

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, JANUARY 3, 2023 – 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: (0:36) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes (via Zoom) 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: (0:55) was led by Mayor Betty Resch.

PLEDGE OF ALLEGIANCE: (1:51) was led by Mayor Betty Resch.

ADDITIONS/DELETIONS/REORDERING: (2:08)

Presentation B, presentation by Edward Grimm regarding Scientific Instrumentation on the Lake Worth Beach Pier was deleted and would be on a future agenda. Unfinished Business A, Discussion of proposed redistricting maps, was moved to follow the Approval of the Minutes. New Business B, Ordinance No. 2023-01 – First Reading - Adopting amendments to Chapter 7 “Beaches, Parks and Recreation” to provide for Regulation of Launching and Landing of Aircraft, was moved to follow the redistricting item.

Action: Motion made by Vice Mayor McVoy 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: (4:21) (there is no public comment on Presentation items)

- A. Retirement Appreciation for Walter Gill, Assistant Utilities Director
- B. (deleted) Presentation by Edward Grimm regarding Scientific Instrumentation on the Lake Worth Beach Pier, requested by Mayor Resch

COMMISSION LIAISON REPORTS AND COMMENTS: (10:39)

CITY MANAGER'S REPORT: (20:44)

City Manager Davis provided the following report:

- introduced Shona Smith, the new Executive Assistant to the City Manager

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (22:05)

APPROVAL OF MINUTES: (52:53)

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

- A. Pre-agenda Work Session - November 23, 2022
- B. Work Session - December 5, 2022
- C. Regular Meeting - December 6, 2022
- D. Pre-agenda Work Session - December 14, 2022

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

UNFINISHED BUSINESS: (53:09)

- A. (moved to follow Approval of Minutes) Discussion of proposed redistricting maps

Action: Motion made by Commissioner Malega to accept map option alternative 5 and the Modified Public Proposal and bring them to a final public meeting. **MOTION DIED FOR LACK OF A SECOND.**

Action: Motion made by Commissioner Diaz to accept map option alternative 5 and one of the other options for comparison and bring them to a final public meeting. **MOTION DIED FOR LACK OF A SECOND.**

Action: Motion made by Commissioner Malega and seconded by Mayor Resch (who passed the gavel) to accept map option alternative 5.

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

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to accept map option alternative 3 and map option alternative 5 and bring them to a final public meeting.

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

The meeting recessed at 8:15 PM and reconvened at 8:25 PM.

NEW BUSINESS: (2:21:18)

- B. (moved to follow Approval of the Minutes after Unfinished Business A) Ordinance No. 2023-01 – First Reading - Adopting amendments to Chapter 7 “Beaches, Parks and Recreation” to provide for Regulation of Launching and Landing of Aircraft (3:56:34)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2023-01 -- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 7 BEACHES, PARKS AND RECREATION, ARTICLE I PARKS, RECREATIONAL FACILITIES AND PUBLIC PROPERTY, ADOPTING A NEW SECTION 7-13 AIRCRAFT; PROVIDING FOR REGULATION OF LAUNCHING AND LANDING OF AIRCRAFT; PROVIDING FOR SEVERABILITY, THE REPEAL OF ALL CONFLICTING ORDINANCES, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Diaz and seconded by Vice Mayor McVoy to approve Ordinance 2023-01 on first reading and set the second reading and public hearing for January 17, 2023 with the following changes suggested by the Commission: the dates were removed so the ordinance will be in effect all year, drone was added to the list of aircraft, Golf Club was changed to Golf Course, floating docks and fishing pier were added to Snook Islands, South Palm Park, Old Bridge Park and Steinhardt/Jewell Cove were added, in furtherance of the public's health or safety was added after agencies and Enforcement was added.

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

PUBLIC HEARINGS: (3:03:28)

A. Ordinance 2022-20 – Second Reading – Amending Land Development Regulations Public Districts (3:03:30)

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 Commissioner Diaz to approve Ordinance 2022-20, amending Land Development Regulations Public Districts.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega,

Stokes and Diaz. NAYS: None.

- B. Ordinance 2022-24 – Second 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 (3:05:24)

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 Diaz to approve Ordinance 2022-24 providing for the 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.

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

- C. Ordinance 2022-25 – Second 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 (3:06:11)

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 Malega to approve Ordinance 2022-25, 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.

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

D. Ordinance No. 2022-26 – Second 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" (3:06:59)

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 Diaz and seconded by Commissioner Malega to approve Ordinance 2022-26, 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".

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

E. Ordinance No. 2022-27 – Second 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 (3:08:04)

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 Diaz to approve Ordinance 2022-27 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 adding the following: a definition of Property Manager, response within four hours of notification and acknowledgement of responsibility from the Property Manager or designee on the business tax receipt application.

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

UNFINISHED BUSINESS: (3:23:18)

A. (moved to follow Approval of the Minutes) Discussion of proposed redistricting maps

B. FMPA Solar II Project Contract Amendment (3:23:20)

Action: Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve the FMPA Solar II Project Contract Amendment.

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

NEW BUSINESS: (3:39:00)

A. CentralSquare Technologies, LLC Agreement for NaviLine Cloud Hosted Environment (3:39:05)

Action: Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve the CentralSquare Technologies, LLC Agreement for NaviLine Cloud Hosted Environment.

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

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

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

B. (moved to follow Approval of the Minutes after Unfinished Business A) Ordinance No. 2023-01 – First Reading - Adopting amendments to Chapter 7 “Beaches, Parks and Recreation” to provide for Regulation of Launching and Landing of Aircraft

C. Purchase Agreement with DesignstoGo, Inc, for Digital Interactive Information Kiosks (3:47:6)

Action: Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve the Purchase Agreement with DesignstoGo, Inc, for Digital Interactive Information Kiosks.

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

D. Mobile Home Park Solid Waste & Recycling Rate Modification (4:02:42)

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to table the item until Mr. Brown would have a commercial rate comparison.

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

E. Professional services agreement with Bill2Pay, LLC for lockbox services (4:19:51)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve the Professional services agreement with Bill2Pay, LLC for lockbox services.

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

CITY ATTORNEY'S REPORT: (4:20:19)

City Attorney Torcivia provided the following report:

- wished everyone a Happy New Year.

UPCOMING MEETINGS AND WORK SESSIONS:

January 11 - pre-agenda work session @ 9 am
January 17 - regular meeting @ 6 pm
January 24 - special meeting @ 5 pm
January 26 - State of the City Address @ 6:30 pm (Casino Ballroom)

ADJOURNMENT: (4:20:26)

Action: Motion made by Commissioner Malega and seconded by Commissioner Diaz to adjourn the meeting at 10:23 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 17, 2023.

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