

CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board: city Council

Meeting Date: 8-15-16

Transcribed by: muf No. of Pages: 19 Transcription Time: 6.0

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
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APPROVAL OF MINUTES

Meeting Date: 9-8-16

Motion By: Dugo Seconded By: Noble

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 15, 2016– 7:00 PM

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

Mayor Ferreri called the City Council Meeting of Monday, August 15, 2016 to order at 7:00 p.m. Denise McGrew, City Clerk/Administrative Services Director, called the roll.

ROLL CALL:

Council Present:

Samuel J. Ferreri, Mayor
Jonathan G. Pearce, Deputy Mayor
Lisa Rivera, Councilwoman
Peter A. Noble, Councilman
Judith Dugo, Councilwoman
Paula Bousquet, Councilwoman

Staff Present:

Andrea McCue, City Manager
Thomas Lanahan, Asst. City Manager/P&E Director
James D. Stokes, City Attorney
Denise McGrew, City Clerk/Admin. Services Director
Joanna Cunningham, City Clerk
Jim McInnis, Acting Director/Finance
Michele Thompson, Director/Leisure Services
Melody Larson, Assistant to the City Clerk
Capt. Sean Murray/PBSO

Attendees from Public: 15
Press: 2

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

Mayor Samuel J. Ferreri led the Pledge of Allegiance.

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

Mayor Ferreri 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 Ferreri inquired if there were any additions, deletions or substitutions to the Agenda.

Councilwoman Bousquet requested items 7.I through 7.K be eliminated from the Agenda.

Deputy Mayor Pearce asked to keep 7.I City Attorney's Evaluation on the Agenda.

MOTION: Deputy Mayor Pearce made a motion to approve the Agenda eliminating 7.J and 7.K from the Agenda. Councilwoman Dugo seconded the motion.

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

Motion carried: 5 - 0.

5. Special Business.

- A. **Presentation:** Retirement of Denise McGrew, City Clerk - Florida Association of City Clerks – Debra Buff, Southeast District Director.

Chevelle Nubin, City Clerk of Delray Beach and President of the Florida Association of City Clerks (FACC) presented retiring City Clerk Denise McGrew with FACC Resolution 2016-24 recognizing her contributions and dedication to the City and FACC members.

- B. **PBSO Monthly Report** – Captain Sean Murray

Capt. Sean Murray reported on the July stats:

- 63% of the calls were self-generated.
- There was a reduction in the number of citations issued (less than 350).
- The Traffic Unit received training for upcoming elections.
- There were 85 arrests up from 59 in June, mostly due to the implementation of the open container ordinance.
- There were two (2) violent crimes (robberies).
- The week of July 18-24 was the worst week for vehicle burglaries with 15, in total and 41 in District 1.
- Pickwick Park had four (4) burglaries, three (3) in Mil Lake Estates. PBSO has identified a person of interest they believe is responsible for 15 local robberies and are in the process of linking him to those offenses.
- There were 105 vehicle accidents and 24 hit and runs.
- Tactical and in-service training is ongoing.
- Summer Enforcement Strategy requires officers to be high profile driving through communities.
- There were 3,029 business checks.

- There was a prostitution sting that resulted in 15 arrests.
- Narcotics undercover operation yielded one (1) arrest in a spa.
- Traffic initiatives resulted in 125 citations, 7 arrests, and 3 DUI's.
- Burglary surveillances were conducted after four (4) patrol cars were broken into.
- Hosted "Harmony in the Streets" with 63 kids participating in the program.
- In August, PBSO worked with the City's Leisure Services Department and Helping Hands Program where over 200 bicycle helmets and 250 fully stocked backpacks were given away, and 28 bikes were donated by Walmart.
- Met with Capt. Kirshner and Commander Bob Clements of the Citizens On Patrol (COP) Program to discuss 301 Swain Boulevard. PBSO is working with the City Manager to park a COP car there.
- There was a social media sting at a local motel that yielded 6 arrests. This operation required 25 people providing 8 hours of manpower.
- Largest traffic initiative on August 12th had 31 officers on patrol who wrote 143 citations, 21 misdemeanor traffic arrests, 3 DUI's and 1 significant drug arrest and confiscated 157.7 grams of heroin, 49.1 grams of cocaine, 5.9 grams of crack cocaine, 4.7 grams of marijuana, 49.1 of Zanax. A search warrant yielded more drugs (185 grams of heroin, 10,000 Zanax pills and four (4) firearms. He reported that the street value was over \$70,000 in drugs. The house was in Boynton Beach, the car was stopped in Greenacres.

