



# CITY OF GREENACRES, FLORIDA

## AGENDA

### City Council Meeting

Monday, December 4, 2017 – 7:00 p.m.

City Hall Council Chambers  
5800 Melaleuca Lane

### Mayor and City Council

Joel Flores, Mayor  
Paula Bousquet, Deputy Mayor

John Tharp, Council Member  
Peter A. Noble, Council Member  
Judith Dugo, Council Member  
Anderson Thelusme, Council Member

District I  
District II  
District III  
District IV

### Administration

Andrea McCue, City Manager  
James Stokes, City Attorney  
Joanna Cunningham, City Clerk

**Americans with Disabilities Act:** In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Joanna Cunningham at Greenacres City Hall, 5800 Melaleuca Lane, Greenacres, Florida. Phone No. 561-642-2006. **Hearing Assistance:** If any person wishes to use a Listen Aid Hearing Device, please contact the City Clerk prior to any meeting held in the Council Chambers.

**Attention All Lobbyists:** Palm Beach County Code of Ordinances, Article VIII, entitled "Lobbyist Registration" requires the registration of all lobbyists prior to engaging in any lobbying activity with the City Council, any City Board or Committee, or any employee as defined in the aforementioned Palm Beach County Ordinance. Copies of the Palm Beach County Ordinance are available upon request in the City Clerk's Office.

Web Site: <http://www.greenacresfl.gov>

**Agenda**  
**City Council Meeting**  
**City Hall Council Chambers**  
**5800 Melaleuca Lane**  
**Monday, December 4, 2017 - 7:00 p.m.**

**Notice:** Any person requesting the appeal of a decision of the City Council will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to F.S. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

1. **Call To Order and Roll Call.**
2. **Pledge of Allegiance to the Flag.**
3. **Comments From the Public for Agenda Items Only.**
4. **Agenda Approval.**
  - A. Additions, deletions, or substitutions to the agenda.
  - B. Motion to approve and adopt entire agenda as set.
5. **Special Business**
  - A. **Proclamation:** Honoring Margie White's 100<sup>th</sup> Birthday – Joel Flores, Mayor.
  - B. **Presentation:** Retreat Premier Addiction Treatment Centers. - Alicia Vannini, Community Relations Representative.
6. **Consent Agenda.**
  - A. Motion to Approve Consent Agenda.
    1. **Official Minutes:** City Council Meeting November 6, 2017 – Joanna Cunningham, City Clerk.
    2. **Plat Approval - Kingswood Jog North:** –Approving the subdivision of the original Site Plan approval and creating two parcels (SP-13-04, Condition 32); pursuant to Staff Memo – Kara Irwin Ferris, Planning & Engineering Director.
    3. **Resolution. No. 2017-50:** Authorizing the execution of wire and ACH bank transfers on behalf of the City and authorizing the signatures of certain officers to sign checks drawn on City bank accounts; pursuant to Staff Memo - Jim McInnis, Finance Director.
7. **Regular Agenda.**

- A. **PUBLIC HEARING:** **Resolution. No. 2017- 48:** Indicating the City's intent to use the Uniform Method for the collection of a Non-Ad Valorem Special Assessment for Residential Solid Waste Collection, Disposal, Recycling and Management; indicating intent to levy such non-ad valorem special assessment upon certain improved property within the incorporated area of the City to fund residential solid waste collection services; stating a need for such levy; providing for the distribution of certified copies of this resolution; providing for conflicts; providing for severability; and providing for an effective date.; pursuant to staff memo – Jim McInnis, Finance Director.
- B. **Ordinance No. 2017-31:** First Reading; Amending Chapter 11, Streets, Sidewalks, and Other Public Places, in order to modify and clarify the regulations that govern the use of the City's streets, swales, rights-of-way, and public places and to provide for regulations governing the collocation of small wireless facilities or micro wireless facilities on existing utility poles or the installation of new utility poles to support the collocation of small wireless facilities or micro wireless facilities in City-owned rights-of-way and amending the definitions to be consistent with Section 337.401, Florida Statutes; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in Code; and providing for an effective date; pursuant to Staff Memo – Kara Irwin Ferris, Planning & Engineering Director.
- C. **Ordinance No. 2017-35:** First Reading; Amending Chapter 5 of the City of Greenacres Code entitled, "Fire Prevention and Protection," Section 5-2 to update the name of the Department; Section 5-3 to adopt the Florida Fire Prevention Code 6th Edition, together with the local amendments thereto as conformed to the City's operational standards; Sections 5-6 and 5-10 to update the name of the Department; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in Code; and providing for an effective date; pursuant to Staff Memo. – Mark Pure, Fire Chief.
- D. **Ordinance No. 2017-36:** First Reading; Providing for a temporary ban on medical marijuana dispensaries which extends the moratorium previously adopted by the City Council; providing for further extensions if necessary; providing for geographic boundaries of applicability; providing provisions for early termination; providing for conflicts; providing for severability; and providing an effective date; pursuant to Staff Memo. – Andrea McCue, City Manager and James Stokes City Attorney.
- E. **Ordinance No. 2017-37:** :First Reading; Amending Chapter 7 "Health, Sanitation and Nuisances" Article II "Property Maintenance" Section 7-27 "Nuisances Declared", to declare the collection of textiles for recycling purposes from stationary vehicles to be a nuisance and to allow for the placement of unattended drop-off bins through a franchise agreement with the City; providing for repeal of conflicting ordinances; providing for

severability; providing for inclusion in Code; and providing for an effective date; pursuant to Staff Memo – Michael Grimm, Building Director.

- F. **Resolution No. 2017-49:** Repealing Resolution No. 2016-28; establishing a new schedule of Building Permit Fees pursuant to Section 4-2 of the Greenacres Code; and providing for an effective date; pursuant to Staff Memo - Michael Grimm, Building Director.

8. **Comments from the Public.**

9. **Discussion Items:**

- A. Basketball Courts Near Community Center– John Tharp, Council Member

10. **Staff Comments.**

A. **City Manager's Report.**

1. Building Department Report
2. Finance Department Report
3. Leisure Services Department Report
4. Planning & Engineering Department Report
5. Fire Rescue Department Report
6. Public Works Department Report
7. PBSO Report

B. **City Attorney's Report.**

11. **Mayor and City Council Reports.**

12. **Adjournment.**

**NOTICE OF COUNCIL MEETINGS AND AGENDAS**

The first and third Monday of each month are regular meeting dates for the City Council; special or workshop meetings may be called on the second and fourth Mondays of the month, or whenever necessary. Council Agendas are posted on the City's website on the Friday prior to each Council meeting. A public copy of the complete agenda is also available for review in the City Clerk's Office at City Hall. Questions regarding the agenda should be directed to the City Clerk at 642-2006.

### December 2017 - Calendar of Meetings and Events

12-05-17	<b>Candidate Qualifying Begins</b>	12:00 pm
12-06-17	Planning Commission Meeting	7:00 pm
12-09-17	Lunch with Santa Samuel J. Ferreri Community Park	11:30 am
12-10-17	Holiday Parade – Village of Wellington	
12-13-17	Code Enforcement Board	3:00 pm
12-18-17	City Council Meeting	7:00 pm
12-19-17	<b>Candidate Qualifying Ends</b>	12:00 pm
12-20-17	Planning Commission Meeting (Tentative)	7:00 pm
12-25-17	Christmas Holiday – <b>City Offices Closed</b>	
12-26-17	Christmas Holiday – <b>City Offices Closed</b>	

### January 2018 - Calendar of Meetings and Events

01-01-18	City Council Meeting	<b>Cancelled</b>
01-01-18	New Year's Day - <b>City Offices Closed</b>	
01-03-18	Planning Commission Meeting (Tentative)	7:00 pm
01-15-18	Martin Luther King Day- <b>City Offices Closed</b>	
01-15-18	City Council Meeting	<b>Cancelled</b>
01-17-18	Planning Commission Meeting (Tentative)	7:00 pm
01-22-18	City Council Meeting	7:00 pm

# PROCLAMATION



## OF THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, PROCLAIMING NOVEMBER 5, 2017 AS, “MARGIE E. WHITE’S 100<sup>th</sup> BIRTHDAY”.

**WHEREAS**, Margie E. White was born and raised into a family of fourteen children in London, Kentucky on November 5, 2017; and

**WHEREAS**, Margie later married and worked as a waitress in West Virginia, then moved to Michigan where she was a factory worker making car parts; and

**WHEREAS**, in 1981, Margie moved to Belle Glade, Florida to be closer to family, where she volunteered as a “Pink Lady” at Belle Glade Hospital for over 10 years; and

**WHEREAS**, Margie E. White currently lives with her granddaughter and regularly attends Greenacres Adult Day Care where she has made many friends; and

**WHEREAS**, Margie E. White has attained one of life’s greatest milestones, reaching 100 years of age, a centenarian who truly enjoys life to the fullest.

**NOW, THEREFORE, I, Joel Flores, Mayor of the City of Greenacres**, proclaim November 5, 2017 as, “**MARGIE E. WHITE’S 100<sup>th</sup> BIRTHDAY**”, and encourage all citizens to celebrate the historical and personal value all centenarians contribute to our community.

Given under my Hand and Seal of the  
City of Greenacres, Florida this 4th day of  
December, 2017.

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Joel Flores, Mayor

Attest:

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Joanna Cunningham, City Clerk



## **OFFICIAL MINUTES**

**CITY OF GREENACRES  
5800 Melaleuca Lane  
Greenacres, FL 33463**

**CITY COUNCIL MEETING  
Monday, November 6, 2017 – 7:00 P.M.**

### **1. Call To Order and Roll Call.**

Mayor Flores called the City Council Meeting of Monday, November 6, 2017 to order at 7:00 p.m. City Clerk Joanna Cunningham called the roll.

#### **ROLL CALL:**

##### Council Present:

Joel Flores, Mayor  
Paula Bousquet, Deputy Mayor  
John Tharp, Council Member  
Peter A. Noble, Council Member  
Judith Dugo, Council Member  
Anderson Thelusme, Council Member

Attendees from Public: 10

Press: 1

##### Staff Present:

Andrea McCue, City Manager  
James D. Stokes, City Attorney  
Joanna Cunningham, City Clerk/PIO  
Michael Grimm, Director/Building  
Brian Fuller, Asst. Fire Chief/Fire Rescue  
Suzanne Skidmore, Director/Human Resources  
Michele Thompson, Director/Leisure Services  
Kara L. Irwin-Ferris, Director/Planning & Engineering  
Carlos Cedeño, Director/Public Works  
Melody Larson, Assistant to the City Clerk  
Capt. Tristram Moore/PBSO

### **2. Pledge of Allegiance to the Flag.**

Mayor Joel Flores led the Pledge of Allegiance.

### **3. Comments From the Public for Agenda Items Only.**

Mayor Flores asked if there were comments from the public; hearing none, he continued with the Agenda.

### **4. Agenda Approval.**

- A.** Additions, deletions, or substitutions to the Agenda.
- B.** Motion to approve and adopt entire agenda as set.

Mayor Flores inquired if there were any additions, deletions or substitutions to the Agenda; hearing none, he called for a motion.

**MOTION:** Council Member Dugo made a motion to approve the Agenda.  
Council Member Noble seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 5 - 0.**

**5. Special Business.**

- A. Proclamation:** "Epilepsy Awareness Month"— Joel Flores, Mayor.

City Clerk Cunningham read the proclamation into the record.

- B. Proclamation:** "Hunger and Homelessness Awareness Week"— Joel Flores, Mayor.

City Clerk Cunningham read the proclamation into the record. Michelle Phillips, Public Awareness Outreach Coordinator for the Homeless Coalition of Palm Beach County received the proclamation and thanked the Mayor and Council. She asked the community to collaborate and be aware of the homeless since Palm Beach County does not have a homeless shelter.

- C. Presentation:** New Inspection Software—Michael Grimm, Building Director.

Building Director Michael Grimm presented the Mayor, Deputy Mayor, and Council with a demonstration of the new digital software being launched for City building inspections. He compared the old paper method with the newer, more efficient way of obtaining information with the touch of a finger. The new program prints out paper inspection sheets, prioritizes inspections by color codes and creates routes using GPS mapping. If a call is received and a contractor wants an early same day inspection, it can easily be added to the daily schedule. Each inspection provides contact information and inspectors can reschedule appointments directly. Inspectors can add comments, draw notations directly on the tablet, pass or fail inspections and results are immediately entered into the system. Past inspections, code enforcement information, County code enforcement, Municode and Laserfiche files can also be accessed. Director Grimm stated he is working on inputting all permits from time of submittal into Laserfiche for easy access to Building files to provide inspectors with current data. The next phase is training Code Enforcement officers on the use of the new mobile app.

- D. Presentation:** Lake Worth Road Urban Corridor Overlay – Kara Irwin-Ferris, Planning & Engineering Director.

Planning and Engineering Director Kara L. Ferris explained that the Corridor runs 750 ft. north and 750 ft. south along both sides of Lake Worth Road from Poinciana



east to South Military Trail. The Corridor has a Commercial Intensive (CI) zoning designation and a future land use designation of Commercial (CM). Director Ferris noted that within this Corridor, there are several original platted residential lots that pose challenging for the Corridor since they are currently zoned Residential Low-3 (RL-3) and are located between Swain Boulevard and South Haverhill Road.

Director Ferris reported that the intent of the Corridor is to combine several small lots into large parcels for commercial development with access to Lake Worth Road. The parcels in the rear do not have access to Lake Worth Road and must be assembled and rezoned to create larger lots or developers cannot build.

The existing homes and churches can continue in their current state; however, there are approximately five (5) vacant lots that developers have shown an interest in developing as single-family residences but cannot, based on the intent of the Corridor.

Staff is requesting approval to move forward with a zoning text amendment to facilitate single-family residential development of these parcels until such time as they can be combined to form larger parcels for commercial development or, modify the vision for this area of the Corridor.

Mayor Flores called on Council Members for comments.

The Mayor, Deputy Mayor, Council and staff discussed the possibility of the City purchasing the lots in question; the church parking issue being raised in the past; what is the cost of the lots; all five (5) parcels having different owners; assigning an appropriate zoning designation to allow development; the inquiries being prompted by the sale of the lots; the LP gas owner owning the parcel to the south and intending to expand his business.

Mayor Flores asked staff to research purchasing the parcels at the same time proceeding with a zoning text amendment.

Deputy Mayor Bousquet questioned how a zoning text amendment would impact the City's long term vision of the area. She stated she would like to delay a text amendment.

Discussion followed on the parcels not having access to Lake Worth Road, for the past seven years this was not an issue and now there is an interest in development.

Mayor Flores called for a consensus on proceeding with a zoning text amendment:

Deputy Mayor Bousquet: Yes.

Council Member Tharp: Yes, not requiring lots to have access to Lake Worth Road.

Council Member Noble: Yes, and suggested acquiring the lots.

Council Member Dugo: Put on hold until City vision is determined.

Council Member Thelusme: Yes.

**Consensus: Prepare a draft zoning text amendment for Council review.**

**6. Consent Agenda.**

A. Mayor Flores asked Council if they wished to pull any of the three (3) Consent Agenda items; hearing none, he called for a motion.

1. **Official Minutes:** City Council & Second Budget Hearing October 2, 2017 – Joanna Cunningham, City Clerk.
2. **Official Minutes:** City Council Meeting of October 16, 2017 – Joanna Cunningham, City Clerk.
3. **Board Appointments:** Appointment of Ms. Dannette Fitzgerald to Alternate Member on the Planning Commission; and Full Member on the Scholarship Committee; pursuant to Staff Memo – Joel Flores, Mayor.

**MOTION:** Council Member Tharp made a motion to approve the three (3) Consent Agenda items. Council Member Thelusme seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 5 - 0.**

**7. Regular Agenda:**

- A. **PUBLIC HEARING:** **Ordinance No. 2017-21:** Second Reading; Providing for a Referendum Election to be held on March 13, 2018, for the purpose of determining whether the City Charter should be amended; providing for the placement of six (6) referendum items on the ballot; providing the text of the proposed charter amendments; directing the City Clerk to provide the Supervisor of Elections with a copy of the Ordinance; publishing the referendum items in accordance with State Law; providing for the repeal of ordinances or parts of ordinances in conflict herewith; providing for a severability clause; providing for an effective date; pursuant to Staff Memo. -- James Stokes City Attorney.

City Clerk Joanna Cunningham read Ordinance 2017-21 into the record on second reading.

Mayor Flores called on Council Members for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance 2017-21 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Deputy Mayor Bousquet made a motion to approve Ordinance 2017-21 on second reading. Council Member Tharp seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 5 - 0.**

- B. PUBLIC HEARING: Ordinance No. 2017-22:** Second Reading Providing for amendment of the City's Charter without Referendum, as authorized by Florida Statute, to adjust the qualifying dates to accommodate the Supervisor of Elections; to provide for the swearing-in of elected officials only after receipt of certified election results; providing for the publishing of changes in the City Charter; providing for the repeal of ordinances or parts of ordinances in conflict herewith; providing for a severability clause; providing for an effective date; pursuant to Staff Memo – James Stokes City Attorney.

City Clerk Joanna Cunningham read Ordinance 2017-22 into the record on second reading.

Mayor Flores called on Council Members for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance 2017-22 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Council Member Thelusme made a motion to approve Ordinance 2017-22 on second reading. Council Member Dugo seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 5 - 0.**

- C. PUBLIC HEARING: Ordinance No. 2017-23:** Second Reading; Providing for the implementation of the Charter change lengthening terms for elected officials to four years as authorized by Florida Statute; providing for the repeal of ordinances or parts of ordinances in conflict herewith; providing for a severability clause; providing for an effective date contingent on voter approval of new term lengths; pursuant to Staff Memo — James Stokes City Attorney.

City Clerk Joanna Cunningham read Ordinance 2017-23 into the record on second reading.

Mayor Flores called on Council Members for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance 2017-23 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Council Member Tharp made a motion to approve Ordinance 2017-23 on second reading. Deputy Mayor Bousquet seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 5 - 0.**

- D. **PUBLIC HEARING:** **Ordinance No. 2017-24:** Second Reading; Amending Chapter 10 "Personnel", Article II "Civil Service", Division 2 "Civil Service Board", to recompose the membership to consist of the Mayor and Council sitting ex-officio as the CIVIL SERVICE BOARD; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date; pursuant to Staff Memo – James Stokes City Attorney.

City Clerk Joanna Cunningham read Ordinance 2017-24 into the record on second reading.

Mayor Flores called on Council Members for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance 2017-24 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Council Member Dugo made a motion to approve Ordinance 2017-24 on second reading. Council Member Noble seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 5 - 0.**

- E. **PUBLIC HEARING:** **Ordinance No. 2017-26:** Second Reading; Creating new sections of the Code of Ordinances in Chapter 2 "Administration", Article I "In General" Providing a procedure for quasi-judicial proceedings; providing for the

repeal of ordinances or resolutions in conflict herewith; providing for inclusion in the City of Greenacres Code of Ordinances; providing for severability; providing for inclusion in the code; and providing for an effective date; pursuant to Staff Memo. – James Stokes City Attorney.

City Clerk Joanna Cunningham read Ordinance 2017-26 into the record on second reading.

Mayor Flores called on Council Members for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance 2017-26 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Council Member Tharp made a motion to approve Ordinance 2017-26 on second reading. Deputy Mayor Bousquet seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 5 - 0.**

8. **Comments from the Public.** None.

9. **Discussion Items:**

A. **Electronic Attendance for Council Meetings-** James Stokes City Attorney.

City Attorney James Stokes reported that at the October 16, 2017, City Council meeting, Ordinance 2017-25 was pulled for further discussion. The Ordinance provided for policies and procedures for electronic voting. Council discussed including voting restrictions such as number of times electronic voting would be allowed, under what circumstances, etc. Council also discussed creating a Council Policy rather than an ordinance.

Mayor Flores called on Council Members for comments.

Deputy Mayor Bousquet suggested taking the Council Policies and adopting them under one ordinance and suggested this be discussed at another meeting.

For comparison, City Attorney Stokes explained that the City's personnel manual is a separate document enacted by ordinance, which requires Council approval to make changes. Deputy Mayor Bousquet is suggesting the same be done for Council Policies giving them more permanence.

Council Member Dugo agreed, stating that outdated policies could be eliminated. She asked City Attorney Stokes to name three local municipalities that currently use electronic voting. With two meetings a month she was not comfortable with

electronic voting.

Council Member Tharp agreed with consolidating Council Policies into an ordinance. As for electronic voting there should be some restrictions.

Council Member Noble stated that consolidating Council Policies into an ordinance has its pluses and minuses. He recalled past occasions where well-established policies were eliminated only to be reinstated at a later date.

Council Member Dugo inquired about a Council Member exceeding their allotted number of electronic votes and asked how would that be addressed.

City Attorney Stokes explained that the purpose is to allow a Council Member to vote. The Attorney General has opined that electronic voting is allowed if a policy is in place. He emphasized that the electronic voter cannot appear to create a quorum, and cannot chair the meeting electronically. The only penalty would be for exceeding the number of electronic votes determined by Council.

Mayor Flores called for consensus on electronic voting:

Deputy Mayor Bousquet: Yes, with restrictions.

Council Member Tharp: Yes, with limitations.

Council Member Noble: No.

Council Member Dugo: No.

Council Member Thelusme: No.

**Consensus: 3/2 against electronic voting. Mayor Flores suggested that this matter be raised at a later date.**

**B. Median Discussion – Carlos Cedeño, Public Works Director.**

Public Works Director Carlos Cedeno provided Council with a historical background and video update on the South Jog Road median landscaping. As of March 2017, the Public Works Department has taken over the maintenance responsibilities for the median landscaping. Director Cedeno gave a maintenance comparison and initial construction comparison of landscaped medians versus Only Trees, Irrigation and Sod (OTIS) with design and construction costs and manpower reduced by more than 50%. He suggested planting various types of palm trees.

Mayor Flores called on Council Members for comments.

Council Member Dugo acknowledged that landscaped medians was her campaign promise and with the economic development vision being discussed, the City has the ability to irrigate the medians. She asked Council to reconsider the cost of planting shrubs and consider irrigating the medians and redirecting the cost savings into economic development.

Deputy Mayor Bousquet asked what areas encompassed the 20 medians under consideration.

Director Cedeno reported along South Jog Road from approximately 100 feet south of Summit Boulevard, south to Melaleuca Lane.

Mayor Flores emphasized that money has already been allocated for median landscaping. People notice the medians when entering the City; they make the City attractive. One of the first questions economic developers ask is what is the City doing to set it apart. Installing irrigation is a great idea. He understands that it will cost more man hours, but it will pay off long-term.

The Mayor, Council and staff discussed the cost of shrubbery, keeping costs down without installing shrubbery; planting St. Augustine sod; using surtax funds; adding mulch and irrigating medians without affecting manpower; planting other types of palms such as Sylvester or Washingtonian palms; the City is at the point of hiring a landscape architect to design and submit the proposal to the County along with getting FPL on board and adding medians along Lake Worth Road.

Mayor Flores called for a consensus on using the OTIS method:

Deputy Mayor Bousquet: Yes.

Council Member Tharp: Yes, consider uplighting.

Council Member Noble: Yes.

Council Member Dugo: Yes.

Council Member Thelusme: Yes.

**Consensus: Use the OTIS method.**

Based on past discussions, Mayor Flores was not in favor of changing decisions on previously-approved projects such as this.

**10. Staff Comments:**

**A. City Manager's Report.**

- Intercoastal Cleanup/Greenacres Great American Cleanup - City Manager McCue thanked the Building, Public Works and Leisure Services Departments for their participation this past Saturday cleaning canals and collecting shopping carts.
- Automating City Services – City Manager McCue had asked Director Grimm to show the Mayor and Council how the City is moving forward with new technology to better serve the community.
- Electronic Voting – Regarding the recent discussion on Council Policies being approved under one ordinance, City Manager McCue noted that the existing policies would require updating prior to adopting an ordinance.
- Charter Referendum – She reported that a public education campaign on the ballot questions will be the focus using flyers, including information in the January edition of the City Link, attending homeowner association meetings and holding a townhall meeting.
- Economic Development Marketing - City Manager McCue met with the Purchasing Administrator and Director of Finance to work on language for a Request for Proposal in order to meet the January deadline. The scope

of work will be broad, a 5-member selection committee will review the proposals and present their findings to Council for consideration.

- Passport Application Process – She reported that the City is awaiting a response from the Department of State. Logistics of securing training and allocating staff for processing are underway. With the anticipated revenue, additional part-time staff will be needed. The timeline is the end of January and the service will be announced in the January City Link. She thanked the City Clerk for proposing the idea and believed it would be a wonderful service to provide to the public.
- Medical Marijuana Moratorium – The January 18<sup>th</sup> time extension will need to be extended once again at the December 4, 2017 City Council meeting due to the upcoming holiday season.
- Sign Spinners – City Manager McCue reported that staff has researched regulations banning these items and an ordinance will be presented for Council approval.
- State Appropriation Funding – Urged by a state representative, the City submitted two projects for funding. One project is Phase 4 of the Original Section drainage improvements in the amount of \$150,000. CDBG funds are used; however, state funding will help offset the costs. The second project is the Original Section Sewer Project – Phase 1 for Swain Boulevard in the amount of \$435,000 for design work and plans. The total estimated cost of the project for Swain Boulevard alone is over \$1 million. She thanked Director Kara L. Ferris for preparing the grant applications.
- Gladiator Lake Bank Stabilization – This project was discussed for surtax funding at \$1.3 million. Public Works Director Cedeno submitted this project to the Division of Emergency Management, Local Mitigation Strategy funding. Out of a total of 83 requests, Greenacres is first on the list to receive funding. The project is currently under review by a steering committee.
- Legislative Priorities – The Legislative Session will begin in January and Home Rule, is a major topic. A list of topics for discussion will be presented at the December 18<sup>th</sup> City Council meeting and the City Clerk will be tracking the bills that could most impact the City.
- Photos of Council Members at City Buildings - City Manager McCue asked the Mayor and Council for direction on placing photos of City officials in City Buildings for residents to familiarize themselves with our elected officials. The Mayor and Council agreed it was a good idea.
- Department Reports – She urged the Mayor and Council to review the year-end information in these reports.
- January Council Meetings - With both dates falling on holidays, she suggested scheduling only one meeting either on January 18<sup>th</sup> or the 22<sup>nd</sup>. **The Mayor and Council agreed on January 22<sup>nd</sup>.**
- Mayor and Council Calendars – She reported that the calendars and FYI memos would be sent electronically as well as updates to their calendars.
- Upcoming Events:
  - ✓ November 17<sup>th</sup>: Mayor vs. Wes Kain Basketball Challenge with the Mako Cheerleaders and Hoffman's Chocolates
  - ✓ November 18<sup>th</sup>: Fall Fitness Festival at the Samuel J. Ferreri Community Park from 10 am-4 pm, a Green Market 10 am – 3 pm, face painters, balloons, music, and kid zone areas. Not many



- ✓ applicants have applied for the rummage sale.
- ✓ November 22<sup>nd</sup>: Community Thanksgiving Dinner from 6:30 pm–8:30 pm.
- ✓ November 29<sup>th</sup>: Food Truck Invasion. She reported that in May there were 400 attendees, in October there were 45-50. This could be due to the event not being advertised. The City reached out to the vendor to ensure residents are aware.
- ✓ December 1<sup>st</sup>: Tri-City BBQ in Belle Glade.
- ✓ December 9<sup>th</sup>: Lunch with Santa in collaboration with Kiwanis.

Council Member Noble commented on his desire to have a medical marijuana dispensary in the City and asked the status on a vendor giving a presentation.

City Manager McCue reported checking with the PBCLoC regarding vendors and cautioned Council when making their selection.

**B. City Attorney's Report.**

City Attorney Stokes reported meeting with PBSO Major Mattino and Capt. Tristram Moore who are working on providing documentation to show the number of hours, personnel. A report will be presented to Council shortly.

Mayor Flores referred back to Agenda Item 5A of the Agenda to present Lauren Torres of the Epilepsy Foundation with the City's proclamation on "Epilepsy Awareness Month". City Clerk Cunningham read the proclamation once again into the record. Photos were taken and Ms. Torres handed out information on the Epilepsy Foundation.

**11. Mayor and City Council Reports.**

District V – Deputy Mayor Bousquet reported that the Great Greenacres Cleanup was a wonderful event.

District IV – Council Member Thelusme met with PBC School District Member Chuck Shaw and learned about a lack of parent involvement in public schools. He met with Leisure Services Director Michele Thompson to discuss offering an adult education program at the Community Center. He has also been working with the City Manager on a Sister City International program founded by former President Dwight Eisenhower that promotes culture and humanitarian assistance. Other Boca Raton and Boynton Beach are currently partnering with international sister cities.

District III – Council Member Dugo had nothing to report.

District II – Council Member Noble had nothing to report.

District I – Council Member Tharp received an email from the property owner of 533 Swain Boulevard across from the basketball courts at the Community Center. He requested that this topic be added to the December 4<sup>th</sup> Agenda as a discussion item. He noted that he is aware that recommendations were made but not acted upon. He announced he will be out of town from November 11<sup>th</sup> – 25<sup>th</sup> and thanked PBSO for their assistance during a recent incident on Halloween night.

Mayor Flores – He thanked the Public Works and Building Department staff, for their participation in the Great Greenacres Cleanup and extended a special “Thank You” to Aileen Hernandez of the Building Department.

He met with the PBC School District Area Superintendent Dr. Frank Rodriguez regarding language being a barrier. The Mayor was looking to partner with the School District and local schools to show support from the community. He commended Council Member Thelusme for his involvement.

Mayor Flores thanked Director Thompson, PBSO, and Fire Rescue for inviting him to participate in the “Reading for the Record” event.

The Central Palm Beach Chamber of Commerce hosted “Coffee with the Mayor” attended by Council Member Noble and Mayor Flores. It was a great opportunity to connect with businesses and hear their concerns.

He reported attending his first PBCLoC Housing Summit Regional Sub-Committee meeting representing the central region of the County. This Committee works on affordable and workforce housing and he would keep the Council informed.

Last week mayors were invited to attend a regional meeting with County Commissioner Dave Kerner. Mayors from Greenacres, Lake Worth, Lantana, Boynton Beach, Lake Clark Shores, and Palm Springs were in attendance. These meetings may be held quarterly.

The Palm Beach County League of Cities during a Board of Director’s meeting, invited the PBC Legislative Delegation where City Manager McCue raised several issues concerning Greenacres. Mayor Flores announced he would be attending the “Palm Beach County Days” in Tallahassee in January 2018.

## **12. Adjournment.**

Council Member Dugo moved to adjourn the meeting, seconded by Council Member Tharp. The meeting adjourned at 8:58 p.m.

**CITY COUNCIL**

Respectfully submitted,

---

Joel Flores  
Mayor

---

Joanna Cunningham, MMC  
City Clerk

Date Approved: \_\_\_\_\_

/mel

CITY OF GREENACRES

Council Agenda Memo  
2017.11KF03.001

TO: Mayor and City Council

THROUGH: Andrea McCue, City Manager

FROM: Kara L. Irwin-Ferris, AICP, Planning and Engineering Director

SUBJECT: **Plat Approval for Kingswood Jog North**  
City Council Agenda Item for 12-04-17

DATE: November 27, 2017

COPIES: James D. Stokes, City Attorney  
Joanna Cunningham, City Clerk  
File: Plat File

---

**Background:**

On September 16, 2013, a special exception and site and development plan was approved to construct a 10,000 square foot Child Care Center/Preschool Facility (aka Parcel A). On October 30, 2014, the Kingswood Academy building was issued a Certificate of Occupancy and an address of 3307 South Jog Road.

One of the conditions of approval, #32 states that the site shall only be subdivided through a plat approval by the Greenacres City Council. The original development did not require the approval of a Plat because it was developed as one site. The subdivision will create two separate parcels; one developed and one vacant, but developable.

**Analysis:**

The review indicates that the attached plat accurately reflects the Site Plan and complies with the City's Subdivision Code requirements.

**Legal:**

The plat has been reviewed in accordance with the requirements of Chapter 12 of the City Code and Chapter 177, Florida Statutes.

**Financial:**

When Parcel B is developed in the future, any development of the Parcel B area will require Site and Development Plan approval (Condition #33).

**Staff Recommendation:**

*Approval of the plat for Kingswood Jog North.*



Kara L. Irwin-Ferris, AICP  
Planning and Engineering Director

Attachments: Plat

DEDICATION AND DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS THAT GLOBEX INVESTMENT GROUP II, LLC, A FLORIDA LIMITED LIABILITY COMPANY OWNER OF THE LANDS SHOWN HEREON AS KINGSWOOD JOG NORTH BEING A REPLAT OF A PORTION OF TRACT 21, BLOCK 22 AND THE ABANDONED RIGHT-OF-WAY, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST, CITY OF GREENACRES, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION:

A PARCEL OF LAND IN TRACT 21, BLOCK 22, THE PALM BEACH FARMS CO., PLAT NO.3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 21, BLOCK 22, LESS THE SOUTH 236.0 FEET, THE PALM BEACH FARMS CO., PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45

TOGETHER WITH THE SOUTH HALF (S1/2) OF THE ABANDONED ROAD RIGHT-OF-WAY LYING NORTH OF AND ADJACENT THERETO, AS SHOWN IN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 4593, PAGE 1986.

