CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board:	city council	
Meeting Date:	4-116-18	
Transcribed by:_	No. of Pages: 10Transcription Time: 4-25	

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
Julan	4/23/18	Yes	🗌 No
00		🗌 Yes	No No
		🗌 Yes	No
		🗌 Yes	No
		Yes	No

APPROVAL OF MINUTES

Meeting Date:_	5-7-18							
Motion By:	BousquetSeconded By:							
Check One:	Approved	Tabled	Denied	Vote:	50			
Changes requested by Council or Board?			Yes	V No				
If yes, note changes:								
-								
Date Scanned a	and Filed:		By:					
					Revised 7-23-10			



OFFICIAL MINUTES

CITY OF GREENACRES 5800 Melaleuca Lane Greenacres, FL 33463

CITY COUNCIL MEETING Monday, April 16, 2018 - 7:00 P.M.

1. <u>Call To Order and Roll Call.</u>

Mayor Flores called the City Council Meeting of Monday, April 16, 2018 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, Councilman Peter A. Noble, Councilman Judith Dugo, Councilwoman Jonathan G. Pearce, Councilman

Attendees from Public: 46 Press: 1 Staff Present:

Andrea McCue, City Manager Glen J. Torcivia, City Attorney Joanna Cunningham, City Clerk/PIO Michael Grimm, Director/Building Jim McInnis, Director/Finance Mark Pure, Fire Chief/Fire Rescue Department Suzanne Skidmore, Director/Human Resources Michele Thompson, Director/Leisure Services Kara L. Irwin-Ferris, Director/PI & Engineering Carlos Cedeño, Director/Public Works Melody Larson, Assistant City Clerk

2. <u>Pledge of Allegiance to the Flag.</u>

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. He announced that those Code Enforcement board members wishing to speak about Discussion Item 9.A on the Agenda could do so at that time; 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 and requested the removal of Item 5.D. He called for a motion.

- **MOTION:** Councilwoman Dugo made a motion to approve the Agenda as amended. Deputy Mayor Bousquet seconded the motion.
- VOTE ONIn Favor: Deputy Mayor Bousquet, Councilman Tharp,THE MOTION:Councilman Noble, Councilwoman Dugo, and Councilman
Pearce.

Motion carried: 5 - 0.

5. <u>Special Business</u>.

A. <u>**Presentation:**</u> "Presidential Volunteer Service Awards" for April 2018 – Joel Flores, Mayor.

Leisure Services Director Michele Thompson and Youth Development Specialist Ben Dexter honored the 22 young adult volunteers who had contributed 8,410 cumulative volunteers hours in 2017. Each honoree was presented an award and photos were taken of the group with the Mayor and Council.

B. **Proclamation:** "Aftercare Professionals Appreciation Week" for April 23-28, 2018 – Joel Flores, Mayor

City Clerk Cunningham read the proclamation into the record and photos were taken.

C. <u>**Presentation**</u>: Legislative Update by State Representatives Matt Willhite, David Silvers and (newly elected State Senator) Lori Berman – Joel Flores, Mayor.

Senator Lori Berman and State Representatives Matt Willhite and David Silvers congratulated the City's volunteers for their achievements and gave a brief legislative update. They reported that the two (2) Greenacres projects were slated as were many bills overshadowed by the tragedy at Stoneman Douglas High School which brought the focus more on school safety. A bill passed that raises the age to purchase a gun from 18 to 21 and includes a 3-day waiting period to purchase a rifle. Another bill that passed was for first responders suffering from PTSD to receive worker's compensation benefits.

Mayor Flores thanked them for their assistance in pushing for the City's projects and looked forward to working together in the future.

Removed **D**.

Agenda

Ε.

- Presentation: Palm Tran Executive Director Clinton Forbes Joel Flores, Mayor.
- **Presentation:** Certificate of Congratulations to PBSO CIT Officer of the Year Deputy Charles Francis Joel Flores, Mayor.

Capt. Tristram Moore read the commendation letter and described Deputy Francis' intervention of a troubled juvenile. Mayor Flores thanked Deputy Francis for his quick thinking and caring assistance.