Councilwoman Rivera asked to make an appointment for a ride-a-long. She had recently participated in one and was impressed with how PBSO is cleaning up the City.

Mayor Ferreri asked if PBSO was keeping records of the intersections where most of the accidents occur to coordinate with the County Engineering Department in resolving those issues.

Councilwoman Rivera and Capt. Murray discussed warnings versus citations and PBSO's message to slow down with a focus on specific intersections and implementing a monthly traffic initiative.

6. **Consent Agenda.**

A. Mayor Ferreri asked Council if they wished to pull any of the two (2) Consent Agenda items; hearing none, he called for a motion.

1. **Proclamation:** "Firefighter Appreciation Month" for September 2016 – Samuel J. Ferreri, Mayor.
2. **Resolution No. 2016-33:** Authorizing an amendment to the Lease Agreement between the City of Greenacres and SBA Steel II, LLC, as successor to Sprint Spectrum, LP, for the purpose of extending the term of the lease for a telecommunications tower site at Veterans Park; authorizing the appropriate City Officials to execute the amendment to the lease agreement; and providing for an effective date; pursuant to Staff Memo -

Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

MOTION: Councilwoman Bousquet made a motion to approve the two (2) Consent Agenda items. Councilwoman Rivera seconded the motion.

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

Motion carried: 5 - 0.

7. Regular Agenda:

- A. **PUBLIC HEARING: Ordinance No. 2016-18:** Second Reading; Annexing one parcel of land totaling approximately 0.895 acres, located at the northeast corner of Lake Worth Road and Scott Road at 6239 Lake Worth Road, as requested by the petitioner, Fernando Prieto, Agent for the Owner, Soma Lake Worth Investor, LLC; providing for redefining the boundary lines of the City of Greenacres to include the subject property in the City's Official Boundary Map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date; pursuant to Staff Memo and Staff Report – Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

City Clerk Denise McGrew read Ordinance No. 2016-18 into the record on second reading.

Zoning Administrator Kara Irwin-Ferris described the request for voluntary annexation of a 0.895-acre site located on the north side of Lake Worth Road and Scott Road. Mrs. Ferris reported that during the first reading of Ordinance No. 2016-18, Council questioned who was responsible for the maintenance of Scott Road. She stated that the applicant provided easement language that gives them access to Scott Road. As part of the easement agreement, the Soma Medical Center property owner will be responsible for the maintenance of Scott Road. Access to the subject site will be from Lake Worth Road onto Scott Road. She stated the site is contiguous to the City's boundaries on the east and south sides, the proposal meets the six (6) annexation criteria, and Chapter 171, F.S. The Planning Commission recommended approval on July 20, 2016 by a vote of 5-0; therefore, staff recommends approval of ANX-16-01 through the adoption of Ordinance No. 2016-18.

Mayor Ferreri 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 No. 2016-18 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-18 on second reading. Councilwoman Rivera seconded the motion.

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

Motion carried: 5 - 0.

- B. **PUBLIC HEARING:** **Ordinance No. 2016-19:** Second Reading; Amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of one parcel of land totaling approximately 0.895 acres, located at the northeast corner of Lake Worth Road and Scott Road at 6239 Lake Worth Road, from a Palm Beach County designation of Commercial High with an underlying 5 units per acre (PBC CH 5) to a City of Greenacres designation of Commercial (CM), as requested by the petitioner, Fernando Prieto, agent for the owner, Soma Lake Worth Investor, LLC; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Division of Community Development; providing for inclusion in the Comprehensive Plan; and providing for an effective date; pursuant to Staff Memo and Staff Report - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

City Clerk Denise McGrew read Ordinance No. 2016-19 into the record on second reading.