ALSO KNOWN AS:

A PORTION OF TRACT 21, BLOCK 22, PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST, CITY OF GREENACRES, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ONE-QUARTER OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE SOUTH 02°07'04" WEST ALONG THE NORTH-SOUTH ONE-QUARTER LINE OF SAID SECTION 22, AS SHOWN ON THE JOG ROAD ALIGNMENT MAP AS RECORDED IN ROAD PLAT BOOK 4, PAGE 133 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 1958.38 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH HALF OF THE ABANDONED 30 FOOT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORD BOOK 4593, PAGE 1986 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°07'01" WEST ALONG SAID EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH HALF OF THE ABANDONED RIGHT-OF-WAY, A DISTANCE OF 40.66 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AS FOUND MONUMENTED; SAID WEST RIGHT-OF-WAY LINE BEING 40.00 FEET WEST OF AND PARALLEL WITH SAID NORTH-SOUTH ONE-QUARTER LINE AS SHOWN ON SAID JOG ROAD ALIGNMENT MAP, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 02°07'04" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF JOG ROAD, A DISTANCE OF 439.66 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 236.00 FEET OF TRACT 21, BLOCK 22 THE PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 45 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°02'01" WEST ALONG SAID NORTH LINE OF THE SOUTH 236.00 FEET OF TRACT 21, A DISTANCE OF 373.07 FEET TO THE EAST LINE OF LUCERNE PARK PLAT NO. 2 AS RECORDED IN PLAT BOOK 49, PAGE 196 OF SAID PUBLIC RECORDS; THENCE NORTH 00°27'31" EAST ALONG SAID EAST LINE OF LUCERNE PARK PLAT No. 2, A DISTANCE OF 439.16 FEET TO THE NORTH LINE OF SAID SOUTH HALF OF THE ABANDONED 30 FOOT RIGHT-OF-WAY; THENCE NORTH 89°02'01" EAST ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE ABANDONED 30 FOOT RIGHT-OF-WAY, A DISTANCE OF 385.80 FEET TO THE POINT OF BEGINNING.

CONTAINING: 166,583 SQUARE FEET OR 3.824 ACRES MORE OR LESS.

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AS FOLLOWS:

DEDICATION:

I. LOTS 1 AND 2

LOT 1 AND 2, AS SHOWN HEREON, IS HEREBY RESERVED FOR GLOBEX INVESTMENT GROUP II, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR FUTURE DEVELOPMENT AND PURPOSES CONSISTENT WITH THE ZONING REGULATIONS OF THE CITY OF GREENACRES, FLORIDA, AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID GLOBEX INVESTMENT GROUP II, LLC, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF GREENACRES.

2. CROSS ACCESS EASEMENT

THE CROSS ACCESS EASEMENT, AS SHOWN HEREON, IS HEREBY DEDICATED FOR ACCESS PURPOSES TO LOTS 1 AND 2. THE MAINTENANCE OF THE CROSS ACCESS EASEMENT SHALL BE THE PERPETUAL MAINTENANCE RESPONSIBILITY OF GLOBEX INVESTMENT GROUP II, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS.

3. PALM BEACH COUNTY UTILITY EASEMENTS

THE PALM BEACH COUNTY UTILITY EASEMENTS (PBCUE) IDENTIFIED ON THE PLAT HEREON ARE DEDICATED IN PERPETUITY TO PALM BEACH COUNTY, ITS SUCCESSORS AND ASSIGNS, FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, EXPANSION AND REPLACEMENT OF POTABLE WATER PIPELINES, RAW WATER PIPELINES, RECLAIMED WATER PIPELINES, AND RELATED APPURTENANCES, THE MAINTENANCE OF THE LAND UNDERLYING THESE EASEMENTS SHALL BE A PERPETUAL OBLIGATION OF THE PROPERTY OWNER, NO BUILDINGS, STRUCTURES, IMPROVEMENTS, TREES, WALLS OR FENCES SHALL BE INSTALLED WITHIN THESE EASEMENTS WITHOUT THE PRIOR WRITTEN APPROVAL OF THE PALM BEACH COUNTY WATER UTILITIES DEPARTMENT, ITS SUCCESSORS AND ASSIGNS.

IN WITNESS WHEREOF, THE ABOVE NAMED FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGING PARTNER AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS MEMBERS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

GLOBEX INVESTMENT GROUP II, LLC  
A FLORIDA LIMITED LIABILITY COMPANY

WITNESS: \_\_\_\_\_ BY: \_\_\_\_\_  
NEIL WILLIAMS, MANAGING PARTNER

PRINT NAME: \_\_\_\_\_

WITNESS: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME PERSONALLY APPEARED NEIL WILLIAMS, WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS MANAGING PARTNER OF GLOBEX INVESTMENT GROUP II, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID COMPANY, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE COMPANY SEAL OF SAID COMPANY AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR COMPANY AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

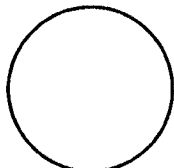
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC STATE OF FLORIDA

PRINT NAME: \_\_\_\_\_

COMMISSION NO. \_\_\_\_\_

(SEAL)



GLOBEX INVESTMENT  
GROUP II, LLC

MORTGAGEE'S JOINDER AND CONSENT

STATE OF FLORIDA  
COUNTY OF PALM BEACH

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF MORTGAGES, UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGES WHICH ARE RECORDED IN OFFICIAL RECORD BOOK 26456 AT PAGE 290 AND OFFICIAL RECORD BOOK 26456 AT PAGE 323 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS VICE PRESIDENT AND ITS CORPORATE SEAL TO BE AFFIXED HEREON BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

TD BANK, N.A.

WITNESS: \_\_\_\_\_ BY: \_\_\_\_\_  
SHERYL SIMON, VICE PRESIDENT

PRINT NAME: \_\_\_\_\_

WITNESS: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME PERSONALLY APPEARED SHERYL SIMON, WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS VICE PRESIDENT OF TD BANK, N.A., AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT SHE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID COMPANY, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE COMPANY SEAL OF SAID COMPANY AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR COMPANY AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC STATE OF FLORIDA

PRINT NAME: \_\_\_\_\_

COMMISSION NO. \_\_\_\_\_

(SEAL)

# KINGSWOOD JOG NORTH

BEING A REPLAT OF A PORTION OF TRACT 21, BLOCK 22  
AND THE ABANDONED RIGHT-OF-WAY, PALM BEACH FARMS CO. PLAT No. 3  
PLAT BOOK 2, PAGE 45  
SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST  
CITY OF GREENACRES, PALM BEACH COUNTY, FLORIDA  
DECEMBER, 2017

TITLE CERTIFICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

WE, COMMUNITY LAND TITLE & RESEARCH, A TITLE INSURANCE COMPANY, AS DULY LICENSED IN THE STATE OF FLORIDA DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT WE FIND THE LANDS AS DESCRIBED AND SHOWN ON THIS PLAT ARE IN THE NAME, AND APPARENT RECORD-TITLE IS HELD BY GLOBEX INVESTMENT GROUP II, LLC, A FLORIDA LIMITED LIABILITY COMPANY; THAT ALL TAXES HAVE BEEN PAID ON SAID LANDS AS REQUIRED BY 197.051, FLORIDA STATUTES, AS AMENDED; AND, THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON; AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
ROBERT F. BOOTH, JR., C.L.S., PRESIDENT  
COMMUNITY LAND TITLE & RESEARCH

CITY OF GREENACRES APPROVAL

CITY COUNCIL  
GREENACRES, FLORIDA

THIS PLAT IS HEREBY APPROVED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017 A.D.

BY: \_\_\_\_\_  
JOEL FLORES, MAYOR

BY: \_\_\_\_\_  
ANDREA McCUE, CITY MANAGER

BY: \_\_\_\_\_  
PARICK J. GIBNEY, CITY ENGINEER

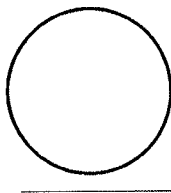
ATTESTED BY: \_\_\_\_\_  
JOANNA CUNNINGHAM, CITY CLERK

REVIEWING SURVEYORS APPROVAL

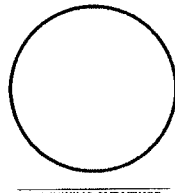
IT IS HEREBY CERTIFIED THAT THE UNDERSIGNED PROFESSIONAL SURVEYOR FOR THE CITY OF GREENACRES AND DULY LICENSED IN THE STATE OF FLORIDA HAS REVIEWED THE PLAT FOR CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES.

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_  
LICENSE NUMBER: \_\_\_\_\_

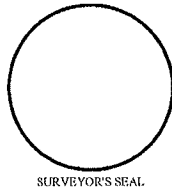
NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.



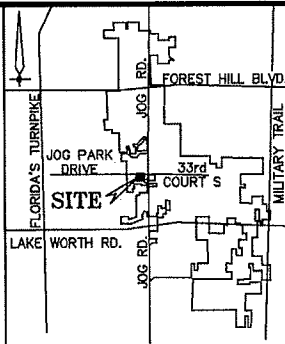
CITY OF GREENACRES



REVIEWING SURVEYOR



SURVEYOR'S SEAL



VICINITY SKETCH  
NOT TO SCALE

STATE OF FLORIDA }  
COUNTY OF PALM BEACH } S.S.

THIS INSTRUMENT WAS FILED FOR  
RECORD AT \_\_\_\_\_ M.  
THIS \_\_\_\_ DAY OF \_\_\_\_\_  
2017 \_\_\_\_ AND DULY RECORDED IN  
PLAT BOOK NO. \_\_\_\_\_  
ON PAGE \_\_\_\_\_

SHARON R. BOCK,  
CLERK AND COMPTROLLER

BY: \_\_\_\_\_ D.C.

AREA TABLE

LOT 1 = 81,713 SQUARE FEET  
OR 1.922 ACRES

LOT 2 = 82,849 SQUARE FEET  
OR 1.902 ACRES

TOTAL = 166,583 SQUARE FEET  
OR 3.824 ACRES

SURVEYORS NOTES

- PERMANENT REFERENCE MONUMENTS ARE SHOWN THUS: "1" 1 1/2" BRASS DISK STAMPED "PRM LB7768" SET IN A 4"x4" CONCRETE MONUMENT. (UNLESS OTHERWISE NOTED)
- BEARINGS ARE BASED ON THE WEST RIGHT OF WAY OF JOG ROAD HAVING A BEARING OF S.02°07'04"W.
- NO BUILDING OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE COUNTY APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS. THERE WILL BE NO ABOVE GROUND ENCROACHMENTS WHERE LAKE MAINTENANCE EASEMENTS AND UTILITY EASEMENTS OVERLAP.
- IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.

SURVEYOR & MAPPER'S CERTIFICATE

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS ("P.R.M.S") HAVE BEEN PLACED AS REQUIRED BY LAW, AND THAT PERMANENT CONTROL POINTS ("P.C.P.S") AND MONUMENTS ACCORDING TO SEC. 177.091(9), F.S., WILL BE SET UNDER THE GUARANTEES POSTED WITH THE CITY OF GREENACRES FOR THE REQUIRED IMPROVEMENTS; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE CITY OF GREENACRES, FLORIDA.

DATE: \_\_\_\_\_

GARY A. RAGER, P.S.M.  
LICENSE NO. 4828  
STATE OF FLORIDA

THIS INSTRUMENT PREPARED BY  
GARY A. RAGER, P.S.M.  
154828 STATE OF FLORIDA.  
GROPOINT SURVEYING, INC.  
4152 WEST BLUE HERON BOULEVARD, SUITE 105,  
RIVIERA BEACH, FLORIDA 33404.  
CERTIFICATE OF AUTHORIZATION NO. LB7768

GeoPoint  
Surveying, Inc.

4152 W. Blue Heron Blvd.  
Suite 105  
Riviera Beach, FL 33404

Phone: (561) 444-2720  
www.geopointsurvey.com  
Licensed Business Number 187768

Sheet No. 1 of 2 Sheets

# KINGSWOOD JOG NORTH

BEING A REPLAT OF A PORTION OF TRACT 21, BLOCK 22  
AND THE ABANDONED RIGHT-OF-WAY, PALM BEACH FARMS CO. PLAT No. 3

PLAT BOOK 2, PAGE 45

SECTION 22, TOWNSHIP 44 SOUTH, RANGE 42 EAST  
CITY OF GREENACRES, PALM BEACH COUNTY, FLORIDA

DECEMBER, 2017

STATE OF FLORIDA }  
COUNTY OF PALM BEACH } S.S.

THIS INSTRUMENT WAS FILED FOR  
RECORD AT \_\_\_\_\_ M.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
2017 AND DULY RECORDED IN  
PLAT BOOK NO. \_\_\_\_\_  
ON PAGE \_\_\_\_\_

SHARON R. BOCK,  
CLERK AND COMPTROLLER

BY: \_\_\_\_\_ D.C.

## AREA TABLE

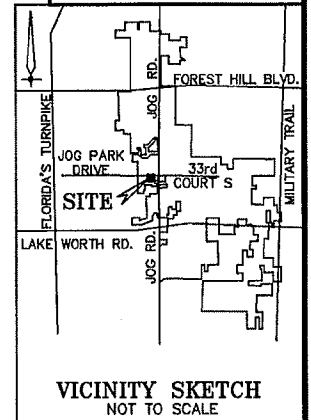
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LOT 2 = 82,849 SQUARE FEET  
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TOTAL = 166,583 SQUARE FEET  
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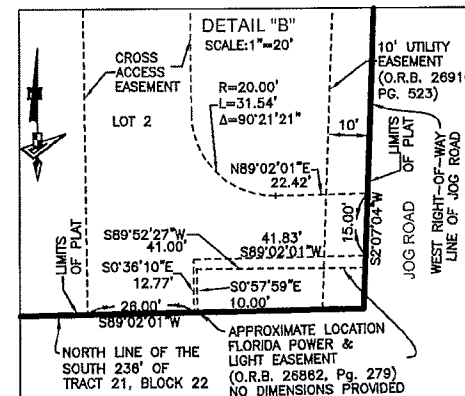
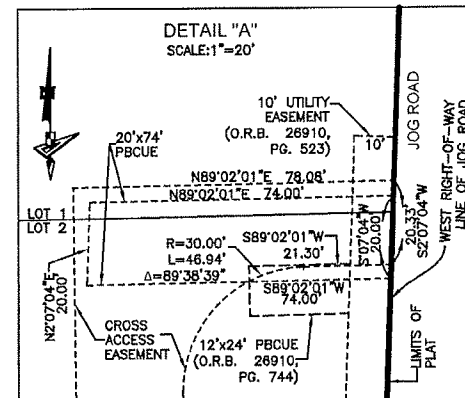
## LEGEND

O.R.B. ----- Official Records Book  
P.B. ----- Plat Book  
R.P.B. ----- Road Plat Book  
PG.(s). ----- Page(s)  
LB ----- Licensed Business  
PBCUE ----- Palm Beach County Utility Easement  
R ----- Radius  
L ----- Arc Length  
A ----- Delta -- Central Angle  
CONC. ----- Concrete  
PRM ----- Permanent Reference Monument



## SURVEYORS NOTES

- PERMANENT REFERENCE MONUMENTS ARE SHOWN THUS: "A" A 1 1/2" BRASS DISK STAMPED "PRM LB7768" SET IN A 4"x4" CONCRETE MONUMENT AND "B" A MAG NAIL WITH DISK STAMPED "LB7768". (UNLESS OTHERWISE NOTED)
- BEARINGS ARE BASED ON THE WEST RIGHT OF WAY OF JOG ROAD HAVING A BEARING OF S02°07'04"W.
- NO BUILDING OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE COUNTY APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS. THERE WILL BE NO ABOVE GROUND ENCROACHMENTS WHERE LAKE MAINTENANCE EASEMENTS AND UTILITY EASEMENTS OVERLAP.
- IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.



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SCALE: 1" = 40'

**GeoPoint**  
Surveying, Inc.

4152 W. Blue Heron Blvd.  
Suite 105  
Riviera Beach, FL 33404  
Phone: (561) 444-2720  
www.geopointsurvey.com  
Licensed Business Number LB 7768

Sheet No. 2 of 2 Sheets

THIS INSTRUMENT PREPARED BY  
GARY A. RAGER, P.S.M.  
LS4828 STATE OF FLORIDA  
GEOPOINT SURVEYING, INC.  
4152 WEST BLUE HERON BOULEVARD, SUITE 105,  
RIVIERA BEACH, FLORIDA 33404  
CERTIFICATE OF AUTHORIZATION NO. LB7768

# CITY OF GREENACRES

Council Agenda Memo  
2017.11RW2.01

**TO:** Mayor and City Council

**THRU:** Andrea McCue, City Manager

**FROM:** James McInnis, Director of Finance

**SUBJECT: RESOLUTION NO. 2017-50 - AUTHORIZATION OF SIGNATURES FOR  
BANKUNITED ACCOUNTS**

**DATE:** December 4, 2017

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## **Background:**

The City of Greenacres maintains fiscal controls in its banking relationships by designating responsible officials with the authority to sign checks and other orders for the payment of money from the bank and investment accounts of the City of Greenacres. When the bank signature cards were updated in 2015 to add the Assistant City Manager, the Director of Finance and Assistant Director of Finance were removed as check signers.

## **Analysis:**

In 2015, it was believed that the use of electronic signatures when printing checks made it unlikely that the Director or Assistant Director would ever have to manually sign checks, so it shouldn't be necessary to have them as authorized check signers. In addition, the Director and Assistant Director were authorized on most other financial transactions and approvals, reinforcing the idea that removing them as authorized signers would strengthen controls without any effect on administering the City's banking functions.

Since the change in 2015, it has become apparent that check signing authority is the primary authority in the City's banking relationship, and is required for key administration activities, including authorizing audit confirmations on the City's bank accounts and withdrawing funds to serve as cash on hand during emergency storm preparations. Removing the Director of Finance and Assistant Director of Finance limits the ability of the City's chief financial officers to effectively manage the administration of the City's banking relationship, and has caused delays in executing some transactions until an authorized check signer could be located.

**Financial:**

N/A

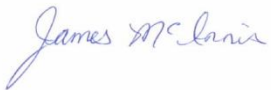
**Legal:**

N/A

**Staff Recommendation:**

Approval of Resolution No. 2017-50 authorizing the revision of bank signature cards between the City of Greenacres and BankUnited to add the Director of Finance and Assistant Director of Finance as authorized signers.

James McInnis

A handwritten signature in blue ink that reads "James McInnis". The signature is written in a cursive style with a large, stylized "J" and "M".

Director of Finance

JM/rhw

**Attachments:**

1. Resolution No. 2017-50

## **RESOLUTION NO. 2017-50**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE EXECUTION OF WIRE AND ACH BANK TRANSFERS ON BEHALF OF THE CITY OF GREENACRES AND AUTHORIZING THE SIGNATURES OF CERTAIN OFFICERS TO SIGN CHECKS DRAWN ON CITY BANK ACCOUNTS.**

**WHEREAS**, from time to time, this City ("Customer") wishes to request City's Authorized Banking Institution, ("Bank") by written instruction, telephone, or terminal communication device, to transfer funds to other financial institutions or to other accounts at Bank, for credit to accounts designated by the authorized representatives of Customer; and

**WHEREAS**, the City desires to authorize certain officers of the City to sign checks, and authorize bank drafts, notes, bills of exchange, acceptances, or other orders for the payment of money from the bank and investment accounts of the City of Greenacres.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**Section 1.** Any four (4) of the officers listed below are hereby authorized to execute the Electronic Instructions Disclosure Statement and Agreement, Daily Wire Limit Approval Form, Zero Balance Service Agreement, ACH Fraud Control, Remote Deposit Application Form, Online Treasury Management, Business Signature Card, and Public Deposit Identification and Acknowledgment Form.

**MAYOR,  
CITY MANAGER,  
DIRECTOR OF FINANCE, or  
ASSISTANT DIRECTOR OF FINANCE**

**Section 2.** The authority conferred hereby shall continue in full force and effect until written notice of modification or revocation of this resolution by the City Council of Customer



shall be received by the Funds Transfer Department of the Bank. The Bank shall be protected in acting upon any form of written notice, which it in good faith believes to be genuine and what it purports to be.

**Section 3.** Four (4) officers listed below are hereby authorized to sign checks, drafts, notes, bills of exchange, acceptances, or other orders for the payment of money from the bank accounts of the City of Greenacres. All checks require two (2) signatures and at least one of the signatures must be the Mayor or City Manager.

**MAYOR,  
CITY MANAGER,  
DIRECTOR OF FINANCE, or  
ASSISTANT DIRECTOR OF FINANCE**

**RESOLVED AND ADOPTED this 4<sup>th</sup> day of December, 2017.**

**Voted**

\_\_\_\_\_  
**Joel Flores**  
**Mayor**

\_\_\_\_\_  
**Paula Bousquet**  
**Deputy Mayor**

**Attest:**

\_\_\_\_\_  
**Joanna Cunningham**  
**City Clerk**

\_\_\_\_\_  
**John Tharp**  
**Council Member, District I**

\_\_\_\_\_  
**Peter Noble**  
**Council Member, District II**

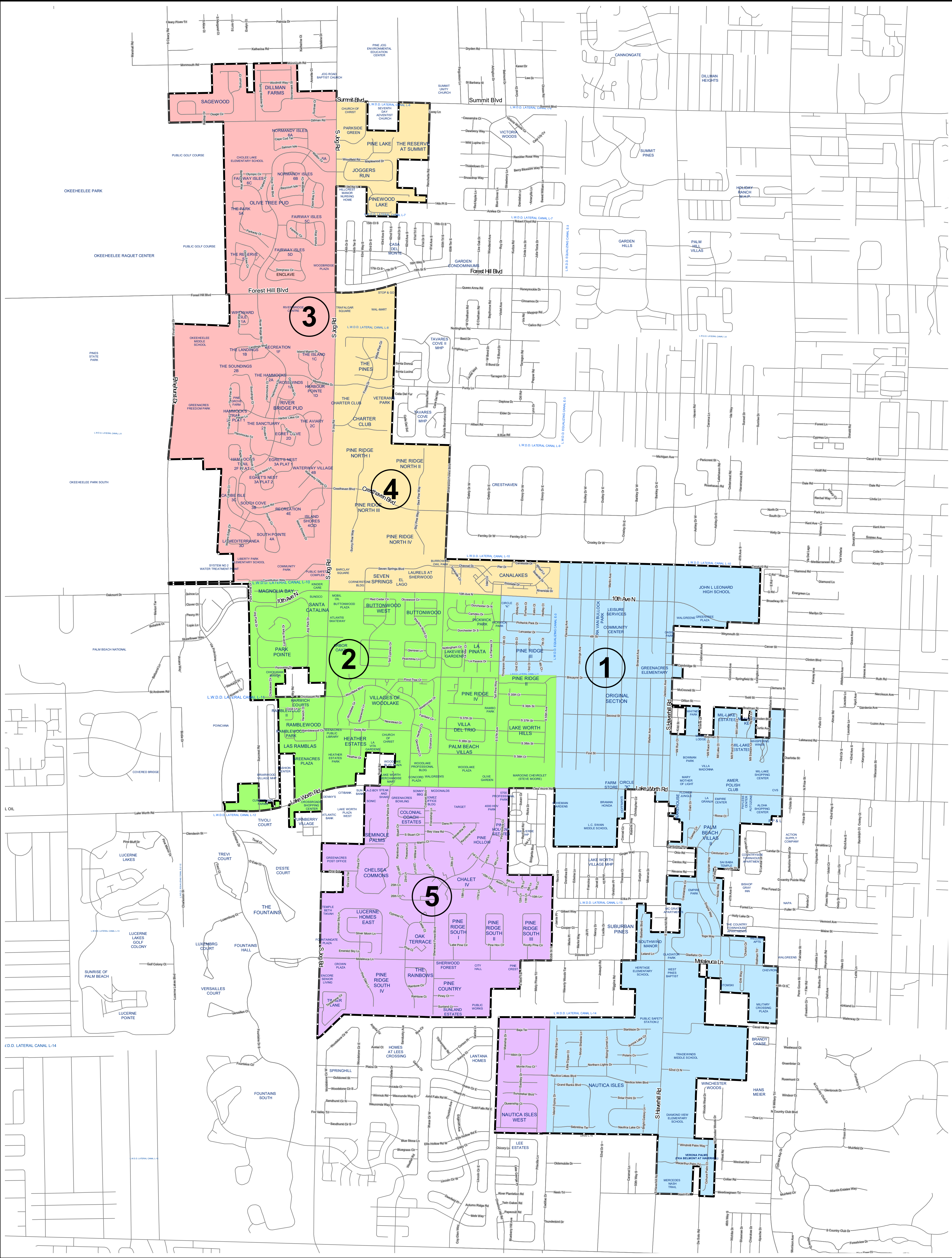
\_\_\_\_\_  
**Judith Dugo**  
**Council Member, District III**

\_\_\_\_\_  
**Anderson Thelusme**  
**Council Member, District IV**

**Approved as to Form and Legal Sufficiency:**

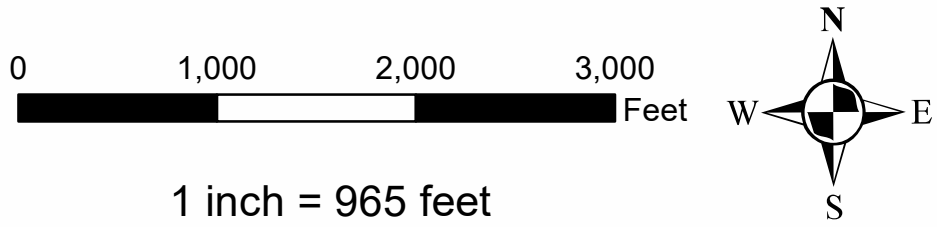
\_\_\_\_\_  
**James D. Stokes**  
**City Attorney**





Legend

- Greenacres Municipal Boundary
- Council Districts**
  - District 1
  - District 2
  - District 3
  - District 4
  - District 5
- "NAUTICAL ISLES" Existing Subdivisions



Map Date: September, 2017

Update By: Calvin, Giordano, & Associates

Disclaimer: The requester of this map acknowledges and accepts the limitations of the Data shown, including the fact that the Data is dynamic and is in a constant state of maintenance, correction and update. The burden of determining accuracy, completeness and fitness for use rests solely on the requester. Contact the Planning and Engineering Department for current information or interpretation.

# Council District Map

## City of Greenacres



**CITY OF GREENACRES**  
**PLANNING &**  
**ENGINEERING DEPARTMENT**  
  
5800 MELALEUCA LANE  
GREENACRES, FL 33463  
(561) 642-2054



# **CITY OF GREENACRES**

## **INTEROFFICE MEMORANDUM 2017.11RW2.02**

**TO:** Andrea McCue, City Manger

**FROM:** James McInnis, Director of Finance

**SUBJECT:** Resolution 2017-48 Intent to Assess Solid Waste on Tax Bill

**DATE:** December 4, 2017

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### **Background:**

Proper collection, disposal, recycling and management of residential solid waste is necessary for the health, safety and welfare of the residents of the City of Greenacres. The City contracts with the solid waste hauler that provides the best rates and service for its residents. The billing and collection of solid waste fees is currently done by the City's Finance Department. For many years, the City has provided the lowest cost solid waste and recycling collection services in Palm Beach County for its residents.

### **Analysis:**

The City has two options for garbage billing: 1) billing internally, by generating and mailing the bills, or 2) assessing for the collection of solid waste on the property tax bill. Currently, the City bills its residents semi-annually for solid waste collection services. The current environment indicates that changing its method of solid waste billing from printing and mailing bills to residents (billing internally) to assessing for solid waste collection on the tax bill will provide the greatest benefits to the City and its residents.

The primary factors to consider in deciding how to bill for solid waste collection services are the cost benefits to residents, the cost benefits to the City, and customer service. For many years, Greenacres has provided the lowest cost solid waste collection services in Palm Beach County to its residents, due primarily to a favorable contract with its waste hauler. Assessing solid waste collection on the tax bill will have a minimal impact on the cost to residents.

The City should realize a significant cost benefit due to reduced manpower and increased collection rate. Discontinuing internal billing will allow the City to concentrate its manpower resources in other significant areas of need. In terms of increased collections on outstanding bills, the City's collection rate on solid waste billing deteriorated significantly with the country's economic downturn. In 2006, the total unpaid garbage bills at its September 30 fiscal year end, six months after its semi-annual bill, was \$28,750. In

2007, the unpaid amount doubled, and in 2009 it doubled again, and it has never recovered. In September 2017, the unpaid solid waste reached its highest point ever, at \$505 thousand dollars. Solid waste collection is unique from other utilities in that it is mandated for all residential homeowners. Whether the bill is paid or not, the service continues. Unlike water or electricity, service cannot be discontinued until a bill is paid. Garbage cannot be allowed to accumulate because of unpaid bills.

Assessing future solid waste collections on the property tax bill won't help the City collect the past due \$505 thousand it is currently owed since past due accounts can't be transferred to the tax bill. The City will have to continue those collection efforts on its own. Future collection, however, is expected to increase substantially. It is far less common for tax bills to go unpaid, increasing the risk of foreclosure for unpaid taxes.

The greatest benefit, however, is expected to be in customer service. City management feels that assessing solid waste collection on the tax bill will improve relationships with its residents. Greenacres is one of the few cities in Palm Beach County, or the whole South Florida tri-county area, that does *not* assess for solid waste on the tax bill. This inconsistency causes many new home buyers in Greenacres to be completely unaware that they need to contact the City and apply to pay for solid waste billing. If they do not then late fees and even liens may accrue.

#### **Financial:**

Residential bill increases are expected to be minimal, less than \$1 per month. Unpaid solid waste bills are expected to go back to levels last seen in 2006, less than \$30 thousand per year on approximately \$1.2 million per year in billing.


#### **Legal:**

The City will follow the requirements set forth in Florida State Statute 197 for the intent to use the Uniform Method for Levy, Collection, and Enforcement of Non-Ad Valorem Assessments for the collection of the assessment. Per Florida Statute 197.3632(3)(a), the City is required to advertise its intent weekly in a newspaper of general circulation for four (4) consecutive weeks preceding the public hearing.

Resolution 2017-48 has been prepared in accordance with all applicable Florida State Statutes and City Code requirements.

#### **Staff Recommendation:**

Council approval of Resolution 2017-48 to set forth its intent to use the Uniform Method to levy and collect the Residential Solid Waste Collection Services serving those properties located within the municipal boundaries of the City beginning October 1, 2018.



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James McInnis  
Director of Finance

JSM/rlw

Attachments:

1. Resolution 2017-48

## **RESOLUTION NO. 2017-48**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, INDICATING THE CITY'S INTENT TO USE THE UNIFORM METHOD OF FOR THE COLLECTION OF A NON-AD VALOREM SPECIAL ASSESSMENT FOR RESIDENTIAL SOLID WASTE COLLECTION, DISPOSAL, RECYCLING AND MANAGEMENT; INDICATING INTENT TO LEVY SUCH NON-AD VALOREM SPECIAL ASSESSMENT UPON CERTAIN IMPROVED PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY TO FUND RESIDENTIAL SOLID WASTE COLLECTION SERVICES; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE DISTRIBUTION OF CERTIFIED COPIES OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council (hereinafter, the "Council") of the City of the Greenacres, Florida (hereinafter, the "City"), finds that the proper collection, disposal, recycling and management of residential solid waste is necessary for the health, safety, and welfare of the residents of the City; and,

**WHEREAS**, Chapter 197, Florida Statutes, Chapter 15, City Code, and other applicable provisions of law authorize the imposition of a non-ad valorem special assessment against certain improved properties within the incorporated area of the City for collection, disposal, recycling and management of solid waste; and

**WHEREAS**, the Council may consider levying a Special Assessment to fund Residential Solid Waste Collection; and,

**WHEREAS**, in accordance with Section 197.3632(3)(a), Florida Statutes, the City advertised its intent to use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Assessments ("Uniform Method") for the collection of the assessment, commencing with the Fiscal Year beginning October 1, 2018, weekly in a newspaper of

general circulation for four (4) consecutive weeks preceding the public hearing held the day hereof. Proof of publication of such hearing being attached hereto as Exhibit "A"; and,

**WHEREAS**, the Council held a duly-advertised public hearing prior to the adoption of this Resolution; and,

**WHEREAS**, pursuant to Section 197.3632, Florida Statutes, as amended, the Council desires to set forth its intent to use the Uniform Method to levy and collect the Residential Solid Waste Collection Services serving those properties located within the municipal boundaries of the City more particularly described in Exhibit "B," attached hereto and incorporated herein, because this method provides an economical and efficient process for such special assessments to be collected annually, commencing in November 2018; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the City Council.

