

# CITY OF GREENACRES

## OFFICIAL MINUTES TRACKING

Council/Board: City Council  
Meeting Date: 10/17/16  
Transcribed by: jc No. of Pages: 21 Transcription Time: 8.75

### REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>MM</u>	<u>10-31-16</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>PLF</u>	<u>11/1/16</u>	<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

### APPROVAL OF MINUTES

Meeting Date: 11/7/16

Motion By: Bousquet Seconded By: Dugo

Check One:  Approved  Tabled  Denied Vote: 4-0

Changes requested by Council or Board?  Yes  No Revised absent

If yes, note changes: \_\_\_\_\_

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Date Scanned and Filed: \_\_\_\_\_ By: \_\_\_\_\_



## OFFICIAL MINUTES

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

**CITY COUNCIL MEETING  
Monday, October 17, 2016– 7:00 PM**

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

Mayor Ferreri called the City Council Meeting of Monday, October 17, 2016 to order at 7:00 p.m. City Clerk Joanna Cunningham 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

##### Council Absent:

Paula Bousquet, Councilwoman

Attendees from Public: 43

Press: 1

##### Staff Present:

Andrea McCue, City Manager  
Kara Irwin-Ferris, Acting P&E Director  
James D. Stokes, City Attorney  
Joanna Cunningham, City Clerk  
Michael Grimm, Director/Building  
Jim McInnis, Acting Director/Finance  
Mark Pure, Fire Chief/Fire Rescue Department  
Michele Thompson, Director/Leisure Services  
Carlos Cedeño, Director/Public Works  
Suzanne Skidmore, Acting Director/Human Resources  
Lt. Tristram Moore, PBSO

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

Mayor Samuel J. Ferreri and Student City Council Members led the Pledge of Allegiance.

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

Mayor Ferreri welcomed the students that were shadowing the Council for this evening's meeting and he announced that they had held a Mock City Council Meeting earlier that was very educational and the students were very polite. 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; hearing none, he called for a motion. Agenda Item Number 5A was requested to be moved to the next regular City Council Meeting of November 7, 2016 by the Kiwanis Club

**MOTION:** Councilwoman Dugo made a motion to approve the Agenda as amended. Councilwoman Rivera seconded the motion.

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

**Motion carried: 4 - 0.**

**5. Special Business.**

- A. Presentation by Kiwanis to PBSO. – *deferred to the November 7, 2016 Council Meeting.*
- B. Presentation by Oleander Garden Club of the Palm Beaches.

Sally Seftenberg, Vice President of the Oleander Garden Club of the Palm Beaches presented The Florida Federation of Garden Clubs District X Landscape Design Award for plantings at a public facility for the exceptional plantings at City Hall. The award was issued on April 29, 2016. She was very happy to present it to the City.

Mayor Ferreri thanked the Florida Federation and the Oleander Garden Club. He stated that when City Hall was built, there were concerns from surrounding residents to keep the area as natural-looking as possible. He added that it was nice to receive an honor like this. It is a great example for residents to show that you can use native vegetation and make it look nice.

Jeannette Schmidt, President of the Oleander Garden Club, announced that they work with eighteen children at Leisure Services by having a vegetable garden, an herb garden, both aqua and hydroponic systems. There are currently twenty-one members in the Garden Club. They won 2<sup>nd</sup> place nationally for their "Brighton Frog" project where the children made frogs out of River Rocks.

Vice President Seftenberg described the line-up for the upcoming meetings, programs and schedule for this season at the Garden Club. She announced they will be planting a tree in front of the Community Center on Arbor Day, January 20, 2017 with the children from Leisure Services.

Barbara Hetzell, former President of the Oleander Garden Club of the Palm Beaches stated that the name of the club was changed to add “of the Palm Beaches” because there are members from all over the County in the club. She brought cards with contact information in case anyone was interested in the club. She stated that the club was sponsoring a National Environmental Study School at the Pine Jog facility November 14<sup>th</sup> and 15<sup>th</sup>. They will study land topography and issues that affect Florida: water, air, fracking, St. John’s River etc. Mrs. Hetzel then introduced her husband, Tim Hetzell, a Greenacres resident, Garden Club member and Elks Lodge #1352 member.

Mr. Hetzell spoke about a special project that was awarded the previous week. He writes grants for the organization, one is for a Blue Star Marker for Veterans, and also will be adding a Gold Star Marker for a family that has lost a veteran in battle. By the end of January, there will be a memorial garden at the lodge with a dedication to veterans. They also support junior garden clubs with monies that come from grants.

- C. **Proclamation:** “City Government Week” for October 16-22, 2016- Samuel J Ferreri, Mayor.

City Clerk Cunningham read the Proclamation into the record.

**MOTION:** Councilwoman Dugo made a motion to approve the Proclamation for “City Government Week” Councilwoman Rivera seconded the motion.

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

**Motion carried: 4 - 0.**

- D. **Proclamation:** “Oasis Compassion Agency Awareness Month” for October 2016- Samuel J Ferreri, Mayor.

City Clerk Cunningham read the Proclamation into the record.

Mayor Ferreri announced there was someone from the Oasis Compassion Agency Awareness Month to accept the Proclamation. Mayor Ferreri told the audience where Oasis is located and noted that women in distress and their families are helped by this agency. They help single mothers prepare for job interviews, mentor them, help them with training and computer skills, as well as clothing for the interview.

