



# CITY COUNCIL MEETING

## City of Greenacres, Florida

Monday, December 13, 2021 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

### MINUTES

#### Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Jonathan G. Pearce, Councilmember, District IV

Paula Bousquet, Councilmember, District V

#### Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

#### CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to Order at 6pm and City Clerk Moorer called the Roll.

#### PLEDGE OF ALLEGIANCE

#### AGENDA APPROVAL

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve the agenda. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

#### COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

#### SPECIAL BUSINESS

None.

#### CONSENT AGENDA

- 1. Official Minutes:** City Council Meeting Minutes, November 1, 2021. - Quintella L. Moorer, City Clerk.
- 2. Resolution 2021-58:** Approving the agreement between the City of Greenacres and the Solid Waste Authority authorizing the execution of the Blighted and Distressed Property Clean-up and Beautification Grant Agreement for the Municipal Complex landscape enhancements; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Carlos Cedeno, Director of Public Works Department.
- 3. Resolution 2021-59:** Approving the agreement between the City of Greenacres and Xtreme Pavers, Inc. for construction of a paver pathway surrounding the City Hall Municipal Complex; authorizing the appropriate city officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.

- 4. Resolution 2021-60:** Authorizing the execution of an agreement between Public Consulting Group, LLC and the City of Greenacres to prepare and audit the Medicare Ground Ambulance data Collection Survey, as required by the Centers for Medicare and Medicaid Services (CMS); authorizing the appropriate City Officials to execute all necessary documents; and providing for effective date. - Teri Beiriger, Director of Finance.
- 5. Resolution 2021-61:** Approving the agreement between the City of Greenacres and JB Services Team LLC, for installation of decorative stone on the columns at the City Hall Municipal Complex; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.
- 6. Resolution 2021-62:** Approving the expense of additional funds and a contract amendment for sanitary sewer installation and drainage improvements as part of the Sidewalk Project Awarded to HG Construction Development and Investment, Inc.; authorizing the appropriate City Officials to execute the amendment; providing for an effective date. - Monica Powery, Director of Purchasing.
- 7. Resolution 2021-63:** Approving an agreement for Inspection and Building Services; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.
- 8. Resolution 2021-64:** Authorizing the City of Greenacres, herein referred to as the City, to join with the State of Florida and other Local Governmental units as a participant in the Florida Memorandum of Understanding and formal agreements implementing a unified plan. - Andrea McCue, City Manager.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve the Consent agenda. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

## REGULAR AGENDA

- 9. Resolution 2021-57:** Amending the schedule of fees for Land Development Application reviews under Chapter 12, Subdivision and Land Development Regulations, and Chapter 16, Zoning Regulations, of the City of Greenacres Code of Ordinances; providing for repeal of conflicting resolutions; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorer read Resolution 2021-57 by title.

Ms. Gardner-Young stated the fee schedule had not been updated since 2012, to keep up with inflation and to stay current the fees were being updated. She highlighted a few changes, such as the removal of petitions and an added review and service fee.

The changes were compliant and Staff recommended approval of Resolution 2021-57.

Deputy Mayor Tharp asked what a fair timeline was to review the fees. Ms. Gardner-Young suggested annually.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Resolution 2021-57. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**10. PUBLIC HEARING: Ordinance 2021-16: Second Reading:** Creating a new multipurpose Development Review and Appeals Board to be called the "Planning and Zoning Board of Appeals" at Section 16-81 through Section 16-85 of Chapter 16, Zoning Regulations, Article 2, Administration, Division 3 of the City's Code of Ordinances; repealing the existing Sections 16-81 through 16-84 of Chapter 16, Zoning Regulations, Article 2, Administration, Division 3, Planning Commission/Local Planning Agency and repealing the existing Sections 16-101 through 16-107 of Chapter 16, Zoning Regulations, Article 2, Administration, Division 4, Zoning Board of Adjustments and Appeals, creating a new Division 4 to be entitled "Variances", at Chapter 16, Zoning Regulation, Article 2, Administration, to include Sections 16-101 through 16-105 and creating a new administrative variance process at Section 16-106; providing for related revisions throughout the City's Code of Ordinances to replace the existing boards' name with the name of the new Planning and Zoning Board of Appeals; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorhead read Ordinance 2021-16 by title.

Ms. Gardner-Young stated no changes had been made to Ordinance 2021-16; since the First Reading. She did mention a possible change in the monthly meeting date. Ms. Gardner-Young stated language that would allow flexible monthly meeting dates.

Staff recommended approval of Ordinance 2021-16; with a change to Section 16-83C.

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-16; on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**11. PUBLIC HEARING: Ordinance 2021-05: First Reading:** An ordinance adopted by the City Council of the City of Greenacres, Florida, 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 fourteen parcels of land totaling approximately 33.059 acres, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet north of Lantana Road, from a Palm Beach County designation of Medium Residential 5 units per acre (PBC MR-5) and low Residential 1 unit per acre (PBC IR-1) to a City of Greenacres designation of Residential-Medium Density (RS-MD) and Residential High density (RS-HD), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillippe Sze, Virginia Walter and Kfir Baranes; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Department of Economic Opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Kara Irwin Ferris, Director of Development and Neighborhood Services.

