

CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board: city Council Meeting
Meeting Date: 8-7-17
Transcribed by: mf No. of Pages: _____ Transcription Time: _____

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<i>[Signature]</i>	8/15/17	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

APPROVAL OF MINUTES

Meeting Date: 9-19-17

Motion By: Bousquet Seconded By: Thelusme

Check One: Approved Tabled Denied Vote: 5/0

Changes requested by Council or Board? Yes No

If yes, note changes: _____

Date Scanned and Filed: _____ By: _____



OFFICIAL MINUTES

CITY OF GREENACRES
5800 Melaleuca Lane
Greenacres, FL 33463

CITY COUNCIL MEETING
Monday, August 7, 2017 - 7:00 P.M.

1. Call To Order and Roll Call.

Mayor Flores called the City Council Meeting of Monday, August 7, 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: 8

Press: 1

Staff Present:

Andrea McCue, City Manager
James D. Stokes, City Attorney
Joanna Cunningham, City Clerk
Michael Grimm, Director/Building
Jim McInnis, Director/Finance
Brian Fuller, Asst. 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
Major Steve Mattino/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.

Attorney James Foreman of the Palm Beach County Human Rights Council thanked Mayor Flores and Council for passing Ordinance 2017-15 on first reading. He reiterated the ineffectiveness and harm conversion therapy does to children and hoped Ordinance 2017-15 would pass unanimously.

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. Council Member Noble requested the removal of Regular Agenda Item 7.B, Ordinance 2017-15.

MOTION: Council Member Noble made a motion to remove Regular Agenda Item 7.B, Ordinance 2017-15 from the Agenda.

Motion died for lack of a second.

Mayor Flores called for a motion.

MOTION: Council Member Dugo made a motion to approve the Agenda as presented. Council Member Thelusme seconded the motion.

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

Motion carried: 4 - 1.

5. **Special Business.**

- A. **Presentation:** Palm Beach Vet Center – Ed Tague, Veteran Outreach Program Specialist.

Veteran Ed Tague thanked the Mayor and Council for the invitation. He noted the Vet Center's location at 10th Avenue North and South Haverhill Road across from John I. Leonard High School and described some of the services they provide. Palm Beach Vet Center also partners with Veteran's Affairs to help victims of military trauma offering readjustment counseling to vets and their families, bereavement counseling, referrals, substance abuse assessment, employment referrals, and referrals to the VA. The Center assists in getting vets involved in community activities. Their records are separate from the VA hospitals and there are currently 300 Vet Centers nationwide. Appointments are preferred; however, walk-ins are accepted.

Deputy Mayor Bousquet requested adding a link to their services on the City's website.

- B. **Proclamation:** Firefighter Appreciation Month - Joel Flores, Mayor.

City Clerk Joanna Cunningham read the proclamation into the record. Jeaneece Washington of the Muscular Dystrophy Association thanked the Mayor, Council and the firefighters for their support of the "Fill the Boot" campaign to be held this year on Labor Day weekend at Publix.

6. Consent Agenda.

- A. Mayor Flores asked Council if they wished to pull any of the five (5) Consent Agenda items; hearing none, he called for a motion.
1. **Official Minutes:** City Council Meeting of July 17, 2017 – Joanna Cunningham, City Clerk.
 2. **Re-Plat of Greenacres Target:** Approval of the re-plat of the Greenacres Target, located at 5900 Lake Worth Road at the northwest and northeast corners of the existing Target site; pursuant to Staff Memo - Kara Irwin-Ferris, Planning and Engineering Director.
 3. **Forfeiture Funds Expenditure:** Requesting authorization for the use of funds for the qualifying purchase of a 2017 Polaris Ranger Crew 570. This will be used as a support vehicle to patrol all City parks and City functions, which include but are not limited to holiday events, Food Truck Invasions, summer camps, and hurricanes. The cost of the vehicle is \$11,896.76, and the cost to reimburse PBSO for parts and installation of emergency equipment is \$2,152.55. The estimated amount of \$14,049.31 will be taken from the Forfeiture Fund; pursuant to Staff Memo– James McInnis, Finance Director.
 4. **Award of RFP No. 17-007 - Annual Contract for Custodial Services:** Award RFP No. 17-007 for Custodial Services to The Cleaner Team Corp and authorization to execute a one-year agreement with the option for three additional one year renewals; pursuant to Staff Memo - James McInnis, Finance Director.
 5. **Board Appointment:** Appointment of Ms. Hanny Garcia to Full Member on the Planning Commission pursuant to Staff Memo – Joel Flores, Mayor.

MOTION: Council Member Tharp made a motion to approve the five (5) Consent Agenda items. 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.