Ms. Mabel Liam accepted the proclamation and stated that six years ago, she was a client who needed help with a domestic violence situation for her

children and herself. They do not just provide food and clothing, the Oasis Compassion Agency provided support and becomes a family. She began as a volunteer and is now an employee of the agency. She is an example that the organization is very valuable to the community. They accept clothing and food donations as well as teaching skills to the clients.

Mayor Ferrari announced a Masquerade Ball fundraiser in early November. He asked for any business clothes for women be donated to them.

**MOTION:** Councilwoman Dugo made a motion to approve the Proclamation for "Oasis Compassion Agency Awareness Month for October 2016" Councilwoman Rivera seconded the motion.

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

**Motion carried: 4 - 0.**

**E. PBSO Monthly Report – Lt. Tristram Moore.**

Lt. Moore presented the report – stated 64% of the calls were self-initiated and were proactive. They issued five hundred sixty-two (562) citations, two hundred seventy-two (272) warnings – an increase from August. There were seventy-eight (78) arrests, largely a result of the open container ordinance recently passed; there has been a lot less open containers/drinking. Lt. Moore noted there was an uptick in robberies to six, but PBSO arrested people for three of those robberies. There were seventeen (17) vehicle burglaries with 59% of them occurring in an unlocked vehicle. They have spent a lot of time on education and the importance of locking your vehicles. The thefts decreased from twenty-seven (27) in August down to seventeen (17) for September.

Business burglaries are down to two (2) from seven (7). There was a female crew called the "pick axe gang" who were arrested for those burglaries.

Captain Murray has made a clear stance on the importance of training: has held traffic stop trainings, and one week after that training, five hundred and eighty-five (585) grams of marijuana was confiscated during a traffic stop using the new skills; There is a need for more Spanish speaking deputies; District 16 offered a Spanish language survival course to deputies.

Patrol Division: handled three thousand, one hundred twenty-five (3125) business and residential checks for the month; began a mentoring program talking with kids at local parks and bridging the gap of communication; deployed a lot of speed measurement trailers as a deterrent which also collects statistical data which can be downloaded at the end of the month; the plan is to rotate them around the district to identify and validate where the worst speeding offenders are and then begin enforcement in those areas.

PBSO has had several requests for presentations – for awareness at schools, and at numerous HOA's; implemented a Truancy Action Plan and have returned twenty-nine (29) students back into the school system instead of the criminal justice system.

The Street Team continues to impress: twenty-one (21) arrests in a reverse prostitution sting, including the arrest of a man who brought a two-year-old child along with him; the unmarked vehicles are working well, made arrest and recovered thirty-three (33) pounds of marijuana.

Traffic Team issued one hundred and eight (108) citations, ninety-four (94) warnings and eleven (11) arrests; they are trying to be fair but firm.

Lt. Moore stated he was proud to be a part of the American Heart Walk; District 16 PBSO employees merged with the Fire Department to form a team and raised \$2700 dollars which was the highest fundraising team in PBSO.

PBSO recently partnered with Leisure Services to install "no trespass" signs in the parks. This allows PBSO to issue warnings and citations if in violation after the parks are closed.

Traffic Initiation: Issued seventy-eight (78) citations, seventy-four (74) warnings, five (5) arrests; Lt. Moore stated he was very proud of the street team – they arrested a man with five containers of butane hash oil which is used to make heroin. There currently is a large heroin overdose problem in the County.

Upcoming events: PBSO "Green Team" will be participating in the Charlotte Hahn Softball Tournament; they have a very good team and a lot of people are picking them to win the tournament.

"Stuff Your Trunk"- Working with Publix to bag groceries; it raises money for turkeys for families who need them,

"Shop with A Cop"- At Christmastime, a partnership with Wal-Mart (\$2500) and Target (\$500) to have a "Shop with a Cop" day - \$100 for each child; they are currently collecting names of children in the community to participate.

Hurricane Matthew: Partnered with Fire Chief Mike Pure and City Manager Andrea McCue and made an EOC at the Public Safety Facility; everything went very smoothly and everyone worked well together; Lt. Moore stated we dodged a bullet but it was a great trial run so that we are better prepared for future storm events.

Mayor Ferreri asked if there were any questions or comments from the Council Members.

Councilwoman Rivera asked how to donate to the Green Machine; Lt. Moore gave a contact name but offered to also send it to her, asked City Manager McCue if the City had purchased speed trailers? City Manager McCue responded that she thought they were put in the budget but she would look into it and get back with her with a definitive answer.

Councilman Pearce made a statement to the public regarding the baseball team. He announced that Lt. Trist played baseball at the University of Miami and some of his teammates were Alex Rodriguez and other MLB players; he was sure they are certain to win the tournament.

Councilwoman Dugo asked Lt. Moore about having more Spanish speaking deputies in the city.

Mayor Ferreri announced that he felt the City's preparation for the recent hurricane was very good; he was concerned since it had been eleven years since a major storm was slated to hit our area; this was his first time not at the EOC; he stated that everything went very smoothly with the City Manager keeping him up to date; the City was prepared and all agreed they did dodge a bullet. Mayor Ferrari also noted that it was helpful to have PBSO working with us, especially with curfew issues; hopefully it will be another 11 or 12 years before we get another big storm. Everyone did a good job, for those not here 11 or 12 years ago, if that storm had hit us, there would have been no power, or gas or stores open; he encouraged those too young to remember that you can't go to ATM, or obtain gas supplies without electricity, these were a few of the basic things to alert the residents and staff in being prepared.