**Section 2.** Commencing with the Fiscal Year beginning on October 1, 2018, and with the tax statement mailed for such Fiscal Year, the City intends to use the Uniform Method authorized in Section 197.3632, Florida Statutes, as amended, for collecting the assessment to fund the costs of Residential Solid Waste Collection Services serving those properties located within the municipal boundaries of the City, more particularly described in Exhibit "A," attached hereto and made a part hereof.



**Section 3.** That the City hereby determines that the levy of the assessments is needed to fund Residential Solid Waste Collection Services within the incorporated area of the City.

**Section 4.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 5.** That, upon adoption of this resolution, the City Clerk is hereby directed to transmit a certified copy of this resolution by United States mail to the State of Florida Department of Revenue, the Palm Beach County Tax Collector, and the Palm Beach County Property Appraiser on or before January 10, 2018. This Resolution shall take effect immediately upon its adoption.

**RESOLVED AND ADOPTED this 4<sup>th</sup> day of December, 2017.**

**Voted**

\_\_\_\_\_  
**Joel Flores**  
**Mayor**

\_\_\_\_\_  
**Paula Bousquet**  
**Deputy Mayor**

**Attest:**

\_\_\_\_\_  
**Joanna Cunningham**  
**City Clerk**

\_\_\_\_\_  
**John Tharp**  
**Council Member, District I**

\_\_\_\_\_  
**Peter Noble**  
**Council Member, District II**

\_\_\_\_\_  
**Judith Dugo**  
**Council Member, District III**

\_\_\_\_\_  
**Anderson Thelusme**  
**Council Member, District IV**

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**James D. Stokes**  
**City Attorney**

**RESOLUTION NO. 2017-48**

**EXHIBIT "A"**

**PROOF OF PUBLICATION**

**RESOLUTION NO. 2017-48**

**EXHIBIT "B"**

**MAP/LEGAL DESCRIPTION OF BOUNDARIES OF  
CITY OF GREENACRES, FLORIDA**

# CITY OF GREENACRES

Council Agenda Memo  
2017.11KF03.002

TO: Mayor and City Council

THROUGH: Andrea McCue, City Manager

FROM: Kara L. Irwin-Ferris, AICP, Planning and Engineering Director

SUBJECT: **Ordinance 2017-31** Amending City Code Chapter 11 "Streets, Sidewalks and Other Public Places" to provide regulations for managing wireless communication facilities in the City's Rights-of-Way, City Council Agenda Item for 12/04/17

DATE: November 27, 2017

COPIES: James D. Stokes, City Attorney  
Joanna Cunningham, City Clerk  
File: Wireless Telecommunications

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## **Background:**

On June 19, 2017, the City Council approved Ordinance 2017-14 authorizing the imposition of a moratorium on the acceptance of applications for, and the issuance of, development orders or permits related to wireless communication facilities within rights-of-way. The Moratorium is set to expire on December 19, 2017, so the City is proposing to adopt regulations, as limited by Florida Statutes.

A City-initiated request to amend Chapter 11 - Streets, Sidewalks and Other Public Places, is proposed through the adoption of Ordinance 2017-31 to address House Bill 687, "Advanced Wireless Infrastructure Deployment Act" signed into law by Governor Scott. The new state law, which is now codified at Section 337.401, *Florida Statutes*, became effective July 1, 2017. The Act substantially amends Section 337.401, *Florida Statutes*, relating to the use of public (municipal or county) ROW, and specific structures located in the ROW, for broadband or wireless facility infrastructure. The Act provides for the installation of small wireless facilities on government-owned poles and other poles and structures located in the ROW, installation of ground-mounted equipment in the ROW, installation of new poles in the ROW, and the installation of micro wireless facilities.

In addition, the Act provides a detailed process that a local government must follow to accept applications for permits and to process and issue those permits. Generally, the local government must either approve or deny a completed application within 60 days after receipt of the application. The Act also sets forth limited standards by which an

application may be denied, primarily based on ADA compliance, sight visibility, and non-conformance with the local government's "applicable codes." "Applicable codes", as defined in Section 337.401, *Florida Statutes*, include "local codes or ordinances adopted to implement" the Act and "objective design standards adopted by ordinance ... to meet reasonable location context, color, stealth, and concealment requirements." The Act also restricts the amount charged for permit fees and the rate to install a small wireless facility on a local government utility pole.

The Act provides that a local government shall offer rates, fees, and other terms to comply with the Act by no later than January 1, 2018. The proposed amendment to Chapter 11 of the City's Code of Ordinances will bring the City Code into compliance with the new State law.

### **Analysis:**

This Code Amendment includes three (3) changes to Chapter 11, Streets, Sidewalks, and Other Public Places:

1. To add language to establish a Right-of-way permit to Article I, Section 11-2.
2. To add definitions consistent with *Florida Statutes* within Chapter 11, Article II, Section 11-26, regarding Streets.
3. The creation of Chapter 11, Article V, "Placement of Communications Facilities in Public Rights-of-Way", to add language that provides definitions and regulations that comply with Section 337.401, *Florida Statutes*.

The new law restricts the ability of the City to limit or regulate the placement of small wireless facilities or micro wireless facilities on utility poles in City-owned rights-of-way or the placement of new utility poles in the City-owned rights-of-way for servicing these wireless facilities. The new law also expands the definition of "utility pole" to include light poles, traffic control structures, and signage at least 15 feet tall. The new law severely limits the ability of the City to impose distance separation requirements or the ability to require specific types of poles or attachments.

The new law does allow the City to require registration of wireless service providers, require a permit for the collocation of small or micro wireless facilities or the installation of new utility poles to support the collocation of small or micro wireless facilities, and require the providers meet the same insurance, indemnification, and safety standards as providers on existing towers. The law also requires the City process the permit application within specific timelines and limits the reasons why the City may deny the permits. Finally, the new law only applies to utility poles within City-owned rights-of-way, not to private property or roads governed by Homeowners' Associations.

The City's lack of procedures for the issuance of permits within City-owned rights-of-way required the creation of a code section that could be utilized to enact the regulations permitted by Section 337.401, *Florida Statutes*.

**Legal:**

Ordinance 2017-31 was prepared in accordance with all applicable State statutes and City Code requirements.

**Financial:**

N/A.

**Staff Recommendation:**

*Approval of Ordinance 2017-31.*

A handwritten signature in black ink, appearing to read "Kara L. Irwin-Ferris", is written over a horizontal line.

Kara L. Irwin-Ferris, AICP  
Planning and Engineering Director

**Attachments**

1. HB 687
2. Ordinance 2017-31

## **ORDINANCE NO. 2017-31**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 11, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, IN ORDER TO MODIFY AND CLARIFY THE REGULATIONS THAT GOVERN THE USE OF THE CITY'S STREETS, SWALES, RIGHTS-OF-WAY, AND PUBLIC PLACES AND TO PROVIDE FOR REGULATIONS GOVERNING THE COLLOCATION OF SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES ON EXISTING UTILITY POLES OR THE INSTALLATION OF NEW UTILITY POLES TO SUPPORT THE COLLOCATION OF SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES IN CITY-OWNED RIGHTS-OF-WAY AND AMENDING THE DEFINITIONS TO BE CONSISTENT WITH SECTION 337.401, FLORIDA STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Greenacres has determined that a need exists to amend and clarify the regulations that govern the use of the City's streets, sidewalks, and certain other public places; and

**WHEREAS**, City staff has determined that preventive measures must be taken to protect the continuous functionality of the City's sidewalks, public rights-of-way, and other public property; and

**WHEREAS**, in the 2017 Legislative Session, the Florida Legislature enacted the Advanced Wireless Infrastructure Deployment Act, House Bill 687, which provides authorization for wireless carriers to install devices in public rights-of-way pursuant to a permit obtained from the local government authority; and

**WHEREAS**, the "Advanced Wireless Infrastructure Deployment Act" became effective on July 1, 2017, under Chapter 2017-136, Laws of Florida; and

**WHEREAS**, on June 19, 2017, the City Council adopted Ordinance 2017-14, establishing a temporary moratorium on the accepting and processing of permits for



the collocation of small wireless facilities or micro wireless facilities on utility poles located in City-owned rights-of-way (ROW) or the installation of new utility poles in City-owned ROW to support the collocation of smart wireless facilities or micro wireless facilities until December 19, 2017, to allow city staff the time to develop regulations consistent with Section 337.401, *Florida Statutes*; and

**WHEREAS**, part of the Advanced Wireless Infrastructure Deployment Act, authorizes a wireless infrastructure provider to place utility poles in the public rights-of-way to support the collocation of small wireless facilities; providing application requirements to apply to an “Authority”, including the City of Greenacres; requiring the authority to accept and process the application subject to certain requirements; and

**WHEREAS**, establishes a process by which wireless providers may place certain “small wireless facilities” the local government authority has both the authority and the responsibility to regulate, by ordinance, certain areas including, but not limited to, design standards, sight-lines, insurance coverage, indemnification, performance bonds, security bonds, force majeure, abandonment, authority liability or authority warranties; and

**WHEREAS**, the Planning and Engineering Department has submitted a request for a code text amendment to revise Chapter 11, Streets, Sidewalks and Other Public Places; and

**WHEREAS**, the City Council of Greenacres finds that the amendments contained within this ordinance will promote the health, safety and welfare of the citizens of Greenacres and the public at large.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:**

**Section 1.** Chapter 11, Article I is hereby amended as follows:

\* \* \* \* \*

Sec. 11-1. - Easements to remain unobstructed.

It shall be unlawful to obstruct, block off, fence or appropriate to exclusive private use, any easement or right-of-way without prior consent of the city. All applications for such permission shall be accompanied by consents from each utility, if any, utilizing such easement or right-of-way.

Sec. 11-2. - Permit required for excavations in streets and rights-of-way.

- a) Before any person shall make an excavation in, upon, or across any paved public or private road, public or private street, swale, canal, or other public way, other than a sidewalk, within the city, that person shall apply to the city for a permit, and pay therefore the sum on file for permit and inspection fees. No person shall cut, excavate, bore or tunnel under, over or through any street, road, alley or public right-of-way without first obtaining written permission from the city engineer. Permission shall be granted only in those cases involving no public harm.
- b) No person shall undertake to improve, alter, or modify any public right-of-way without first obtaining a public right-of-way area permit from the city.
- c) Any work performed within a public right-of-way shall meet the requirements to promote positive drainage or the intended use of such area, as determined with the issuance of the public right of way area permit.
- d) Acceptance of a public right-of-way permit by the applicant shall constitute acceptance of all obligations pertaining thereto, and the applicant shall be held responsible for fulfilling all of the requirements thereof.
- e) The application for permit, together with the required fees and other charges, shall be filed with the Building Department on a form prescribed and furnished for that purpose. The application shall describe the nature of the proposed construction or improvements, the public right-of-way location, and such other information as may be required by the Building Department.
- f) Notice to the city. Prior to any excavation in any public right-of-way for any purpose whatsoever, the applicant and/or the contiguous land owner, whether individually or through a property owner's association, must call to locate any underground facilities in accordance with Chapter 556, Florida Statutes. In addition, all city registrants must be members of Sunshine State One Call of Florida, Inc. (1-800-432-4770) or any successor alert and warning system in order to protect and locate their underground

facilities.

[Section 11-3 through 11-5 to remain unchanged and is omitted for brevity]

\* \* \* \* \*

**Section 2.** Chapter 11, Article II is hereby amended as follows:

\* \* \* \* \*

Sec. 11-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City shall mean the City of Greenacres, Florida.

City Council shall mean the governing body of the City of Greenacres, Florida.

Code shall mean the "Code of Ordinances of the City of Greenacres", as amended.

Contiguous shall mean lands that abut each other or lands deemed abutting if separated by streets, ways, easements, private road tracts, power lines, or rights-of-way under ownership of the applicant, a governmental agency or subdivision, or a public or private utility.

Easement shall mean authorization by a property owner for another individual, firm, corporation, or similar entity to use property for a specified purpose. An easement includes any identified and described strip of land created for public or private utilities, drainage, surface water management, access, or other specified use having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the plat, deed, conveyance, or other means recognized by the city attorney.

Grass shall mean ground cover of the Gramineae family commonly grown year-round in south Florida for lawn cover.

Land shall mean any real estate or real property lying within the corporate boundaries of the city, including such areas defined as "water," "marsh," or "swamp."

Landscaping shall mean plant materials or combination thereof, including, but not limited to, grass, ground covers, shrubs, vines, hedges, trees, palm trees, and other living material.

Owner shall mean any person, corporation, partnership, or other legal entity or combination of two or more of such having legal title to or a sufficient

proprietary interest in land as evidenced by deed of record. The term "owner" may also include any agent acting on behalf of the owner pursuant to valid authority provided by the owner.

*Primary roads and streets* shall mean and include all existing and proposed roads and streets which are part of the primary road network of the city.

Registrant shall mean a company that has registered in accordance with Section 8-76 of the Code of Ordinances.

Right-of-way shall mean a strip of land, dedicated or deeded to the perpetual use of the public, occupied or intended to be occupied by a street, crosswalk, railroad, canal, road, electric transmission line, oil or gas pipeline, water supply main, sanitary sewer, storm drain, or for any other special use.

*Secondary roads and streets* shall include all existing and proposed roads and streets that are not primary roads and streets and private roads and streets designed for public use.

Sidewalk shall mean that portion of a street between the curb line or the lateral line of a roadway and the adjacent property lines intended for use by pedestrians.

*State department of transportation specifications* shall mean the latest current road and bridge specifications adopted as standard by the state department of transportation, a copy of which specifications are on file in the office of the city engineer.

*Street* shall mean any public or private access ways, easements, or rights-of-way such as an expressway, arterial collector, minor collector, street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, excluding, however, alleys and expressways, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved. The term street shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water supply lines, surface water management, storm sewers, sanitary sewers, and easements of ingress and egress ~~a strip of land designated for vehicular traffic which affords a principal means of access to a lot, or more than one dwelling unit when the strip of land exceeds six hundred (600) feet in length, whether it is designated as a street, highway, thoroughfare, parkway, throughway, road, boulevard, lane, place or however designated, excluding, however, alleys and expressways.~~

(1) *Access roadway* shall mean a private roadway intended for access from private residences or private parking to a public or private street. Access roadways shall not exceed six hundred (600) feet in length or a projected traffic count of one thousand (1,000) trips per day.

(2) *Arterial Street* shall mean a street which conveys traffic from collector streets to expressways and other collector streets.

(3) *Collector Street* shall mean a street which carries traffic from local streets to arterial streets, and includes the principal entrance streets from a subdivision or development where projected traffic count of such collector exceeds two thousand (2,000) trips per day.

(4) *Cul-de-sac* shall mean a street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

(5) *Marginal access street* shall mean a street which is parallel and adjacent to another street, the principal purpose of marginal access streets being the reduction or elimination of the number of traffic conflicts caused by direct access points to abutting property from the other street, and the improvement of capacity, safety and reduction of accidents thereby.

(6) *Private Street* shall mean any street which has not been dedicated for public use and not accepted for ownership or maintenance by the city. Setbacks from private streets shall be measured from the right-of-way or access easement line.

(7) *Public Street* shall mean any street which is dedicated to the public use and accepted for ownership and maintenance by the city. Setbacks from public streets shall be measured from the right-of-way line.

(8) *Residential or local street* shall mean a street conveying traffic from private residences to collector streets.

Structure shall mean anything constructed, assembled, or erected, the use of which requires location on the ground and attached to something having location on or in the ground; this shall include, among other things, buildings, swimming pools, mobile homes, fences, walls, tanks, signs, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels, or other supports used for living, business, or storage purposes. The term includes any structure equipped with a roof, permanent or temporary, such as porches, awnings, canopies, screened enclosures, arbors, balconies, and similar elements, but does not include unroofed surfaces such as paving, sidewalks, or those used for sports.

Swale shall mean the area within any street right-of-way which lies between the edge of the street pavement and the nearest edge of the sidewalk, or if there is no such sidewalk, then which lies between the edge of the street pavement and the edge of the right-of-way. The primary purpose of swales is to convey and provide treatment for storm water runoff.

Turnout shall mean every entrance or exit used by vehicular traffic to or from properties adjoining a street. The areas may also be referred to as a driveway apron.

[Section 11-27 through 11-28 to remain unchanged and is omitted for brevity]

\* \* \* \* \*

**Section 3.** Chapter 11, Article IV is hereby amended as follows:

\* \* \* \* \*

[Section 11-73 through 11-74 to remain unchanged and is omitted for brevity]

Sec. 11-75. - Penalty for violation.

Any person found in violation of the provisions of this chapter shall be subject to prosecution for trespass in accordance with Ch. 810, Florida Statutes, as amended, which is punishable as a first degree misdemeanor.

Secs. 11-76 – 11-95. Reserved.

\* \* \* \* \*

**Section 3.** Chapter 11, is hereby amended as follows to add a new Article V:

\* \* \* \* \*

Article V. Placement of Communications Facilities in Public Rights-of-Way

**Sec. 11-96. Title.**

This article shall be known and may be cited as the City of Greenacres Communications Rights-of-Way Ordinance.

**Sec. 11-97. Intent and purpose.**

It is the intent of the city to promote the public health, safety and general welfare by: providing for the placement or maintenance of communications facilities in the public rights-of-way within the city; adopting and administering reasonable rules and regulations consistent with state and federal law, including Section 337.401, Florida Statutes, as it may be amended, the city's home-rule authority, and in accordance with the provisions of the Federal Telecommunications Act of 1996 and other federal and state law; establishing reasonable rules and regulations necessary to manage the placement or maintenance of communications facilities in the public rights-of-way by all communications services providers; and minimizing disruption to the public rights-

of-way. In regulating its public rights-of-way, the city shall be governed by and shall comply with all applicable federal and state laws.

**Sec. 11-98. Definitions.**

For purposes of this article, the following terms, phrases words, and their derivations shall have the meanings given. Words not otherwise defined shall be construed to mean the common and ordinary meaning.

*Abandonment* shall mean the permanent cessation of all uses of a communications facility; provided that this term shall not include cessation of all use of a facility within a physical structure where the physical structure continues to be used. By way of example, and not limitation, cessation of all use of a cable within a conduit, where the conduit continues to be used, shall not be "abandonment" of a facility in public rights of way.

*Antenna* shall mean communications equipment that transmits or receives electromagnetic frequency signals used in providing wireless services.

*City* shall mean the City of Greenacres, Florida.

*Collocate or collocation* shall mean to install mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless structure in the public rights-of-way.

*Communications services* shall mean the transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. Notwithstanding the foregoing, for purposes of this article "cable service", as defined in Section 202.11(2), Florida Statutes, as it may be amended, is not included in the definition of "communications services," and cable service providers may be subject to other ordinances of the city.

*Communications services provider* shall mean any person, including a municipality or county, providing communications services through the placement or maintenance of a communications facility in public rights-of-way. This definition shall also include any person, including a municipality or county, that places or maintains a communications facility in public rights-of-way but does not provide communications services.

*Communications facility or facility or system* shall mean any permanent or temporary plant, equipment, and property, including, but not limited to, cables, wires, conduits, ducts, fiber optics, poles, antennae, converters, splice boxes

cabinets, hand holes, manholes, vaults, drains, surface location markers, appurtenances, and other equipment or pathway placed or maintained or to be placed or maintained in the public rights-of-way of the city and used or capable of being used to transmit, convey, route, receive, distribute, provide or offer communications services.

FCC shall mean the Federal Communications Commission.

In public rights-of-way or in the public rights-of-way shall mean in, on, over, under, or across the public rights-of-way.

Micro wireless facility shall mean a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.

Person shall include any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, organization or legal entity of any kind, successor, assignee, transferee, personal representative, and all other groups or combinations, and shall include the city to the extent the city acts as a communications services provider.

Place or maintain or placement or maintenance or placing or maintaining shall mean to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate, or relocate; A communications services provider that owns or exercises physical control over communications facilities in public rights of-way, such as the physical control to maintain and repair, is "placing or maintaining" the facilities. A person providing service only through resale or only through use of a third party's unbundled network elements is not "placing or maintaining" the communications facilities through which such service is provided. The transmission and receipt of radio frequency signals through the airspace of the public rights-of-way does not constitute "placing or maintaining" facilities in the public rights-of-way.

Public rights-of-way shall mean a public right-of-way, public utility easement, highway, street, bridge, tunnel, or alley for which the city is the authority that has jurisdiction and control and may lawfully grant access pursuant to applicable law, and includes the surface, the air space over the surface, and the area below the surface. "Public rights-of-way" shall not include private property. "Public rights-of-way" shall not include any real or personal city property, except as described above, and shall not include city buildings, fixtures, poles, conduits, facilities, or other structures or improvements, regardless of whether they are situated in the public rights-of-way.

Registrant shall mean a communications services provider that has registered with the city in accordance with the provisions of this article.



Registration or register shall mean the process described in this article whereby a communications services provider provides certain information to the city.

Small wireless facility shall mean a wireless facility that meets the following qualifications:

Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and

All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

Utility pole with regard to Chapter 11, shall mean a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less.

Wireless facility shall mean equipment at a fixed location that enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

- a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
- b. Wireline backhaul facilities; or
- c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless infrastructure provider shall mean a person who has been certified to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless service provider.

Wireless provider shall mean a wireless infrastructure provider or a wireless services provider.

Wireless services mean any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

Wireless services provider shall mean a person who provides wireless services.

Wireless support structure shall mean a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

**Sec. 11-99. Registration for placing or maintaining communications facilities in public rights-of-way.**

(a) A communications services provider that desires to place or maintain a communications facility in public rights-of-way in the city shall first register with the city's building department in accordance with this article. Subject to the terms and conditions prescribed in this article, a registrant may place or maintain a communications facility in public rights-of-way.

(b) A registration shall not convey any title, equitable or legal, to the registrant in the public rights-of-way. Registration under this article governs only the placement or maintenance of communications facilities in public rights-of-way. Other ordinances, codes, or regulations may apply to the placement or maintenance in the public rights-of-way of facilities that are not communications facilities. Registration does not excuse a communications services provider from obtaining appropriate access or pole attachment agreements before locating its facilities on the city's or another entity's facilities. Registration does not excuse a communications services provider from complying with all applicable city ordinances, codes, or regulations, including this article.

(c) Each communications services provider that desires to place or maintain a communications facility in public rights-of way in the city shall file a single registration with the city, which shall include the following information:

- (1) Name of the applicant;
- (2) Name, address, and telephone number of the applicant's primary contact person in connection with the registration, and the person to contact in case of an emergency;
- (3) Evidence of the insurance coverage required under this article and acknowledgment that the registrant has received and reviewed a copy of this

chapter, which acknowledgment shall not be deemed an agreement;

- (4) The number of the applicant's certificate of authorization or license to provide communications services issued by the Florida Public Service Commission, the Federal Communications Commission, or other federal or state authority, if any; and
- (5) For an applicant that does not provide a Florida Public Service Commission certificate of authorization number, if the applicant is a corporation, proof of authority to do business in the State of Florida, such as the number of the certificate from or filing with the Florida Department of State.

(d) The city shall review the information submitted by the applicant. Such review shall be by the city planning & engineering director and the public works director or their designees. If the applicant submits information in accordance with subsection (c) above, the registration shall be effective, and the city shall notify the applicant of the effectiveness of the registration in writing. If the city determines that the information has not been submitted in accordance with subsection (c) above, the city shall notify the applicant, in writing, of the non-effectiveness of the registration, and reasons for the non-effectiveness. The city shall so reply to an applicant within thirty (30) days after receipt of registration information from the applicant. Non-effectiveness of registration shall not preclude an applicant from filing subsequent applications for registration under the provisions of this section. An applicant has thirty (30) days after receipt of a notice of non-effectiveness of registration to appeal the decision as provided in section 11-103 of the Code of Ordinances.

(e) A registrant may cancel a registration upon written notice to the city stating that it will no longer place or maintain any communications facilities in public rights-of-way within the city and will no longer need to obtain permits to perform work in public rights-of-way. A registrant cannot cancel a registration if the registrant continues to place or maintain any communications facilities in public rights-of-way.

(f) Registration does not in and of itself establish a right to place or maintain, or the priority for the placement or maintenance of a communications facility in public rights-of-way within the city but shall establish for the registrant a right to apply for a permit. Registrations are expressly subject to any future amendment to or replacement of this article and further subject to any additional city ordinances, as well as any state or federal laws that may be enacted.

(g) A registrant shall renew its registration with the city's building department by October 1 of every year in accordance with the registration requirements in this article. Within 30 days of any change in the information required to be submitted pursuant to subsection (c), a registrant shall provide updated information to the city. If no information in the then-existing registration has changed, the renewal may state that no information has changed. Failure to renew a registration may result in the city restricting the issuance of additional permits until the communications services

provider has complied with the registration requirements of this article.

(h) An effective registration shall be a condition of obtaining a permit. Notwithstanding an effective registration, permitting requirements shall apply. A permit may be obtained by or on behalf of a registrant having an effective registration if all permitting requirements are met.

**Sec. 11-100. Notice of transfer, sale, or assignment of assets in public rights-of-way.**

If a registrant transfers, sells or assigns its assets located in public rights-of-way incident to a transfer, sale or assignment of the registrant's assets, the transferee, buyer, or assignee shall be obligated to comply with the terms of this article. Written notice of any such transfer, sale, or assignment shall be provided by such registrant to the city's building department within twenty (20) days after the effective date of the transfer, sale, or assignment. If the transferee, buyer, or assignee is a current registrant, then the transferee, buyer, or assignee is not required to re-register. If the transferee, buyer or assignee is not a current registrant, then the transferee, buyer, or assignee shall register as provided in section 11-99 within sixty (60) days of the transfer, sale, or assignment. If permit applications are pending in the registrant's name, the transferee, buyer, or assignee shall notify the building official that the transferee, buyer, or assignee is the new applicant after the requirements of this section are satisfied.

**Sec. 11-101. Placement or maintenance of a communications facility in public rights-of-way.**

(a) A registrant shall at all times comply with and abide by all applicable provisions of the state and federal law and city ordinances, codes, and regulations in placing or maintaining a communications facility in public rights-of-way.

(b) A registrant shall not commence to place or maintain a communications facility in public rights-of-way until all applicable permits, if any have been issued by the city or other appropriate authority, except in the case of an emergency. The term "emergency" shall mean a condition that affects the public's health, safety, or welfare, which includes an unplanned out-of-service condition of a pre-existing service. The registrant shall provide prompt notice to the city of the placement or maintenance of a communications facility in public rights-of-way in the event of an emergency and shall be required to obtain an after-the-fact permit if a permit would have originally been required to perform the work undertaken in public rights-of-way in connection with the emergency. The registrant acknowledges that, as a condition of granting such permits, the city may impose reasonable rules or regulations governing the placement, relocation, or maintenance of a communications facility in public rights-of-way. Permits shall apply only to the areas of public rights-of-way specifically identified in the permit. The city may issue a blanket permit to cover certain activities, such as routine maintenance and repair activities that may otherwise require individual permits.

(c) As part of any permit application to place a new or replace an existing communications facility in public rights-of-way, the registrant shall provide the

following:

- (1) The location of the proposed facilities including a description of the facilities to be installed, where the facilities are to be located, and the approximate size of the facilities that will be located in public rights-of-way;
  - (2) A description of the manner in which the facility will be installed (i.e. anticipated construction methods or techniques);
  - (3) A maintenance of traffic plan for any disruption of the public rights-of-way, in accordance with the standards promulgated by the Florida Department of Transportation;
  - (4) Information on the ability of the public rights-of-way to accommodate the proposed facility, if available (such information shall be provided without certification as to correctness, to the extent obtained from other persons);
  - (5) If appropriate, given the facility proposed, a certified estimate of the cost of restoration to the public rights-of-way, subject to approval by the planning and engineering director and the public works director or designees(s);
  - (6) The timetable for construction of the project, or each phase thereof, and the areas of the city which will be affected; and
  - (7) Such additional information as the city finds reasonably necessary with respect to the placement or maintenance of the communications facility that is the subject of the permit application to review such permit application.
- (d) To the extent not otherwise prohibited by state or federal law, the city shall have the power to prohibit or limit the placement of new or additional communications facilities within a particular area of public rights-of-way.
- (e) All communications facilities shall be placed or maintained so as not to unreasonably interfere with the use of the public rights-of-way by the public and with the rights and convenience of property owners who adjoin any of the public rights-of-way. The use of trenchless technology (i.e., directional bore method) for the installation of facilities in the public rights-of-way, as well as joint trenching or the collocation of facilities in existing conduit, is strongly encouraged and should be employed wherever feasible. The building official, public works director and city planning & engineering director or their designees may promulgate reasonable rules and regulations concerning the placement or maintenance of a communications facility in public rights-of-way consistent with this article and other applicable law.

(f) All safety practices required by applicable law or accepted industry practices and standards shall be used during the placement or maintenance of communications facilities.

(g) After the completion of any placement or maintenance of a communications facility in public rights-of-way or each phase thereof, a registrant shall, at its own expense, restore the public rights-of-way to their original condition before such work. If the registrant fails to make such restoration within thirty (30) days, or such longer period of time as may be reasonably required under the circumstances, following the completion of such placement or maintenance, the city may perform restoration and charge the costs of the restoration against the registrant in accordance with Section 337.402, Florida Statutes, as it may be amended. For twelve (12) months following the original completion of the work, the registrant shall guarantee its restoration work and shall correct, at its own expense, any restoration work that does not satisfy the requirements of this article.

(h) Removal or relocation at the direction of the city of a registrant's communications facility in public rights-of-way shall be governed by the provisions of Sections 337.403 and 337.404, Florida Statutes, as they may be amended.

(i) A permit from the city constitutes authorization to undertake only certain activities in public rights-of-way in accordance with this article, and does not create a property right or grant authority to impinge upon the rights of others who may have an interest in the public rights-of-way.

(j) A registrant shall maintain its communications facility in public rights-of-way in a manner consistent with accepted industry practice and applicable law.

(k) In connection with excavation in the public rights-of-way, a registrant shall, where applicable, comply with the Underground Facility Damage Prevention and Safety Act set forth in Chapter 556, Florida Statutes, as it may be amended.

(l) The registrant shall use and exercise due caution, care, and skill in performing work in the public rights-of-way and shall take all reasonable steps to safeguard work-site areas.

(m) Upon the request of the city, and as notified by the city of the other work, construction, installation, or repairs referenced below, a registrant may be required to coordinate placement or maintenance activities under a permit with any other work, construction, installation, or repairs that may be occurring or scheduled to occur within a reasonable time frame in the subject public rights-of-way, and the registrant may be required to reasonably alter its placement or maintenance schedule as necessary so as to minimize disruptions and disturbance in the public rights-of-way.

(n) A registrant shall not place or maintain its communications facilities so as to interfere with, displace, damage, or destroy any facilities including, but not limited to, sewers, gas or water mains, storm drains, pipes, cables, or conduits of

the city or any other entity's facilities lawfully occupying the public rights-of-way of the city.

(o) The city makes no warranties or representations regarding the fitness, suitability, or availability of the city's public rights-of-way for the registrant's communications facilities, and any performance of work, costs incurred, or services provided by the registrant shall be at the registrant's sole risk. Nothing in this article shall affect the city's authority to add, vacate, or abandon public rights-of-way, and the city makes no warranties or representations regarding the availability of any added, vacated, or abandoned public rights-of-way for communications facilities.

(p) The city shall have the right to make such inspections of communications facilities placed or maintained in public rights-of-way as it finds necessary to ensure compliance with this article.

(q) A permit application to place a new or replace an existing communications facility in public rights-of-way shall include plans showing the location of the proposed installation of facilities in the public rights-of-way. If the plans so provided require revision based upon actual installation, the registrant shall promptly provide revised plans. The plans shall be in a hard copy format or an electronic format specified by the city, provided such electronic format is maintained by the registrant. Such plans in a format maintained by the registrant shall be provided at no cost to the city.

(r) The city reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other types of facilities, cables, or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the city in public rights-of-way occupied by the registrant. The city further reserves, without limitation, the right to alter, change, or cause to be changed the grading, installation, relocation, or width of the public rights-of-way within the limits of the city and within said limits as same may from time to time be altered. Should the registrant be required to relocate its facilities in conjunction with such installation and alteration, the registrant shall be required to pay all costs associated with such relocation.

(s) A registrant shall, on the request of any person holding a permit issued by the city, temporarily raise or lower its communications facilities to permit the work authorized by the permit. The expense of such temporary raising or lowering of facilities shall be paid by the person requesting the same, and the registrant shall have the authority to require such payment in advance. The registrant shall be given not less than thirty (30) days advance written notice to arrange for such temporary relocation.