7. Regular Agenda:

- A. **PUBLIC HEARING Ordinance No. 2017-11:** Second Reading; Amending the City of Greenacres Code of Ordinances, Chapter 4, Building Regulations, Article III, Floodplain Management; to update the date of the Flood Insurance Study and Flood Insurance Rate Maps; providing for applicability; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in the Code; and providing for an effective date; pursuant to Staff Memo – Michael Grimm, Building Director.

City Clerk Joanna Cunningham read Ordinance 2017-11 into the record on second reading.

Director Grimm reported that the City has had flood plain management regulations since 1977. The City was previously identified as Zone “X” and had no areas identified as flood zones. In August 2016, new floodplain regulations were adopted to help residents obtain cheaper flood insurance coverage through the National Flood Insurance Program. New FEMA maps will be made available October 5, 2017 and Ordinance 2017-11 recognizes the new maps.

The City’s Building Department has worked diligently to be recognized as a CRS rated community. As a CRS community, for every point rated below a “10”, residents receive a 5% discount on flood insurance rates. The City is currently rated an “8”. Staff recommends approval of Ordinance 2017-11.

Mayor Flores called on Council Members for comments.

Council Member Noble asked if some residents were already paying for flood insurance. He recalled concerns over residents paying substantially more for flood insurance and being unable to sell their properties.

Director Grimm reported that approximately 500 residents currently pay for flood insurance. Some residents residing north of Lake Worth Road will be found in Zone AE. Those already with policies will be grandfathered in. He reported that older homes built with foundations below ground level may be affected.

Council Member Tharp asked how residents would be notified of the changes.

Director Grimm reported that due to the difficulty in identifying specific properties that will be affected due to the quality of FEMA maps, he would be mailing notices to residents stating their property “may” be affected.

Mayor Flores opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance 2017-11 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 2017-11 on second reading. 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.

- B. PUBLIC HEARING Ordinance No. 2017-15: Second Reading; Amending Article III, "Business Taxes" of the Code of Ordinances, by providing for the repeal of a business tax receipt for any provider engaging in the practice of conversion therapy on minors; providing for conflicts, providing for severability, codification and an effective date – James Stokes City Attorney.**

City Clerk Joanna Cunningham read Ordinance 2017-15 into the record on second reading.

City Attorney James Stokes explained this Ordinance on conversion therapy was prepared based on discussions at the last Council meeting.

Council Member Noble asked if any counseling organization in the City falls into the categories described in the Ordinance. City Attorney Stokes reported that research had not been done to that effect.

Council Member Noble pointed out that this type of business could open up outside the City's boundaries. He wanted the public to know that if he decides to vote against this Ordinance, it does not indicate he is anti-gender neutral.

Council Member Dugo believed that a survey could not be done due to HIPPA laws.

Mayor Flores opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance 2017-15 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 2017-15 on second reading. Council Member Dugo seconded the motion.

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

Motion carried: 4 - 1.

- C. City Council Policy No. 24 –Communication Towers: - Update to City Council Policy No. 24; Pursuant to Staff Memo. - James McInnis, Finance Director.**

Director McInnis reported that Council Policy 24 was written as a guide for the use of cell tower rental proceeds. Upon adoption, the decision was made to credit receipts to the CIP funds appropriate to the department where the cell tower is

located. All Public Safety and Public Works sites would be deposited in the 301 Fund and park site revenues in the 303 Fund. In time, this limited the use of cell tower revenues to capital spending only for specific departments and projects. Staff recommends modifying Council Policy 24 to allow staff to determine into what CIP funds the cell tower revenues should be deposited. The proposed change would not financially impact overall capital spending; however, it will positively impact the 304 Reconstruction and Maintenance Fund due to current restrictions. The City will continue to supplement capital projects using transfers from the General Fund when necessary. Staff recommends approval of Council Policy 24 as revised.

Mayor Flores called on Council Members for comments.

MOTION: Council Member Noble made a motion to approve Council Policy 24 as presented by staff. 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. PBC Petition ABN-PDD-CA-2017-00983 & LGA 2017-014 Atlantis Reserve (aka Rorabeck's) located 0.6 miles north of Lantana Road on Military Trail directly west of the City of Atlantis:** Request authorization for staff to send an objection letter and present the City's objection to the proposed development at the Board of County Commissioners Hearing; pursuant to Staff Memo – Kara L. Irwin-Ferris, Planning & Engineering Director.

Planning and Engineering Director Kara Irwin-Ferris presented two (2) Palm Beach County applications for development of a 22.59-acre site known as Rorabeck's Nursery located on the City's border across from Atlantis and within the City's annexation area. The project name is Atlantis Reserve.

Director Ferris described the first application for a proposed future land use amendment changing the Palm Beach County land use designation of Low Residential, 3 units per acre (LR-3) and Medium Residential, 5 units per acre (MR-5), to a designation of High Residential, 8 units per acre (HR-8) and High Residential, 12 units per acre (HR-12). The current land use designation would allow 108 units; however, the proposed future land use amendment would allow 201 dwelling units. The City's future land use designation would be Residential-Medium (RM) which allows between 6-7 units per acre, for a total of 135-158 units for the site. The County's request doubles the number of units.