6. **Consent Agenda.**

A. Motion to Approve Consent Agenda.

1. **Official Minutes:** City Council FY 2017 Budget Hearing of September 8, 2016 – Joanna Cunningham, City Clerk.
2. **Official Minutes:** City Council FY 2017 Budget Hearing of September 13, 2016 – Joanna Cunningham, City Clerk.
3. **Plat Approval (SP-15-06):** Approval of the Plat for Bright Acres (Wawa) located on the southwest corner of South Jog Road and Lake Worth Road; pursuant to Staff Memo–Kara Irwin-Ferris, Acting Planning & Engineering Director.

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

**MOTION:** Councilwoman Dugo made a motion to approve the three (3) Consent Agenda items. Councilwoman Rivera seconded the motion.

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

**Motion carried: 4 - 0.**

**7.    Regular Agenda:**

- A.    **PUBLIC HEARING: Ordinance No. 2016-28:** First Reading Amending Chapter 12 Subdivision and Land Development Regulations, Article III Improvements and Design Standards, Section 12-58 Drainage; to coordinate with the city's floodplain management regulations in Chapter 4; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date; pursuant to Staff Memo and Staff Report- Kara Irwin-Ferris, Acting Planning & Engineering Director.

City Clerk Cunningham read Ordinance No. 2016-28 into the record on first reading.

Acting Planning & Engineering Director Kara Irwin-Ferris presented the item. This item relates to the Floodplain Management Ordinance, Ordinance 2016-14, which was adopted on August 1, 2016 to allow the City to participate in the Community Rating System (CRS). The proposed Code text amendment to Chapter 12 will coordinate with the revised Chapter 4 and change the finished floor elevation for new development and significant redevelopment in order to achieve the goal of reducing flood losses within the City.

The City has been enforcing the criteria set forth in the City Code Section 12-58, "Drainage" which requires all finished floor elevations to meet the 100-year flood elevation per the FEMA Flood Insurance Rate Map or the 100 year/3 day. Assuming zero discharge, enforced by the South Florida Water Management District.

Acting Director Ferris continued that what the City is proposing is to add a requirement for setting the finished floor elevation of new structures and those undergoing significant redevelopment at one foot above the elevation otherwise required. This "freeboard" will provide enhanced protection from flooding as well as enhance the City's CRS rating which will lead to discounts on flood insurance for residents and businesses within the City. You can start at 5% and can get up to 25% reduction in rates. They are starting with one foot and could change that in the future, and staff recommends approval on first reading.

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. 2016-28 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.



**MOTION:** Councilman Pearce made a motion to approve Ordinance No. 2016-28 on first reading. Councilwoman Rivera seconded the motion.

**Discussion on the Motion:**

Mayor Ferreri Asked Acting Director Ferris if this Ordinance would make any properties non-conforming. She responded that it would not, but any new development from this point forward would have to meet the criteria. Mayor Ferreri then asked how many existing developments met the requirements. Acting Director Ferris responded that most meet the requirement as it stands today but she had not researched to see how many would meet the foot above requirement. Mayor Ferreri thought it would be useful to see how many meet the requirement for the purpose of points. He called for any other discussion on the motion and there was none.

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

**Motion carried: 4 - 0.**

- B. **PUBLIC HEARING: Resolution 2016-38:** Approving the application for a special exception to allow an expansion of a house of worship in a Residential Low-3 (RL-3) zoning district, located at the northwest and southwest corners of Cambridge Street and South Haverhill Road at 400 and 420 Jackson Avenue, as requested by the petitioner, Lori Williams, agent for the owner, Legacy Church Ministries of Greenacres, Inc.; providing for repeal of conflicting resolutions; and providing for an effective date; pursuant to Staff Memo and Staff Report - Kara Irwin-Ferris, Acting Planning & Engineering Director.

City Clerk Cunningham read Resolution No. 2016-38 into the record.

Acting Planning & Engineering Director Kara Irwin-Ferris presented the item. This is a special exception expansion request of the existing House of Worship, an amendment to Special Exception 81-06. Legacy Church Ministries was formally known as the Evangelical Bible Chapel. This is an existing house of worship located at 400 Jackson Avenue on the east side of Jackson Avenue and south of Cambridge Street right of way. They are seeking to expand the site to include a single family home that is located at 420 Jackson Avenue, which is across the right of way of Cambridge Street. She described the surrounding properties adjacent to the subject site.

The current land use is Residential Low Density (RS-LD) and the zoning designation is RL 3. The Clerk of Court records show the house of worship has been on the City records since it was built in 1974. The single story residential building is a total of 1188 square feet and was purchased by Legacy Church Ministries in September 2014.

Acting Director Kara Irwin-Ferris stated that the 0.547 acre Evangelical Bible Chapel site located at 400 Jackson Avenue and the 0.2 acre site located at 420 Jackson Avenue were both incorporated in the City of Greenacres as part of the original plat dated October 1925 (Plat 2) and incorporated into the City in 1926. It was later granted a special exception in 1981.

Adjacent to the site and approved previously is the Greenacres Christian Academy as a K-12<sup>th</sup> grade private school. It is connected across Haverhill Road by a crosswalk. They are proposing to include this site with the house of worship. Overall, they will create a campus on the west side of Haverhill Road. They are not proposing to expand the original site, but the addition is for accessory uses such as training or Bible School and were not required to expand concurrency.