Mrs. Ferris described the companion future land use amendment to the annexation just approved. The proposal is to change the future land use designation of a 0.895-acre site from a Palm Beach County designation of Commercial High with an underlying 5 units per acre (PBC CH 5) to a City of Greenacres designation of Commercial (CM). The subject site was formerly a Checkers drive-in fast-food restaurant. Mrs. Ferris stated that the proposal is compatible with the CM designation to the east and south, meets concurrency, and is consistent with the provisions of the City's Comprehensive Plan, the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan (SRPP) and Florida Statutes. The Local Planning Agency recommended approval on July 20, 2016 by a vote of 5-0; therefore, staff recommends approval CPA-16-02 through the adoption of Ordinance No. 2016-19.

Mayor Ferreri 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 No. 2016-19 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

MOTION: Councilwoman Bousquet made a motion to approve Ordinance No. 2016-19 on second reading. Councilman Noble seconded the motion.

**VOTE ON
THE MOTION:**

In Favor: Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

Motion carried: 5 - 0.

- C. **PUBLIC HEARING: Ordinance No. 2016-20:** Second Reading; Approving the application for a zoning change for one parcel of land totaling approximately 0.895 acres, located at the northeast corner of Lake Worth Road and Scott Road at 6239 Lake Worth Road, from a Palm Beach County zoning designation of Commercial General (PBC CG) to a City of Greenacres zoning designation of Commercial General (CG), as requested by the petitioner, Fernando Prieto, agent for the owner, Soma Lake Worth Investor, LLC; providing for changes to the Official Zoning Map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date; pursuant to Staff Memo and Staff Report - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

City Clerk Denise McGrew read Ordinance No. 2016-20 into the record on second reading.

Mrs. Ferris described the companion zoning change to the annexation and future land use amendment just approved. The proposal is to rezone a 0.895-acre site located on the north side of Lake Worth Road and Scott Road at 6239 Lake Worth Road, from a Palm Beach County zoning designation of Commercial General (PBC CG) to a City of Greenacres zoning designation of Commercial General (CG). She stated that the proposal meets the ten (10) zoning change criteria and the Planning Commission recommended approval on July 20, 2016 by a vote of 5-0; therefore, staff recommends approval of ZC-16-01 through the adoption of Ordinance No. 2016-20.

Mayor Ferreri 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 No. 2016-20 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-20 on second reading. Councilwoman Bousquet seconded the motion.

**VOTE ON
THE MOTION:**

In Favor: Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

Motion carried: 5 - 0.

- D. **Site Plan Approval (SP-16-01):** Site plan approval for the Soma Medical Center located at 6239 Lake Worth Road; pursuant to Staff Memo and Staff Report - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

Mrs. Ferris described the request for site plan approval for a 5,438 sq. ft. medical building to be located on a 0.895-acre parcel located on the north side of Lake Worth Road and Scott Road at 6239 Lake Worth Road. She stated that the subject site was formerly built as a Checkers fast-food restaurant in 1993. In 2008, the building was demolished and the site has since remained vacant with portions of the infrastructure in place.

Mrs. Ferris stated the applicant proposes to demolish most of the existing infrastructure. The site plan shows ingress/egress off of Lake Worth Road, 28 parking spaces in the front and rear, and an existing 6-foot masonry wall and an existing dumpster enclosure that will remain and will be enhanced. The medical building will be oriented toward Scott Road and will provide architectural features on all four sides with an approved color palette. The mechanical equipment will be screened by a parapet and portions of the existing landscaping will be preserved (37 trees). A retention pond will be located in the front and rear of the site with a landscaped buffer around the perimeter of the building. Paving, drainage, water and sewer will be hooked up to the existing water and sewer lines.

The Planning Commission requested an easement be provided for a bus shelter. Mrs. Ferris reported that Palm Tran has an existing bus stop adjacent to the site, but Palm Tran agreed to dedicate a portion of the road for future use. A minor change to the hours of operation from 8 am to 9 pm Monday-Saturday was also made. She stated staff recommends approval of SP-16-01 subject to staff's thirty-one (31) conditions of approval.

