PM.

- B. Ordinance 2022-20 – First Reading – Amending Land Development Regulations Public Districts (3:39:10)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-20 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 3 "ZONING DISTRICTS," DIVISION 7 "PUBLIC DISTRICTS," SECTION 23.3-26 "P-PUBLIC" AND SECTION 23.3-27 "PROS – PUBLIC RECREATION AND OPEN SPACE," FOR CONSISTENCY WITH THE USE TABLES IN SECTION 23.3-6 AND CLARIFYING THE APPROVAL PROCESS FOR USES IN THE PUBLIC DISTRICTS; AMENDING ARTICLE 3 "ZONING DISTRICTS," DIVISION 8

“CONSERVATION DISTRICT” SECTION 23.3-28 “C – CONSERVATION” FOR CONSISTENCY WITH THE USE TABLES IN SECTION 23.3-6, CORRECTING A SCRIVENER’S ERROR AND MODIFYING THE APPROVAL PROCESS TO REQUIRE CONDITIONAL USE APPROVAL FOR NEW USES; AND AMENDING ARTICLE 3 “ZONING DISTRICTS,” DIVISION 1 “GENERALLY” SECTION 23.3-6 “USE TABLES” BY REMOVING THE “P,” “PROS” AND “C” ZONING DISTRICTS FROM ALL USE CATEGORIES IN THE USE TABLE EXCEPT FROM THE “TEMPORARY USES” CATEGORY; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve Ordinance 2022-20 on first reading and schedule the second reading and public hearing for January 3, 2023.

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

- C. Ordinance 2022-24 – First Reading – City’s Consent to the Inclusion of the City of Lake Worth Beach into the Palm Beach County’s Fire/Rescue Municipal Service Taxing Unit for Fire-Rescue, Fire Protection, Advanced Life Support, Fire Code Enforcement and Other Necessary and Incidental Services and Providing for Effectiveness and Duration of Consent and Acknowledging Ad Valorem Millage Rate Limitation (3:44:24)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-24 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA; PROVIDING FOR THE CITY’S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF LAKE WORTH BEACH MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY’S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE AND CONSENT; PROVIDING FOR EFFECTIVENESS AND DURATION OF CONSENT; PROVIDING FOR EFFECTIVENESS OF REPEAL; ACKNOWLEDGING AD VALOREM MILLAGE RATE LIMITATION; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, CAPTIONS, AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve Ordinance 2022-24 on first reading and schedule the second reading and public hearing for January 3, 2023.

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

- D. Ordinance 2022-25 – First Reading – Amending Chapter 9 “Buildings and Structural Regulations” of the City’s Code of Ordinance to provide for a Required Thirty-Year Recertification for Buildings and Other Building Code Issues (3:55:05)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-25 – AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 9 “BUILDINGS AND STRUCTURAL REGULATIONS,” ARTICLE I “IN GENERAL,”; AMENDING SECTION 9-2.1 “CITY OF LAKE WORTH BEACH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODES ADOPTED,” BY ADOPTING BY REFERENCE AMENDMENTS TO THE CITY OF LAKE WORTH BEACH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE 2020 EDITION; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve Ordinance 2022-25 on first reading and schedule the second reading and public hearing for January 3, 2023.

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

E. Ordinance No. 2022-26 – First Reading – Amending Subsection (g) "Maintenance Requirements" of Section 2-75.11 "Foreclosed, Vacant and Unimproved Property Registration Program" of Article VII "Abatement of Nuisances" of Chapter 2 "Administration" (3:55:47)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-26 – AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING SUBSECTION (g) “MAINTENANCE REQUIREMENTS” OF SECTION 2-75.11 “FORECLOSED, VACANT AND UNIMPROVED PROPERTY REGISTRATION PROGRAM” OF ARTICLE VII “ABATEMENT OF NUISANCES” OF CHAPTER 2 “ADMINISTRATION,” PROVIDING FOR CONSISTENCY OF REGULATIONS REGARDING USE OF ARTIFICIAL TURF; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve Ordinance 2022-26 on first reading and schedule the second reading and public hearing for January 3, 2023.

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

F. Resolution No. 88-2022 – Acknowledging City Commission’s Continued Commitment to Enforcement of Laws to Protect Public Safety while Respecting First Amendment Rights (3:56:34)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 88-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ACKNOWLEDGING CITY COMMISSION’S CONTINUED COMMITMENT TO ENFORCEMENT OF LAWS TO PROTECT PUBLIC SAFETY WHILE RESPECTING

FIRST AMENDMENT RIGHTS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve Resolution No. 88-2022 acknowledging the City Commission's continued commitment to enforcement of laws to protect public safety while respecting first amendment rights.

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

- G. Ordinance No. 2022-27 – First Reading – Amending Chapter 14 "Business Tax Receipts and Business Regulations", Section 14-5 "Application for Local Business Tax Receipt of the City's Code of Ordinances to Provide for a Local Contact for All Rental Properties and to Repeal Article III " Adult Moving Picture Show or Theater, Indoor or Drive-In" and Repeal Article VI "Vehicles for Hire" (4:03:34)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-27 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING SECTION 14-5 "APPLICATION FOR LOCAL BUSINESS TAX RECEIPT" OF ARTICLE I "LOCAL BUSINESS TAX RECEIPT (BTR)" AND REPEALING ARTICLE III "ADULT MOVING PICTURE SHOW OR THEATER, INDOOR OR DRIVE-IN" AND ARTICLE VI "VEHICLES FOR HIRE" ALL OF CHAPTER 14 "BUSINESS TAX RECEIPTS AND BUSINESS REGULATIONS," PROVIDING FOR DESIGNATION OF A LOCAL PROPERTY MANAGER ON APPLICATIONS FOR RENTAL OF PROPERTY AND REPEAL OF REGULATIONS THAT ARE REGULATED BY PALM BEACH COUNTY; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve Ordinance 2022-27 on first reading and schedule the second reading and public hearing for January 3, 2023 adding a provision that a property manager or designee would be available within four hours to address on site issues.

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

- H. Professional Services Agreement with NexAir LLC (4:17:42)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve the Professional Services Agreement with NexAir LLC

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

- I. Amendment One to the Bohemian Economic Incentive Agreement (4:19:27)

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve amendment one to the Bohemian Economic Incentive Agreement.

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

CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

UPCOMING MEETINGS AND WORK SESSIONS:

Regular Meeting - January 3 @ 6 PM
Pre-agenda Work Session - January 11 @ 9 AM

ADJOURNMENT: (4:34:51)

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to adjourn the meeting at 10:45 PM.

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

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved January 3, 2023.

Item time stamps correspond to the video recordings of the meetings on YouTube.