There is a crosswalk located at Cambridge Street and patrons will be directed to utilize the existing crosswalk where it intersects with Jackson Avenue.

Acting Director Ferris indicated that the application does meet the twelve criteria for a Special Exception and have added eight conditions of approval. It went before the Planning Commission in August, and was recommended for approval by a 5-0 vote. Staff does recommend approval for the Legacy Church Ministries.

Mayor Ferreri called on Council members for comments.

Councilman Nobel suggested it would be favorable for the applicant to have Cambridge St. closed off and utilize the combined space. He asked Acting Director Ferris what the procedure and how difficult it would be to have that happen. Acting Director Ferris responded that it would be an abandonment, and would be removing some linear footage from the roadways since it is a city-owned roadway with rights-of-way. There is a process, and the applicant has not approached the City about closing the street.

Councilman Nobel then asked Mayor Ferreri for his opinion on this issue. Mayor Ferreri stated that there were a few streets near the location. Jackson and Haverhill are close together. and Haverhill did not even exist originally. Cambridge dead ends at the entrance to Greenacres Elementary School, and traffic is backed up and chaotic at times upon arrival and dismissal. He asked if the Engineering Department might be able to look into the safety aspect of that street since it does not really go anywhere and Biscayne is the east/west mode of travel.

Councilman Noble asked if the applicant was present. Mayor Ferreri announced that Reverend Donnelly was in the audience and asked him to come forward.

Acting Director Ferris stated they had received written acceptance of all of the conditions from the applicant. Mayor Ferreri asked Reverend Donnelly his thoughts on abandoning the street.

Reverend Donnelly indicated they had researched that before and the original owners had given that property to the City for the specific use as a road and that's where there is a problem. They have passed away, and there are no surviving heirs. It would be a matter of the City approving this and the church making a

donation, because it would be safer. They could add a stipulation that they would never build on it. It is a safety issue if people do not use the crosswalk.

Mayor Ferreri also stated that there are probably utility easements in the road as well and could be looked into.

Mayor Ferrari opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Resolution No. 2016-38 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Councilman Pearce made a motion to approve Resolution No. 2016-38. Councilman Nobel seconded the motion.

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

**Motion carried: 4 - 0.**

Mayor Ferreri added that with the approval, staff should look into the parameters for closing Cambridge Street.

- C. **PUBLIC HEARING; Resolution 2016-41:** Approving the application for a special exception to allow an indoor recreational amusement (Get Hooked Arcade) in a Commercial Intensive (CI) zoning district, located at 3769 South Military Trail, as requested by the petitioner, Kenneth Woo, agent for the owner, 3757 Military Trail, LLC; providing for repeal of conflicting resolutions; and providing for an effective date; pursuant to Staff Memo and Staff Report - Kara Irwin-Ferris, Acting Planning & Engineering Director.

City Clerk Cunningham read Resolution No. 2016-41 into the record.

Leon Osniel, Senior Planner, presented the item on behalf of the Planning Department. The applicant is not proposing any changes to the exterior of the building and recreational amusement is a special exception use per Florida Statutes Section 849.161 (1) (a)(b)(c) and (d). The applicant has stated that it will be for adults over 18 years of age, and will have fifty machines and computerized games. Winnings are paid out in vouchers and redeemed for prizes and game play. They cannot be redeemed for cash. The application has met the requirements of the State Statutes and city codes. The Planning Commission recommended approval with a 5-0 vote. Staff recommends approval of Special Exception 16-02 with conditions through Resolution No. 2016-41.

Mayor Ferreri asked if the applicant was available, and if they agreed with the twenty conditions of approval.

Kenneth Woo, agent for the owner, came forward and stated the owner agreed to all conditions.

Councilwoman Rivera asked Mr. Woo if there was another "Get Hooked Arcade" in the City of West Palm Beach. Mr. Woo responded that there is another Get Hooked Arcade, but it is different from his. Councilwoman Rivera followed up with another question about the age of 18 years or older, and will there be an ID check. Mr. Woo answered that the age requirement is a State requirement and that people must show ID such as a driver license upon entering.

Councilwoman Dugo asked what the hours of the arcade would be. Mr. Woo responded that was one of the conditions of approval. They will be open from ten a.m. and close at midnight.

Councilwoman Rivera asked if that was going to be hours of operation every day. Mr. Woo explained on Sunday they would not open until after church hours and in the beginning of the business, hours would be less until business picked up. .

Mayor Ferrari opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Resolution No. 2016-41 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Councilman Pearce made a motion to approve Resolution No. 2016-41. Councilwoman Rivera seconded the motion.

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

**Motion carried: 4 - 0.**

Before the next item. Mayor Ferreri paused the meeting to allow the students who were shadowing the Mayor and Council to leave the dais and go home since it was a school night. He thanked them for their participation. He hoped they continue to participate in city government. He added that the "Mayor" misses qualifying for City Council by just a few days- he is planning on doing military service and is way ahead of where the Mayor was at his age regarding what he wants to do with his life. All of the young people were very responsible and knowledgeable. He hoped they all returned to Greenacres after college to raise their families here.