F. **Presentation:** Certificate of Completion for IEMO III to Council Woman Judy Dugo from the Florida League of Cities – Joel Flores, Mayor.

City Clerk Cunningham read the IEMO III certificate into the record.

6. <u>Consent Agenda.</u>

- 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. <u>Official Minutes:</u> City Council Meeting of March 19, 2018 Joanna Cunningham, City Clerk.
 - 2. <u>Official Minutes:</u> City Council Meeting of April 2, 2018 Joanna Cunningham, City Clerk.
 - 3. <u>EMS Write-offs:</u> Pursuant to Staff Memo and Exhibit.- James McInnis, Finance Director.
 - 4. **Board Appointment:** Appoint Ms. Sandra Bernstein as a Full Member to the Zoning Board of Adjustments and Appeals Joel Flores, Mayor.
 - <u>Resolution No. 2018-11</u>: Satisfying certain liens imposed against residential property, pursuant to Section 15-32, City of Greenacres Code. – James McInnis, Finance Director.
 - **MOTION:** Councilwoman Dugo made a motion to approve the five (5) Consent Agenda items. Deputy Mayor Bousquet seconded the motion.
 - VOTE ONIn Favor: Deputy Mayor Bousquet, CouncilmanTHE MOTION:Tharp, Councilman Noble, CouncilwomanDugo, and Councilman Pearce.

Motion carried: 5 - 0.

7. <u>Regular Agenda:</u>

A. <u>Ordinance No. 2018-02</u>: First Reading; Amending Greenacres City Code, Chapter 7, Article IV, entitled Stormwater 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.

City Clerk Joanna Cunningham read Ordinance No. 2018-02 into the record on first reading.

Building Director Michael Grimm described the Federal Clean Water Act of 1972 that authorized the National Pollutant Discharge Elimination System (NPDES) to protect water resources. The NPDES program is implemented by the Florida Department of Environmental Protection (FDEP) who issues county Municipal Separate Storm Sewer System Permits (MS4). The MS4 addresses construction runoff, fertilizers, elicit discharges an other activities. One of the requirements of the MS4 is to strengthen the City's stormwater ordinance. In comparing the City's existing stormwater ordinance with surrounding municipalities, it was determined that changes were needed. Therefore, staff recommends approval of Ordinance 2018-02.

Mayor Flores called on Councilmembers for comments; hearing none, he called for a motion.

MOTION: Councilman Pearce made a motion to approve Ordinance 2018-02 on first reading. Councilwoman Dugo seconded the motion.

VOTE ONIn Favor: Deputy Mayor Bousquet, Councilman Tharp,
Councilman Noble, Councilwoman Dugo, and
Councilman Pearce.

Motion carried: 5 - 0.

B. <u>Resolution No. 2018-08</u>: Approving the application for a Special Exception to allow a commercial communication tower in a Government Use (GU) Zoning District, located within the City of Greenacres Fire Rescue Station at 2995 South Jog Road, as requested by the petitioner, RG Towers, LLC; providing for repeal of conflicting resolutions; and providing for an effective date; pursuant to Staff Memo and Staff Report. – Kara Ferris, Planning & Engineering Director.

Joanna Cunningham, City Clerk, read Resolution 2018-08 into the record.

Senior Planner Osniel Leon described the request for Special Exception approval to allow a 150 ft. commercial cell tower in a Government Use (GU) zoning district located at Station 94, 2995 South Jog Road. Mr. Leon stated the proposed tower will have 3 carriers and accessory equipment housed within a 16 ft. x 25 ft. lease area with an adjacent 1,400 sq. ft. future lease area. The proposal meets the twelve (12) special exception criteria; therefore, staff recommends approval of Resolution 2018-08 subject to staff's fourteen (14) conditions of approval.

Mayor Flores called on Councilmembers for comments.

Councilman Noble voice potential safety concerns to adjacent residential properties and asked staff if it would be possible to show Council proposed locations prior to presenting any proposal publicly. He believed Freedom Park was a more suitable location. Planning and Engineering Director Kara L. Ferris explained that the applicant chooses the location. Staff reviewed the proposed location and determined it provided sufficient distance from the school and park areas.