The second application is to change the zoning designation from Agricultural Residential (AR) to a Planned Unit Development (PUD) to allow for a Congregate Living Facility (CLF) and workforce housing greater than 30 percent. The County is proposing workforce housing which equals to 90-120% of the minimum salary of firefighters, police officers, nurses and teachers in the County.

This project provides a 34% increase in density. Ultimately, the proposed number of dwelling units is 240, half will be workforce housing plus a Type 3, 121-bed, congregate living facility.

Director Ferris noted that a site plan was submitted concurrently with the land use amendment; however until the land use amendment is approved by the State, the site plan can only be reviewed, not approved. Of concern is the site plan not utilizing the existing signalized intersection, instead two roadway cuts are being proposed.

Consistency in land use patterns was one of the items identified in the 2004 Greenacres-Atlantis charrette. The site is surrounded on three sides by single/family residential properties on 1/4 to 1/2-acre lots. The proposed project is out of character with ten (10), 3-story multi-family buildings accessed through parking lots.

Director Ferris requested Council authorization for staff to draft an objection letter to Palm Beach County Planning and Zoning Departments and the Board of County Commissioners opposing the Atlantis Reserve project.

Mayor Flores called on Council Members for comments.

Council Member Noble asked if workforce housing includes Section 8 subsidized housing. He asked if the units would be rentals. Director Ferris explained workforce housing is not Section 8 housing and confirmed the proposed units would be rentals.

Council Member Tharp recalled the last time the City opposed a County project and referenced the charrette was the Raceway on South Haverhill Road and Lantana Road. The County seemed to ignore the City's concerns and approved the project.

Council Member Thelusme asked if Rorabeck's was going out of business. Director Ferris noted that Rorabeck's also owns another parcel to the south that is not part of this project. Rorabeck's also bought four (4) single-family homes. There are six (6) single-family homes that did not sell but will be surrounded by this project.

Council Member Tharp asked if the traffic will go through the six (6) existing homes. Director Ferris noted that the two access points would direct traffic around the homes and out.

Deputy Mayor Bousquet and Council Member Dugo opposed the project and asked to be notified when the Board of County Commissioner's meeting would be held so they could attend.

Mayor Flores asked if the City was objecting to the density and the entryways. Director Ferris said the density of the land use amendment and the workforce housing further increases the density to 60 units per acre.

Director Ferris explained that the applicant approached both Greenacres and Atlantis wanting to annex into the City seeking maximum density. Greenacres requested a connection from Corbett Road to South Haverhill Road be provided, provide commercial support, and connect to the signalized intersection for safer, improved circulation. None of the City's suggestions were reflected in their site plan. The

applicant then submitted applications to Palm Beach County seeking higher density and workforce housing.

Mayor Flores called for a motion.

MOTION: Council Member Dugo made a motion authorizing staff to send a letter of objection to Palm Beach County Planning and Zoning objecting to Petitions PCN-2017-921 and ABD-PDD-CA-2017-00983. 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.

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

9. **Discussion Items:**

A. **Medical Marijuana Follow-up Discussion:** – James Stokes, City Attorney.

City Attorney Stokes advised Council that a policy determination was required to allow or not allow medical cannabis dispensaries in the City. He reminded Council that marijuana remains federally illegal. The State provides two choices to either ban dispensaries entirely or allow them without local regulation. He requested Council direction in drafting an ordinance.

Mayor Flores called on Council Members for comments.

Council Member Noble questioned the second part of this legislation related to the option of treatment centers. He was unfamiliar with all of the details but understood that treatment centers could be allowed anywhere. He believed treatment centers would be permitted to grow their own plants and the law appears very liberal in what these centers are permitted to do. In areas where sugar is grown, and with Florida's year-round growing season, he worried that Florida could become the growing center of the world within the next 5-10 years. He asked City Attorney Stokes to research further.

City Attorney Stokes noted that in discussions with other attorneys, treatment centers were not the main focus as treatment is not prohibited by law, only the sale, growing and possession are illegal.

City Attorney Stokes agreed to research further and compared marijuana treatment centers to methadone clinics that have proven problematic for law enforcement.

Council Member Dugo noted that Council direction was for dispensaries only. She

asked if the City prohibits them now by ordinance, could Council later change course in the future.

Council Member Tharp read excerpts from a USA Today article regarding the effects of legalization in Colorado. Cited were an increase in marijuana related traffic deaths, emergency room calls and visits, and a black market for marijuana. He cautioned Council to take a slower approach to this issue. He compared the medical marijuana issue to the sober homes issue that cities are dealing with as a result of unregulated legislation.