Mayor Ferreri called on the applicant for acceptance of staff's conditions of approval and modifications to Conditions #19 and #20.

Fernando Prieto, architect for the applicant, stated he accepted staff's thirty-one (31) conditions of approval.

Councilwoman Bousquet questioned the building's color scheme.

Mr. Prieto explained that the colors would not be as bright as what was being shown on the site plan.

Councilwoman Dugo wanted to know what were the originally proposed hours of operation. She also wanted clarification on "minimum" versus "maximum" Code requirements. She asked how many employees would be working at the center.

Mr. Prieto reported that the center would have three (3) doctors with full staff.

Councilwoman Rivera asked why the hours of operation were extended from 6:30 pm to 9:00 pm.

Mr. Prieto explained it was to keep the hours the same as those of other facilities and to provide convenience for working families.

Mayor Ferreri pointed out that the applicant's request for extended hours of operation was in line with neighboring businesses that stay open later along the Lake Worth Corridor.

MOTION: Councilwoman Dugo made a motion to approve SP-16-01 (Soma Medical Center) subject to staff's thirty-one (31) conditions of approval. Councilwoman Rivera seconded the motion.

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

Motion carried: 5 - 0.

- E. **PUBLIC HEARING:** **Ordinance No. 2016-22:** First Reading; Annexing five parcels of land totaling approximately 10.773 acres, located at the southwest corner of Lake Worth Road and South Military Trail at 4558 and 4562 Lake Worth Road and 4065, 4101 and 4215 South Military Trail, as requested by the Planning and Engineering Department in accordance with Chapter 171.0413 of the Florida Statutes; providing for redefining the boundary lines of the City of Greenacres to include the subject property in the City's Official Boundary Map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date; pursuant to Staff Memo and Staff Report - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

City Clerk Denise McGrew read Ordinance No. 2016-22 into the record on first reading.

Mrs. Ferris reported that this proposal began as a voluntary annexation request by the Office Depot property owner. The City then sent notices to adjacent property owners to gauge their interest in annexation. The original annexation request consisted of 5 parcels; however, the property owners for FPL and the Palm Beach County Tax Collector did not want to be included in the annexation proposal.

The City-initiated annexation request currently consists of three (3) parcels of land totaling 6.7784 acres. Parcel No. 1 is the Aloha Plaza (Office Depot) parcel consisting of 5.5283 acres built in 1973, and includes the Office Depot, a pet shop, a laundry mat, a Family Dollar Store and a 150-ft. cell tower approved by the County in 1998. Mrs. Ferris explained that if this request is approved, the tower would become a legal non-conforming use. The Aloha Plaza requested voluntary annexation into the City.

Parcel No. 2 is the IHOP Restaurant on a 0.2109-acre site built in 1976. This business shares ingress/egress with the Aloha Plaza. The IHOP also requested voluntary annexation into the City.

Parcel No. 3 consists of a 1.0392-acre site approved by Palm Beach County in 2004 for a 10,000 sq. ft. O'Reilly Auto Parts retail building currently under

construction and with direct access off of South Military Trail. If approved, the City will allow the owner to continue the permitting process through the County and upon completion, the City would provide final inspections. She noted that any future modifications would require City approval.

The 3 parcels are contiguous to City boundaries on the western and northern sides and the parcels meet the "parcels by area" and "number of parcels" requirements for annexation pursuant to Chapter 171, F.S. Mrs. Ferris reported receiving an objection letter from Palm Beach County on the City's Urban Services Report. Their objection was based on the City creating an enclave (Dunkin Donuts). Staff believes it creates a pocket, not an enclave due to Lake Worth Road being a State road. Staff is currently working with the County to resolve this matter and will be preparing an interlocal agreement to bring in the Dunkin Donuts by the second reading of this annexation Ordinance.

Mrs. Ferris stated on August 3, 2016, the Planning Commission recommended approval by a vote of 5-0, the proposal meets the six (6) annexation criteria; therefore, staff recommends approval of ANX-16-02 through the adoption of Ordinance No. 2016-22.

Mayor Ferreri called on Council members for comments.