Mayor Flores called for a motion.

MOTION: Councilman Pearce made a motion to approve Resolution 2018-08 as presented. Deputy Mayor Bousquet seconded the motion.

VOTE ON
THE MOTION:In Favor: Deputy Mayor Bousquet, Councilman Tharp,
Councilwoman Dugo, and Councilman Pearce.
Opposed: Councilman Noble.

Motion carried: 4 - 1.

C. <u>SP-17-04 Site Plan Cell Tower at Fire Station # 94</u> Approving site plan 17-04 located at 2995 S. Jog Road; pursuant to Staff Memo and Staff Report. – Kara Ferris, Planning & Engineering Director.

Mr. Leon described the concurrent Site Plan to the Special Exception just approved The subject site located at 2995 South Jog Road was annexed in 1973 and a Public Safety Complex was built in 1986. The complex was renovated in 2016 to house the City's Fire Rescue Department and PBSO District 16. The proposed request for site plan approval is to construct a 150 ft. monopole communication cell tower with three (3) antenna arrays and associated equipment within a 16 ft. x 25 ft. lease area to be built at the northwest corner of the building. Also being proposed is an additional 1,400 sq. ft. future lease area to be enclosed by an 8 ft. chain-link fence and a 5 ft. landscape buffer. Staff recommends approval of SP-17-04, subject to staff's fourteen (14) conditions of approval.

Mayor Flores called on Councilmembers for comments; hearing none, he called for a motion.

- **MOTION:** Councilman Pearce made a motion to approve SP-17-04 subject to staff's fourteen (14) conditions of approval. Councilman Tharp seconded the motion.
- VOTE ON
THE MOTION:In Favor: Deputy Mayor Bousquet, Councilman Tharp,
Councilwoman Dugo, and Councilman Pearce.
Opposed: Councilman Noble.

Motion carried: 4 - 1.

- 8. <u>Comments from the Public.</u> None.
- 9. <u>Discussion Items</u>:
 - A. <u>Code Enforcement Board</u> Andrea McCue, City Manager and Michael Grimm,

Building Director.

City Manager Andrea McCue provided a brief recap of events leading up to the use of a special magistrate and explained that the former City Attorney had recommended eliminating the Code Enforcement Board since most municipalities currently use special magistrates to handle code cases. The City's Code was amended to incorporate both a special magistrate and a Code Enforcement Board. She reported that letters were mailed to boardmembers as a courtesy to hear their thoughts and opinions. Staff is seeking Council comments and direction.

Director Grimm reported that the Code Enforcement Board worked well for the City for decades and in using both systems for the past two years, staff has determined that the special magistrate process and citation system are more efficient. He reported that it reduces staff time, quorums are not needed, and a separate board attorney is not required. Special magistrates are attorneys and fines are typically set at \$100/day based on the gravity of the case. Special magistrates are less partial since they are not residents. Ex-parte communications are also eliminated with special magistrates; therefore, staff recommends abolishing the Code Enforcement Board.

City Manager McCue listed the majority of the municipalities in Palm Beach County currently using special magistrates.

Mayor Flores read a letter from Code Enforcement Boardmember Bert Molow into the record and called on Code Enforcement Boardmembers for comment.

Frank Simon, current Chairman of the Code Enforcement Board and longtime resident of River Bridge, served on the Code Enforcement Board for more than 20 years and had previously served as a special magistrate in Dade County for commercial businesses. He stated that as a matter of policy, special magistrates fine a minimum of \$100, which he believed was steep for Greenacres residents. Violators who want to comply respond just as quickly to lesser fines. Residents would be more responsive to a group of their peers than a special magistrate. The responsibility of Council and staff is not to make things more efficient, but to make their residents comfortable. The Code Board tries to work with property owners. Greenacres can be different and care about its residents. By setting higher fines, it makes it more difficult to meet compliance.

Benjamin Wade of 3550 South 57th Avenue stated that he has served two years on the Code Enforcement Board, and voiced concerns with the current citation process and the ability to contact property owners of rental properties. He suggested turning over long-time cases to a special magistrate.