Deputy Mayor Bousquet was in favor of adopting an ordinance now that could be repealed at a later date.

Mayor Flores called for a consensus against allowing dispensaries in the City.

Deputy Mayor Bousquet	Against
Council Member Tharp	Against
Council Member Noble	Against
Council Member Dugo	Against
Council Member Thelusme	Against

Consensus: All five Council Members voted against allowing marijuana dispensaries in the City.

10. Staff Comments:

A. City Manager’s Report.

- Charter Review Committee (CRC)/City Council Joint Meeting

City Manager McCue provided two dates to hold a joint meeting: Sept 18th (Monday) or September 28th (Thursday) at 6:30 pm.

The Mayor and Council chose September 18th.

- Property Nuisance Ordinance

City Manager McCue reported that the City of Boynton Beach is considering adopting an ordinance to address hotels/motels. PBSO gathered data that does not support moving forward with such an ordinance. She offered to keep the data and revisit the matter at a later date.

Mayor Flores asked her to email the data to him and Council.

Council Member Dugo thanked her for the budget meetings and staff.

B. City Attorney’s Report. None.

11. Mayor and City Council Reports.

Mayor Flores

□ Building Height Requirements

Mayor Flores called on Director Kara Ferris to recap a recent presentation she gave on increased building height regulations and the Lake Worth Road Urban Corridor Overlay.

Director Ferris reported that pursuant to Council direction in October of 2016, staff proposed increasing the maximum building height to 75 feet to allow for taller buildings in an effort to encourage economic development. Staff identified appropriate zoning districts and created regulations, buffering the existing residential communities from the contrast in height. At the last Council meeting, staff presented zoning text amendment recommendations strictly for employment center-type buildings sanctioned by the Business Development Board (BDB). The buildings would have to meet Code for lot coverage and Floor-to-Area (F.A.R.) ratio but developers could request to exceed the existing maximum building height of 35 feet to add a 4th, 5th or 6th floor for employment center-type uses.

Mayor Flores asked if taller buildings would be allowed on Lake Worth Road and perhaps South Jog Road. Director Ferris confirmed that staff was focusing more on the Lake Worth Road Urban Corridor, and possibly allowing four (4) stories along South Jog Road.

Mayor Flores asked if staff was concerned with increasing building heights to six (6) stories.

Director Ferris explained that because Greenacres is a bedroom community with a substantial number of residential units, the existing commercial is low-lying with only a few 3-story office buildings. She noted there were recent concerns over the 3-story Greenacres Nissan parking garage being too close to Lake Worth Road. The proposed amendment is doubling the existing height requirement while remaining close to the road. Lot depth to support the increase in height may also be an issue and yet the proposed height increase may not be used at all; however, where development would occur, it could cause a striking difference. Her recommendation was to start slow with 4-stories. She suggested that Council create a vision.

Mayor Flores asked Director Ferris to repeat her building height presentation at the September 7th City Council meeting with added visuals showing the height contrasts to give Council a full understanding of the proposed changes.

Council Member Noble had a large shopping center on South Jog Road and Lake Worth Road in mind that is not doing well with sufficient parking spaces that he believed would be suitable for a high rise building for commercial use.

□ Youth Sports

Mayor Flores asked Director Thompson to update Council on baseball registration.

Director Thompson reported that over 100 flyers were handed out at the "Back-to-School Block Party". She believed the reason why registration was somewhat slow

was due to parents focusing more on school starting. Extra-curricular activities will pick up once school starts. She reported that baseball registration will remain open through the end of August. Soccer registration is currently open and basketball registration will begin in November.

Council Member Noble and Mayor Flores commended her on an excellent job with the Back-to-School Block Party event. Director Thompson thanked Helping Hands and PBSO for their help.

Board Volunteers

Mayor Flores recognized and thanked Hanny Garcia, Emily Jacobs and Ann Edmundson for serving on City boards. It is encouraging to see young people getting involved in their local government.

5-K Heroes Run

Mayor Flores announced his participation in the Pediatric Oncology Support Team (POST) 5K run in Abacoa on October 7th. POST provides resources to families of children with cancer. He encouraged Council Members to join him in this important event.

12. Adjournment.

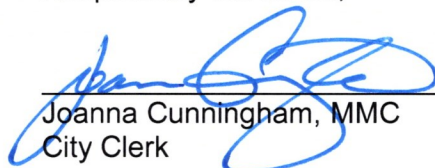
Council Member Tharp moved to adjourn the meeting, seconded by Deputy Mayor Bousquet. The meeting adjourned at 8:09 p.m.

CITY COUNCIL



Joel Flores
Mayor

Respectfully submitted,



Joanna Cunningham, MMC
City Clerk

Date Approved: 9/19/17

/mel