Councilman Noble asked if the City would benefit from the use of the cell tower and which one of the three parcels did not consent to voluntary annexation. He also questioned why Dunkin Donuts was not included in this annexation.

Mrs. Ferris explained that City cell towers are constructed on Government Use (GU) parcels whereas the County allows them on commercial sites. The County will continue to benefit from the existing lease. The O'Reilly Auto Parts parcel did not consent to annexation. The Dunkin Donuts site will be made part of the interlocal agreement with Palm Beach County.

Councilwoman Rivera stated that her efforts would be focused on cleaning up the alleyway at the rear of the plaza.

Mayor Ferreri explained that the plaza owners were looking to redevelop the site. He opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance No. 2016-22 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

MOTION: Councilwoman Bousquet made a motion to approve Ordinance No. 2016-22 on first reading. Councilwoman Rivera seconded the motion.

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

Motion carried: 5 - 0.

- F. **Ordinance No. 2016-23:** First Reading; Amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of four parcels of land totaling approximately 7.493 acres, located at the southwest corner of Lake Worth Road and South Military Trail at 4558 and 4562 Lake Worth Road and 4065 and 4101 South Military Trail, from a Palm Beach County designation of Urban Infill (PBC UI) to a City of Greenacres designation of Commercial (CM), as requested by the Planning and Engineering Department; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Division of Community Development; providing for inclusion in the comprehensive plan; and providing for an effective date; pursuant to Staff Memo and Staff Report - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

City Clerk Denise McGrew read Ordinance No. 2016-23 into the record on first reading.

Mrs. Ferris described the companion future land use amendment to the annexation petition just heard. This is a City-initiated future land use amendment to change the future land use designation of 4 parcels of land totaling 7.493 acres from Palm Beach County Urban Infill (UI) to City Commercial (CM). She stated the proposal is compatible with adjacent land uses, meets concurrency, and is consistent with the City's Comprehensive Plan and the Treasure Coast Regional Planning Council's Strategic Regional Plan Policy (SRPP) and Florida Statutes. The Local Planning Agency recommended approval on August 3, 2016 by a vote of 6-0; therefore, staff recommends approval of CPA-16-04 through the adoption of Ordinance No. 2016-23.

Mayor Ferreri called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-23 on first reading. Councilwoman Rivera seconded the motion.

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

Motion carried: 5 - 0.

- G. **Ordinance No. 2016-24:** First Reading; Approving the application for a zoning change for four parcels of land totaling approximately 7.493 acres, located at the southwest corner of Lake Worth Road and South Military Trail at 4558 and 4562 Lake Worth Road and 4065 and 4101 South Military Trail, from a Palm Beach County zoning designation of Urban Infill (PBC UI) to a City of Greenacres zoning designation of Commercial Intensive (CI), as requested by the Planning and Engineering Department; providing for changes to the Official Zoning Map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date; pursuant to Staff Memo and Staff Report - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

City Clerk Denise McGrew read Ordinance No. 2016-24 into the record on first reading.

Mrs. Ferris described the companion item to the annexation and land use amendment approved on first reading. The request is to rezone 3 parcels of land totaling 6.774 acres from a Palm Beach County zoning designation of Urban Infill (PBC UI) to a City of Greenacres zoning designation of Commercial Intensive (CI).

The proposal is consistent with adjacent zoning designations, it meets concurrency, and meets the ten (10) zoning change criteria. She stated that the Planning Commission recommended approval on August 3, 2016 by a vote of 6-0; therefore, staff recommends approval of ZC-16-02 through the adoption of Ordinance No. 2016-24.

Mayor Ferreri called on Council members for comments. He hoped the City would continue pursuing more annexations with the help of the County.

MOTION: Councilman Noble made a motion to approve Ordinance No. 2016-24 on first reading. Councilwoman Bousquet seconded the motion.

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

Motion carried: 5 - 0.

- H. **Chickasaw Road MSTU Program Letter:** Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

Assistant City Manager Thomas J. Lanahan reported receiving a request from the County for Council to consider participation in a special assessment program for Chickasaw Road. Chickasaw Road is a small local road located on the west side of South Jog Road and dead ends 1,400 feet west of South Jog Road and serves several small neighborhoods. It was originally approved by the Lake Worth Drainage District (LWDD) and the County in 1975, and was subsequently built in 1978 in conjunction with the Chickasaw Manor subdivision.