- D. **Site Plan Amendment (SP-15-02C):** Site plan amendment for the Greenacres Nissan located at 5385 Lake Worth Road; pursuant to Staff Memo and Staff Report - Kara Irwin-Ferris, Acting Planning & Engineering Director.

Acting Director Ferris presented the item. She stated the item was for a site plan amendment for a previously approved site and development plan for Greenacres Nissan, the 6.007 acre site is located north of Lake Worth Road approximately 350 feet east of the E-3 Canal at 5385 Lake Worth Road. The previous approval was by City Council on September 3, 2015, for an automobile dealership, with accessory service and repair areas, offices and storage. Currently the site is land use of commercial with a commercial intensive (CI) zoning district.

Acting Director Ferris gave a presentation showing the proposed amendments and site plan. She stated this was the third amendment approval since the original site

plan was approved in September of 2015. The first amendment (SP-15-02(1)) was approved in May of 2016 that provided a mezzanine level warehouse for storage parts which added 3,861 square feet. The second amendment was approved on June 20, 2016 (SP-15-02(B)) and changed a condition of approval relating to the maintenance of a utility pole. The third amendment was approved by the City Council on September 13, 2016 which (SP-15-02(D)) was to increase the floor area by 120 square feet and change the architectural appearance of all four elevations of the dealership building.

The applicant is requesting to add a four (4) level parking garage for vehicle inventory on the west side of the site. The structure has been pushed as close to Lake Worth Road as possible. The applicant has proposed additional landscaping for screening the garage structure. The parking deck will add 325 spaces and is 149 feet by 210 feet per level of each deck. They are proposing two tower structures; one will house a stairwell and the other that will house a stairwell and an elevator.

Acting Director Ferris continued that the applicant had changed the plans to add the garage and add the additional landscaping to the site to shield the neighbors to the north. Currently, they have developed a six foot concrete wall for the neighbors to the north and submitted a revised landscaping, drainage and photometric plan. They changed the heights of trees and number of them to provide additional screening. They changed the appearance of the dealership slightly to match the appearance of the garage. She pointed out the reduced areas of windows on the north side of the garage to limit the exposure of the lighting from the garage to the neighbors to the north.

One of the issues that arose is the light pole conditions to minimize impacts from the garage. There were two variances and those were relative to reduce the pole height length to 16 feet and drive aisle width from 26 foot wide to 25 ½ feet. This reduction was granted because the garage is not for public use, it is for inventory and accessible by staff only. There are regulations that require lighting in garage and staff required them to reduce regulations since this is an inventory garage. They placed the ramp on the north side to create more of a buffer and the lighting is further away from the residences. The intent is not to see a light source. The applicant is willing to mitigate the impact including the fixtures that would be used and an example was shown. Led lights would be used and utilizing fixtures that provide some screening.

The city has a height limit of 35 feet but there is an exemption for an area that houses equipment and the elevator cases brings the height over the limit to 42 feet. There are twelve conditions of approval for the site and the landscaping. The landscaping at planting will be reviewed and if additional material is needed, it will be addressed at that time. The Planning Commission did recommend approval with a 5-0 vote at its September 21, 2016 meeting. Staff is recommending approval.

Mayor Ferreri opened up the floor for Council questions.

Councilwoman Rivera asked about the windows on the garage, which were openings instead of windows, and asked if that had always been in the plan and if

the 325 vehicles allowed in the garage was always the number, or if that had been reduced. Acting Director Ferris responded that the openings were made smaller to eliminate the light coming from the garage on the north side and the car number was actually an increase – originally there were over 100 spaces on the ground and this was in addition to on the ground.

Councilwoman Rivera asked to review the lighting on the top level, as that was the biggest concern from the residents that she kept hearing about. Acting Director Ferris stated that there are requirements for maximum foot candles and the applicant has been asked to reduce them because it is not a parking lot but rather a storage garage. They have asked to provide additional screening as the project progresses.

Councilwoman Rivera verified that there was a back-up plan after construction begins if the lighting is too bright or intrusive. Acting Director Ferris confirmed that was the case and added that the applicant really worked with the City to mitigate the impact.

**MOTION:** Councilman Pearce made a motion to approve Site Plan Amendment SP-15-02C as presented by staff. Councilwoman Dugo seconded the motion.

**Discussion on the Motion:**

Mayor Ferreri also asked about the lighting and if there was a possibility to remove the top light poles near the guard rail, since it was just storage. Acting Director Ferris stated that if the poles are too low, the parked vehicles block the light. Mayor Ferreri stated that he had designed hundreds of parking garages and some cities do not allow light poles on the top level at all. He has the same concerns as Councilwoman Rivera and is afraid it will glow too brightly and impact the neighbors at all hours of the night.

Acting Director Ferris stated that a condition of approval is to shut off the lights on the top level once the dealership closes but not the interior garage. They do need to protect their inventory with some lighting for security purposes. The applicant is willing to work with the City, and the Mayor added he would like them to take another look at the lighting. He then asked to see the diagrams of the proposed light fixtures. He commented on the “T’s” and having them on stems- you can see the light at an angle, they need to be mounted to the walls and with a lower candle; he asked the applicant to look at that in the north bay. With LED lighting, the impact is less harsh, but he would rather see adjustments made now so that it would be easier than if it needed to be corrected later. He felt there are other ways to solve the lighting issue.

Chris Barry, of Urban Design Kilday Studios (UDKS), representing the client, responded to the lighting concerns. The project architect and the City have worked diligently together and they are happy to accept the condition of approval and will continue to work with the City if there are still issues.