(t) A wireless facility that is a portion of a communication facility, such as an antenna ("wireless facility(ies)"), which is attached to a legally maintained vertical structure in the public rights-of-way, such as a light pole or utility pole ("vertical structure(s)"), shall be subject to the following criteria below and processed in accordance with the timeframes specified in Chapter 337.401, Florida Statutes:

- (1) Such Wireless facilities may not extend more than ten (10) feet above the highest point of the vertical structure (i.e., utility pole). The height of a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, measured from grade in place within 500 feet of the proposed location. If there is no utility pole within 500 feet, the height of the new utility pole shall be limited to 50 feet;
- (2) Such wireless facilities that are attached to a vertical structure located in public rights-of-way that is fifteen (15) feet or less in width and is located adjacent to real property used as a single-family residence shall be flush mounted to the vertical structure;
- (3) Such wireless facilities shall not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation, or law;
- (4) Such wireless facilities shall comply with any applicable Federal Communications Commission Emissions Standards;
- (5) The design, construction, and installation of such wireless facilities shall comply with any applicable local building codes;
- (6) No commercial advertising shall be allowed on such wireless facilities;
- (7) Any accessory equipment and related housing in the public rights-of-way that are used in conjunction with such a wireless facility shall comply with any applicable local rules, regulations, ordinances, or laws governing the placement and design of such equipment;
- (8) Any new or replacement poles shall be of similar design, material, and color to the utility poles within 250 feet in the same right-of-way, or as approved;
- (9) Wireless facilities, including ground-mounted equipment shall be placed so as to not interfere with the safe operation of traffic control equipment, sight lines or clear zones for transportation, pedestrians, public safety purposes, or the freeflow of vehicular and pedestrian traffic;
- (10) The City may request that ground-mounted equipment use materials, colors, textures, screening, and landscape that will blend into the natural



setting and surrounding built environment to minimize the visual impact as permitted by Section 337.401, Florida Statutes:

- (11) The City may request ground-mounted equipment be placed no closer than 500 feet from existing ground-mounted equipment servicing the same carrier, as permitted by Section 337.401, Florida Statutes;
  - (12) Ground-mounted equipment shall be placed so as to not interfere with the intended purpose of the right-of-way, swales, or stormwater drainage features and appurtenances.
  - (13) The City may deny a proposed collocation of a new small wireless facility in the public rights-of-way if the proposed collocation materially interferes with compliance with the Americans with Disabilities Act (ADA) or similar federal or state standards regarding pedestrian access or movement;
  - (14) The City may deny a proposed collocation of a new small wireless facility the public rights-of-way if it materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual.
- (u) Vertical structures, such as towers, having a sole purpose to serve as a mounting devise for antennae, are expressly prohibited from being placed in the public rights of-way, except as permitted by Section 337.401, Florida Statutes.

Sec. 11-102. Suspension of permits.

- (a) The city may suspend a permit for work in the public rights-of-way for one (1) or more of the following reasons, subject to section 11-103 of this article:
- (1) Violation of permit conditions, including conditions set forth in the permit, this article or other applicable city ordinances, codes, or regulations governing placement or maintenance of communications facilities in public rights-of-way;
  - (2) Misrepresentation or fraud by registrant in a registration or permit application to the city;
  - (3) Failure to properly renew or ineffectiveness of the registration; or
  - (4) Failure to relocate or remove facilities as may be lawfully required by the city.
- (b) The building official shall provide notice and an opportunity to cure any violation of subsections (1) through (4) above, each of which shall be reasonable under the circumstances.

Sec. 11-103. Appeals.

Final, written decisions of the building official or designee suspending or denying a permit, denying an application for a registration, or denying an application for renewal of a registration are subject to appeal. An appeal must be filed with the building official within thirty (30) days of the date of the final, written decision to be appealed. Any appeal not timely filed as set forth above shall be waived. The zoning board of adjustments and appeals shall hear the appeal as set forth in Chapter 16, article II, division 4. The hearing shall occur within forty five (45) days of the receipt of the appeal, unless waived by the registrant, and a written decision shall be rendered within twenty (20) days of the hearing. Upon correction of the grounds that gave rise to a suspension or denial, the suspension or denial shall be lifted.

**Sec. 11-104. Involuntary termination of registration.**

(a) The city may terminate a registration if:

- (1) A federal or state authority suspends, denies, or revokes a registrant's certification or license to provide communications services;
- (2) The registrant's placement or maintenance of a communications facility in the public rights-of-way presents an extraordinary danger to the general public or other users of the public rights-of-way, and the registrant fails to remedy the danger promptly after receipt of written notice; or
- (3) The registrant ceases to use all of its communications facilities in public rights- of-way and has not complied with section 11-110 of this article.

(b) Prior to termination, the registrant shall be notified by the planning & engineering director or designee with a written notice setting forth all matters pertinent to the proposed termination action, including which of subsections (1) through (3) above is applicable as the reason therefor, and describing the proposed action of the city with respect thereto. The registrant shall have sixty (60) days after receipt of such notice within which to address or eliminate the reason or within which to present a plan satisfactory to the planning & engineering director or designee to accomplish same. If the plan is rejected, the planning & engineering director or designee shall provide written notice of such rejection to the registrant and shall make a recommendation to the city council regarding a decision as to termination of registration. A decision by a city to terminate a registration may only be accomplished by an action of the city council. A registrant shall be notified by written notice of any decision by the city council to terminate its registration. Such written notice shall be sent within seven (7) days after the decision.

(c) In the event of termination, the former registrant shall:

(1) Notify the city of the assumption or anticipated assumption by another registrant of ownership of the registrant's communications facilities in public rights-of-way; or

(2) Provide the city with an acceptable plan for disposition of its communications facilities in public rights-of-way. If a registrant fails to comply with this subsection (c), which determination of non-compliance is subject to appeal as provided in section 11-103, the city may exercise any remedies or rights it has at law or in equity, including, but not limited to, taking possession of the facilities where another person has not assumed the ownership or physical control of the facilities or requiring the registrant within ninety (90) days of the termination, or such longer period as may be agreed to by the registrant, to remove some or all of the facilities from the public rights-of-way and restore the public rights-of-way to their original condition before the removal.

(d) In any event, a terminated registrant shall take such steps as are necessary to render safe every portion of the communications facilities remaining in the public rights-of-way of the city.

(e) In the event of termination of a registration, this section does not authorize the city to cause the removal of communications facilities used to provide another service for which the registrant or another entity that owns or exercises physical control over the facilities holds a valid certification or license with the governing federal or state agency, if required for provision of such service, and is registered with the city, if required.

#### **Sec. 11-105.Existing communications facilities in public rights-of-.way.**

A communications services provider with an existing communications facility in the public rights-of-way of the city has sixty (60) days from the effective date of this article to comply with the terms of this article, including, but not limited to, registration, or be in violation thereof.

#### **Sec. 11-106. Insurance.**

(a) A registrant shall provide, pay for, and maintain satisfactory to the city the types of insurance described herein. All insurance shall be from responsible companies duly authorized to do business in the State of Florida and having a rating reasonably acceptable to the city. All liability policies shall provide that the city is an additional insured as to the activities under this article. The required coverages must be evidenced by properly executed certificates of insurance forms. The certificates must be signed by the authorized representative of the insurance company and shall be filed and maintained with the city annually. Thirty days' advance written notice by registered, certified mail, or facsimile must be given to the city of any cancellation, intent not to renew, or reduction in the policy coverages. The insurance requirements

may be satisfied by evidence of self-insurance or other types of insurance acceptable to the city.

- (b) The limits of coverage of insurance required shall be not less than the following:
  - (1) Workers' Compensation and Employer's Liability Insurance Workers' Compensation-Florida Statutory Requirements Employer's Liability--\$1,000,000.00 limit each accident.
  - (2) Comprehensive General Liability Bodily injury and property damage--\$1,000,000. 00 combined single limit each occurrence.
  - (3) Automobile liability Bodily injury and property damage--\$1,000,000.00 combined single limit each accident.

#### **Sec. 11-107. Indemnification.**

(a) A registrant shall, at its sole cost and expense, indemnify, hold harmless, and defend the city, its officials, boards, members, agents, and employees against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses incurred by the city arising out of the placement or maintenance of its communications system or facilities in public rights-of-way, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by this article; provided, however, that a registrant's obligation hereunder shall not extend to any claims caused by the negligence, gross negligence, or wanton or willful acts of the city. This provision includes, but is not limited to, the city's reasonable attorneys' fees incurred in defending against any such claim, suit, or proceedings. The city agrees to notify the registrant, in writing, within a reasonable time of the city receiving notice of any issue it determines may require indemnification. Nothing in this section shall prohibit the city from participating in the defense of any litigation by its own counsel and at its own cost if in the city's reasonable belief there exists or may exist a conflict, potential conflict, or appearance of a conflict. Nothing contained in this section shall be construed or interpreted: (a) as denying to either party any remedy or defense available to such party under the laws of the State of Florida; or (b) as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, *Florida Statutes*, as it may be amended.

(b) The indemnification requirements shall survive and be in effect after the termination or cancellation of a registration.

#### **Sec. 11-108. Construction surety.**

(a) Prior to issuing a permit where the work under the permit will require restoration of public rights-of-way, the city may require a construction surety to secure

the restoration of the public rights-of-way. Notwithstanding the foregoing, a construction surety hereunder may only be required to the extent that the cost of the restoration exceeds the amount recoverable against the security fund as provided in Section 11-109.

- (1) Twelve months after the completion of the restoration in public rights-of-way in accordance with the surety, the registrant may eliminate the surety. However, the city may subsequently require a new surety for any subsequent work in the public rights-of-way.
- (2) The construction surety shall be issued by a surety having a rating reasonably acceptable to the city; shall be subject to the approval of the finance director and city attorney; and shall provide that: "For 12 months after issuance of this surety, this surety may not be canceled, or allowed to lapse, until 60 days after receipt by the city, by certified mail, return receipt requested, of a written notice from the issuer of the surety of intent to cancel or not to renew."

(b) The rights reserved by the city with respect to any construction surety established pursuant to this section are in addition to all other rights and remedies the city may have under this article, or at law or equity.

(c) The rights reserved to the city under this section are in addition to all other rights of the city, whether reserved in this article or authorized by other law, and no action, proceeding, or exercise of a right with respect to the construction surety will affect any other right the city may have.

#### **Sec. 11-109. Security fund.**

(a) At or prior to the time a registrant receives its first permit to place or maintain a communications facility in public rights-of-way after the effective date of this article, the registrant may be required to file with the city, for city approval, an annual surety, cash deposit, or irrevocable letter of credit in the sum equal to \$50,000.00, having a surety a company qualified to do business in the State of Florida, and acceptable to the finance director and city attorney, which shall be referred to as the "security fund."

- (b) The security fund shall be maintained from such time through the earlier of:
  - (1) The transfer, sale, assignment, or removal of all communications facilities in public rights-of-way; or
  - (2) Twelve (12) months after the termination or cancellation of any registration.

(c) The security fund shall be conditioned on the full and faithful performance by the registrant of all requirements, duties, and obligations imposed upon the registrant by the provisions of this article. The security fund shall be furnished annually or as frequently as necessary to provide a continuing guarantee of the registrant's full and faithful performance at all times. In the event a registrant fails to perform its duties and obligations imposed upon the registrant by the provisions of this article, subject to Section 11-113 of this article, there shall be recoverable, jointly and severally from the principal and surety of the security fund, any damages or loss suffered by the city as a result, including the full amount of any compensation, indemnification or cost of removal, relocation or abandonment of any facilities of the registrant in public rights-of-way, plus a reasonable allowance for attorneys' fees, up to the full amount of the security fund.

**Sec. 11-110. Abandonment of a communications facility.**

(a) Upon abandonment of a communications facility owned by a registrant in public rights-of-way, the registrant shall notify the city within 90 days.

(b) The city may direct the registrant by written notice to remove all or any portion of such abandoned facility at the registrant's sole expense if the city determines that the abandoned facility's presence interferes with the public health, safety, or welfare, which shall include, but shall not be limited to, a determination that such facility: (a) compromises safety at any time for any public rights-of-way user or during construction or maintenance in public rights-of-way; (b) prevents another person from locating facilities in the area of public rights-of-way where the abandoned facility is located when other alternative locations are not reasonably available; or (c) creates a maintenance condition that is disruptive to the use of the public rights-of-way. In the event of (b), the city may require the third person to coordinate with the registrant that owns the existing facility for joint removal and placement, where agreed to by the registrant.

(c) In the event the city does not direct the removal of the abandoned facility, the registrant, by its notice of abandonment to the city, shall be deemed to consent to the alteration or removal of all or any portion of the facility by the city or another person at such third party's cost.

(d) If the registrant fails to remove all or any portion of an abandoned facility as directed by the city within a reasonable time period as may be required by the city under the circumstances, the city may perform such removal and charge the cost of the removal against the registrant.

**Sec. 11-111. Force majeure.**

In the event a registrant's performance of or compliance with any of the provisions of this article is prevented by a cause or event not within the registrant's control, such inability to perform or comply shall be deemed excused, and no penalties or sanctions shall be imposed as a result; provided, however, that such

registrant uses all practicable means to expeditiously cure or correct any such inability to perform or comply. For purposes of this article, causes or events not within a registrant's control shall include, without limitation, acts of God, floods, earthquakes, landslides, hurricanes, fires and other natural disasters, acts of public enemies, riots or civil disturbances, sabotage, strikes, and restraints imposed by order of a governmental agency or court. Causes or events within the registrant's control, and thus not falling within this section, shall include, without limitation, the registrant's financial inability to perform or comply, economic hardship, and misfeasance, malfeasance, or nonfeasance by any of registrant's directors, officers, employees, contractors, or agents.

**Sec. 11-112. Reservation of rights and remedies.**

(a) The city reserves the right to amend this article as it shall find necessary in the lawful exercise of its police powers.

(b) This article shall be applicable to all communications facilities placed in the public rights-of-way on or after the effective date of this article and shall apply to all existing communications facilities in the public rights-of-way prior to the effective date of this article, to the full extent permitted by state and federal law.

(c) The adoption of this article is not intended to affect any rights or defenses of the city or a communications services provider under any existing franchise, license, or other agreements with a communications services provider.

(d) Nothing in this article shall affect the remedies the city or the registrant has available under applicable law.

(e) Any person who uses the communications facilities of a registrant, other than the registrant that owns the facilities, shall not be entitled to any rights to place or maintain such facilities in excess of the rights of the registrant that places or maintains the facilities.

**Sec. 11-113. Enforcement authority.**

It shall be unlawful for any person to violate the provisions of this chapter or fail to comply with any of its requirements. Any person who violates this chapter or who fails to comply with any of its requirements shall be subject to the provisions of this article, as well as the provisions of Chapter 2, Article III, Division 2 of the City Code of Ordinances.

\* \* \* \* \*

**Section 4. Repeal of Conflicting Ordinances.**

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 5. Severability.**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 6. Inclusion in Code**

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

**Section 7. Effective Date.**

The provisions of this Ordinance shall become effective five (5) days after it is adopted.



Passed on the first reading this \_\_\_\_ day of \_\_\_\_, 2017.

**PASSED AND ADOPTED** on the second reading this \_\_\_\_ day of \_\_\_\_, 2017.

**Voted**

\_\_\_\_\_  
**Joel Flores**  
**Mayor**

\_\_\_\_\_  
**Paula Bousquet**  
**Deputy Mayor**

**Attest:**

\_\_\_\_\_  
**Joanna Cunningham**  
**City Clerk**

\_\_\_\_\_  
**John Tharp**  
**Councilman, District I**

\_\_\_\_\_  
**Peter Noble**  
**Councilman, District II**

\_\_\_\_\_  
**Judith Dugo**  
**Councilwoman, District III**

\_\_\_\_\_  
**Anderson Thelusme**  
**Councilman, District IV**

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**James D. Stokes**  
**City Attorney**

## CHAPTER 2017-136

### Committee Substitute for Committee Substitute for House Bill No. 687

An act relating to utilities; amending s. 337.401, F.S.; authorizing the Department of Transportation and certain local governmental entities to prescribe and enforce rules or regulations regarding the placing and maintaining of certain voice or data communications services lines or wireless facilities on certain rights-of-way; providing a short title; providing definitions; prohibiting an authority from prohibiting, regulating, or charging for the collocation of small wireless facilities in public rights-of-way under certain circumstances; authorizing an authority to require a registration process and permit fees under certain circumstances; requiring an authority to accept, process, and issue applications for permits subject to specified requirements; prohibiting an authority from requiring approval or requiring fees or other charges for routine maintenance, the replacement of certain wireless facilities, or the installation, placement, maintenance, or replacement of certain micro wireless facilities; providing an exception; providing requirements for the collocation of small wireless facilities on authority utility poles; providing requirements for rates, fees, and other terms related to authority utility poles; authorizing an authority to apply current ordinances regulating placement of communications facilities in the right-of-way for certain applications; requiring an authority to waive certain permit application requirements and small wireless facility placement requirements; prohibiting an authority from adopting or enforcing any regulation on the placement or operation of certain communications facilities and from regulating any communications services or imposing or collecting any tax, fee, or charge not specifically authorized under state law; providing construction; requiring a wireless provider to comply with certain nondiscriminatory undergrounding requirements of an authority; authorizing the authority to waive any such requirements; authorizing a wireless infrastructure provider to apply to an authority to place utility poles in the public rights-of-way to support the collocation of small wireless facilities; providing application requirements; requiring the authority to accept and process the application subject to certain requirements; providing construction; authorizing an authority to enforce certain local codes, administrative rules, or regulations; authorizing an authority to enforce certain pending local ordinances, administrative rules, or regulations under certain circumstances, subject to waiver by the authority; providing construction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (1) of section 337.401, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)(a) The department and local governmental entities, referred to in this section and in ss. 337.402, 337.403, and 337.404 as the “authority,” that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice telephone, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section and in ss. 337.402, 337.403, and 337.404 as the “utility.” The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).

(7)(a) This subsection may be cited as the “Advanced Wireless Infrastructure Deployment Act.”

(b) As used in this subsection, the term:

1. “Antenna” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

2. “Applicable codes” means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, or local codes or ordinances adopted to implement this subsection. The term includes objective design standards adopted by ordinance that may require a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment. The term includes objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements; however, such design standards may be waived by the authority upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense. The waiver shall be granted or denied within 45 days after the date of the request.

3. “Applicant” means a person who submits an application and is a wireless provider.

4. "Application" means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities.

5. "Authority" means a county or municipality having jurisdiction and control of the rights-of-way of any public road. The term does not include the Department of Transportation. Rights-of-way under the jurisdiction and control of the department are excluded from this subsection.

6. "Authority utility pole" means a utility pole owned by an authority in the right-of-way. The term does not include a utility pole owned by a municipal electric utility, a utility pole used to support municipally owned or operated electric distribution facilities, or a utility pole located in the right-of-way within:

a. A retirement community that:

(I) Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);

(II) Has more than 5,000 residents; and

(III) Has underground utilities for electric transmission or distribution.

b. A municipality that:

(I) Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;

(II) Has a land area of less than 5 square miles;

(III) Has less than 10,000 residents; and

(IV) Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.

7. "Collocate" or "collocation" means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way.

8. "FCC" means the Federal Communications Commission.

9. "Micro wireless facility" means a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.

10. "Small wireless facility" means a wireless facility that meets the following qualifications:

a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas

that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and

b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

11. "Utility pole" means a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.

12. "Wireless facility" means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;

b. Wireline backhaul facilities; or

c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

13. "Wireless infrastructure provider" means a person who has been certificated to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.

14. "Wireless provider" means a wireless infrastructure provider or a wireless services provider.

15. "Wireless services" means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

16. "Wireless services provider" means a person who provides wireless services.

17. "Wireless support structure" means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

(c) Except as provided in this subsection, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way.

(d) An authority may require a registration process and permit fees in accordance with subsection (3). An authority shall accept applications for permits and shall process and issue permits subject to the following requirements:

1. An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority.

2. An applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified the application.

3. An authority may not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole.

4. An authority may not limit the placement of small wireless facilities by minimum separation distances. However, within 14 days after the date of filing the application, an authority may request that the proposed location of a small wireless facility be moved to another location in the right-of-way and placed on an alternative authority utility pole or support structure or may place a new utility pole. The authority and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the applicant must notify the authority of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the authority of such nonagreement and the authority must grant or deny the original application within 90 days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

5. An authority shall limit the height of a small wireless facility to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. Unless waived by an authority, the height for a new utility pole

is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the authority shall limit the height of the utility pole to 50 feet.

6. Except as provided in subparagraphs 4. and 5., the installation of a utility pole in the public rights-of-way designed to support a small wireless facility shall be subject to authority rules or regulations governing the placement of utility poles in the public rights-of-way and shall be subject to the application review timeframes in this subsection.

7. Within 14 days after receiving an application, an authority must determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the authority must specifically identify the missing information. An application is deemed complete if the authority fails to provide notification to the applicant within 14 days.

8. An application must be processed on a nondiscriminatory basis. A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt of the application. If an authority does not use the 30-day negotiation period provided in subparagraph 4., the parties may mutually agree to extend the 60-day application review period. The authority shall grant or deny the application at the end of the extended period. A permit issued pursuant to an approved application shall remain effective for 1 year unless extended by the authority.

9. An authority must notify the applicant of approval or denial by electronic mail. An authority shall approve a complete application unless it does not meet the authority's applicable codes. If the application is denied, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day the authority denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.

10. An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities. If the application includes multiple small wireless facilities, an authority may separately address small wireless facility collocations for which incomplete information has been received or which are denied.

11. An authority may deny a proposed collocation of a small wireless facility in the public rights-of-way if the proposed collocation:

a. Materially interferes with the safe operation of traffic control equipment.

b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.

c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

d. Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual.

e. Fails to comply with applicable codes.

12. An authority may adopt by ordinance provisions for insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Such provisions must be reasonable and nondiscriminatory.

13. Collocation of a small wireless facility on an authority utility pole does not provide the basis for the imposition of an ad valorem tax on the authority utility pole.

14. An authority may reserve space on authority utility poles for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless facility. If replacement of the authority utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole shall accommodate the future public safety use.

15. A structure granted a permit and installed pursuant to this subsection shall comply with chapter 333 and federal regulations pertaining to airport airspace protections.

(e) An authority may not require approval or require fees or other charges for:

1. Routine maintenance;

2. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or

3. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications



services provider authorized to occupy the rights-of-way and who is remitting taxes under chapter 202.

Notwithstanding this paragraph, an authority may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane.

(f) Collocation of small wireless facilities on authority utility poles is subject to the following requirements:

1. An authority may not enter into an exclusive arrangement with any person for the right to attach equipment to authority utility poles.

2. The rates and fees for collocations on authority utility poles must be nondiscriminatory, regardless of the services provided by the collocating person.

3. The rate to collocate small wireless facilities on an authority utility pole may not exceed \$150 per pole annually.

4. Agreements between authorities and wireless providers that are in effect on July 1, 2017, and that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, remain in effect, subject to applicable termination provisions. The wireless provider may accept the rates, fees, and terms established under this subsection for small wireless facilities and utility poles that are the subject of an application submitted after the rates, fees, and terms become effective.

5. A person owning or controlling an authority utility pole shall offer rates, fees, and other terms that comply with this subsection. By the later of January 1, 2018, or 3 months after receiving a request to collocate its first small wireless facility on a utility pole owned or controlled by an authority, the person owning or controlling the authority utility pole shall make available, through ordinance or otherwise, rates, fees, and terms for the collocation of small wireless facilities on the authority utility pole which comply with this subsection.

a. The rates, fees, and terms must be nondiscriminatory and competitively neutral and must comply with this subsection.

b. For an authority utility pole that supports an aerial facility used to provide communications services or electric service, the parties shall comply with the process for make-ready work under 47 U.S.C. s. 224 and implementing regulations. The good faith estimate of the person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested collocation must include pole replacement if necessary.

c. For an authority utility pole that does not support an aerial facility used to provide communications services or electric service, the authority

shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within 60 days after written acceptance of the good faith estimate by the applicant. Alternatively, an authority may require the applicant seeking to collocate a small wireless facility to provide a make-ready estimate at the applicant's expense for the work necessary to support the small wireless facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a utility pole that is substantially similar in color and composition. The authority may not condition or restrict the manner in which the applicant obtains, develops, or provides the estimate or conducts the make-ready work subject to usual construction restoration standards for work in the right-of-way. The replaced or altered utility pole shall remain the property of the authority.

d. An authority may not require more make-ready work than is required to meet applicable codes or industry standards. Fees for make-ready work may not include costs related to preexisting damage or prior noncompliance. Fees for make-ready work, including any pole replacement, may not exceed actual costs or the amount charged to communications services providers other than wireless services providers for similar work and may not include any consultant fee or expense.

(g) For any applications filed before the effective date of ordinances implementing this subsection, an authority may apply current ordinances relating to placement of communications facilities in the right-of-way related to registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Permit application requirements and small wireless facility placement requirements, including utility pole height limits, that conflict with this subsection shall be waived by the authority.

(h) Except as provided in this section or specifically required by state law, an authority may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way by a provider authorized by state law to operate in the rights-of-way and may not regulate any communications services or impose or collect any tax, fee, or charge not specifically authorized under state law. This paragraph does not alter any law regarding an authority's ability to regulate the relocation of facilities.

(i) A wireless provider shall, in relation to a small wireless facility, utility pole, or wireless support structure in the public rights-of-way, comply with nondiscriminatory undergrounding requirements of an authority that prohibit above-ground structures in public rights-of-way. Any such requirements may be waived by the authority.

(j) A wireless infrastructure provider may apply to an authority to place utility poles in the public rights-of-way to support the collocation of small

wireless facilities. The application must include an attestation that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider to provide service within 9 months after the date the application is approved. The authority shall accept and process the application in accordance with subparagraph (d)6. and any applicable codes and other local codes governing the placement of utility poles in the public rights-of-way.

(k) This subsection does not limit a local government's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. s. 332(c)(7), the requirements for facility modifications under 47 U.S.C. s. 1455(a), or the National Historic Preservation Act of 1966, as amended, and the regulations adopted to implement such laws. An authority may enforce local codes, administrative rules, or regulations adopted by ordinance in effect on April 1, 2017, which are applicable to a historic area designated by the state or authority. An authority may enforce pending local ordinances, administrative rules, or regulations applicable to a historic area designated by the state if the intent to adopt such changes has been publicly declared on or before April 1, 2017. An authority may waive any ordinances or other requirements that are subject to this paragraph.

(l) This subsection does not authorize a person to collocate or attach wireless facilities, including any antenna, micro wireless facility, or small wireless facility, on a privately owned utility pole, a utility pole owned by an electric cooperative or a municipal electric utility, a privately owned wireless support structure, or other private property without the consent of the property owner.

(m) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this subsection does not authorize the provision of any voice, data, or video communications services or the installation, placement, maintenance, or operation of any communications facilities other than small wireless facilities in the right-of-way.

(n) This subsection does not affect provisions relating to pass-through providers in subsection (6).

(o) This subsection does not authorize a person to collocate or attach small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, or erect a wireless support structure in the right-of-way located within a retirement community that:

1. Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);
2. Has more than 5,000 residents; and
3. Has underground utilities for electric transmission or distribution.

This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by the municipality's underground utilities ordinance.

(p) This subsection does not authorize a person to collocate or attach small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, or erect a wireless support structure in the right-of-way located within a municipality that:

1. Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;
2. Has a land area of less than 5 square miles;
3. Has fewer than 10,000 residents; and
4. Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.

This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by the municipality's underground utilities ordinance.

(q) This subsection does not authorize a person to collocate small wireless facilities or micro wireless facilities on an authority utility pole or erect a wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association. This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities.

Section 2. This act shall take effect July 1, 2017.

Approved by the Governor June 23, 2017.

Filed in Office Secretary of State June 23, 2017.

# **CITY OF GREENACRES**

## **INTEROFFICE MEMORANDUM 2017.12MP5.05**

**TO:** Mayor and City Council

**THROUGH:** Andrea McCue, City Manager

**FROM:** Mark Pure, Fire Chief

**RE:** **ORDINANCE 2017- 35**  
**Amendments to Fire Prevention and Protection Code**

**DATE:** December 4, 2017

**COPIES:** James D. Stokes, City Attorney  
Joanna Cunningham, City Clerk

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### **Background:**

Pursuant to Florida Statutes 633, the State Fire Marshal has adopted the Florida Fire Prevention Code 6<sup>th</sup> Edition to be effective state wide January 1, 2018. Chapter 633, Florida Statutes, also states that any local amendment to the Florida Fire Prevention Code adopted by a local government shall be effective only until the adoption of the new edition of the Florida Fire Prevention Code. Therefore, local governments are required to readopt their local amendments with the adoption of the new edition of the Florida Fire Prevention Code.

### **Analysis:**

Ordinance 2017– 35, provides for the adoption of the Florida Fire Prevention Code 6<sup>th</sup> Edition as prescribed by statute, and the City's amendments to that code. The City's amendments are more stringent than those established as a minimum by the Florida Fire Prevention Code and are similar to the ones currently in place.

### **Financial Information:**

N/A

### **Legal:**

This ordinance has been prepared in accordance with applicable City Code requirements.

**Staff Recommendation:**

Adoption of Ordinance No. 2017-35, on first reading.

*Mark Pure*

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Mark Pure  
Fire Chief

## **ORDINANCE NO. 2017-35**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA AMENDING CHAPTER 5 OF THE CITY OF GREENACRES CODE ENTITLED, "FIRE PREVENTION AND PROTECTION," SECTION 5-2 TO UPDATE THE NAME OF THE DEPARTMENT; SECTION 5-3 TO ADOPT THE FLORIDA FIRE PREVENTION CODE 6<sup>th</sup> EDITION, TOGETHER WITH THE LOCAL AMENDMENTS THERETO AS CONFORMED TO THE CITY'S OPERATIONAL STANDARDS; SECTIONS 5-6 AND 5-10 TO UPDATE THE NAME OF THE DEPARTMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the State Fire Marshal has adopted a new edition of the Florida Fire Prevention Code, pursuant to Rule 69A-60 of the Florida Administrative Code which incorporates by reference the 2015 Florida Edition of the National Fire Protection Association Fire Code (NFPA 1) and the 2015 Florida Edition of the National Fire Protection Association Life Safety Code (NFPA 101), both amended by the Florida State Fire Marshal by Administrative rule, which is known as the "Florida Fire Prevention Code 6<sup>th</sup> edition"; and

**WHEREAS**, Chapter 633, Florida Statutes, authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code, which strengthens the requirements of the minimum fire safety code; and

**WHEREAS**, Chapter 633, Florida Statutes, requires local governments to re-adopt local amendments with every adoption of the new edition of the Florida Fire Prevention Code, which shall be every third year; and

**WHEREAS**, it is essential for continued, successful fire safety and prevention to establish certain procedures regarding inspections, investigations, and fees associated with same; and

**WHEREAS**, the adoption of the provisions contained herein will greatly promote the health, safety, and welfare of the residents of the City of Greenacres.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA AS FOLLOWS:**

**SECTION 1.** That Sec. 5-2 entitled "Establishment of fire prevention and inspections unit" is amended by replacing the following:

There is hereby established a Fire Prevention and Inspections Unit within the ~~Public Safety~~ **Fire Rescue** Department. The Fire Prevention and Inspections Unit shall operate under the supervision of the ~~Director of Public Safety~~ **Fire Chief**. The ~~Director of Public Safety~~ **Fire Chief** shall designate a Fire Marshal to be responsible for the direct administration of the Fire Prevention and Inspections Unit and the enforcement of this code. The Fire Marshal shall be appointed on the basis of examination or other method for determining his/her qualifications.

**SECTION 2.** That Sec. 5-3 "Adoption of the Fire Prevention Code" is amended by deleting and adding the following provisions:

- (a) The City hereby adopts by reference the ~~2013 Edition of the~~ **Florida Fire Prevention Code 6<sup>th</sup> edition** adopted by the state fire marshal in rule chapter 69A-60 of the Florida Administrative Code as may be amended, including NFPA 1 Fire Code (~~Florida 2013~~ **2015 edition**), and NFPA 101 Life Safety Code (~~Florida 2013~~ **2015 edition**), save and except those portions such as are hereinafter deleted, modified, or amended to conform to the City's operational standards as referenced herein.
- (b) The City hereby adopts by reference the amendments to the ~~2013~~ **Florida Fire Prevention Code 6<sup>th</sup> edition** as reflected in Exhibit "A" attached hereto and by this reference made a part hereof. These amendments are being made to strengthen the minimum fire code and to conform to the City's operational standards.