Mr. Lanahan noted that Chickasaw Road was never accepted by Palm Beach County for permanent maintenance and was built in a LWDD canal right-of-way. The road was never dedicated to the City. Past practices dictate that roads that serve a mixture of County and City parcels stay as a County road until they only serve City properties.

Mr. Lanahan reported that the County is proposing to establish a Municipal Services Taxing Unit (MSTU) for Chickasaw Road (a special assessment district) for 76 homes to pay for the upgrades that will allow the County to take over the maintenance of the road. The County is asking the City for a letter authorizing collection of an assessment within the City limits if the County decides to move forward with the project. Upon receiving interest from the City, the County would

send out a survey to the affected property owners to gauge their interest. If feedback is positive, the County would proceed and the City would then adopt an ordinance to assess the properties. Staff recommends approval to see if the neighborhoods are interested in addressing the problem. This road has been an area of concern for many years and is not solely a City, a LWDD or a County problem; but one that requires the collaborative efforts of all parties involved.

Councilwoman Bousquet asked about bringing in the nearby properties in unincorporated Palm Beach County.

Mr. Lanahan explained that the area involved is an enclave and through a small annexation it could drop below 10 acres and could be brought in through an interlocal with the County. He suggested that that may be an eventuality once the maintenance of the road is resolved. When all parcels are in the City, the City would take over the road.

Mayor Ferreri explained that for the past 12 years he has personally paid to repair potholes, and the cog in the wheel is LWDD who gave consent for the road to be built in the 1970's, but the County did not accept it because it wasn't in the County. One recent request by the LWDD was to box culverted at a cost of over \$1 million. The City has tried for the last 4 years with the help of County Commissioner Paula Burdick to meet with some of the homeowners in the unincorporated area. The City proposed taking the properties through annexation but due to a canal to the west it was not feasible. He believed this was a good first approach.

Mr. Lanahan reported speaking recently with the LWDD and with the change in management, there appears to be new perspectives in place. Their impression on the box culvert issue they claim was prompted by the County. They recognize this is an issue where it is their canal along a road with no barricades and a slight rise in the ground. They need to be a partner in this exercise because the ownership of the property has to be transferred to an agency in the road business.

Councilwoman Dugo asked if the MSTU makes the City and the County responsible for the road maintenance if the homeowners agree.

Mr. Lanahan disagreed, clarifying that if the MSTU passes, the road would be raised to County road standards and then the County would take it over for maintenance. He emphasized that based on the number of positive responses by the homeowners, the County would or would not proceed.

Councilman Noble asked if more consideration would be given to homeowners with large lot sizes or would the survey be one property, one vote.

Mr. Lanahan believed it was one lot, one vote. As for the apportionment, the cost would be per foot, per unit, etc.

Mrs. McCue explained it is based on the percentage of benefit to the frontage of the road.

Councilman Noble wanted to know what the apportionment would be. He asked how would the road be maintained and what existing road could be used in comparison.

Mr. Lanahan believed the road width was acceptable, but it had not been resurfaced since 1978. It would require repaving, cores samples taken, it will require being overlaid, and a protective barrier installed between the road and the canal. Engineering standards differ. In 2004, the City was going to approve a project that would have required the developer to improve Chickasaw Road out to South Jog Road. The real estate market collapsed and the project expired. Mr. Lanahan emphasized that at that time, the County accepted a guardrail on the south side as a solution to the problem. Today, the County says it would not be considered a solution.

Councilman Noble recalled some properties in question wanting to voluntarily annex into the City.

Mr. Lanahan agreed, one property has requested annexation but no immediate action is being requested. It is for the parcels at the front of South Jog Road that are vacant. The City has been holding off due to concerns over Chickasaw Road.

He stated that following Council authorization, the first step would be to solicit feedback from property owners for a show of interest. If feedback is positive, ordinances would need to be adopted, then the County would engineer the improvements, do the project and charge the assessments. The end game will be the maintenance of the road. The City has always maintained that if the County improves the road, the City would maintain it.