Councilwoman Rivera stated she has met with the three residents on the North side of the property and has walked the site from every angle. She is happy to see the business and the jobs, but the lighting is truly an issue for those homes, especially 144 Perry. There is not such a large wall that would block the glow, but he can see the garage and the lighting. She asked if the lighting does become an issue, what happens then to remedy the situation.

Mr. Perry responded that the lighting is a condition of approval (condition number 7) and that the city is protected and can mitigate any concerns as part of the conditions of approval. They will provide additional screening if necessary.

Acting Director Ferris read the condition and stated that the photometric piece would be conditional as part of the approval.

Mayor Ferreri commented again about the type of light fixtures, and design –he would recommend condition No. 4 be contingent upon the photometrics.

Mr. Perry stated he was happy to comply.

Councilwoman Rivera asked about loudspeakers. Mr. Perry responded that there are no loudspeakers and that the technology today is using ear buds and microphone.

Councilwoman Dugo asked if the dealership closes at ten p.m., could the top lights be turned off at nine p.m. It would still provide security.

Councilman Pearce stated that there already is a stipulation to correct the lighting if it is an issue and for six months of the year, it would still be daylight around 9 p.m.

Councilwoman Rivera asked City Manager Andrea McCue about the situation she had discussed earlier that day with regard to 144 Perry and the easement. Manager McCue responded that it was not part of this application.

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

**Motion carried: 4 - 0.**

- E. **Resolution No. 2016-40:** Approving Addendum 1 to the Law Enforcement Services Agreement (LESA) with the Palm Beach County Sheriff's Office (PBSO); providing for an effective date; pursuant to Staff Memo – Andrea McCue, City Manager.

Mayor Ferreri read Resolution No. 2016-40 into the record.

City Manager McCue presented the item. She stated that on August 10, 2015, the City Council approved the Law Enforcement Services Agreement with PBSO. With the budget process for 2017, PBSO requested three additional positions which the City Council approved for a motorcycle deputy sheriff, a community service aide

and one law enforcement aide. The fiscal impact is included in FY 17 Budget. Staff is recommending adoption of the Resolution and Addendum 1.

**MOTION:** Councilwoman Dugo made a motion to approve Resolution No. 2016-40. Councilman Pearce seconded the motion.

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

**Motion carried: 4 - 0.**

- F. **Resolution No. 2016-42:** Approving Addendum 2 to the Law Enforcement Services Agreement (LESA) with the Palm Beach County Sheriff's Office (PBSO); providing for an effective date; pursuant to Staff Memo – Andrea McCue, City Manager.

Mayor Ferreri read Resolution No. 2016-42 into the record.

City Manager McCue presented the item. She stated that on August 10, 2015, the City Council approved the Law Enforcement Services Agreement with PBSO. Prior to the Agreement, there were discussions about public records and use of the city's shooting range. There is an addendum to the LESA Agreement as Addendum 2. There is no fiscal impact. Staff is recommending adoption of the Resolution and Addendum 2

Councilwoman Dugo asked about the PBSO being able to modify the building and who had the fiscal responsibility for those costs. Manager McCue stated that any repairs or modifications to the building are the responsibility of the Sheriff's office (PBSO).

**MOTION:** Councilman Pearce made a motion to approve Resolution No. 2016-42. Councilwoman Dugo seconded the motion.

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

**Motion carried: 4 - 0.**

- G. **Council Policy No. 19:** Pursuant to Staff Memo with Proposed Policy Attachment - Andrea McCue, City Manager.

City Manager McCue presented the item. On April 1, 1997, the City Council adopted Council Policy No. 19, which established guidelines regarding the daily responsibilities of the City Attorney. The policy defined the advisory responsibility of the City Attorney with respect to City departments, designated boards and all officers and employees in matters relating to official powers and duties. It provided that direction would come from the City Manager to the City Attorney to address the day to day legal needs of the City.



On October 5, 2015, the City Council voted to rescind Council Policy No. 19. In review of the policy, the following suggested changes have been made. The Policy Purpose was updated to read that, "It is the purpose of this policy to establish guidelines regarding the coordination and prioritization of the daily responsibilities of the City Attorney." Additionally, the Policy language was also updated to include "the City Attorney shall work collaboratively with the City Manager to coordinate, prioritize and address the day to day legal needs of the City." The wording "receive direction from" was removed from the initial policy. The City Attorney has reviewed the proposed changes, and staff recommends adoption of Council Policy No. 19.

Councilwoman Dugo thanked the City Manager and the City Attorney for working on the policy. She stated that it came to fruition, when it came to reviewing the City Attorney. It does not take away any duties from the City Attorney.

**MOTION:** Councilwoman Dugo made a motion to approve Council Policy No. 19 as presented. Councilwoman Rivera seconded the motion.

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

**Motion carried: 4 - 0.**

- H. **Council Policy No. 14:** Council Communication with Staff: pursuant to Staff Memo with Attachments - James D. Stokes, City Attorney.

Attorney Stokes presented the item and stated the policy had been abolished and then brought back. He was asked to bring back new variations of the policy and he did that. City Clerk Cunningham researched the history and provided it to the City Council, and the last action was to bring the policy back for discussion after one year. There has been confusion over time, that Council could not have any discussion with staff, including pleasantries. Specifically, the policy outlines business conversations. Attorney Stokes stated that ultimately it was the decision of the Council to decide what they would like to be able to do.