Vern Quigley, an Alternate 1 boardmember, reported being involved with the Code Enforcement Board for the past 18 years. He could understand the need for the City wanting to eliminate a board that is currently dysfunctional and attendance dismal. He suggested eliminating current boardmembers and select more qualified volunteers. He personally would not like to be judged by one person; special magistrates will not represent the people.

James Pickren, an Alternate 2 boardmember, agreed, that as a violator he would like

to go before a 5-7 member board than one special magistrate. He had a problem with a \$100/day fine as he believed most residents would too. He does not want one person making that decision.

Mayor Flores, Council and staff discussed the notice of violation/citation process will continue; less than 20% of cases go before the Board, 80% are resolved by staff; the number of times there was a lack of a quorum; the special magistrate is not intended to set unreasonable fines; fines are based on the seriousness of each case; if the Board is eliminated, can the City return to a Board; the City's fines are much less than those of surrounding municipalities; 21-22 municipalities have migrated to a special magistrate process and none have reverted back to using a Board.

Mayor Flores called for a consensus to move forward with amending Chapter 2 for the sole use of a special magistrate:

Deputy Mayor Bousquet: Move forward. Councilman Tharp: Move forward. Councilman Noble: Move forward. Councilwoman Dugo: Move forward. Councilman Pearce: No.

Consensus: 4-1 to move forward with amending Chapter 2 for the sole use of a special magistrate.

B. <u>Human Signs Ordinance No. 2018-03</u> – Kara Ferris, Planning & Engineering Director.

Director Ferris reviewed Sec. 16-991 Temporary Signs, explained the need to abolish Council Policy 28 and reviewed the four (4) proposed changes requiring direction from Council:

- 1) Sec. 16-991(9): Add language to allow for long-range planning of applications instead of one permit per event.
- Sec 16-991(5) Human/Living Signs currently provides for obtaining a temporary sign permit for a maximum of six (6) times per calendar year for no more than two (2) consecutive days (maximum 12 days). Staff is proposing a maximum of three (3) times per calendar year for no more than ten (10) consecutive days (maximum 30 days).
- 3) Table 16-991 Temporary Signs: Adding different types of temporary signs for grand openings and increasing the duration from seven (7) days before an event and 10 days after, to 7 days before and <u>20</u> days after an event. Could be a banner.
- 4) Flags are prohibited by Code; however, permitted by Council Policy 28 since 2008. Staff is proposing new temporary sign language to allow flags and therefore request to abolish Council Policy 28. The maximum size would be 40 sq. ft.

The Mayor, Council and staff discussed removing the flags due to them fading, being

unattractive and competing with other signage; will a start date for grand openings be required; the amount of time for human/living signs is too long; feathered flags and human signs are a hazard and safety concern for drivers and are not aesthetically pleasing; signage in unincorporated areas.

Council approval for Councilwoman Dugo to discuss questions she had about certain signage with the City Manager and Director Ferris was granted at the last Council meeting and was questioned by the Mayor. City Manager McCue clarified that the items presented were previously discussed; this is just a recap, no changes have been made to date.

Mayor Flores called for a consensus

1) Add language to allow for one permit for long-range planning, as opposed to one permit per event.

Deputy Mayor Bousquet: Yes. Councilman Tharp: Yes. Councilman Noble: Yes. Councilwoman Dugo: Yes. Councilman Pearce: Yes.

Consensus: 5-0 to add language to allow for one (1) permit for long-range planning, as opposed to one (1) permit per event.

2) Limit human/living sign permits to either six (6) times per calendar year for no more than two (2) consecutive days or a maximum of three (3) times per calendar year for no more than ten (10) consecutive days. (Note: No regulations currently exist for human signs).

Deputy Mayor Bousquet: No human signs. Councilman Tharp: 6 times/2 days consecutive. Councilman Noble: 3 times/10 days consecutive. Councilwoman Dugo: 3 times/10 days consecutive. Councilman Pearce: 3 times/10 days consecutive.