Mayor Ferreri pointed out that portions of Sandi Lane have collapsed several times, west of Wry Road where the road has been fixed by the County informally for years. This is not an easy solution.

MOTION: Councilwoman Dugo made a motion authorizing City staff to address a letter to Palm Beach County requesting the creation of a Municipal Services Taxing Unit (MSTU) for Chickasaw Road. Councilwoman Bousquet seconded the motion.

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

Motion carried: 5 - 0.

I. City Attorney Performance Evaluation.

City Manager Andrea McCue reported that the Mayor and Council received a City Attorney evaluation form from the City Clerk's office for completion and return. She

reported receiving four (4) evaluations back from Council with two (2) outstanding. The scores are on the high side for all categories.

Councilman Noble announced his verbal score of "5 for outstanding" across the board.

Councilwoman Bousquet stated that for the most part she gave the City Attorney high scores and noted that there were some issues that were discussed.

MOTION: Deputy Mayor Pearce made a motion to approve a 2.5% merit increase for the City Attorney for FY 17. Councilwoman Rivera seconded the motion.

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

Motion carried: 5 - 0.

Deputy Mayor Pearce referred to an email from the City Attorney to the Mayor and Council requesting that his contract be re-opened and wherein he provided a dollar amount for his services during the PBSO merger. He requested Council authorization to negotiate those fees with the City Attorney.

Councilwoman Bousquet suggested having the City Manager meet with the City Attorney regarding those fees.

Deputy Mayor Pearce reminded Council that the City Attorney is their employee, not the City Manager's.

Mayor Ferreri wanted the memo to be re-sent for discussion at the next Council meeting. He had questions regarding days worked.

Councilwoman Rivera recalled requesting a spreadsheet of the hours worked beyond his contractual 2 days a week.

City Attorney James Stokes explained that when the former City Manager was terminated, Council appointed him as Acting City Manager for one week (he later passed on the acting role to Planning and Engineering Director Thomas J. Lanahan). At the meeting of October 19, 2016, the Fire Chief was made Acting Fire Chief and pursuant to Council Policy they were both given a salary supplement. When he was tasked with those duties, someone asked about the City Attorney to which Council decided it would be addressed later. Through his calendar, emails and text messages he created a spreadsheet. In one email he provided Council with totals but no breakdown.

Councilwoman Rivera agreed to allow Deputy Mayor Pearce to

discuss the legal fees in a broad sense, bringing something back to Council for discussion.

Councilwoman Dugo pointed out that she had not received her emails since June. She stated that Mr. Stokes did a wonderful job on the PBSO merger and the retirement. She asked him what he thought was a fair amount for one week as Acting City Manager and time dealing with the merger?

Mr. Stokes said he could not give an amount but estimated his time at 300 hours; whatever Council decides, is fine.

The Mayor and Council members discussed the City Attorney not being an hourly employee; authorize a Council member to negotiate an amount and speed up the process, and having the City Manager negotiate with the City Attorney.

Mayor Ferreri polled Council to authorize Deputy Mayor Pearce to negotiate with the City Attorney:

Councilwoman Rivera: Yes.

Councilwoman Dugo: Yes.

Councilwoman Bousquet: Preferred the City Manager.

Councilman Noble: [No comment]

Consensus: Council authorized Deputy Mayor Pearce to negotiate with the City Attorney and bring something back to Council for the September 8, 2016 City Council Meeting and FY 17 Budget Hearing.

MOTION: Deputy Mayor Pearce made a motion to approve a merit increase of 2.5% and a Cost of Living Adjustment (COLA) increase of 1.5% for the City Attorney. Councilwoman Rivera seconded the motion.

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

Motion carried: 5 - 0.

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

9. **Discussion Item:** None.

10. **Staff Comments:**

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

New Hires

City Clerk Retirement

Mrs. McCue recognized City Clerk Denise McGrew's upcoming retirement and thanked her for her support and wished her the best in the next chapter of her life. She introduced and welcomed Joanna Cunningham as the new City Clerk.