Mayor Ferreri stated he thought that this was an issue for the Charter Review Committee, and the City Attorney agreed and there was further discussion about imposing a penalty on a Council Member, but it could not be done in a policy.

Councilwoman Dugo would like to put this issue to bed once and for all. She stated that the Council is not to direct or tell staff what to do, without going through the City Manager. The policy states "about City business" and not prohibiting a Council Member from saying hello.

Councilwoman Rivera asked why it is so difficult to have those two sentences. Attorney Stokes read the policy.

Councilwoman Dugo gave some specific examples and ultimately asked to keep and enforce the currently adopted policy.

Councilman Pearce asked about contacting staff to report unlicensed contractors in his neighborhood to code enforcement and if that would be a violation. Attorney Stokes said yes, it would be. The proper thing to do would be to direct the complaint to Mr. Grimm or his staff, or through the City Manager. He added that when a staff member receives a call from a Council Member, they are intimidated.

Councilman Pearce followed up with another question regarding contacting administration staff if the Manager or Department Head is out. Manager McCue indicated that she could keep the Council informed of any absences and with a point of contact during an absence.

Councilwoman Dugo stated that she has no issue with the current policy.

Councilman Pearce asked about election time and knocking on a person's door. Attorney Stokes stated that nothing would trump his first amendment rights, seeking voters, and campaigning. That would be protected speech.

Mayor Ferreri stated he still thought the Charter Review Committee should review this provision.

Councilwoman Dugo asked when the Charter Review Commission would begin meeting. Manager McCue responded that they were still waiting for nominations of four names from Council Members. The Council could consider ratifying the names as they are now, the Council could recommend more names.

Councilman Noble asked who he had recommended. City Manager McCue indicated she could remind him of who he recommended.

After discussion, it was the consensus of the Council to allow the policy to remain in effect, with the correction of a scrivener's error. The scrivener's error omitted the word "Mayor" from the second paragraph and should match the third paragraph. This will be corrected and updated. No formal motion was made.

- I. **Resolution No. 2016-44**; Appointing a Special Magistrate for Code Enforcement pursuant to Ordinance 2016-07; appointing an Alternate Special Magistrate; authorizing the Mayor to execute an engagement agreement with the selected individuals; and providing for an effective date; pursuant to Staff Memo.- James D. Stokes, City Attorney.

Mayor Ferreri read Resolution No. 2016-42 into the record.

Attorney Stoke presented the item and indicated that the Florida Bar News, Palm Beach Post and other job Boards for a Special Magistrate. He had received at the time of the deadline 28 applications, one person submitted after the deadline. His recommendation would be to recommend a magistrate and an alternate magistrate. He said to consider that having too many magistrates may not be consistent with rulings, but it was advisable to have one in case of illness or vacations.

Mayor Ferreri did not review the late application, of the 28, most were from out of town. There were only two that had special magistrate and code experience; one was in Pompano Beach and the other one was in Plantation. There was only one that really understood what the rules were. He stated many were from Naples and the west coast of Florida, and it would take two hours to get here for an hour meeting.

Attorney Stokes stated he had received several phone calls about the position and the travel.

Councilman Noble noticed one of the applicants had an office in Greenacres. He said to strongly consider those that live close by or in Palm Beach County. There were so many out of the area to know who really would be qualified.

Councilwoman Rivera liked one of the candidates that had code enforcement experience, but did not want to divulge the name yet and asked if there was any way that the attorney could go through the applicants and perhaps narrow down the names to three or four by Wednesday or Thursday of next week, and re-email the names. Attorney Stokes said he would be able to accommodate that.

Mayor Ferreri liked applicants Myrnabelle Roche, Eugene Steinfeld, Valentin Rodriguez, and Evan Rosenberg.

Councilman Nobel liked Gerald Salerno.

Councilwoman Rivera asked Attorney Stokes for a revised list. Councilman Pearce asked for three names. Councilwoman Rivera said she liked Mr. Steinfeld. Attorney Stokes stated that he knew Mr. Steinfeld personally, and got to know him when he was a magistrate in Pompano, and has worked in Margate, Coral Springs and Parkland.

The consensus was to have four names on Monday. City Manager McCue clarified that the Monday 6pm meeting is a workshop. There would need to be a special meeting at 7pm so that a vote could be taken.

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

9. **Discussion Item:** None.

10. **Staff Comments:**

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

Hurricane Matthew –Manager McCue echoed Lt Moore's "Thank you's" from earlier in the meeting regarding hurricane preparedness at the EOC during and following the storm. All departments were prepared and had a plan in place. In addition to Fire Rescue and PBSO, there were two Public Works staff that stayed at the EOC; following the storm, building department employees went around the city and public works staff as well assessing any damage; there were good communications; there were a few items to be corrected for the next time. The City was ready. The EOC had two great teams that worked very well together.

Employee Recognition Luncheon – The Employee Recognition Luncheon and Award Ceremony was held last week. Several service awards were handed out including a 25 year service award to a Fire Rescue employee. It was a great event. Human Resources staff did an outstanding job from the food to the gifts. They also collected canned goods for charity.

Fall Festival -The Leisure Services Department held the Fall Festival and Health and Wellness Fair last Friday. It was a great event for kids; steady stream of people. Manager McCue thanked the Leisure Services Staff for an excellent event.