**SECTION 3.** That Sec. 5-6(b) entitled “Hazardous substance clean-up” is amended by replacing the following:

- (b) The ~~Public Safety~~ **Fire Rescue** Department is hereby authorized to take such steps as necessary to abate, remove, or order the removal of any hazardous substances discharged within City limits.

**SECTION 4.** That Sec. 5-10(b) entitled “Excessive false alarms” is amended by replacing the following:

- (b) After response to the third false fire alarm signal during a calendar year, a service fee will be charged by the ~~Public Safety~~ **Fire Rescue** Department to the responsible party. The alarm user shall be ultimately responsible for the payment of fees accrued. The ~~Public Safety~~ **Fire Rescue** Department will investigate the cause and origin of such false alarm signals and the responsible party will be charged a service fee in accordance with the fee schedule established by resolution of the City Council.

**SECTION 5.** Repeal of Conflicting Ordinances

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 6.** Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property,

kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**SECTION 7.** Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “Section”, “Article” or another word.

**SECTION 8.** Effective Date

The provisions of this Ordinance shall become effective five (5) days after it is adopted.

**Passed on the first reading this day of December 4, 2017.**

**PASSED AND ADOPTED on the second reading this \_\_ day of\_\_\_\_, 2017.**

**Voted**

\_\_\_\_\_  
**Joel Flores**  
**Mayor**

\_\_\_\_\_  
**Paula Bousquet**  
**Deputy Mayor, District V**

**Attest:**

\_\_\_\_\_  
**Joanna Cunningham**  
**City Clerk**

\_\_\_\_\_  
**John Tharp**  
**Councilman, District I**

\_\_\_\_\_  
**Peter A. Noble**  
**Councilman, District II**

\_\_\_\_\_  
**Judy Dugo**  
**Councilwoman, District III**

\_\_\_\_\_  
**Anderson Thelusme**  
**Councilman, District IV**

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**James Stokes**  
**City Attorney**

**ORDINANCE NO. ~~2014-11~~ 2017-35**  
**EXHIBIT “A”**

**CITY OF GREENACRES**  
**LOCAL AMENDMENTS TO THE ~~2013~~ FLORIDA FIRE PREVENTION CODE 6<sup>th</sup>**  
**Edition**

**PREAMBLE**

Amendments to the ~~2013 Edition~~ of the Florida Fire Prevention Code 6<sup>th</sup> edition include the following changes, additions and deletions to NFPA 1, Fire Code, Florida ~~2013~~ 2015 Edition as adopted in the City of Greenacres Code section 5-3.

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## CHAPTER 1

### ADMINISTRATION

**Section 1.1**, entitled Scope, is amended by adding the following to subsection 1.1.1:

17. The prevention of fires
18. The regulation and control of open burning
19. The making and amending of such orders as deemed necessary for the safeguarding of life and property.

*Exception No. 1: The scope of this code for detached one (1) and two (2) family dwellings shall not include (1), (3, **except water supply and access**), (5), (10), (11) and (16).*

**Section 1.3**, entitled Application, is amended by adding the following:

**1.3.1.1** The provisions of this code shall be in effect and apply to the City of Greenacres and within any municipality that has entered into an agreement for fire protection services from the City of Greenacres.

**1.3.3.3** This code is intended to be used in conjunction with existing laws and nothing in this code shall be construed as rendering other applicable laws invalid.

**Section 1.4. entitled Equivalencies, Alternatives, and Modifications, is amended by adding the following:**

**1.4.6.1 All fire safety systems, equipment, and devices installed in lieu of or as an alternative to other code requirements, as permitted by this code, shall be considered required systems, and shall comply with the appropriate standard.**

**Section 1.7**, entitled Authority, is amended by adding **or replacing** the following:

**1.7.7.4 Before conducting an inspection of a building, structure, or premises, the AHJ shall obtain consent from the owner, occupant, or other person having charge thereof, or obtain an inspection warrant pursuant to Florida Law, except in those instances where an emergency exists.**

~~1.7.7.4~~ **1.7.8.1** Such unsafe buildings shall be referred to the Building Official for abatement by repair and rehabilitation or by demolition in accordance with the applicable jurisdiction's Code requirements.

~~1.7.18~~ **1.7.19** Inspection and Permitting. The inspection or permitting of any building

or plan by any jurisdiction under the requirements of this Code shall not be construed as a warranty of the physical condition of such building or the adequacy of such plan. No jurisdiction or employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, nor for any failure of any component of such building, which may occur subsequent to such inspection or permitting pursuant to this code.

**Section 1.10**, entitled Fire Code Board of Appeals, is hereby deleted in its entirety and replaced with the following:

### **1.10 Fire Code Board of Appeals**

**1.10.1** The Building Board of Adjustments and Appeals as established in the City of Greenacres amendments to latest edition of the Florida Building Code adopted in Section 4-2 of the City Code will consider matters concerning this code and its enforcement, and rule on appeals from decisions of the Authority Having Jurisdiction.

**Section 1.12**, entitled Permits and Approvals, is amended by adding the following:

**1.12.2.2.1** Before a permit may be issued by the Building Department for new construction, demolition, or renovation of an existing structure, a complete set of plans and/or specifications shall be examined by the Fire Marshal, as specified in section 1.14.

*Exception: This shall not apply to one (1) and two (2) family dwellings.*

**Section 1.14**, entitled Plan Review, is amended by deleting Subsections 1.14.1 through 1.14.3 and adding the following:

**1.14.1** Any owner or authorized agent who desires to construct, modify, rehabilitate, or change the occupancy type of a building or structure, including the installation or modification of fire protection equipment, shall first make application to the Building Department. The Fire Marshal shall examine or cause to be examined all plans for construction, alteration, or remodeling of any structure, except one (1) and two (2) family dwellings.

**1.14.1.1 When required by the AHJ, work may not be started until construction plans and associated documents have been approved.**

**1.14.2** The Fire Marshal shall have the authority to require shop drawings, construction plans, specifications, computations, or any other documents that may be necessary to provide a thorough review of the proposed work to be done.

**1.14.2.1 An approved set of construction plans and all associated construction documents shall be maintained at the construction site.**

**1.14.3** All shop drawings and documents submitted with each application shall be reviewed for code compliance. The Fire Marshal may reject said documents for non-compliance until such time as appropriate corrections have been made.

**1.14.3.1 Reasons for rejected plans shall be documented and submitted to the applicant.**

**1.14.6 For all work that requires plans to be reviewed by the Fire Marshal or designee, as set forth in this section, and for all services associated therewith, a fee shall be paid when approved plans are picked up. Fees shall be levied in accordance with a schedule established by resolution of the City Council.**

**Section 1.15**, entitled Technical Assistance, is amended by adding the following subsections:

**1.15.2.1** The Fire Marshal may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the requirements of this code. Where the Fire Marshal relies on such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of this code and other pertinent laws or ordinances.

**1.15.5** Where provisions of this code do not address specific situations involving protection of life and property from the hazards of fire, smoke, and explosion, compliance with nationally accepted standards of good practice shall be evidence of compliance with the intent of this code.

**Section 1.16**, entitled Notice of Violations and Penalties, is amended by adding the following:

**1.16.1.1** It shall be unlawful for any person to violate this article or provision of the codes adopted in this article. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof, of either the owner, occupant, or the person in charge shall not be deemed to relieve any other person.

**1.16.1.2** Violators of this code shall severally be subject to code enforcement proceedings for each and every violation and non-compliance in accordance with City of Greenacres Code chapter 2, article III, or the code enforcement procedures in the applicable jurisdiction. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Once notified of the violation of the code by the Fire Marshal, all such persons shall be required to correct or remedy such violations or defects within ten (10) days, unless a hazard to health and safety exist, then the correction time frame will be determined by the Fire Marshal. If the Fire Marshal determines that an imminent danger exists due to violations of the code, the Fire Marshal may order the temporary prohibition of occupancy and use of any building until such time as the violations have been corrected.

## CHAPTER 3

### DEFINITIONS

**Section 3.2**, entitled NFPA Official Definitions, is amended by replacing or adding the following definitions:

3.2.2. Authority Having Jurisdiction (AHJ). The AHJ shall be the City of Greenacres Fire Marshal, or designee.

**Section 3.3**, entitled General Definitions is amended by replacing or adding the following definitions:

3.3.8.1 Alarm User. An alarm user shall mean that person who is responsible for contracting with a qualified alarm company for the proper maintenance and operation of an alarm system.

~~3.3.182~~ **183**.22.2 Multi-family dwelling. Three or more attached residential units.

~~3.3.242~~ **228**.5 False Alarm Signal. Shall mean the transmission of a fire alarm signal indicating a fire emergency requiring the immediate response of the ~~Department of Public Safety~~ **Greenacres Fire Rescue** when a fire emergency does not exist and when no justifiable cause for the alarm could be found by responding personnel.

## CHAPTER 10

### GENERAL SAFETY REQUIREMENTS

**Section 10.3**, entitled Occupancy, is amended by adding the following:

**10.3.1.1** No business tax receipt shall be issued by the City unless applicable provisions of this code are complied with prior to issuance.

**10.3.1.2** No newly constructed buildings or portions of buildings that have been newly constructed or undergone significant structural renovation can be furnished or stocked with materials or inventory prior to all life safety systems being inspected, approved, and functioning or an approved fire watch is provided by the owner/builder.

**Section ~~10.5~~ **10.4****, entitled Building Evacuation, is amended by adding the following:

~~10.5.2.1~~ **10.4.2.1** Overcrowding. The number of occupants of any building or portion thereof shall not be permitted to exceed the maximum allowed capacity, determined in accordance with this code.



**Section 10.44 10.10**, entitled Open Flame, Candles, Open Fires, and Incinerators, is amended by deleting subsections 10.44 **10**.1.1 through 10.44 **10**.1.4 and adding the following:

**10.44 10.1.1** Open burning of any material is hereby prohibited, except as follows:

- 1) Fires sanctioned by and for the instruction of ~~Department of Public Safety~~ **Greenacres Fire Rescue** personnel in firefighting methods in accordance with applicable NFPA codes and standards.
- 2) Small fires kindled in barbecue pits, exterior fireplaces, cookout devices or similar outdoor cooking devices for cooking purposes only. Burning of rubbish, trash, or combustible material in these devices shall be prohibited.
- 3) Fires kindled for the purposes of removal of land clearing debris.

**10.44 10.1.2** Any owner, authorized agent, or contractor proposing to utilize "open burning", as permitted in section 10.44 **10**.1(3), must comply with the following procedures:

- 1) Obtain approval from the Palm Beach County Division of Environmental Public Health; copy of said approval shall be presented with application to the Fire Marshal's office.
- 2) Make application to the Fire Marshal's office.
- 3) Schedule an inspection of the proposed burn site with the Fire Marshal.

**10.44 10.1.3** Fees for "open burning" permits and renewals shall be levied in accordance with a schedule established by resolution of the City Council.

**Section 10.11, entitled Fire Protection Markings, is amended by adding the following:**

**10.11.1.1 .1 All multi-unit buildings that can be accessed from the rear shall also have the address or unit number posted at the rear entrance of the unit. When a building utilizes multiple addresses the address range shall be posted.**

**Section 10.49 18**, entitled Storage of Combustible Materials, is amended by adding the following:

**10.49 18.7.1** The storage of motorcycles, motorized bicycles, mopeds, lawn mowers, or other gasoline powered equipment inside a dwelling unit (except in a garage), or in the enclosed or unenclosed patio areas of any multi-family residential unit is prohibited.

## **BUILDING SERVICES**

**Section 11.1**, entitled Electrical Fire Safety, is amended by adding the following:

**11.1.1.2 1** When any electrical hazards are identified, they shall be referred to the attention of the Building Department for abatement in accordance with the applicable jurisdiction's Code requirements.

**11.1.9-7.2.1** A minimum of thirty (30) inches of clearance shall be provided in front of all electrical control panels.

## **CHAPTER 12**

### **FEATURES OF FIRE PROTECTION**

Chapter 12, entitled Features of Fire Protection, is amended by adding the following:

#### **12.10. Roofs**

**12.10.1** The use of untreated wood shakes or shingles as a roofing, siding, or decorative material shall be prohibited.

## **CHAPTER 13**

### **FIRE PROTECTION SYSTEMS**

**Section 13.1, entitled, General, is amended by adding the following:**

**13.1.1.1 All new fire department connection (FDC) installations shall be located not more than 100 ' from a fire hydrant measured along fire department vehicle access.**

**Section 13.3**, entitled Automatic Sprinklers, is amended by deleting subsection 13.3.2 in its entirety and replacing it with the following:

#### **13.3.2 Where Required**

**13.3.2.1** Automatic fire sprinkler systems shall be required to be installed in all structures with a gross floor area of five thousand (5000) square feet or more, regardless of occupancy type or type of construction. Such systems shall be installed in accordance with all pertinent provisions of NFPA codes and standards and shall be required to be monitored by an approved central station, proprietary, or remote station signaling service.

*Exception: Residential structures that are exempt from the state requirements for such systems, and those occupancies and structures exempt from this requirement under Florida State Statute 633.022 ~~206~~, Uniform Fire safety Standards.*

**13.3.2.2** Existing structures that do not comply with 13.3.2.1 shall be permitted to continue in use as is, unless one of the following occurs:

- 1) The structure undergoes a partial or total renovation or repair which involves major structural assemblies **or when there is a change in occupancy type.** ~~where the total dollar value of the renovations or repairs exceeds twenty five (25) percent of the structure's assessed valuation based on the most current available valuation.~~
- 2) The Fire Marshal determines that the lack of conformity with this provision presents as imminent danger to occupants.

**Section 13.7**, entitled Detection, Alarm, and Communication Systems, is amended by deleting subsection 13.7.2 in its entirety and replacing it with the following:

**13.7.2 Where Required **and Occupancy Requirements****

**13.7.2.1** A fire alarm system shall be required to be installed in all structures with a gross floor area of two thousand, five hundred (2,500) square feet or more regardless of occupancy type, or type of construction. Such systems shall also be installed in structures with a gross floor area less than two thousand five hundred (2500) square feet when required by NFPA 101, Life Safety Code. Such systems shall be installed per all pertinent provisions of NFPA codes and standards and shall be required to be monitored by an approved central station, proprietary, or remote station signaling service.

*Exception (1): Those structures that are completely protected in accordance with the provisions of 13.3.2.1, with the approval of the Fire Marshal.*

*Exception (2): Those occupancies and structures exempt from this requirement under F.S. 633.022 **206**, Uniform Fire safety Standards.*

*Exception (3): Residential occupancies 11 units or less, not including assisted living facilities.*

## **CHAPTER 18**

### **FIRE DEPARTMENT ACCESS AND WATER SUPPLY**

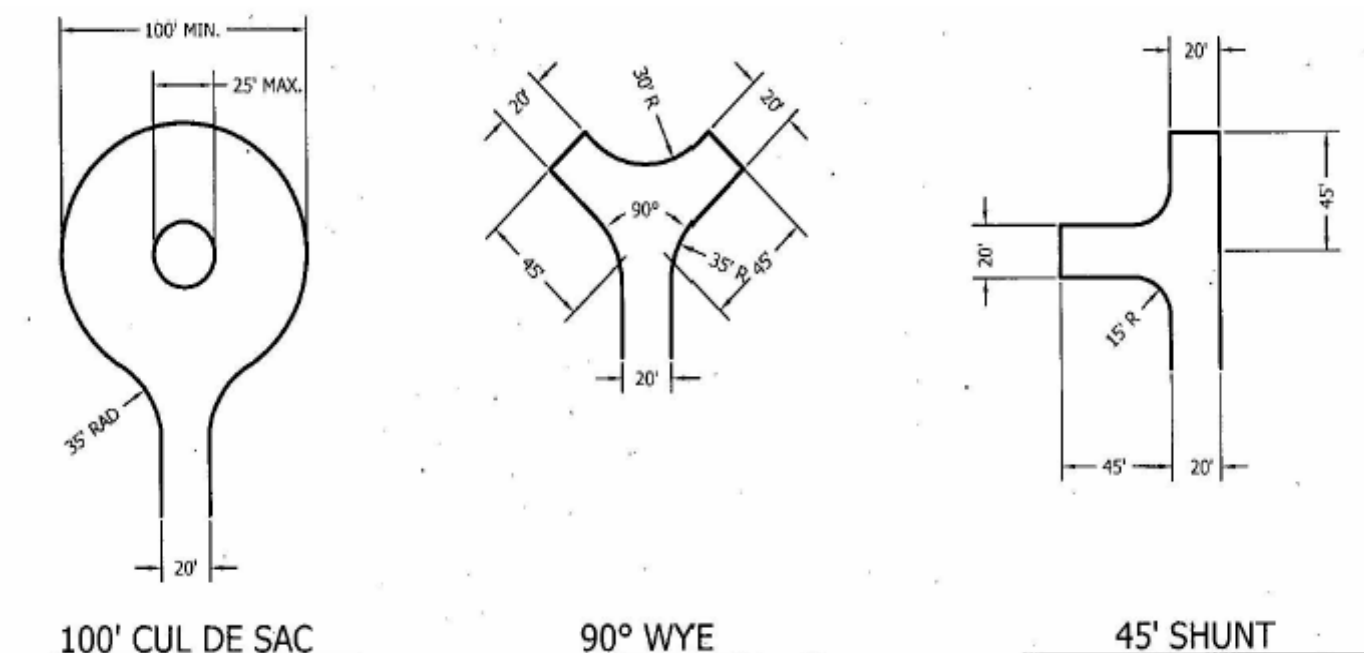
**Section 18.2**, entitled Fire Department Access, is amended by adding or deleting the following:

**18.2.2.4** When a property is protected by an automatic fire detection and alarm system or a fire sprinkler system, an approved key box shall be installed on the property in a location approved by the Fire Marshal. One and two family dwelling units shall be exempt from this requirement. Such key boxes shall contain the following:

- 1) Keys to all locked points of egress, interior and exterior of such buildings, necessary to gain access to fire prevention and protection equipment and/or controls.
- 2) Keys to locked mechanical and/or equipment rooms.
- 3) Keys to locked electrical rooms.
- 4) Keys to elevator rooms.
- 5) Keys to all other areas as deemed necessary by the Fire Marshal.

**18.2.3.4.3.1.1 The turning radius for a fire department access road shall be a minimum 45 feet outside and a maximum of 20 feet inside.**

**18.2.3.4.4.1** Dead-end access roads in excess of 150 feet in length shall be provided with approved means for the turnaround of fire apparatus. Turnarounds of the following shall be provided: 100' diameter cul-de-sac, 90' wye, or 45' shunt.



**Subsection 18.2.3.4.7.1 Traffic Calming Devices shall comply with the following:**

**1) Definitions**

- a) **Rumble Strips: A grouping of thermoplastic stripes applied across the travel lanes perpendicular to the direction of travel; with a size, quantity, and spacing as depicted in example 18.2.3.4.7.1 below.**
- b) **Speed Bump: An arc typically between .5 and 3.0 feet long (as measured in the direction of travel) and 0.8 to 6.0 inches high.**
- c) **Speed Hump: An arc or trapezoidal shape approximately 12.0 to 39.2 feet long (as measured in the direction of travel) and 3.5 to 4.7 inches high.**

2) Speed Bumps

- a) Speed Bumps shall not be installed on any City, County, or State owned roadways within the boundaries of Greenacres.
- b) New Speed Bumps shall not be installed on any private residential streets or within any private parking areas in Greenacres. Existing speed bumps, installed prior to 9/30/16, may remain but shall not be replaced, enlarged, or have additional speed bumps added.
- c) Existing Speed Bumps which are determined by the Director of the Fire Rescue Department (Fire Chief) to pose a threat to life, safety, health, and welfare shall be removed.

3) Speed Humps

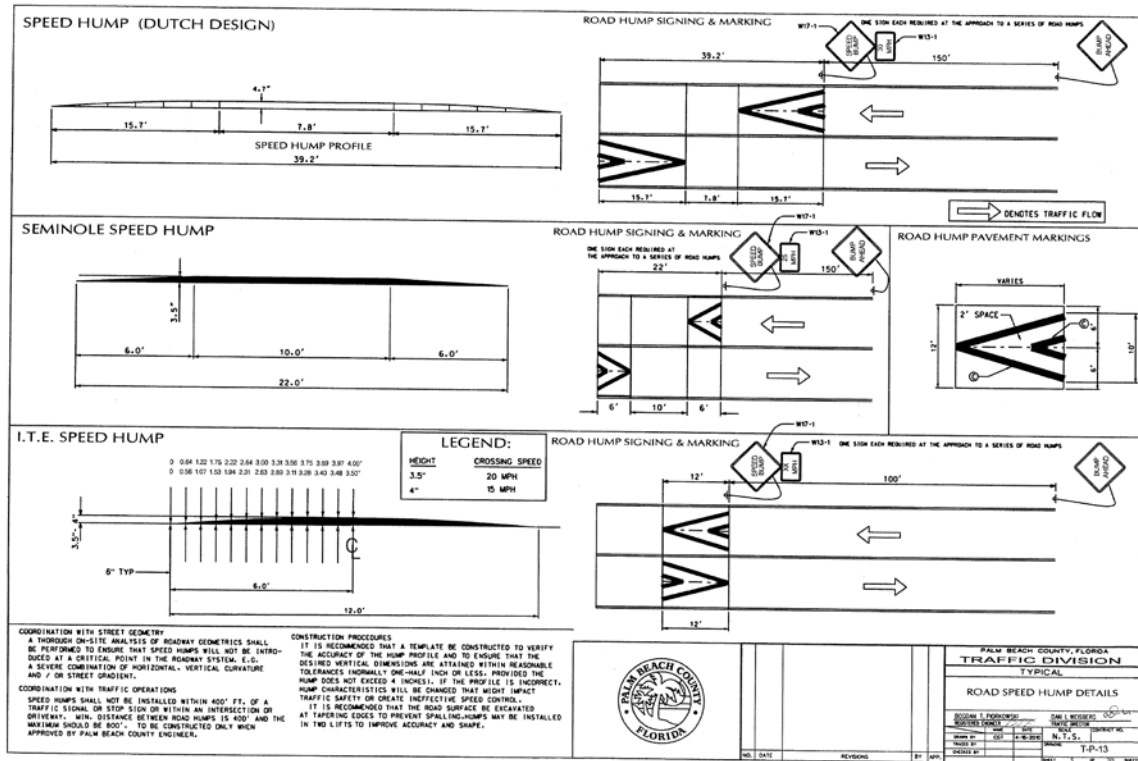
- a) Speed Humps shall not be installed on any City owned roadways.
- b) Speed Humps proposed for installation on County or State owned roadways shall be reviewed by City staff for safety and traffic efficiency and input provided to the County or State prior to construction.
- c) Speed Humps proposed for installation on private residential streets or within any private parking areas in Greenacres shall follow one of the designs depicted in table 18.2.3.4.7.1 below. The layout of speed humps shall be designed by a professional engineer and submitted for review and approval by the City by way of a Building Permit.

4) Rumble Strips

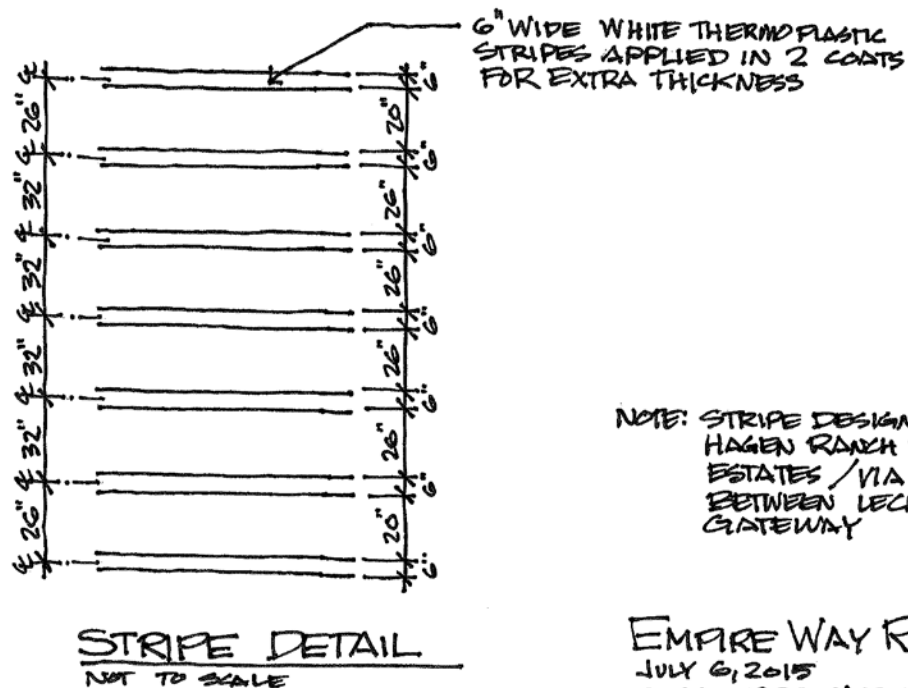
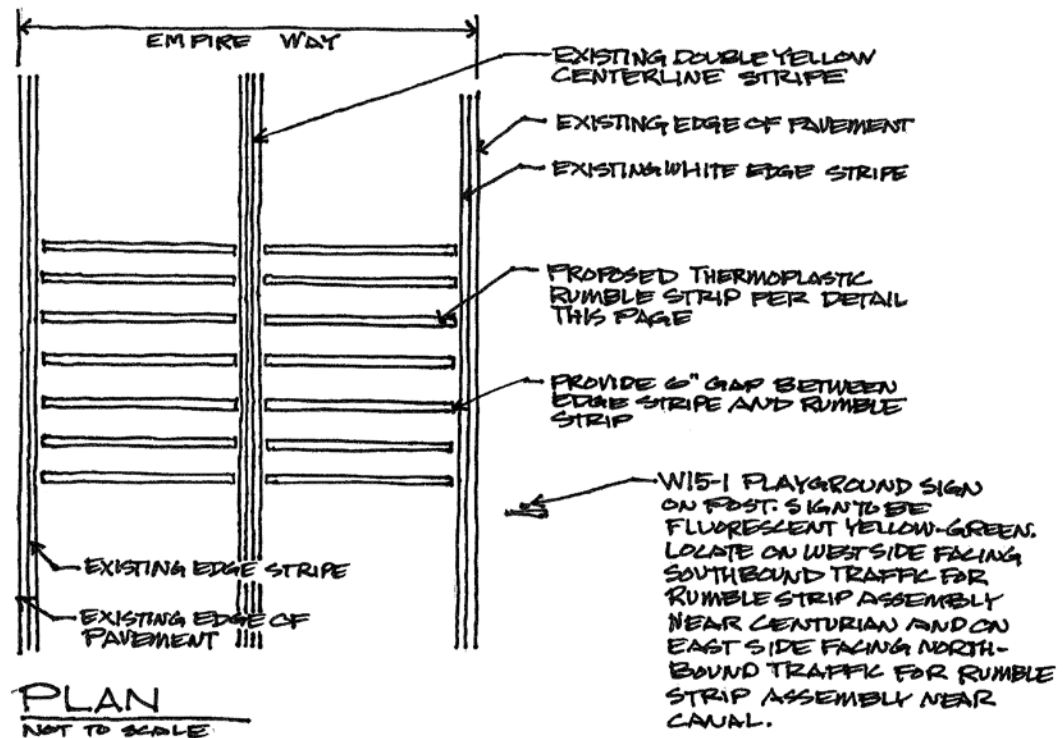
- a) Rumble strips may be installed on City owned roadways and shall be installed with appropriate signage. The layout shall be approved by the City of Greenacres Traffic Engineer.
- b) Rumble strips may be installed on County and State owned roadways in accordance with the regulations of the owning agency.
- c) Rumble strips may be installed on private residential streets or within private parking areas. Layout must be submitted for review and approval by the City by way of a Building Permit.

5) The Zoning Administrator will coordinate review of proposed Traffic Calming Devices.

**Table 18.2.3.4.7.1**



### Rumble Strips Example 18.2.3.4.7.1



NOTE: STRIPE DESIGN BASED ON  
HAGEN RANCH ROAD AT  
ESTATES / VIA WATERFORD  
BETWEEN LECHALET AND  
GATEWAY

SHEET 6

EMPIRE WAY RUMBLE STRIPS  
JULY 6, 2015 NOT TO SCALE  
CITY OF GREENACRES P&E DEPT.



deleting section 18.2.3.5.1 and adding the following:

~~18.2.3.5.1~~ The designation and maintenance of fire lanes on private property shall be accomplished by the owner and/or the property representative. Methods of identification shall be approved by the Fire Marshal, in which the following guidelines will be observed:

- ~~1) Fire lanes shall be identified with "NO PARKING — FIRE LANE" signs and pavement markings.~~
- ~~2) A maximum distance of 50' alternating between signs and pavement markings shall be required along the entire length of the fire lane.~~
- ~~3) Signs shall have red lettering, not less than 2" or more than 3" in height, on a white background. Each sign shall be 12" wide by 18" in height, and shall comply with the Department of Transportation Manual on Uniform Traffic Control Devices.~~
- ~~4) Pavement markings shall be painted in yellow with minimum letter sizes of 24" high, using a 4" wide brush stroke.~~

**18.2.3.5.3.1 Pavement markings of "No Parking Fire Lane" shall be painted in yellow with a minimum letter size of 24" high, using a 4" wide brush stroke.**

**18.2.3.5.3 4** Portions of the fire lane may coexist with loading zones. Each loading zone shall not exceed 25' in length nor shall the combined loading zone footage exceed 20 percent of the building footage. Multiple loading zones shall be located no closer than 75' apart.

**18.2.3.5.3 4.1** A maximum 15-minute time limit will be imposed on unattended or inactive vehicles in a loading zone, as described in 18.2.3.5.3 **4** above. Time limit signs shall be posted accordingly.

**Section 18.3 5**, entitled ~~Water Supplies~~ **Fire Hydrants**, is amended by **deleting subsections 18.5.1 thru 18.5.3 and replacing with** adding the following:

~~18.3.2 5.1~~ The location and number of fire hydrants shall be approved by the Fire Marshal.

~~18.3.2.1 5.2~~ The distance between hydrants shall not exceed three hundred (300) feet or as determined by the Fire Marshal. Hydrants shall be within three hundred (300) feet of the most remote portion of the building. Spacing shall be measured along the actual route fire apparatus will travel.

~~18.3.2.2 5.3~~ Unobstructed access to fire hydrants to accommodate fire fighting apparatus shall be maintained at all times. It shall be a violation of this code for any person to keep or place any fence, growth, trash, or other obstruction within seven and one half (71/2) feet in front of and to the sides of any fire hydrant or within four (4) feet of the rear of the hydrant.

~~18.3.2.3~~ Fire flow requirements shall be approved by the Fire Marshal.



## CHAPTER 50

### COMMERCIAL COOKING

Section 50.2, entitled General Requirements, is amended by deleting section 50.2.1.9 and replacing it with the following:

Section 50.2.1.9. Mobil Cooking Operations shall be prohibited in the City of Greenacres with the exception of the following:

a) A temporary use permit shall be obtained from the City of Greenacres specifying the date, time, and location of the mobile food truck operation and;

b) The mobile food truck vendor shall possess a current City of Greenacres Registration. In order to obtain a City of Greenacres Registration the mobile food truck vendor shall comply with all of the following:

1) Make application with the Building Department

2) Make the mobile food truck available for inspection by the City of Greenacres Fire Marshal at a time and location to be determined by the Fire Marshal.

3) Obtain a "passed" firesafety inspection by the City of Greenacres Fire Marshal.

Section 50.2.1.9.1. Mobile Cooking Operations shall comply with Chapter 50.7, Mobile and Temporary Cooking Operations, of the Florida Fire Prevention Code 6<sup>th</sup> Edition.

## **CHAPTER 65**

### **EXPLOSIVES, FIREWORKS, AND MODEL ROCKETRY**

**Section 65.2.3 ~~2~~**, entitled Permits, is deleted and replaced with the following:

**Section 65.2.3 ~~2~~** A permit for Public Fireworks Displays shall be obtained from the AHJ prior to the event.

**Section 65.2.3 ~~2~~.1** Issuance of a permit shall be regulated by NFPA 1123, Code for Fireworks Display.

## CITY OF GREENACRES

### INTEROFFICE MEMORANDUM 2017.11JA1.02

**TO:** Mayor and City Council

**FROM:** Andrea McCue, City Manager

**SUBJECT:** **Ordinance 2017-36**  
Extension of Moratorium on Medical Cannabis Dispensaries.  
Council Agenda Item for 12-04-17

**DATE:** November 17, 2017

**COPIES:** James D. Stokes, City Attorney  
Joanna Cunningham, City Clerk

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#### **Background:**

In 2014, the Florida Legislature enacted the Compassionate Medical Cannabis Act, which authorizes dispensing organizations to manufacture, possess, sell, and dispense low-THC cannabis for medical use (§381.986, Florida Statutes).