Acting Human Resource Director

Mrs. McCue noted that because Denise McGrew served both as City Clerk and Human Resources Director, due to her retiring, her responsibilities were split. She announced Suzanne Skidmore as the Acting Human Resources Director.

Senior Planner

She announced Ozniel Leon as the City's new Senior Planner. Mr. Leon has worked for Palm Beach County and the City of Antonio, TX.

B. City Attorney's Report. None.

11. Mayor and City Council Reports.

Councilwoman Rivera

Special Magistrate Update

Councilwoman Rivera asked Mr. Stokes the status of the Special Magistrate and when could Council expect this process to begin; she asked if November was premature.

Mr. Stokes reported working with the Building Official on rules, procedures and a division of labor. An individual has been identified as a possible candidate and he would be e-mailing the resume to Council members. He reminded Council that when Ordinance No. 2016-07 was approved, it provided four (4) months of preparation time to draft citation forms, create rules of procedure and hire the Special Magistrate. He was hoping for October 1, 2016.

Councilwoman Rivera emphasized the need to get this process in place as quickly as possible to address serious issues in her district.

Mayor Ferreri emphasized that the City still needed to follow certain statutory procedures.

Mr. Stokes agreed, the citation format has to be approved by the Palm Beach County Clerk of Court.

Mrs. McCue noted that the City was looking to appoint a Special Magistrate prior to October 1st and although the budget has not yet been approved, those 12-month positions approved by Council are now being advertised.

Councilwoman Dugo asked if Mr. Jim McInnis was the Finance Director.

Mrs. McCue explained that Mr. McInnis is serving as the Acting Finance Director and that the position will be posted by the end of this month.

Councilwoman Dugo questioned if Ms. Skidmore was in an acting role.

Deputy Mayor Pearce

Back to School Event – Community Center

Deputy Mayor Pearce thanked Leisure Services Director Michele Thompson and her staff for a successful event.

New Hires

Deputy Mayor Pearce asked City Manager Andrea McCue how long she expected to keep Acting Human Resources Director Suzanne Skidmore in the acting role, that the position may be reposted, and will Mrs. Skidmore be given a stipend. He questioned the need to repost the position. After the advertising and interview processes were completed, from the pool of candidates did she not find anyone she felt comfortable with. He asked why would Mrs. McCue feel the need to repeat the hiring process.

Mrs. McCue explained following the interviews, she felt more time was needed to determine what direction from an internal perspective was necessary and decided to implement an “acting” role. After evaluating Mrs. Skidmore in the acting role, then the decision will be made to repost the position or move forward.

Deputy Mayor Pearce asked Mr. Stokes if a 6-month probation period is necessary when hiring directors.

Mr. Stokes stated that generally new hires are placed on a probationary period which allows the employer to let them go without cause. Department Directors are “at will” employees and can be let go without cause. The difference is employees on probation who are terminated are not always entitled to unemployment benefits.

Councilwoman Bousquet asked if that was his legal opinion?

Deputy Mayor Pearce asked if directors are required to be placed on probation.

Mr. Stokes reiterated that probation is for unemployment compensation purposes and is good, standard employment practice. The legal impact of terminating someone on probation versus at will is different.

Deputy Mayor Pearce emphasized that when it comes to an “in-house” person, does the City Manager have the flexibility of hiring the employee in the acting role in three (3) months if she decides to do so instead of waiting for the full six (6) months. Councilwoman Bousquet did not understand why Council was getting involved in the responsibilities of the City Manager.

Mayor Ferreri agreed and suggested Deputy Mayor Pearce meet with the City Manager.

Mr. Stokes admitted he had not read the City’s Personnel Manual; however, probationary periods were standard.

Councilwoman Rivera welcomed the City's new hires.

12. Adjournment.

Councilwoman Bousquet made a motion to adjourn, seconded by Councilwoman Rivera.
The meeting was adjourned at 8:51 p.m.

CITY COUNCIL

Respectfully submitted,

Samuel J. Ferretti
Mayor

Joanna Cunningham
City Clerk

Date Approved: 9/8/16



/mel