Consensus: 3-2 to limit human/living signs to thee (3) times per calendar year for no more than ten (10) consecutive days.

3) Event Sign Permits: Keep current regulations for grand openings, project openings or new business to grant seven (7) days before the event, ten (10) days after the event <u>Or</u> seven (7) days before the event, twenty (20) days after the event.

Deputy Mayor Bousquet: 7/20 Councilman Tharp: 7/20/ Councilman Noble: 7/20 Councilwoman Dugo: 7/20 Councilman Pearce: 7/20

Consensus: 5-0 to grant grand opening, project opening, or new business sign permits for seven (7) days before the event, twenty (20) days after the event.

City Manager McCue urged Council to eliminate Council Policy 28 and regulate human/living signs by City Code.

Mayor Flores called for a consensus on eliminating Council Policy 28 to allow for regulation of human/living signs by City Code.

Deputy Mayor Bousquet: Abolish Council Policy 28. Councilman Tharp: Abolish Council Policy 28. Councilman Noble: Abolish Council Policy 28. Councilwoman Dugo: Abolish Council Policy 28. Councilman Pearce: Abolish Council Policy 28.

Consensus: 5-0 to abolish Council Policy 28.

10. <u>Staff Comments:</u>

A. <u>City Manager's Report.</u>

City Manager McCue thanked the volunteers and Public Works staff who worked the Great American Cleanup held in Villa del Trio; she thanked the Human Resources staff for a great turnout at the City's annual Employee Picnic and their teamwork with the Chase Program; she announced the results of the City's first audit of the Passport Program which generated \$10,000 in its first 30 days and received a 100% audit; she announced upcoming events such as the Sidewalk Community Meeting to be held April 18th at 6:30 pm in the Chambers; the Gourmet Food Trucks on April 25th from 5:00 pm-9:00 pm at Samuel J. Ferreri Community Park; a Traffic Workshop on April 26th at 6:30 pm at City Hall with PBC Commissioner Paulette Burdick and FDOT representatives in attendance; and the April 27th Arbor Day tree planting event at 10:00 am at Samuel J. Ferreri Community Park.

B. <u>City Attorney's Report.</u> – None.

11. <u>Mayor and City Council Reports.</u>

District I – Councilman Tharp was moved by the caring young volunteers of the Great American Cleanup and was thankful to be a part of the event.

District II – Councilman Noble reiterated his concern with the close proximity of cell tower locations to residential areas and the potential health hazards. He hoped the traffic workshop would focus on the real issue of the high number of accidents.

District III - No report.

<u>District IV</u> – Councilman Pearce reported discussing an additional revenue source of ambulance transportation from home-to-hospital and hospital-to-hospital transportation with

the City Manager, and asked Council to revisit a Council Policy and Ordinance granting authority to the City Manager to make recommendations related to uncollected balances.

District V – No report.

<u>Mayor</u>

Gourmet Food Trucks

Mayor Flores inquired about the attendance at the Gourmet Food Truck event. City Manager McCue reported approximately 500 were in attendance up from 50 from the prior vendor management company.

Greenacres School Ratings

With low school ratings, the City is partnering with PBC School District Boardmember Chuck Shaw, and Superintendent Dr. Frank Rodriguez to address the Hispanic language barrier. A panel-based forum will be held (in Spanish) on May 10th at John I. Leonard High School in an effort to educate the Hispanic community with an emphasis on the value of education and the importance of school testing.

12. Adjournment.

Deputy Mayor Bousquet moved to adjourn the meeting, seconded by Councilman Tharp. The meeting adjourned at 9:09 p.m.

CITY COUNCIL Joel Flores Mayor /mel

Respectfully submitted,

Joanna Cunningham, MINC

City Clerk

Date Approved:

Attachments

The Silvers Sentinel

April, 2018



Representative David Silvers District 87 Florida House of Representatives

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•••• Careers & Competition Subcommittee

Health & Human Services Committee

Health Quality Subcommittee

Higher Education Appropriations Subcommittee

Post-Secondary Education Subcommittee

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> Facebook Like & Follow @ RepDavidSilvers

Hello to my friends in District 87,

I hope that you had a peaceful and safe Passover and Easter Holiday.