In 2016, the Legislature amended §381.986, Florida Statutes, to address a multitude of issues including regulatory oversight, additional standards for dispensing organizations, use of independent laboratories etc. The Florida Department of Health's Office of Compassionate Use (DOH) created the administrative provisions which were adopted on June 17, 2015, as Florida Administrative Code 64-4.

In July 2015 the DOH began accepting applications for dispensing organizations and in the end of 2015 the DOH selected the five (5) dispensing organizations (a 6th was approved in March 2016). According to the DOH website, dispensing organizations have not begun dispensing and DOH anticipates that product will be available to patients by September 2016.). In 2016, the Legislature amended §381.986, Florida Statutes, to address a multitude of issues including regulatory oversight, additional standards for dispensing organizations, use of independent laboratories etc.

On September 8, 2016, the City Council passed a moratorium on allowing medical marijuana dispensaries in the City for a one (1) year period to allow sufficient time to study the provision of uses related to medical cannabis and the impact of these uses on residents, property values, and redevelopment planning efforts, as well as the projected demand for and location of these uses and the City's inability to regulate the number of dispensaries allowed within City limits based on the legislation passed.

An additional extension was passed by motion on September 19, 2017, to allow for time to schedule a Council workshop to discuss the impact medical cannabis dispensaries have had on municipalities where they have been approved.

**Analysis:**

It is necessary to request an additional extension of the moratorium to coordinate a workshop so the Council can hear presentations on the successes and challenges of having medical cannabis dispensaries in the City. It is anticipated that a meeting will be scheduled in January 2018 and this request for an additional extension will expire on March 5, 2018.

**Legal:**

The Ordinance was prepared in accordance with the Florida Statutes and City Code requirements.

**Financial:**

N/A.

**Staff Recommendation:**

*Adoption* of Ordinance 2017-36 providing for an Extension of the Moratorium on Medical Cannabis Dispensaries.

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Andrea McCue  
City Manager

## **ORDINANCE NO. 2017-36**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, PROVIDING FOR A TEMPORARY BAN ON MEDICAL MARIJUANA DISPENSARIES WHICH EXTENDS THE MORATORIUM PREVIOUSLY ADOPTED BY THE CITY COUNCIL; PROVIDING FOR FURTHER EXTENSIONS IF NECESSARY; PROVIDING FOR GEOGRAPHIC BOUNDARIES OF APPLICABILITY; PROVIDING PROVISIONS FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on September 8, 2016, the City Council approved a one year moratorium for the submittal, processing and issuance of any zoning application, request for zoning approval, development order, permit, or business tax receipt involving uses related to medical cannabis; and

**WHEREAS**, on September 19, 2017, the City Council passed a motion to extend the moratorium until January 15, 2018, to allow staff time to coordinate a Council workshop to discuss the impact medical cannabis dispensaries have had on municipalities where they have been approved; and

**WHEREAS**, since the original moratorium, the Florida Legislature passed Senate Bill 8A (2017), which authorizes in Section 381.986(11)(b)1, Fla. Stat., counties or municipalities to ban medical marijuana dispensaries within their jurisdictional limits, either permanently or temporarily; and

**WHEREAS**, it is the intention of the City Council to institute such a temporary ban to allow staff the additional time necessary to make a comprehensive recommendation to the Council regarding the impact such dispensaries would have on the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:**

**Section 1. Medical Marijuana Banned Within City Limits.**

Medical marijuana dispensaries, as defined by Section 381.986(11)(b)1, Fla. Stat., shall be banned within the city limits. During this ban, there shall neither be acceptance of applications for zoning approvals, business tax receipts or other development orders and permits, related to medical marijuana dispensaries, nor shall any action be taken on any such applications filed to operate a medical marijuana dispensary.

**Section 2. Term.**

The ban on medical marijuana dispensaries imposed by this ordinance is temporary and, unless dissolved earlier by the city, shall automatically dissolve on March 5, 2018. This ban may be reasonably extended, if necessary, by ordinance of the City Council.

**Section 3. Boundaries.**

This Ordinance shall be applicable to all properties located within the boundaries of the City of Greenacres.

**Section 4. Conflicts.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

**Section 5. Severability.**

If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

**Section 7. Effective Date.**

This Ordinance shall be effective upon its adoption by the City Council.

**Passed on the first reading this \_\_\_\_ day of December, 2017.**

**PASSED AND ADOPTED on the second reading this \_\_\_\_ day of \_\_\_\_\_,  
2017.**

**Voted**

\_\_\_\_\_  
**Joel Flores  
Mayor**

\_\_\_\_\_  
**Paula Bousquet  
Deputy Mayor**

**Attest:**

\_\_\_\_\_  
**Joanna Cunningham  
City Clerk**

\_\_\_\_\_  
**John Tharp  
Councilmember, District I**

\_\_\_\_\_  
**Peter Noble  
Councilmember, District II**

\_\_\_\_\_  
**Judith Dugo  
Councilmember, District III**

\_\_\_\_\_  
**Anderson Thelusme  
Councilmember, District IV**

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**James D. Stokes  
City Attorney**

# CITY OF GREENACRES

Council Agenda Memo  
#2017.12B7.02

TO: Mayor and City Council

THROUGH: Andrea McCue, City Manager

FROM: Michael Grimm, Director/CBO, Building Department

SUBJECT: **Ordinance No. 2017-37** Amending City Code Chapter 7 "Health Sanitation and Nuisances" to allow for unattended drop off bins through a franchise agreement, City Council Agenda Item for 12-04-2017 1st Reading

DATE: November 27, 2017

COPIES: James D. Stokes, City Attorney  
Joanna Cunningham, City Clerk

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## **Background:**

The City Council, through Ordinance 2017-16, declared unattended clothing and shoe recycling drop off bins to be a nuisance and prohibited their placement within the City. These bins were being placed on public and private property throughout the City without the knowledge and consent of the City and often without the permission of the property owners. The bins are typically unsightly, poorly constructed and placed improperly in violation of City zoning regulations.

## **Analysis:**

Previously adopted Ordinance 2017-16 prohibited unattended drop off bins within the City unless authorized by other sections of the City Code. The City Zoning Code allows for the approval of an unattended collection bin on private property through the site plan process, ensuring that the bin meets standards for appearance, construction and location.

Ordinance 2017-37 clarifies that collection bins can be located on public or private property through a franchise agreement and must meet the City Zoning Codes. The ordinance also prohibits collection of textiles for recycling from stationary vehicles unless through a franchise agreement.

## **Financial:**

There are expected to be no additional costs to the City above normally budgeted code enforcement abatement costs.

**Legal:**

**Staff Recommendation:**

Staff recommends *approval* of Ordinance 2017-37

A handwritten signature in black ink, appearing to read "Michael Grimm", is written over a horizontal line.

Michael Grimm CBO  
Director Building Department

**Attachments:**

1. Ordinance No. 2017-37



**ORDINANCE NO. 2017-37**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 7 "HEALTH, SANITATION AND NUISANCES" ARTICLE II "PROPERTY MAINTENANCE" SECTION 7-27 "NUISANCES DECLARED" TO DECLARE THE COLLECTION OF TEXTILES FOR RECYCLING PURPOSES FROM STATIONARY VEHICLES TO BE A NUISANCE AND TO ALLOW FOR THE PLACEMENT OF UNATTENDED DROP OFF BINS THROUGH A FRANCHISE AGREEMENT WITH THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS;** the City Council has previously determined that unattended clothing and shoe recycling collection bins were being located on public and private property throughout the City without the knowledge and consent of the City or the property owners; and

**WHEREAS;** such collection bins mislead the City's residents into believing that they are donating goods to legitimate charitable organizations; and

**WHEREAS;** such collection bins are unsightly and unsanitary, thereby adversely affecting and impairing the economic welfare of the properties on which they are located, as well as adjacent properties; and

**WHEREAS;** such collection bins are typically constructed and maintained in such a manner that threatens or endangers the public health, safety or welfare, or may reasonably cause imminent danger during hurricane season; and

**WHEREAS;** the City Council has declared such collection bins to be a nuisance; and

**WHEREAS;** the City Council desires to allow the placement of collection bins through a franchise agreement and that meet certain conditions for construction,

maintenance and placement for the protection of the public health, safety and welfare of the City's residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:**

**Section 1.** The City of Greenacres Code of Ordinances Chapter 7 "Health Sanitation and Nuisances", Article II "Property Maintenance" Section 7-27 entitled "Nuisance declared" is hereby amended as follows:

Sec. 7-27. - Nuisance declared.

Nuisance is defined as the action of any person or the use of or the activity upon or within any public or private parcel, lot, tract of land or premise within the city which, after a review and investigation by appropriate city officials or other governmental agency, is determined to be in any way offensive or noxious by reason of any or all of the following:

- (1) The casting, throwing, sweeping, placing, depositing, or burial of any litter, garbage, refuse, rubbish, chattel, vegetative waste or trash in any manner other than placing same in a proper disposal facility or place, commercial container, authorized private receptacle, garbage can, or trash container or as otherwise determined in this article; or
- (2) The emission or discharge of any odor, gas, dust, smoke, vibration, or noise; or
- (3) The condition of ill-repair or lack of maintenance of any real property such that such condition is deemed to be unsafe or creates a health, sanitation, or safety hazard; or

- (4) The uncontrolled growth of vegetation or any growth of weeds, grass, or other similar ground cover which exceeds twelve (12) inches in height, or rank vegetable growths which exhale unpleasant or noxious odors, or any vegetation or plant material growth which is conducive to harboring vermin, insects, reptiles, or other wild animal life; or
- (5) The growth of any vegetation, plant material, or tree which might in time of hurricanes or storms cause damage to life or property within the immediate area of such growth; or
- (6) The keeping of animals or fowl in any manner which causes a disturbance, creates an unhealthy or unsanitary condition, or is unsafe for the animals or fowl or to the general public; or
- (7) The presence, accumulation, open storage, or otherwise keeping, of any abandoned, discarded, or unused chattel; or
- (8) The parking, leaving, storing, or possession of any boat, trailer, or parts thereof, which is in a rusted, wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any public or private property unless same is completely enclosed within a building or structure and is completely shielded from view from adjoining properties or rights-of-way; or
- (9) The parking, leaving, storing, or possession of any inoperative motor vehicle, or parts thereof, upon any public or private property unless same is completely enclosed within a building or structure and is completely shielded from view from adjoining properties or rights-of-way; or
- (10) The keeping of any building or structure in an unclean or unsanitary condition; or

(11) The presence, accumulation, storage, or keeping of any debris, building material, or material of any kind on the ground, leaning against any building or structure, or upon the roof or top of any building or structure.

(12) Unattended Drop-Off Collection Bins. It shall be unlawful for any person to locate any unattended drop-off collection bin on any property, public or private within the City except as authorized through a franchise agreement in accordance with the City Charter or as authorized by other sections of this Code and shall meet all requirements contained in City Code Chapter 16, Zoning and Land Development Regulations. Such unattended drop-off collection bins are hereby declared to be a public nuisance and illegal and may be immediately abated by removal and disposal by the City or its authorized contractor or franchisee.

(13) Collection of textiles for recycling from a stationary vehicle, truck, wagon, trailer or similar vehicle is prohibited within the City of Greenacres except as authorized through a franchise agreement in accordance with the City Charter. This is not intended to prohibit textile recycling collections taken directly from homes, businesses or institutions, whether through regularly scheduled pick-ups or through pick-ups based on special request of the donor.

## **Section 2. Repeal of Conflicting Ordinances**

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

## **Section 3. Severability**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

#### **Section 4. Inclusion in Code**

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “Section”, “Article” or another word.

#### **Section 5. Effective Date**

The provisions of this Ordinance shall become effective upon adoption.

**Passed on the first reading this 4th day of December, 2017.**

**PASSED AND ADOPTED on the second reading this \_\_\_\_ day of \_\_\_\_ 2017.**

**Voted**

\_\_\_\_\_  
**Joel Flores**  
**Mayor**

\_\_\_\_\_  
**Paula Bousquet**  
**Deputy Mayor**

**Attest:**

\_\_\_\_\_  
**Joanna Cunningham**  
**City Clerk**

\_\_\_\_\_  
**John Tharp**  
**Council Member, District I**

\_\_\_\_\_  
**Peter Noble**  
**Council Member, District II**

\_\_\_\_\_  
**Judith Dugo**  
**Council Member, District III**

\_\_\_\_\_  
**Anderson Thelusme**  
**Council Member, District IV**

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**James D. Stokes**  
**City Attorney**

# CITY OF GREENACRES

Council Agenda Memo  
#2017.12B7.01

TO: Mayor and City Council  
THROUGH: Andrea McCue, City Manager  
FROM: Michael Grimm, Director/CBO, Building Department  
SUBJECT: Resolution No. 2017-49 Establishing a New Schedule of Building Permit Fees, City Council Agenda Item for 12-04-2017  
DATE: November 27, 2017  
COPIES: James D. Stokes, City Attorney  
Joanna Cunningham, City Clerk

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## **Background:**

Florida Statutes 166.222 and 553.80(7) authorizes the governing bodies of local municipalities to provide a schedule of reasonable permit fees in order to defray the cost of inspections and enforcement of the Florida Building Code (FBC). The Building Department's revenue from these fees should, on average over several years, not exceed the costs associated with enforcement activities such as plan review, permit processing, training, and inspections. Some of the activities that are not funded by these fees include zoning, inspection of public buildings, information requests, and enforcement of local ordinances other than the building codes.

The Building Department regularly reviews permit revenues, enforcement costs, department workload and fees charged by other jurisdictions. Occasionally the review results in proposed adjustments to the permit fee schedule to be brought before City Council for approval. There are many types of fees on the permit fee schedule including: a building permit fee based on the value of construction, plan review fees, re-inspection fees, other penalties, and fees for Building Department services.

The most recent amendment to the Building Department Schedule of Fees was adopted through Resolution 2016-28 on August 1, 2016.

## **Analysis:**

Staff has determined that although the costs of providing services has increased since the last fee adjustment in 2016, permit revenue has also increased due to much higher construction activity and higher construction values. The high level

of construction activity has increased the workload on the department resulting in the proposed addition of a new Plans Examiner position for the Fiscal Year 2018 budget. Also new code enforcement positions were recently added to the Building Department, which is expected to increase staff time devoted to enforcing the FBC. In order to cover the costs of the new position and the increased percentage of time spent by current staff enforcing the FBC, minor increases to the permit fee schedule are warranted.

Staff has reviewed the permit fees charged by other local municipalities to help determine the appropriateness of the adjustments and found our minimum permit fee and most other fees charged by the department to still be among the lowest in Palm Beach County. The proposed permit fee schedule changes are outlined below.

- Increased the minimum permit fee from \$60 to \$65
- Increased re-inspection fee from \$45 to \$50 for the 1<sup>st</sup> re-inspection and created a step rate of \$100 for the 2<sup>nd</sup> re-inspection and \$200 for each re-inspection thereafter.
- Created a penalty of \$100 for a construction site deemed un-safe or un-sanitary
- Clarified that Plan review fees for commercial include large commercial remodeling and created a step rate for remodeling review fee that is lower than for new construction reviews
- Lowered the cost of a Temporary Certificate of Occupancy from \$2,000 to \$1,500 for commercial and from \$1,000 to \$800 for residential
- Created a fee of \$500 for commercial and \$200 for residential for extending a Temporary Certificate of Occupancy
- Added a fee of \$150 for authorizing stocking and training for commercial projects not ready for a Certificate of Occupancy
- Created an inspection fee of \$40 for electrical inspections not related to a permit.
- Added a right-of-way permit fee of 2% of cost of work with a \$75 minimum

### **Financial:**

During a year of average construction activities and over several years of construction activity cycles, the fee schedule proposed in Resolution 2017-49 is estimated to generate revenue in an amount equal to the expenses the City would incur enforcing the Florida Building Code.

### **Legal:**

The resolution has been prepared in accordance with applicable City Code requirements.



**Staff Recommendation:**

Staff recommends *approval* of Resolution No. 2017-49 to implementing a new permit fee schedule.

A handwritten signature in black ink, appearing to read "Michael Grimm", is written over a horizontal line.

Michael Grimm CBO  
Director Building Department

**Attachments:**

1. Resolution No. 2017-49



## **RESOLUTION NO. 2017-49**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, REPEALING RESOLUTION NUMBER 2016-28; ESTABLISHING A NEW SCHEDULE OF BUILDING PERMIT FEES PURSUANT TO SECTION 4-2 OF THE GREENACRES CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes 166.222, and 553.80(7) authorizes local municipalities to charge reasonable permit fees to defray the cost of enforcement of the Florida Building Code; and

**WHEREAS**, Section 4-2 (b) of the City of Greenacres Code of Ordinances provides for the incorporation by reference of the Amendments to Chapter One of the Florida Building Code; and

**WHEREAS**, Section 4-8 of the City of Greenacres Code of Ordinances provides for the adoption by resolution a schedule of permit fees; and

**WHEREAS**, Section 109 of the Amendments to Chapter One of the Florida Building Code provides for the establishment of a schedule of building permit fees; and

**WHEREAS**, the City Council of the City of Greenacres previously adopted a schedule of building permit fees through Resolution No 2016-28; and

**WHEREAS**, it has been determined that the schedule of building permit fees needs to be amended; and

**WHEREAS**, the City Council of the City of Greenacres finds that it is in the public interest that said fees be amended.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**Section 1.** The schedule of permit fees, for the City of Greenacres, as set forth in the most current version of the Greenacres Amendments to Chapter One of the Florida Building Code and in the Greenacres Municipal Code of Ordinances, is hereby established to be as follows:

**A. BUILDING PERMIT FEES**

1. Building permit fees are to be based on construction values determined by using the latest published schedule of building valuation data such as that which is compiled by the International Code Council. Proposed construction not listed on said schedule shall use the contract value which is to be submitted at the time of permit application and accepted by the Building Official. Permit fees shall be calculated using the following:

- a. There shall be a minimum permit fee of \$65.00.
- b. For construction values from \$0.00 - \$100,000.000 the fee shall be 2.5% of the value, plus 2% for construction values from \$100,001.00 - \$300,000.00, plus 1.25% for all values over \$300,000.00.

Examples:

*Construction value of \$1,000.00 = **\$65.00 fee***

*Construction value of \$3,500.00 =  $(3,500 \times .025)$  = **\$87.50 fee***

*Construction value of \$175,000.00 =  $(100,000 \times .025 = \$2,500.00) + (75,000 \times .02 = \$1,500.00)$  = **\$4,000.00 fee***

*Construction value of \$350,000.00 =  $(100,000 \times .025 = \$2,500.00) + (200,000 \times .02 = \$4,000.00) + (50,000 \times .0125 = \$625)$  = **\$7,125.00 fee***

2. Although the building permit fees stated above include coverage of sub-permits for plumbing, electrical, roofing, and mechanical services, the appropriate sub-contractor performing each of these services will be required

to apply for said permit and provide plans with details of sub-contractor scope of work. Failure to do so may require a separate permit and fee to be charged. If any sub-contractor fails to apply for and secure said permit before starting work, a fee of \$100.00 shall be charged.

3. The minimum permit fee of \$65.00 shall be paid at the time of submitting permit applications. This fee shall be deducted from the total final permit fee. If for any reason a permit is not issued, said fee is non-refundable.

4. Bulk Low Voltage Burglar Alarms shall be charged per Florida Statute 553.793 per label (*currently \$40.00 per label*).

#### **B. OTHER SPECIALIZED OPERATIONS**

For other specialized operations for which permits are required including, but not limited to, moving of buildings or structures, demolition of buildings or structures, installation of driveways or sidewalks, structural pest control and/or installation of underground fuel tanks, installation of drainage facilities, construction of roadways and site improvements, the fee schedule listed in Section A. above shall be applicable.

#### **C. FAILURE TO OBTAIN PERMIT**

Where work has started prior to obtaining a required permit, a double permit fee penalty shall be added to the permit fee. The payment of such fee shall not relieve any person(s) from fully complying with the requirements of this fee schedule, the City of Greenacres Code of Ordinances, the execution of the work, nor from any other penalties prescribed herein.

#### **D. INSPECTION FEES**

The initial inspections, as required by the Building Official or appointed designee, are included in the primary permit fee. A re-inspection fee shall be

charged for each re-inspection required due to any rejection of the work, work not being complete at the time of inspection, or the failure to call for a required inspection. All re-inspection fees charged shall be paid prior to requesting any further inspections. Fees for re-inspections will be charged for each inspection as follows:

<b>a.</b>	1 <sup>st</sup> Re-Inspection	<b>\$50.00</b>
<b>b.</b>	2 <sup>nd</sup> Re-Inspection (Same Type)	<b>\$100.00</b>
<b>c.</b>	3 <sup>rd</sup> & Subsequent Re-inspection (Same Type)	<b>\$200.00</b>
<b>d.</b>	Unsafe / Unsanitary Penalty (Per Occurrence)	<b>\$100.00</b>

#### **E. PLAN REVIEW FEE**

1. A fee will be charged for reviewing plans on all multi-family residential structures, residential master plans, commercial structures, and institutional structures according to the following schedule:

<b>a.</b>	Multi-Family residential structures or PUD Single Family master building plans.	<b>\$300.00</b>
<b>b.</b>	New Construction Commercial or institutional structures up to 20,000 square feet.	<b>\$550.00</b>
<b>c.</b>	New Construction Commercial or institutional structures 20,001-100,000 square feet.	<b>\$800.00</b>
<b>d.</b>	New Construction Commercial or institutional structures greater than 100,000 square feet.	<b>\$1,000.00</b>
<b>e.</b>	Remodel Commercial or institutional structures up to 20,000 square feet.	<b>\$75.00</b>
<b>f.</b>	Remodel Commercial or institutional structures 20,001-100,000 square feet.	<b>\$150.00</b>
<b>g.</b>	Remodel Commercial or institutional structures greater than 100,000 square feet.	<b>\$300.00</b>

2. Plan review fees shall be paid at the time of submitting plans for review.
- If for any reason a permit is not issued for the project, said fee is non-refundable.

**F. FEE FOR CHANGES AFTER INITIAL PLAN APPROVAL**

When changes or revisions are submitted after the initial plan review, a non-refundable fee to review the changes shall be \$20.00 for the first page of revised plans and \$10.00 for each additional page of revised plans.

**G. OTHER FEES**

<b>a.</b>	Transfer of any permit.	<b>\$40.00</b>
<b>b.</b>	Renewal of permits expired for one year or less: a. Work not started. b. Work partially complete.	<b>100% of permit fee</b> <b>50% of permit fee</b>
<b>c.</b>	Renewal of permits expired for over one year. (Any work completed may be required to be removed at the discretion of the Building official)	<b>100% of permit fee</b>
<b>d.</b>	Temporary C.O./ Commercial.Temporary C.O./ Residential. Renewal C.O. / Commercial (60 days) Renewal C.O. / Residential (60 days)	<b>\$1,500.00</b> <b>\$800.00</b> <b>\$500.00</b> <b>\$200.00</b>
<b>e.</b>	Duplicate of original C.O.	<b>\$25.00</b>
<b>f.</b>	Duplicate Permit Card with list of passed inspections.	<b>\$25.00</b>
<b>g.</b>	Re-stamp of plans.	<b>\$25.00</b> + <b>\$5.00 per page</b>
<b>h.</b>	Appeal of the Building Official's determination to the Construction Board of Adjustments and Appeals.	<b>\$150.00</b>
<b>i.</b>	Local Product Approval Fee.	<b>\$500.00</b>
<b>j.</b>	Inspections requested not related to an active permit.	<b>\$50.00</b>
<b>k.</b>	After hours inspections: 2 hour minimum weekdays. 4 hour minimum weekends and holidays.	<b>\$60.00 per hour</b>
<b>l.</b>	Certificate of Completion for permits with construction value of less than \$5,000.00	<b>\$25.00</b>

<b>j.</b>	Stocking / Training Certificate	<b>\$150.00</b>
<b>k.</b>	FPL Electric Service Verification	<b>\$40.00</b>
<b>m.</b>	Right-of-Way Permit	<b>2% of Valuation, \$75.00 minimum*</b>

*\*Except as superseded by Florida Statutes*

#### **H. TEMPORARY USE PERMIT FEES**

All temporary use permits shall pay a fee in accordance with the following schedule at the time of application submittal

<b>a.</b>	Banners/Signs/Balloons.	<b>\$80.00</b>
<b>b.</b>	Outdoor Events.	<b>\$110.00</b>
<b>c.</b>	City Sponsored/Related Events.	<b>No Fee</b>
<b>d.</b>	Parades.	<b>\$110.00</b>
<b>e.</b>	Trailers. (Construction/Sales Office)	<b>\$110.00</b>
<b>f.</b>	*Temporary Tenant Identification Sign	<b>No Fee</b>

*\*Temporary tenant identification signs are intended to provide temporary identity for new businesses prior to permanent sign approval and installation.*

*No fee shall be charged for temporary tenant signs and they shall comply with Section 16-991 of the City Code.*

**Section 2.** This Resolution shall become effective February 1, 2018.



**RESOLVED AND ADOPTED this 4th day of December 2017.**

**Voted**

\_\_\_\_\_  
**Joel Flores**  
**Mayor**

\_\_\_\_\_  
**Paula Bousquet**  
**Deputy Mayor**

**Attest:**

\_\_\_\_\_  
**Joanna Cunningham**  
**City Clerk**

\_\_\_\_\_  
**John Tharp**  
**Council Member, District I**

\_\_\_\_\_  
**Peter Noble**  
**Council Member, District II**

\_\_\_\_\_  
**Judith Dugo**  
**Council Member, District III**

\_\_\_\_\_  
**Anderson Thelusme**  
**Council Member, District IV**

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**James D. Stokes**  
**City Attorney**

**CITY OF GREENACRES**  
**INTEROFFICE MEMORANDUM**  
 2017.11LJ7.01

**TO:** Andrea McCue, City Manager

**FROM:** Michael Grimm, Chief Building Official

**SUBJECT:** **Building Department Report**  
**(October 25, 2017 to November 21, 2017)**

**DATE:** November 22, 2017

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**1) ADMINISTRATION:**

- a) Researched and completed one hundred thirty three (133) lien searches providing permit and code enforcement case information for a total of one hundred ninety five (195) searches year to date.

**2) PERMITS/INSPECTIONS:**

PERMITS/INSPECTIONS	DURING THIS PERIOD	FYTD 2018	BUDGETED FOR FY 2018
Building Permits Issued	27	202	2,100
Inspections Performed	148	1,021	7,000
Construction Value of Permits Issued	\$ 1,393,199	\$ 2,804,806	\$ 29,000,000
CO's Issued	20	26	
CC's Issued	-0-	-0-	
Temporary CO's Issued	-0-	-0-	
Illicit Discharge Inspections (Stormwater)	2	7	

**3) BUSINESS AND CONTRACTOR REGISTRATION:**

BUSINESS AND CONTRACTOR REGISTRATIONS FY2018	NEW			RENEWALS			NOT RENEWED	CANCELLED
	COUNT		AMOUNT	COUNT		AMOUNT	COUNT	COUNT
	Period	YTD	YTD	Period	YTD	YTD	YTD	YTD
Commercial	16	34	\$ 4,347	12	459	\$ 68,713	185	45
Contractor & General Service Registration	28	56	\$ 50	3	57	\$ 825		804
Rental	4	15	\$ 1,113	17	767	\$ 30,045	140	21
Home Based	10	27	\$ 1,993	-0-	223	\$ 16,287	175	21
Insurance Registration	-0-	22	\$ 2,324	-0-	163	\$ 17,046	29	2

**4) CODE ENFORCEMENT:**

CODE ENFORCEMENT	DURING THIS PERIOD	FYTD 2018	BUDGETED FOR FY 2018
Inspections Related to Active Code Cases	51	120	1,900
New Cases Started	19	37	350
Cases Complied	12	37	
Current Open Cases	119		
Fines Collected	\$ 500	\$ 650	\$ 20,000
New Property Registrations Amount due to City (10/1/17-10/30/17)	44 \$ 4,400	44 \$ 4,400	
Notices Sent (October)	38	38	
Illegal Signs Removed from right-of-ways (October)	58	58	
Inspections Not Related to Active Code Cases (October)	116	116	
Complaints Received and Investigated (October )	21	21	

**5) PLAN REVIEW – PRINCIPAL NEW OR REMODEL PROJECTS:**

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT#
Church of God	4615 Melaleuca Ln	4,800 sq. ft	Addition	2017-242
Race Trac Petroleum (Formerly Walgreens)	6025 Lake Worth Rd	4,890 sq. ft.	Convenience/Gas Station	2017-1489 *Plans Approved Waiting for Payment
Zaxby's (In Target Outparcel)	5880 Lake Worth Rd	3,992 sq. ft.	Drive-in/Fast Food Restaurant	2017-1591 *Plans Approved Waiting for payment
Tire Center (Target Outparcel)	5990 Lake Worth Rd	9,177 sq. ft.	Construct New Tire Store	2017-1641 *Plans Approved Waiting for payment
Former La Brasa / Lynoras	5283 Lake Worth Rd	6,336	Convert Restaurant into 4 Separate Bays for Business Use	2017-1816
South Florida Gastroenterology Associates PA	6135 Lake Worth Rd	5,482	New Office Space Build Out	2017-2491

**6) PROJECTS IN PROGRESS – PRINCIPAL REMODELING/RENOVATION:**

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT #
Nissan Dealership (Formerly Prof. Golf Cart Corp) (Temp C.O. Issued 8/29/17)	5353 Lake Worth Rd	50,625 sq. ft.	Car Dealership	2016-154
Nissan Parking Garage (Temp C.O. Issued 9/1/17)	5353 Lake Worth Rd	121,884 sq. ft.	Three Story Parking Garage	2017-391
Sai Baba Temple	4761 Myrtle Dr	8,408 sq. ft.	New Construction	2140097
Jog Medical Center	3387 S Jog Rd	17,376 sq. ft.	Medical Offices (Shell Only)	2015-1566
Miami Grill	4513 Lake Worth Rd	1,929 sq. ft.	Interior Dining Room Remodel	2016-301
<b>Church of God 7<sup>th</sup> Day</b>	<b>3535 S Jog Rd</b>	<b>11,500 sq. ft.</b>	<b>New Church</b>	<b>2016-2382</b>
Dunkin Donuts	3098 S Jog Rd	1,596 sq. ft.	New Building (Temp CO Extended)	2016-2068
Dunkin Donuts	3098 S Jog Rd	3,000 sq. ft.	New Building (Temp CO Extended)	2016-192
WaWa – T.C.O. Issued 6/09/17	6566 Lake Worth Rd	5,943 sq. ft.	Convenience Store w/Gas	2016-1180
Soma Medical Building	6239 Lake Worth Rd	5,438 sq. ft.	New Medical Bldg(Newly Annexed-Formerly Checkers)	2016-3000
Ross Dress For Less T.C.O. Issued 7/10/17	6810 Forest Hill Blvd	25,482 sq. ft.	Remodel (Formerly Southeastern College)	2016-2846
HC Smokehouse	4606 S Jog Rd	1,100 sq. ft.	Interior Remodel	2017-628
Former La Brasa / Lynoras	5283 Lake Worth Rd	6,336	Convert Restaurant into 4 Separate Bays for Business Use	2017-1816
Las Ramblas	3900 La Rambla (Behind Greenacres Plaza)	14 Single Family Homes	New Construction	2017-0792
Peter Piper Pizza (Formerly Family Dollar) C.O. Issued 11/21/17	3961 S Jog Rd	9,833 sq. ft.	Interior Remodel into Restaurant	2017-1056

Trafalgar (Façade) Permit Ready Waiting for a Contractor	6300 Forest Hill Blvd		Update Façade on Shopping Center & Add Towers	2017-1101
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**7) PROJECTS IN PROGRESS – PRINCIPAL NEW CONSTRUCTION:**

PROJECT	ADDRESS/LOCATION	UNITS OR SQ. FT. APPROVED	UNITS C.O.'D
Reserve at Summit	West side of Ranchette Rd, South of Summit Blvd	73	62
Las Ramblas	3900 La Rambla / Common Area	14	-0-
Santa Catalina	3145 S Jog Rd (Townhomes and Commercial units)	29 residential/ 12 commercial	-0-
Whitney Park	Bowman St and Haverhill Rd	24	13

# CITY OF GREENACRES

## INTEROFFICE MEMORANDUM 2017.11RW2.03

**TO:** Andrea McCue, City Manager  
**FROM:** James McInnis, Director of Finance  
**SUBJECT:** Department of Finance Activity Report  
**DATE:** November 28, 2017

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The following report provides the highlights of activity within the Department of Finance for the reporting period from October 28, 2017 through November 24, 2017.