CAFR Award – On October 3<sup>rd</sup> the Finance Department was notified that the CAFR report qualified for Excellence in Financial Reporting. Acting Director McGinnis received the Certificate of Achievement award on behalf of the City.

Coastal Cleanup in September with 17 volunteers – Building Department staff was great and educated volunteers about what happens to the debris thrown into canals eventually gets to the coast.

Beginning of new fiscal year – a lot of CIP projects are on-going and are being prioritized. Some of the projects are finalizing and making sure making sure the Community Center and Phase II of Public Safety building. Staff cannot do all of the projects at the same time and will prioritize which ones would get completed first.

Shuffleboard Courts – Manager McCue had received a request from Council regarding shuffleboard courts: what the uses are, what could be put in its place. Councilwoman Rivera said she had heard from residents wanting a water park or a dog park. Councilman Noble suggested volleyball. Mayor Ferreri said the boards are used seasonally by snow birds. Manager McCue indicated they are not prepared to do anything at this time.

“Spray Safe” program - Manager McCue presented a Spray Safe Flyer that the City was chosen to display Mosquito Prevention stations at no cost to the city in the parks,

Councilman Nobel said there are people with allergies and this could be a liability to the City. There could be respiratory issue especially insect repellent.

Councilwoman Rivera asked who gets the revenue or a percentage Manager McCue stated the City gets 10% of the revenue and the company maintains all aspects.

Councilwoman Dugo announced that she is the one who brought the gentleman to meet with Manager McCue. There is a major concern over the Zika virus. This is a good way to be one of the first cities to provide this to our residents.

Councilman Nobel felt the Zika is being overblown. He has spoken to friend in Puerto Rico and there is no epidemic as is being reported in the news.

Councilwoman Dugo indicated that it doesn't cost the city anything.

Councilman Nobel asked again who has the liability and said it was a bad idea. Manager McCue indicated they will outline who has the liability when an agreement is signed. Mayor Ferreri polled the Council and the majority were in favor of installing the stations.

I -Pad Update – Finance, Purchasing and IT departments are working on a lease program. Apple is the selected product as of right now, and will include Microsoft Office Suite and also be able to connect to the other software that other departments use. The expected roll-out date is in the next month or so. The City Clerk will still provide hard copies along with the new electronic version for the first few meetings.

Designated office for the Council – One of the Council Members had requested a designated office other than the current allocated space. She brought it back to the council for further discussion.

Councilman Noble stated there was a vacant office and it is now currently available. Mayor Ferreri said his office was available.

Councilwoman Rivera stated she gets called frequently from Ted White from Channel 12 for a meeting. She wanted to have a space to meet with people.

Mayor Ferreri stated that offices are too small for filming – and usually film outside.

Councilwoman Rivera felt it was more professional to meet in an office. Councilman Pearce said he would like an office. A sign would be ordered for one of the empty offices.

Reminders:

Monday Workshop and Special Council Meeting – Room layout will be set up as a workshop discussion. Workshop is at 6pm and Special Meeting on the Special Magistrate will be at 7pm.

Food Truck Night will be Wednesday, October 26<sup>th</sup> from 5-9:30 pm at Community Park. Over twenty trucks will be there.

Movie on the Field will be November 4<sup>th</sup>

Community Thanksgiving dinner from 6:30-8:30 on the Wednesday before Thanksgiving at the Community Center.

Manager McCue announced that the cookies provided this evening were made by ten-year-old Madison Skidmore. She made them by herself, and did a great job. She is quite a talented baker.

Councilman Nobel asked why the November 21<sup>st</sup> meeting is listed as Tentative. Manager McCue Responded that was the week of Thanksgiving and currently there are no items for that date.

B. City Attorney's Report. None.

11. Mayor and City Council Reports.

Councilwoman Dugo thanked staff for communications during the hurricane warning. She felt very informed; asked when the height change for the commercial corridor would be (Monday evening).

Councilwoman Rivera asked about Centurion Way and Haverhill and asked Chief Mark Pure why there have been so many accidents at that intersection. (His response was inaudible).

Councilman Pearce asked the City Manager about getting another price for health insurance. Manager McCue said there is a cycle and that purchasing and HR are researching it and it will be looked at for the next cycle. Stated the staff did a great job during the hurricane.

Mayor Ferreri thanked Leisure Services Director Michelle Thompson for securing the flutist and guitarist that played in the lobby prior to the Mock Council Meeting. Blanche Williams is a Greenacres resident, and performs "Jazz on J Street" in Lake Worth, and may provide some art or sculptures to put on display in the lobby. He also attended with City Manager McCue the "State of the Cities" last week. He will be speaking to the 6<sup>th</sup> graders at L.C. Swain tomorrow. He thanked the staff for their communication during the hurricane – talked about the windscreen left up at one location. Received lots of calls from residents. He said people had become complacent since the last storm was eleven years ago. He especially encouraged younger people to get cash as ATM's would not be operable and to stock up and fill up your gas tanks ahead of time.

12. Adjournment.

The meeting adjourned at 9:37 p.m.

CITY COUNCIL

\_\_\_\_\_  
Samuel J. Ferreri  
Mayor

/jlc



Respectfully submitted,

\_\_\_\_\_  
Joanna Cunningham,  
City Clerk

Date Approved: 11/7/16