Now that the regular legislative session is over, I have been busy attending meetings and providing legislative updates to various groups and cities in my district.

I would like to provide you a quick wrap up of legislation I sponsored and passed out of the Legislature and on to the Governor: **HB 1113** -Palm Beach Housing Authority was vetoed on March 30th, the Governor felt that this was an exception to statewide policy and that modifications to the established appointment process should be uniform and addressed by the Legislature to ensure consistency in the statewide process.

HB 577- Graduation Requirements is now on the Governor's desk for signature he has until April 10 to sign into law or veto. This bill has full legislative support from the Department of Education and is expected to be signed into law.

Of the many requests for budget items that I submitted, four of these requests were funded by the Legislature.

- Palm Beach Habilitation Center Cultural Arts Building \$500,000
- Florida Association of Recovery Residences \$300,000
- Palm Beach Zoo & Conservation Society Water Quality and Recreation - \$250,000 (Subsequently vetoed by the Governor)
- City of West Palm Beach Rosemary Corridor Enhancement -\$400,000

Once again, I have had the honor of representing District 87 during the 2018 legislative session. This year, I continued to diligently work across the aisle with my colleagues to fight against bad policy and advocate for the issues that are a benefit, not only to my district, but the state as a whole.

Sincerely,

David Silvers State Representative, District 87 I went on a tour of the amazing G-Star School of the Arts located in our district. It was great to meet so many students who are so passionate about the performing arts. It was also interesting to see that there is a state-of-the-art studio right here in Palm Beach County where major motion pictures and television projects have been filmed.



I also participated in the West Palm Beach March for Our Lives event, not only to show my support for the students, faculty and families of Marjory Stoneman Douglas High School but to show my solidarity for the need for stronger school safety measures, firearm safety and fully funded mental health provisions.



I am here to listen to the students' request that leaders take action to end gun violence in our schools and communities and will take this message back with me to Tallahassee. I intend to file legislation to address the areas that were not recognized or fell short in House Bill 7026 in closing the vicious circle of gun violence in our state.

ART IN THE OFFICE



My office is here to help! If you should need assistance with Medicaid, food stamps, child support, consumer issues, or any other state-related matter, please feel free to contact my office. Call 561-357-4824 or email my staff:

victoria.nowlan@myfloridahouse.gov audrey.piedra@myfloridahouse.gov

IN THE COMMUNITY

I had the pleasure of speaking to a Florida Atlantic University American Government class. We discussed everything from the process in Tallahassee to getting legislation passed to dealing with special interest groups and building relationships. We also discussed the campaign process and how and where to start if one is genuinely interested in becoming a member of the state Legislature. I was truly humbled by the experience being profoundly inspired by my college professor to go into public service. Now all these years later, I was speaking to a classroom full of students, hopefully instilling in them that same inspiration.



Upon the invitation of the Department of Juvenile Justice, I got to tour the Palm Beach County Juvenile Detention Center where I witnessed the need for increased funding for juvenile issues such as mental health, education and social services. I look forward to proposing legislation in the next legislative session to address these issues.

I joined my legislative colleagues, Representatives Matt Willhite, MaryLynn Magar and Lori Berman and Senator Bobby Powell, at the Leadership PBC/Economic Council of PBC Legislative Update. We presented an overview of what happened during the recent legislative session.





To: Greenacres City Council From: Bert Molow, Code Enforcement Board Re: Staff recommendation to bring an ordinance before the city Council at a future meeting which would eliminate the Code Enforcement Board.

After reading the Florida statutes pertaining to local government code enforcement boards, I would not be in favor of eliminating the City of Greenacres Code Enforcement Board.

Section 162.02 under the heading of Intent, basically defines the intent of a Code Enforcement Board.

I believe that any resident, business, etc., that is noticed to appear at a violation hearing is entitled to be heard by a Code Enforcement Board.

A Special Magistrate has the same status as an Enforcement Board and can advise the Board and both can work together to determine fines and penalties against the violations.

Thank you,

Bert Molow