### 1. AUDIT/BUDGET and FINANCE ADMINISTRATION:

#### Projects and Activities:

- a. Reimbursement requests were submitted for the following grants:
  - Family Central, afterschool program \$ 13,766.04
  - USDA Food, after school \$ 1,883.20
  - CDBG 1<sup>st</sup> Street \$ 82,679.00
- b. Reimbursement requests were received for the following grants:
  - USDA Food, after school \$ 1,883.20
- c. Voice Over IP – At the meeting held on 6/19/2017, Council approved the purchase of a VoIP System through piggybacking a national contract. The department has issued the purchase order to Morse Communications for the equipment and services. The timeline for implementation given by Morse Communications is by October 15, 2017. **11/24/2017:** VoIP implementation is still underway; Morse is currently performing setup on the new phones, presetting how the phones will roll or go to voice mail. Implementation completion is now expected in **December 2017**.
- d. Solid waste billing to tax roll – This project will last throughout the FY2018 fiscal year to perform the work and follow the procedures necessary to assess the billing for residential solid waste and recycling collection annually on the property tax bill beginning in November 2018. The first step is the Resolution of Intent Assess Solid Waste, on the December 4, 2018 Council Meeting Agenda.

**2. FINANCE OPERATIONS:**

## Projects and Activities:

- a. FY17 Audit/CAFR: Auditors have completed preliminary fieldwork. Final fieldwork anticipated in December.
- b. FY17 Capital Asset Audit by Office of Inspector General: field and process walkthrough has been completed.
- c. Provided revised OPEB census data to the actuary for FY17 valuation.
- d. Completed FY2017 purchase orders soft close to carry over to FY18.
- e. Updated and completed Public Depositor Annual Report to the FL Department of Financial Services.

Activity Report for November 2017			YEAR-TO-DATE		BUDGET
			FY18 Activity Report		
ACTIVITY REPORT DATA	CURRENT PERIOD TRANSACTIONS	CURRENT PERIOD AMOUNT	FY 2018 YTD TRANSACTIONS	FY 2018 YTD AMOUNT	FY 2018 BUDGET TRANSACTIONS
A/P Invoices Processed for Payment	198	\$1,247,514	474	\$4,456,503	4,100
ACH Payments	17	\$521,618	24	\$726,393	47
Payroll Checks Issued	3	\$634,373	9	\$1,346,535	30
Payroll Direct Deposits	287		569		3,900
Cashier Payments Processed	2,511	\$2,183,080	4,444	\$2,915,580	22,500
Solid Waste Bills Issued	0	\$0	7,036	\$725,267	14,100
Initial Ambulance Invoices	266	\$185,854	533	\$374,371	3,200

**3. INFORMATION TECHNOLOGY:**

## Projects and Activities:

- a. Currently working with Aha Consulting on the new look of the Intranet. (Staff Review)
- b. Preparing for the conversion and installation for the VOIP equipment. (Staff Review)
- c. Currently working with Comcast to install the backup internet service in the City Hall and Leisure Services buildings. (Staff Review)

- d. Working on converting park cameras from a wireless network infrastructure to a wired infrastructure. (Staff Review)

DEPARTMENT	CURRENT PERIOD	FY 2018 YTD	FY 2018 BUDGET
Technical Service Requests:			
Administration	4	6	
Building	3	5	-
Finance	2	4	-
Planning & Engineering	4	8	-
Public Works	4	10	-
Fire Rescue	3	7	-
Leisure Services	10	16	-
Total Technical Service Requests	30	56	250
Computer Training Sessions Conducted	0	3	5
No. of Computer Training Attendees	0	10	20

#### 4. PURCHASING AND CONTRACTING:

##### Projects and Activities:

- a. 18-002 HVAC Repair and Annual Maintenance – This bid was advertised on November 19, 2017 and opens on December 20, 2017. There is a mandatory pre-bid meeting scheduled for November 28, 2017 at 10:00 am.
- b. Request for Quotes – Developed, administered and assisted departments with various Request for Quotes including: Restore & Resurface Basketball Courts at Burrowing Owl Park; Repair Racquetball Court Walls at Community Park; Concrete; and Leisure Services Tents & Bounce House Rentals.

ACTIVITY	CURRENT PERIOD	FY 2018 YTD	FY 2018 BUDGET
Purchase Orders Issued	69	231	1,000
Purchase Order Amounts	\$ 282,297.08	\$ 17,118,042.18	\$ 19,850,000
Solicitations Issued	5	11	20
Central Store Requests	10	17	100
Contracts Managed	28	28	28
Purchasing Card Purchases	\$ 21,255.68	\$ 38,025.39	\$ 205,000
Purchasing Card Transactions	178	340	2,400
No. of Training Sessions Conducted	0	0	5

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James McInnis  
Director of Finance



**CITY OF GREENACRES**  
**INTEROFFICE MEMORANDUM**  
2017.11IC5.001

**TO:** Andrea McCue, City Manager

**FROM:** Mark Pure, Fire Chief

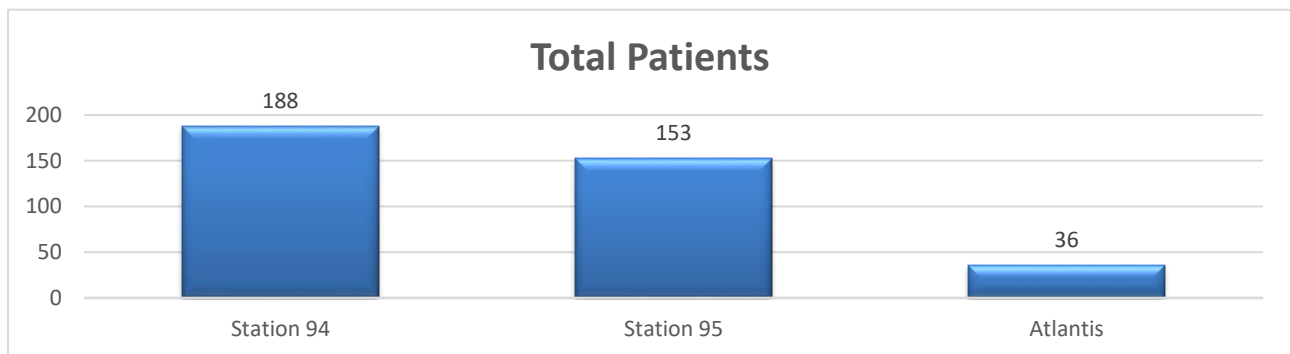
**RE:** Departmental Report for October 30, 2017 through November 26, 2017

**DATE:** November 29, 2017

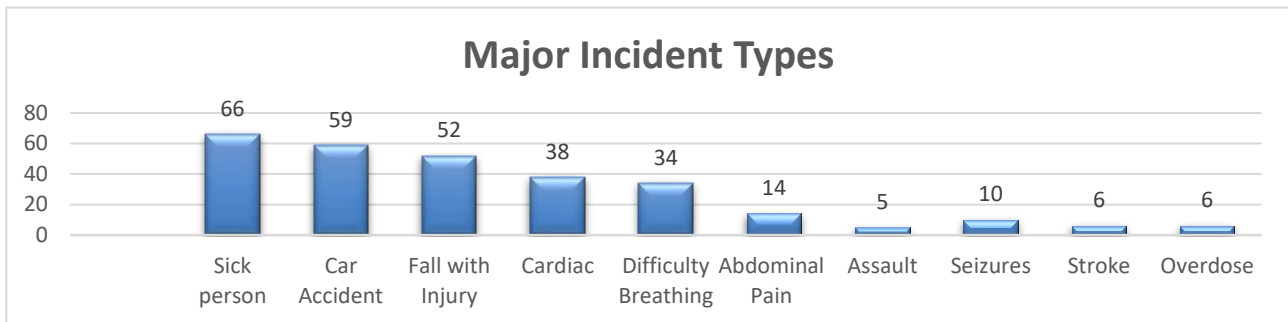
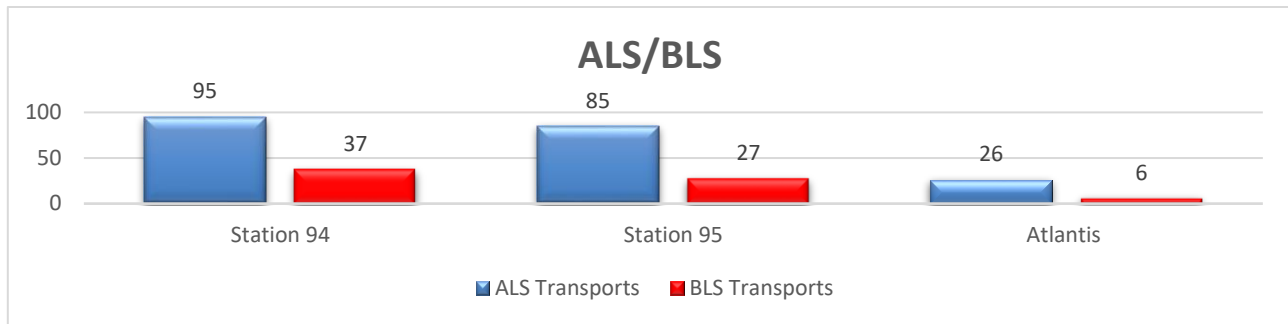
Total alarms dispatched this month	470
Average alarms per day	16.78
Total calls this year	5,582

In November 2017, 377 patients were treated for Emergency Medical related services. Of those patients, 36 were in the City of Atlantis. These requests include a single unit responding to assist a person who has fallen to the floor, a cardiac arrest requiring multiple units and a combination of personnel, advanced skills, and equipment.

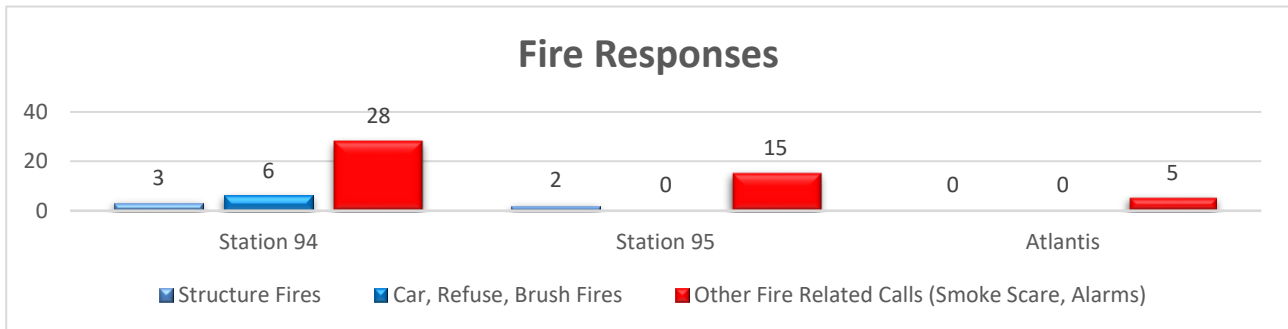
Service Calls, Cancels, and Public Assists totaled 82. The requests include, but are not limited to, persons locked out of home, water evacuation, animal problem, police assist, defective elevator, and canceled due to wrong address.



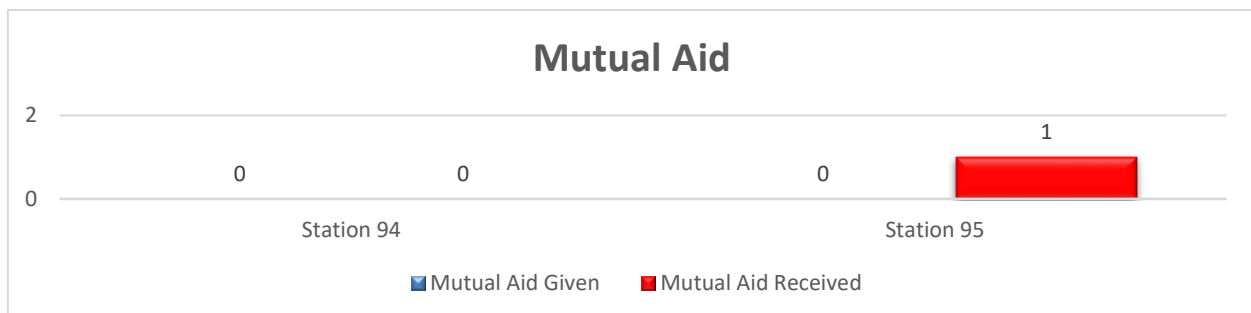
Fire Rescue transported 276 patients to a hospital or 73% of the patients we were called to treat. The majority of those (206) required Advanced Life Support procedures. ALS emergencies necessitate additional personnel, specialized equipment and skills. Often, an EMT or Paramedic will be taken from the ALS Engine to accompany the one person in the rear of the Rescue to assist with life-saving therapies.



Fire Rescue responded to 59 calls for a fire or smoke related emergency. Six (6) of those required an escalated response for a car, brush, or refuse fire; five (5) were in a residential or commercial structure.

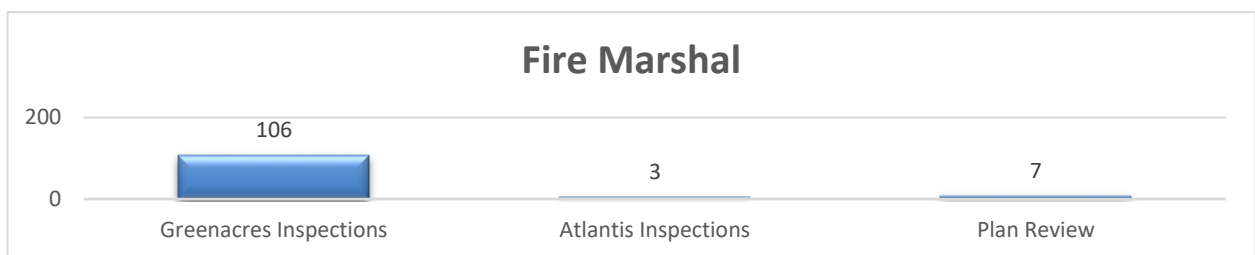


Mutual aid is the sending or receiving of emergency resources (apparatus, personnel) to or from another entity or agency upon request. No community has sufficient resources to handle every emergency of all sizes. Therefore, neighboring agencies work together through a system called Mutual Aid. That system is designed to be limited to large events that tax the resources beyond the normal capabilities of the community. During the month of November, the Department received aid one time.



Fire Prevention and Protection focuses on protecting people and property from fire through fire safety inspections, fire plans review, fire cause and origin investigations, and public education. In addition, the Fire Marshal provides fire safety lectures, attends land development meetings, and testifies at code enforcement hearings.

Inspections	109
Plans Review	7
Dollar Loss due to fire	\$72,400



Station Tours, presentations, blood pressure screenings	16
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During the month of November, Fire Rescue participated in a CPR training event at L.C. Swain Middle School, and displayed our apparatus in the John I Leonard High School Homecoming Parade. Fire Rescue taught Hands Only CPR at the Fall Fitness festival and attended the grand opening of Peter Piper Pizza.

**CITY OF GREENACRES**  
**INTEROFFICE MEMORANDUM**  
2017.11MT6.004

**TO:** Andrea McCue, City Manager

**FROM:** Michele Thompson, Leisure Services Director

**RE:** Department Report for October 28, 2017 through November 24, 2017

**DATE:** November 27, 2017

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**1. ADMINISTRATION**

PERFORMANCE MEASUREMENT	THIS PERIOD	FY 2018 TO DATE	FY 2018 BUDGET
Contracts Coordinated (2 with ELC)	0	0	4
Collaborative Partnerships	5	11	21
Ind. Contractor Agreements	4	7	23
Events Coordinated	3	5	21
Temporary Use Permits	1	1	4
Grant Applications	0	0	2
# of Documents Scanned	<i>Reported Quarterly</i>		6,000

**2. COMMUNITY & RECREATION SERVICES**

ACTIVITY	SPONSORS/ PARTNERS	FY 2018 TO DATE	FY 2018 BUDGET
<b>Community Events:</b>			
• Food Truck Invasion (Monthly - 12)		Sept.- 50 Oct.- 50	\$13,220
• Fall Fitness Festival (11/18/17)	<i>Helix - \$500 Eye and Ear - \$250</i>	400 attendees	\$4,809
• Lunch with Santa (12/9/17) o Co-sponsored event	<i>Adv. Disposal-\$2,000 Wolfe &amp; Pravato.-\$500</i>		\$10,296
• Fiesta de Pueblo (1/6/18) o Co-sponsored event	<i>PRHC</i>		\$1,153
• Daddy Daughter Dance (2/24/18) Ages 4 & Up			\$4,260
• Egg'stravaganza (3/31/18)			\$14,195

<ul style="list-style-type: none"> <li>• “Ignite the Night” (7/4/18)</li> </ul>			\$34,331
<b>Neighborhood Events:</b> <ul style="list-style-type: none"> <li>• Thanksgiving Dinner (11/22/17)</li> </ul>	\$250 – Helix Local Businesses	550	\$3,017
<ul style="list-style-type: none"> <li>• Back-to-School Block Party (8/4/18)</li> </ul>			\$3,017
<b>Senior Trips:</b> <ul style="list-style-type: none"> <li>• 12/13/17, 1/10/18, 2/7/18, 3/14/18, &amp; 4/4/18</li> </ul>	Broward Stage Door Theatre (5)		42
<ul style="list-style-type: none"> <li>• TBD - 2018</li> </ul>	PB Outlet Mall		30
Avg. # of daily participants/meals served at Senior Meal Program	12/360	240	N/A
<b>Facility Rentals:</b> <ul style="list-style-type: none"> <li>• Fields/Concession Stands</li> <li>• Pavilions</li> <li>• Center Facility Rentals</li> </ul>	<u>This Period</u> 20 16 124 <sup>1</sup>	16 13 74 <sup>2</sup>	500 200 850
Total Rental Revenue Generated	\$11,703.77	\$8,748.02	\$151,500
<b>Youth Leagues/Sponsors:</b> <ul style="list-style-type: none"> <li>• Co-ed Fall Soccer (7/31/17 – 12/8/17)</li> </ul>	-	98	100
<ul style="list-style-type: none"> <li>• Co-ed Winter Basketball (10/23/17 – 3/17/18)  <i>Peter Piper Pizza - \$500</i>  <i>Applebee's - \$250</i>  <i>HD Supply - \$300</i> </li> </ul>	34	158	160
<ul style="list-style-type: none"> <li>• Co-ed Spring Baseball (TBD)</li> </ul>	Open Reg.		150
<ul style="list-style-type: none"> <li>• Co-ed Spring Soccer (TBD)</li> </ul>			150

<sup>1</sup> 23 free rentals – PBSO and School Board; 7 for the Puerto Rico Hurricane Relief Efforts.

<sup>2</sup> 7 free rentals.

## YOUTH PROGRAMS

PROGRAM (Hours of Operation)	DAYS	HOURS
CARES	Monday - Friday (school days)	2:00 - 6:00 p.m.
Cool Zone	Monday - Friday (school days)	4:30 - 6:30 p.m.
Hot Spot	Monday - Friday (mentors) 1st and 3rd Friday and Saturday	3:30 - 6:30 p.m. 6:00 - 10:00 p.m.

<b>PERFORMANCE MEASUREMENT # of Students Enrolled</b>	<b>AVERAGE THIS PERIOD</b>	<b>FY 2018 TO DATE</b>	<b>FY 2018 BUDGET</b>
Daily Attendance (CARES & Cool Zone)	102	117	150
• CARES	80	89	120
• Cool Zone	22	28	30
• Hot Spot	15	20	25
Daily Transportation	99	114	150
• 5 Elementary Schools	79	88	120
• 2 Middle Schools	20	26	30
• Parent Drop-off	3	3	5
# of Participants - <i>Youth Delegates in Action</i>	4	4	15
# of Participants - <i>Sierra Club</i>	8	12	12
# of Participants in Life Skills Training Prog.	15	20	15
# of Participants in Mentor Program	15	20	15
# of Presidential Volunteer Service Hours (calculated from Jan-Dec)	449.55 hrs	3,886.55 hrs	6,000 hrs
<b>PROGRAM PARTICIPATION</b>	<b>THIS PERIOD</b>	<b>FY 2018 TO DATE</b>	<b>FY 2018 BUDGET</b>
Grants/Licenses Coordinated:			
• Early Learning Coalition	\$13,584.80	\$27,950.99	\$314,531
• Registration and Parent fees	\$7,783.70	\$14,392.30	\$158,095
• Dept. of Health Child Care Food Program	\$1,063.92	\$1,063.92	\$11,400
• Youth Services Department Grant	\$0.00	\$0.00	\$77,00
Service Agreements Coordinated	3	3	4

- Youth Program's kindergarten and 1st grade group created thank you cards to hand out to the veterans at the VA hospital for Veterans Day. Ms. Jacenya made sure to discuss with the children what sacrifice the veterans made for our Country and why we celebrate Veteran's Day. The cards were decorated and included personal thank you letters from each child in the group.
- The 4th and 5th grade group has been participating in a six-week Cooking Matters class, which is one of the many programs offered by Share Our Strength and FLIPANY. This program is part of an expanded learning opportunity offered by PrimeTime Palm Beach County. In this program, the children learn how to make healthy food decisions, and how to buy and cook healthy snacks.

#### **4. GENERAL**

- The Fall Fitness Festival, Green Market & Indoor Rummage Sale was a successful Fall events with numerous fitness demonstrations, health, wellness, produce, food, clothing, furniture, jewelry, and many other vendors, singer and guitar player, plus a Kidz Zone with a stilt walker, face painter, bounce houses, and arts & crafts.
- The 18<sup>th</sup> Annual Thanksgiving Dinner was held Wednesday, November 22<sup>nd</sup> at the Community Center with volunteer assistance from Legacy Church, Helping Hands Assistance Program and numerous donations from local restaurants. Children

from Youth Programs made table decorations and greeting cards for the Community Thanksgiving event that were included in the home delivered meals.

- Plans are underway for the “Lunch with Santa” event on Saturday, December 9<sup>th</sup> from 11:30 a.m. - 3:00 p.m. For the first time This year, the event will be held at the Samuel J. Ferreri Community Park due to increased annual attendance.

#### **UPCOMING EVENTS:**

<b>EVENT</b>	<b>DATE</b>	<b>TIME</b>	<b>LOCATION</b>
Food Truck Invasion	Nov 29, 2017 Dec.27, 2017 Jan. 31, 2018	5:00 pm – 9:30 pm	SJF Community Park
Lunch with Santa	Dec 9, 2017	11:30 am – 1:30 pm	SJF Community Park
Food Truck Invasion	Dec 27, 2017	5:00 pm – 9:30 pm	SJF Community Park
Fiesta de Pueblo	Jan 6, 2018	3:00 – 10:00 pm	SJF Community Park
Food Truck Invasion	Jan 31, 2018	5:00 pm – 9:30 pm	SJF Community Park
Daddy Daughter Dance	Feb 24, 2018	6:30 – 9:00 pm	Comm. Center – Banquet Hall
Eggs’travaganza	Mar 31, 2018	10:00 am- 1:30 pm	SJF Community Park

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Michele Thompson, CPRP  
Director of Leisure Services

**CITY OF GREENACRES  
INTEROFFICE MEMORANDUM  
2017.10EB3.002**

**TO:** Andrea McCue, City Manager

**FROM:** Kara L. Irwin-Ferris, AICP, Planning and Engineering Director 

**SUBJECT:** Planning and Engineering Department Report

**DATE:** November 27, 2017

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Listed below are the items currently under review by the Planning and Engineering Department for the reporting period November 1, 2017 through November 30, 2017.

**NEW CASES**

None.

**CURRENT PLANNING CASES**

**3581 S. Jog Road**

A request by the owner for a site and development plan (SP-17-01) to convert a portion of a single-family residence to an office. (Awaiting receipt of response to LDS comments of May 24, 2017)

**4644 Lake Worth Road (Dunkin Donuts)**

A City-initiated change in the future land use (CPA-17-01) and zoning designation (ZC-17-01) of the parcel annexed into the City as part of ANX-16-03. The City is proposing to apply City Land Use and Zoning designations for a parcel. (Scheduled for the Planning Commission meeting on December 6, 2017.)

**Aldi's Greenacres (NW Corner of Chickasaw & Jog Road)**

A request by the owner for a site and development plan approval to construct a 22,978 sq. ft. Aldi's grocery store. The site is located on the northwest corner of Chickasaw Road and S. Jog Road at 3429 S. Jog Road. (Scheduled for the Planning Commission meeting on December 6, 2017)

**NW Corner of Chickasaw & Jog Road**

A request by the owner for a voluntary annexation (ANX-13-03) of 3 parcels of land totaling approximately 2.14 acres, along with a change in the future land use designation (CPA-13-04) from Palm Beach County Low Residential 3 (LR 3) to City Mixed Use (MU) and a zoning designation change (ZC-13-04) from PBC Agricultural Residential (AR) to City Mixed Use Development-Office (MXD-O). The site is located on the northwest corner of Chickasaw Road and S. Jog Road. (Scheduled for the Planning Commission meeting on December 6, 2017)

**ANX-08-01**

Annexation into the City of various road rights-of-way per Interlocal Annexation Agreement (ANX-07-05). (Staff review)



**Bethesda Tabernacle**

A request by the owner for a variance (BA-15-07), a request for a site and development plan approval (SP-99-04A) to modify the previously approved site plan and a special exception (SE-15-05) to demolish the existing house of worship and develop a 16,459 square foot House of Worship use and accessory uses at 4901 Lake Worth Road. (Staff review)

**Dairy Queen**

A request by the applicant for zoning change (ZC-27-03) from Commercial General to Commercial Intensive in the Lake Worth Corridor district, a special exception (SE-17-03) request for a drive-thru restaurant in a Commercial Intensive zoning district and a site and development plan (SP-17-03) to demolish the vacant 3,510 sq. ft. building and construct a 3,115 sq. ft. building with a drive-thru restaurant. The site is located at 4828 Lake Worth Road. (Scheduled for LDS review meetings on November 9 and November 16, 2017)

**Kingswood Jog North**

A request by the owner for a subdivision of the parcel located at 3307 South Jog Road. The existing site has been developed with a 10,000 square foot Child Care Center/ Preschool Facility on the southern 1.9 acres of the subject 3.82-acre site. The applicant is proposing to subdivide the property into two separate parcels. (Scheduled for City Council on December 4, 2017)

**Ministries in Bethel**

A request by the owner of the existing child care center / preschool at 3950 S. 57<sup>th</sup> Avenue in the Commercial Intensive (CI) zoning district for a Special Exception (SE-16-01) and Site Plan (SP-84-12A) to construct an approximately 6,940 square foot House of Worship for Ministries in Bethel. (Staff Review of resubmittal received on May 15, 2017)

**PBC Tax Collector**

A request by the owner for a voluntary annexation (ANX-17-01) for one parcel of land totaling 3.28 acres. The City has converted the application to an involuntary application in order to include the annexation of two additional parcels; the FPL substation (4101 S. Military Trail) and a Lake Worth Drainage District drainage canal right-of-way between the two parcels (located between Raulerson Drive and South Military Trail). A City-initiated change in the future land use (CPA-17-02) and zoning designation (ZC-17-02). The City is proposing to apply City Land Use and Zoning designations for a parcel. The site is located at 4215 S. Military Trail. (Scheduled for the Planning Commission meeting on December 6, 2017)

**SITE PLAN AMENDMENTS**

None.

**Text Amendment**

**ZTA-16-05**

A city-initiated request for a text amendment to revise Building heights based on comments from the City Council workshop on October 24, 2016. (Postponed from

the Planning Commission meeting of August 16, 2017 to the Planning Commission meeting of September 20, 2017, currently no date set for review)

**ZTA-17-01**

A city-initiated request to provide a moratorium for development orders or permits related to wireless communication facilities within right-of-ways. Adopted via Ordinance 2017-14 and set to expire December 19, 2017. (City staff has scheduled an amendment to Chapter 11 of the City Code of Ordinances in order to address the moratorium. Ordinance 2017-31 has been scheduled for first reading on December 4, 2017.)

**Residential**

**Whitney Park (aka Bowman Pines)**

The Plat was approved by City Council on December 5, 2016. Permits have been issued for site construction and the developer is in the process of doing off-site improvements for water and sewer infrastructure. The applicant has received all single-family permits out of the approved 24 single-family homes. Currently, 12 of the 24 homes have been granted Certificates of Occupancy.

**Harvest Pines**

The Plat for this 35-unit single-family residential development and acceptance of park site deed were approved at the City Council meeting on April 20, 2015 and engineering permit was subsequently issued. Site civil engineering work is complete. Site clearing and stormwater drainage, installation of water and sewer piping, internal roads, and the sales models are complete. Construction of homes is underway in the subdivision and 33 Certificates of Occupancy have been issued to date. Traffic Control Jurisdictional Agreement (TCJA) was approved at the City Council meeting on February 6, 2017. The developer has requested close-out of the project. The subdivision bond was returned on June 26, 2017 to the developer and a one year 10% maintenance bond was received.

**Las Ramblas**

The Plat was approved at the February 6, 2017 City Council meeting. Permits have been issued for site construction and the developer has requested master model approval for the building home sites. Pre-construction meeting was held on April 19, 2017. The site has been cleared and is currently under construction. The developer has requested two (2) of the eight (8) single-family permits to date.

**Pine Grove Farm**

Except for 2 vacant lots, all work has been completed.

**Reserve at Summit**

Plat for this 73-unit single-family residential development was approved at the July 6, 2015 City Council meeting and engineering permit and clearing permit have been issued. Site clearing and stormwater drainage, installation of water and sewer piping, internal roads, and the sales models are complete. Construction of homes is underway in the subdivision and 62 Certificates of Occupancy have been issued. The Recreation parcel has been completed.

**Santa Catalina**

Plat application received on December 9, 2016. The Plat was approved at the February 6, 2017 City Council meeting. Permits have been issued for site construction. Pre-construction meeting was held on April 26, 2017. The site has been cleared and is under construction. The applicant has requested permits for all residential townhome buildings.

**Commercial**

**Braman Honda**

Revised replat under review. Construction of the vehicle storage lot is complete. Permit application for the recently approved service department expansion (SP-97-06G) was issued.

**Church of God 7th Day**

The building permit and engineering permit are both issued for the development. Construction is underway.

**Greenacres Nissan**

Developer closed on purchase of the property on October 21, 2015. Plat approved on May 16, 2016 and engineering permit issued immediately thereafter. Building permit issued July 7, 2016. Site and building construction are underway. A Permit Revision was submitted for the addition of the garage and has been issued. Staff is still working with the developer on a lighting plan for the garage. (Temporary Certificate of Occupancy was issued by the Building Official, no final zoning inspections have been requested or completed.)

**Jog Professional**

Sewer installation complete. Building and engineering permits issued. Preconstruction meeting with contractor and City staff held on March 20, 2016. Building construction is well under way, with roof trusses and sheathing installed. Owner has new contractor, construction to resume shortly.

**Soma Medical Center**

Building and engineering permits issued for the project and construction is underway.

**Target**

Plat application received on March 22, 2017. The City has completed two rounds of review and found the submittal sufficient for approval. The re-plat was approved at City Council on August 7, 2017. Engineering permits for Discount Tire and Zaxby's were approved and forwarded to Building Department for review on October 12, 2017. The Building Department is waiting on a contractor to be chosen in order to issue the permit.

**Wawa**

Plat application received on July 19, 2016, and after review, the Plat was approved by City Council on October 17, 2016, as "Bright Acres Plat". A demolition, Engineering, and Building permit have been closed out for the site. A Certificate of Occupancy (CO) has been issued for a site and two outstanding improvements have been secured with surety. Building permit has been issued for the bus shelter and the developer is still waiting on FPL to move a power pole.

## **Capital Improvements**

### **Community Center Expansion**

Project was advertised for bids on June 28, 2015. Bids were received on July 29, 2015 and City Council awarded the project to Sisca Construction Services, LLC on September 3, 2015. The project is substantially complete. Punch list completion and final close out submittals remain pending.

### **Marquee Signs**

Five bids were received on March 23, 2017. On June 5, 2017 City Council awarded the project to Unified Board Operations, LLC. The electrical work has been completed. The Notice to Proceed was issued on July 12, 2017 to Unified Board Operations with a start date of July 17, 2017 and completion date of September 15, 2017. The contractor is citing hurricane issues as a request for additional time to install. The permits have been issued and the contractor anticipates that the signs will be installed by mid-December.

### **Original Section Drainage Improvement – Phase 3**

Phase 3 was advertised on February 12, 2017. On March 15, 2017 five (5) bids were received and opened. The City Council awarded the project to Hinterland Group, Inc. on May 1, 2017, with Notice to Proceed issued on June 1, 2017 and contract start date is July 6, 2017. All work has been completed and the contractor is in the process of completing a punch-list for final payment and close-out.

### **Original Section Drainage Improvement – Phase 4**

An application for Phase 4 of the Original Section Drainage Improvements project was submitted to DES on March 31, 2017. Staff is waiting for the Interlocal Agreement from DES.

## **FY 2018 Data:**

	<b>CURRENT PERIOD</b>	<b>FY 2018 TO DATE</b>	<b>FY 2018 BUDGET</b>
Annexations	0	0	2
Comprehensive Plan Amendments	0	0	4
Zoning Changes	0	0	3
Special Exceptions	0	0	5
Site Plans	0	0	5
Site Plan Amendments	3	3	17
Variances	0	1	5
Zoning Text Amendments	0	0	3

	<b>CURRENT PERIOD</b>	<b>FY 2018 TO DATE</b>	<b>FY 2018 BUDGET</b>
Landscaping	11	25	138
Zoning	15	32	114
Engineering	14	19	115

## CITY OF GREENACRES

### INTEROFFICE MEMORANDUM

#2017.11LN4.01

**TO:** Andrea McCue, City Manager  
**FROM:** Carlos Cedeño, Public Works Director  
**RE:** Public Works Department Report  
**DATE:** November 27, 2017

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Listed below is a brief summary of the activities undertaken by the Public Works Department during the period of November 1, 2017 through November 27, 2017.

#### 1. ADMINISTRATION:

- a. Director attended LMS Steering Committee meeting.
- b. Assisted with the Mayor's/Building Department's City Cleanup Event.
- c. Project Coordinator attended FDOT Bridge Inspection meeting.

ACTIVITY	COMMENTS	11/01/17 – 11/27/17	FISCAL YEAR TO DATE	FY2018 BUDGET
Citizen Requests Processed	(1) Website, (13) recycling bins, (1) general requests	15	49	225

#### 2. ROADS AND DRAINAGE MAINTENANCE

- a. Supervisor attended FDOT Bridge Inspection meeting.
- b. Installed Holiday banners Citywide.
- c. Filled road edges and corners in Palm Beach Villas II.

ACTIVITY	COMMENTS	11/01/17 – 11/27/17	FISCAL YEAR TO DATE	FY2018 BUDGET
Medians Maintained (72)	Jog Rd, 10 <sup>th</sup> Ave N., Forest Hill Blvd., Lake Worth Rd., 57 <sup>th</sup> Ave.	7	15	N/A
Canal Maintenance (A & B Canals)	1 Mile	4	8	N/A
R-O-W Litter Removal	City Streets	4	8	N/A
R-O-W Landscape Maintenance	City Streets	1	4	N/A

ACTIVITY	COMMENTS	11/01/17 – 11/27/17	FISCAL YEAR TO DATE	FY2018 BUDGET
Stormwater Inlets, Outfalls, Control Structures, & Manholes Maintained (645)	Cleared debris from inlets on S. 38 <sup>th</sup> St (4), S. 37 <sup>th</sup> Ct (4), S. 37 <sup>th</sup> St (4), S. 57 <sup>th</sup> Ave (2) and repaired Inlet #23-93A at 5796 S. 37 <sup>th</sup> Ct.	15	29	114
Landscape Maintenance Retention Ponds/Lakes	Ramblewood Circle, Harwich Court	1	3	N/A
Sidewalks Repaired	Replaced 5 l.f. sidewalk on Perry Avenue	5 l.f.	5 l.f.	N/A
Underground utility locate ticket requests	N/A	76	139	700

### 3. VEHICLE MAINTENANCE

- a. Supervisor passed two (2) EVT Certifications – *Maintenance, Inspection & Testing of Fire Apparatus and Fire Pumps and Accessories.*

ACTIVITY	COMMENTS	11/01/17 – 11/27/17	FISCAL YEAR TO DATE	FY2018 BUDGET
Inspections	(5) Fuel storage tanks, (6) generators, (1) hazardous materials inspection at Fire Rescue Station 94/PBSO District 16	20	36	N/A
Repair Orders Completed	(13) Fire & Medic trucks, (7) Public Works trucks, (1) Building truck, (21) small engine equipment, and (4) L.S. buses	46	107	800
Preventive Maintenance Performed	(2) Fire & Medic trucks, (4) Public Works trucks, (4) Building truck, (4) small engine equipment	14	25	190
Service Calls	(1) Fire & Medic trucks, (3) Public Works trucks	4	9	N/A

### 4. BUILDING SERVICES

- Performed quarterly preventative maintenance on air compressors.
- Performed bi-annual preventative maintenance on ice machines.
- Re-set all timers and clocks for end of Daylight Savings Time.
- Coordinated renovation of Community Center kitchen (CIP Project #198).
- Coordinated Energy IQ testing of control system at City Hall.

ACTIVITY	COMMENTS	11/01/17 – 11/27/17	FISCAL YEAR TO DATE	FY2018 BUDGET
HVAC Systems (36) Repairs	(3) City Hall, (2) 500 Perry Bldg.	4	5	N/A
Monthly PM for (17) Buildings	Includes inspection and replacement of A/C filters, flags, fire sprinkler gauges, battery recycling and rust removal from irrigation	1	2	12
Work Orders Completed	17 Buildings	66	127	800

## 5. PARKS MAINTENANCE

- a. Helped set-up and break down for Fall Fitness Festival.
- b. Re-installed shade system at CARES.
- c. Coordinated installation of new play structure at Rambo Park (CIP Project #032).

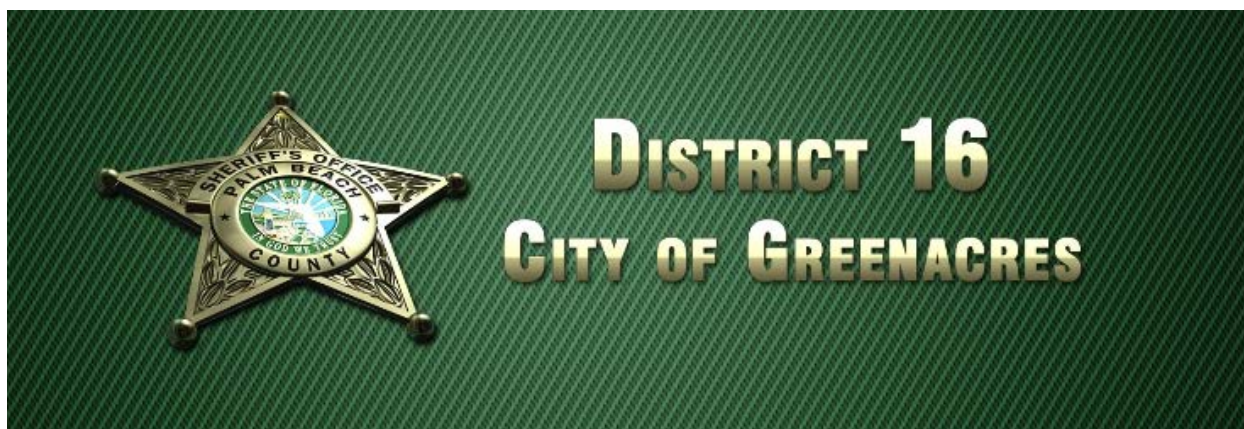
ACTIVITY	QUANTITY	11/01/17 – 11/27/17	FISCAL YEAR TO DATE	FY2018 BUDGET
Mowing Public Building Grounds	11.7 acres	2	5	36
Mowing of Parks' Grounds	66.5 acres	2	5	40
Mowing of Sports Turf	15 acres	8	18	90
Athletic Fields (11) Maintained and Prepped	Ballfield, Soccer, Football	59	146	N/A
Athletic Courts (26) Maintained	Tennis, Basketball, Racquetball, Shuffleboard, Volleyball	3	16	N/A
Parks and Buildings Litter Removal	92 acres	17	37	N/A
Trees in parks and building grounds maintained (4,663)	Trimmed (116) Sabal Palm, (17) Washingtonian Palms, (11) Slash Pines & (18) Live Oaks at Municipal Complex; (3) Live Oaks at Oasis Park; (5) Slash Pines at Friends Park; (2) Live Oaks at Fire Rescue Station 95; and (20) Sabal Palms at Community Park.	192	257	933
Playground Areas Maintained (15)	N/A	9	30	N/A
Parks and Playground Safety Inspections	15 Playground areas, 13 Parks, 11 Athletic Fields, & 9 Public Buildings	1	2	12



ACTIVITY	QUANTITY	11/01/17 – 11/27/17	FISCAL YEAR TO DATE	FY2018 BUDGET
Community Events Assisted	Employee Recognition Luncheon, Food Truck Invasion	2	3	22

**6. DEPARTMENT OF CORRECTIONS WORK SQUAD**

ACTIVITY	COMMENTS	11/01/17 – 11/27/17	FISCAL YEAR TO DATE	FY2018 BUDGET
Canal Maintenance	(1) A Canal, (1) B Canal	1	1	N/A
Alleyway Maintenance	5.56 miles	1	2	N/A
Landscape maintenance	Municipal Complex	1	2	N/A
Landscape Maintenance	Gladiator Park	1	1	N/A
Landscape maintenance	Empire Park	1	1	N/A
Landscape maintenance	Community Park	1	3	N/A
Work Squad Total Hours Worked	4 inmates for 2 days, 5 inmates for 2 days, 6 inmates for 2 days	184.5	543.5	Estimated 5,500 hr/yr



## OCTOBER 2017 - MONTHLY STRATEGIC REPORT

CAD Calls	Monthly Totals
Business / Residence Checks (Self-Initiated)	2612
Traffic Stops (Self-Initiated)	544
Calls for Service (Excluding 1050's & 1061's)	1991
All CAD Calls - Total	5147

Data Source: Crimeview Dashboard

\*Omit Miscellaneous Calls

### SUMMARY

During the month, there were 5147 generated calls within the District and 61% of these calls were self-initiated.

### DATA BELOW REPRESENTS TRAFFIC ACTIVITY CONDUCTED BY D16 PERSONNEL

Data Source: D16 Office Staff

Total Citations	Total Warnings	Parking Citations
606	439	2

### FIELD INTERVIEW REPORTS

157 conducted per the FIR Track System

(Provided by Julie Canavan or John Kianka)

### DISTRICT 16 TRUANTS

18 per the Monthly Stat Spreadsheets

## **DISTRICT ACTIVITY/INCIDENTS/INITIATIVES**

### **COMMUNITY EVENTS**

- District 16 visited Potentia Academy, by request of the principal, on 10/06/17. This was to educate the students on law enforcement, in which demonstrations were given to help better the relationship between the students and PBSO. The students had a chance to meet the canine and mounted units. In addition, the students asked questions that were answered by a Detective and the Law Enforcement Aide regarding being a police officer. The students also got to sit inside the police cars and activated the lights/sirens in the parking lot of the school.
- On 10/12/17 District 16 went to Bright Beginnings Preschool to speak with the students about PBSO. In attendance were three Road Patrol Deputies, a K9 Deputy, and Motor Unit. PBSO coloring books and Junior Deputy Badges were handed out as well.
- District 16 participated in the Read for the Record event with the City of Greenacres on 10/19/17. This is an annual campaign to help build early literacy and language skills for children. Two deputies went to Greenacres Learning Center and one deputy went Kids World Academy to read to the students.
- District 16 participated in the One Humanity Tour, which is a stage play called Swagger, at Okeeheelee Middle School on 10/24/17. The play is geared toward 6<sup>th</sup> graders and after the performance the actors interviewed a District 16 Deputy to show the students that a law enforcement officer is an integral member of the community.
- A special education class from Okeeheelee Middle School visited District 16 for a tour on 10/25/17. They were given a tour of the building as well as a demonstration of a PBSO patrol vehicle and motorcycle. In addition, the students asked questions that were answered by four Palm Beach County Sheriff's Office Deputies regarding being a police officer.
- On 10/26/17 Lieutenant Richter, a District 16 Deputy and our Law Enforcement Aide attended a Volunteer Breakfast at Liberty Park Elementary School. They discussed future community events they have planned and about how to get more volunteers for the school.
- On 10/27/17 Deputies assisted with the John I. Leonard Homecoming Event/Parade.
- On 10/31/17 Deputies assisted with the Trunk or Treat event at the Faith Family Church.

### **OPERATIONS**

- The District 16 Street Team will be working on a Vehicle Burglary Operation which is due to the sudden uptick in vehicle burglaries in the District.
- District 16 participated in two (2) Homeless Operations in the month of October with District 1. The first operation was 10/13/17 through 10/15/17 and the second operation was 10/27/17 through 10/30/17. The goal of the operation was to reduce and deter the vagrant/homeless population in areas of District 1 and District 16 by providing assistance and services or apprehension and arrest of violators not willing to accept help or change their behaviors and/or improve their situation.

### **STREET TEAM**

- The District 16 Street Team conducted proactive patrol in an area of the city in which a traffic stop was conducted on a vehicle. Probable cause was developed to search both the vehicle and the occupant. The occupant was arrested and charged with Possession of Marijuana <20g. This case was cleared by arrest.
- The District 16 Street Team conducted proactive patrol in the city in which a traffic stop was conducted on a vehicle. Probable cause was developed to search both the vehicle and the occupants. Subsequent to the search both were arrested. One occupant was charged with the

Possession of Cocaine and the other occupant was charged with Possession of Marijuana less than 20g. Both were processed, transported without incident and both cases were cleared by arrest.

- The District 16 Street Team conducted proactive patrol in an area of the city where a traffic stop was conducted on a vehicle. Probable cause was developed to search both the vehicle and the occupants. Subsequent to the search one of the occupants was arrested and charged with Possession of Marijuana >20g (203 grams). This occupant was processed, transported to Palm Beach County Jail without incident and this case was cleared by arrest.
- The District 16 Street Team conducted proactive patrol in an area of the city where an individual was observed making contact with an unknown person. A hand to hand transaction was observed between the two individuals. One of the individuals left the area in which a traffic stop was conducted due to numerous traffic infractions and contact was made with this individual who admitted to purchasing cocaine from the unknown person. This individual was subsequently arrested and charged with Possession of Cocaine. The individual was processed, transported without incident and this case was cleared by arrest.
- The District 16 Street Team conducted proactive patrol in an area of the city where contact was made with an individual. A records check revealed an active FTA Warrant. The individual was subsequently arrested, transported without incident and this case was cleared by arrest.
- The District 16 Street Team was requested to assist the District 16 Detective Bureau, who advised they had probable cause for the arrest of a suspect. The suspect was one of multiple suspects in a recent burglary case located within the City of Greenacres. The suspect was located, taken into custody by the Street Team and charged with Burglary/Grand Theft/Criminal Mischief. This case was cleared by arrest.
- The District 16 Street Team received information regarding subjects driving a vehicle without state plates utilizing the parking lot of a business located in the city to conduct hand to hand drug sales. The subjects were observed driving the vehicle and were identified. A traffic stop was conducted on the vehicle in which probable cause was developed to search the vehicle. One of the suspects was found to be in possession of heroin and cocaine and another suspect was found to be in possession of hash and drug paraphernalia. Both subjects were arrested, charged accordingly and this case was cleared by arrest.

### **DETECTIVES**

- Detectives continue to canvass high crime area in the district completing multiple Truant FIR's and suspicious person's FIR's.
- Detectives investigated a fraud where a business in the city had a sales associate who drew three fraudulent service contracts forging the victim's signatures and credit card information. Upon interviewing the suspect, he confessed stating that he wanted a higher commission.
- Detectives investigated a residential burglary where several pairs of sneakers were stolen. Detectives located evidence which showed the suspect hanging out in the victim's driveway. The suspect was arrested on unrelated charges. When interviewed by Detectives the suspect confessed to the burglary and to the fact that he was currently wearing the victim's shoes. In addition, the suspect aided Detectives in locating four more pairs of stolen sneakers.
- Detectives investigated five vehicle burglaries that occurred on the same street in the city. Two surveillance videos and two sets of latent prints were collected on scene, which resulted in positively identifying the suspect. Upon making contact with the suspect, he requested his attorney and was arrested without incident.
- Detectives investigated a residential burglary in the Greenacres Charter Club Community in which three suspects were identified and captured. The suspects were found to have been using

stolen vehicles as transportation for their crimes. All arrestees were charged with Burglary, Grand Theft, and Criminal Mischief.

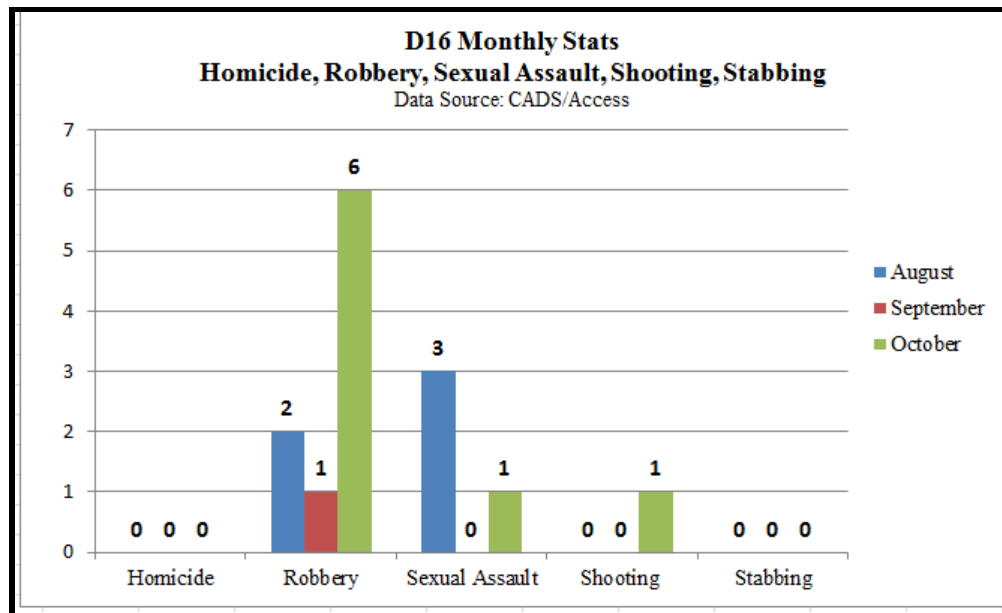
## ARREST AND NTA STATISTICS

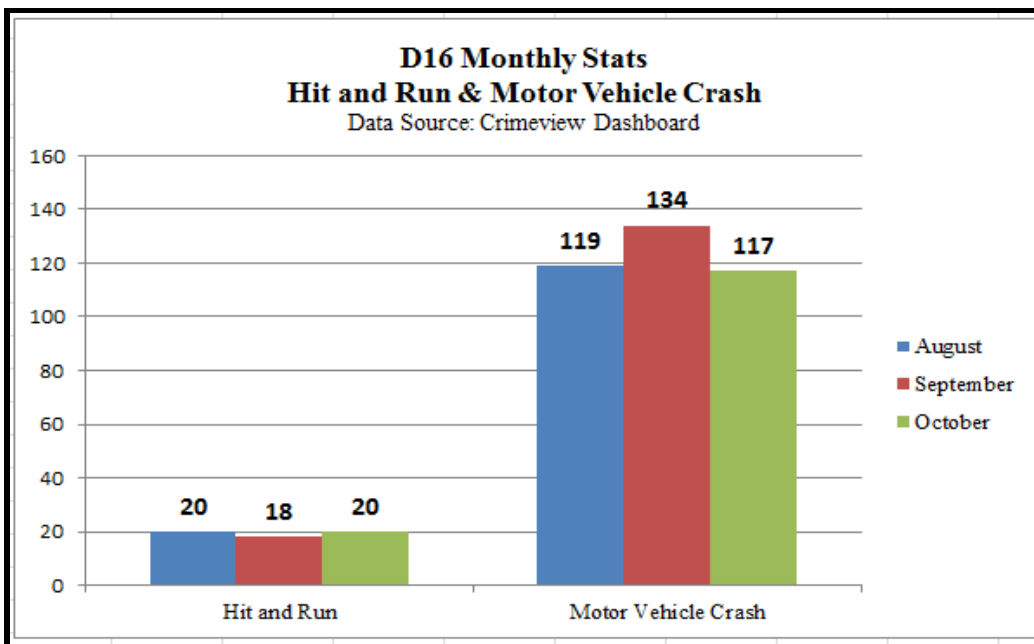
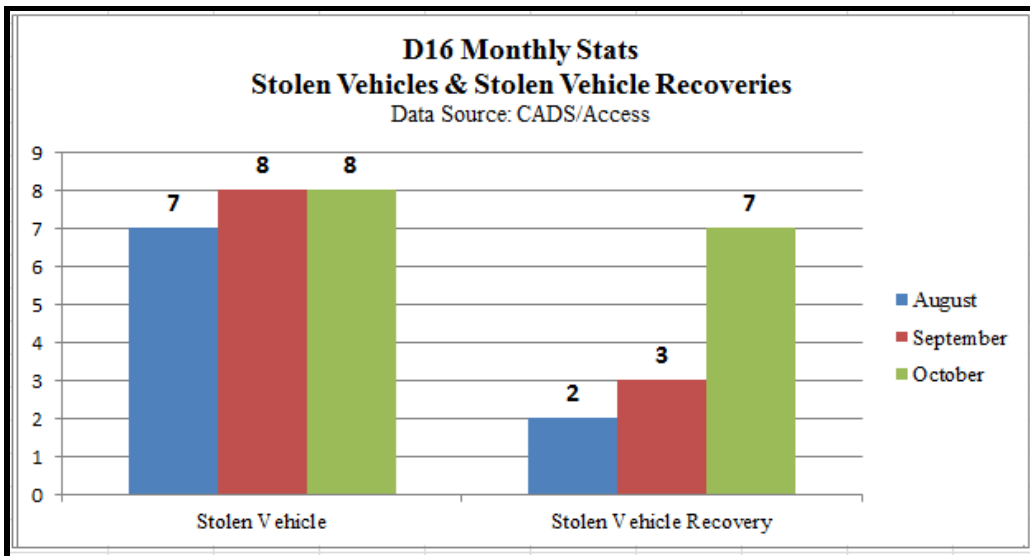
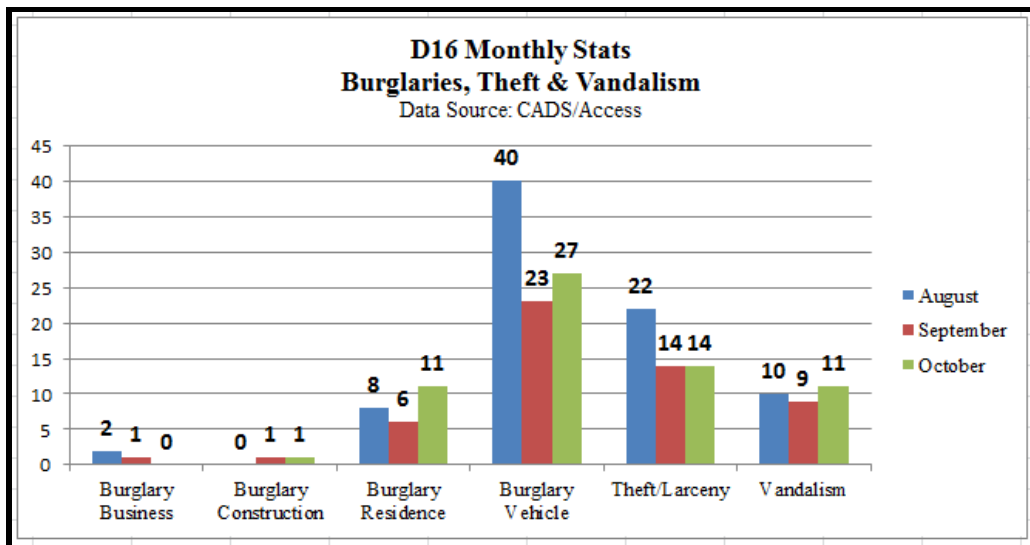
Arrest Data
Arrests & Notice to Appear (NTA) within District 16
Total Count - 66

Data Source: Crimeview Dashboard (Calls for Service)

## DATA ANALYSIS

The data included in this report is charted and graphed to illustrate and compare changes over a specific time period. These charts and graphs are utilized to assist in determining crime trends and to measure enforcement efforts. This data is utilized in conjunction with other analysis to develop directed patrol and various enforcement activities. The analysis included on these pages is presented as a brief highlight to explain the salient points of this report.







Data: Source: Crimeview Dashboard

**ROBBERY - RESIDENTIAL**

**ROBBERY - STREET**

**RAPE**

**SHOOTING**

Greenacres

10th Ave N

15th Ave N

20th Ave N

Woodlake Blvd

W. Rd

Suncrest Rd

Poinciana Dr

Poinciana Golf Club

The Fountains Country Club

Forest Oaks Golf Club

Lucerne Lakes

1st Rd

Colbright Rd

Fearnley Rd

Fountains Cir

Brenwood Blvd

Triphammer Rd

Ithaca Cir W

Edgell Ave

Priscilla Ln

Millac Dr

Mark Way

Robert Way

Haverhill Rd

Glenn Dr

Glenn Way

Lake Worths Rd

Swain Blvd

Broward Ave

Jackman Ave

55th Ave

57th Ave

Fleming Ave

Jennings Ave

Perry Ave

Cresthaven Blvd

Purdy Ln

Haverhill Rd

Paulie Ct

Lugli Ct

Kudza Rd

Victoria Woods Cir

Azalea

Olive Tree Blvd

River Bridge Blvd

Jog Rd

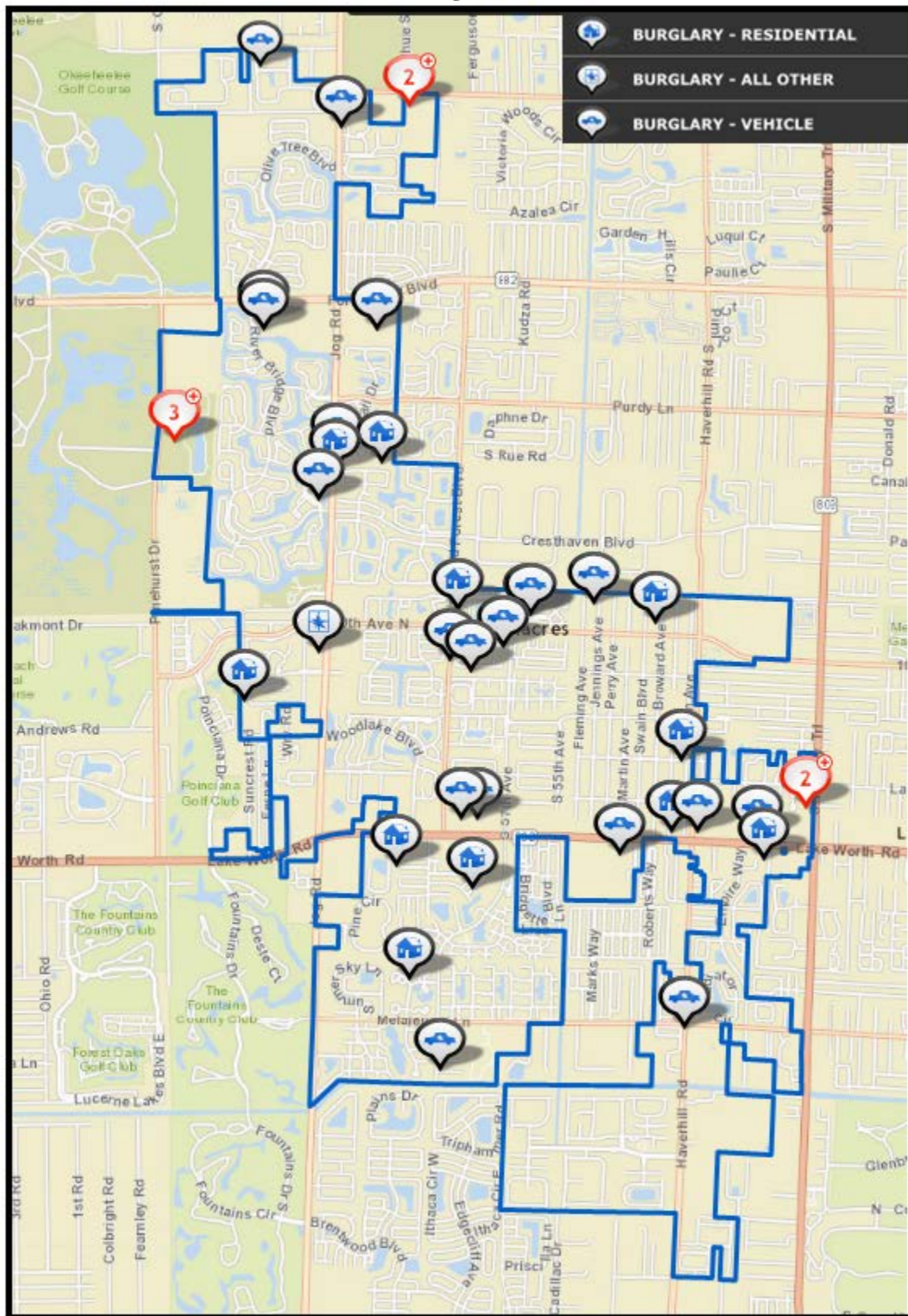
Fortrail Dr

Daphne Dr

S Rue Rd

803

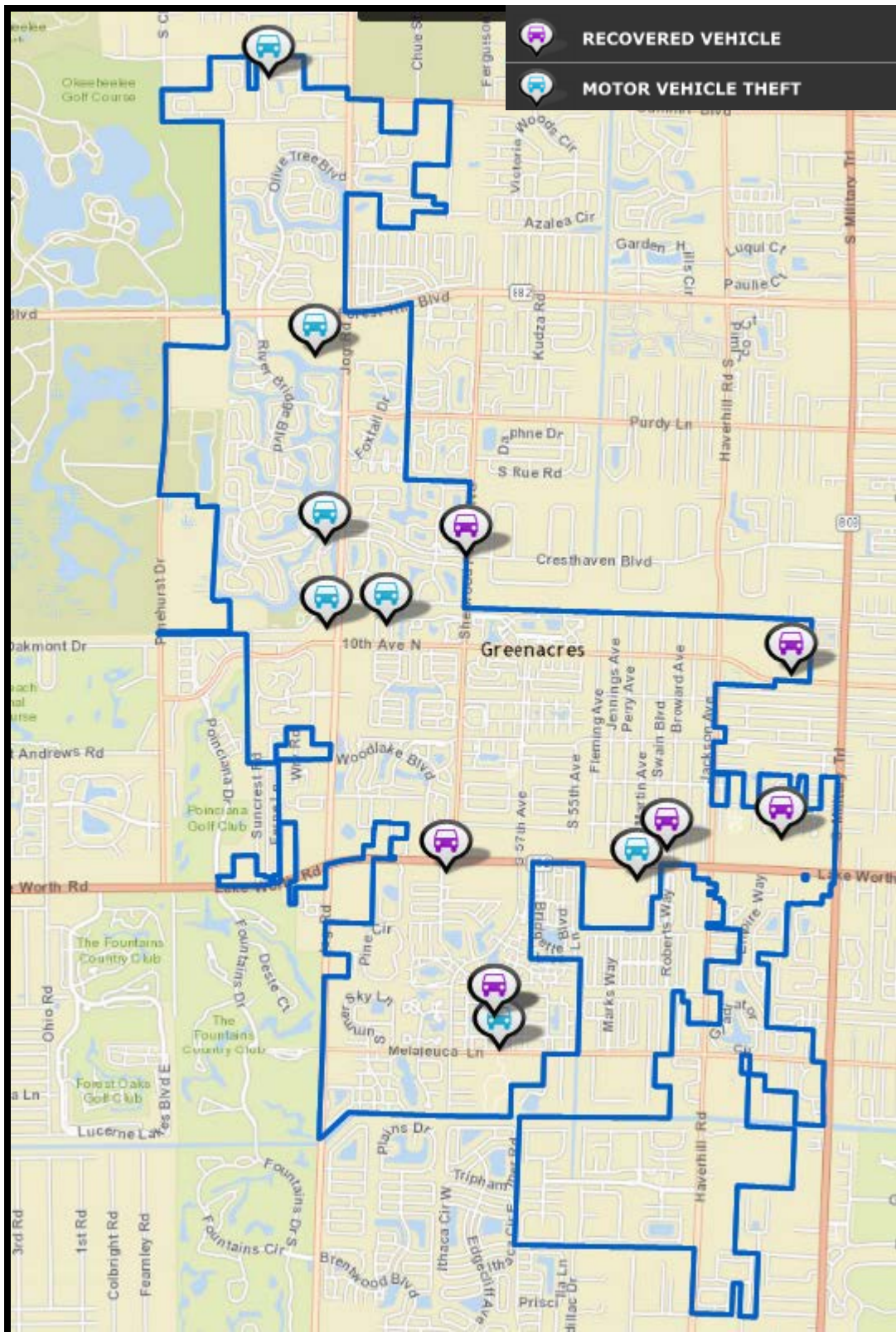
## Burglaries







## Stolen Vehicles & Recovered Vehicles





## FIR MAP

144 Records Plotted

Data Source: Crimeview Dashboard

(157) conducted per the FIR Track system.