City Clerk Moorhead read Ordinance 2021-05 by title.

Ms. Irwin-Ferris stated due to the City's newly annexed area as of 2021 the proposed land use of parcels were required to change the County's designation to a Greenacres designation of Residential-Medium Density and Residential High Density. She explained

the County and the City's viewpoint of density requirements were a bit different. She mentioned the City was lower than the County. Ms. Irwin-Ferris mentioned some allowable uses included single family and zero lot lines.

Staff recommended approval and stated the Ordinance was compatible and aligns with the City's Comprehensive Plan.

Mr. Robert Palahunik did not support the Ordinance; he felt the vote was crafted and unfair. He felt Horton Development LLC., wanted to change the Code to accommodate their personal gain. Mr. Robert Palahunik, said the application had no benefit to the community. He felt the Code change was impartial and unfair and should be heard by a Circuit Judge.

Ms. Irwin-Ferris, stated the City was able to support the annexation to include roads and sewer. She said the Planning Commission approved the annexation. Ms. Irwin-Ferris stated no variances were being requested and the annexation and application was consistent with State Statutes.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-05; on First Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**12. QUASI-JUDICIAL PUBLIC HEARING: Ordinance 2021-06: First Reading:** Approving a zoning change for fourteen parcels of land totaling approximately 33.059 acres, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet North of Lantana Road, from a Palm Beach County designation of Agricultural Residential (PBC AR) and Residential Estate (PBC RE) to a City of Greenacres designation of Residential Medium density-2 (RM-2) and Residential High density (RH), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for changes to the official zoning map; providing for repeal of conflicting ordinances, providing for severability; and providing for an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

City Clerk Moorer read Ordinance 2021-06 by title.

Ms. Irwin-Ferris read the Quasi-Judicial Hearing process.

City Clerk Moorer sworn in six people.

There were no Ex-parte communications reported.

Mr. Yoan Machado, Project Manager, WGI Inc., mentioned the request was only for land use and zoning. He said the land use and zoning change was established to be compatible with the City of Greenacres. He explained the annexation vote, map of the proposed area and history of the property. Mr. Machado showed the graphic layout of the property. He said the break down was 230 units, zero lot line, and 54 townhomes.

Ms. Irwin-Ferris stated Staff was proposing a land use as stated by the Applicant and Staff recommended approval of Ordinance 2021-06.

Mr. Robert Palahunik was in opposition of the Ordinance and stated he was concerned about the turtles and their habitat.

Motion made by Councilmember Pearce, Seconded by Councilmember Bousquet to approve Ordinance 2021-06; on First Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Pearce, and Councilmember Bousquet. Voting Nay: Councilmember Dugo.

**13. Ordinance 2021-19: First Reading:** Amending Greenacres City Code, Chapter 16, Zoning Regulations, Article II, Administration, Division 2, Land Development Staff by renaming Land Development Staff to Development Review Committee, replacing outdated names of City Departments or Committees/Boards, and updating procedures and renaming Land Development Staff to Development Review Committee in other Sections of the Code; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorero read Ordinance 2021-19 by title.

Ms. Gardner-Young stated the zoning text amendment was presented to rename the Land Development Staff Committee to Development Review Committee, to clarify the responsibilities and functions of the committee. The change would assist with budget and Code language.

Staff recommended approval of Ordinance 2021-19.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-19; on First Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**14. Ordinance 2021-20: First Reading:** Amending Greenacres Code of Ordinances Chapter 16, Zoning Regulations, Article II, Administration, Division 10, Amendments to approved special exceptions and site plans, Section 2-212 through Section 2-216, by replacing Class I, II and III site plan and special exception amendments with minor and major site plan and special exception amendments, making similar terminology changes in other sections for consistency; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorero read Ordinance 2021-20 by title.

Ms. Gardner-Young stated the Code was confusing and by amending the text it would assist with clarification. The Classes would be in chronological order and would then follow a minor to major category. She mentioned some items were added such as parking and right of way clarification. Ms. Gardner-Young mentioned the review process would also be revised.

Staff recommended approval of Ordinance 2021-20.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-20 on First Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.



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**15. Board Appointment for the Scholarship Committee:** Appointing Ms. Eliana Girard to serve a three (3) year term. - Andrea McCue, City Manager.

Ms. McCue recommended approval of the board appointment.

Councilmember Bousquet suggested not appointing a new member until the new Board Chair was appointed as she did not see an urgency since the Board does not meet again until March 2022.

Motion made by Councilmember Dugo, Seconded by Councilmember Noble to approve appointment of Ms. Girard. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, and Councilmember Pearce.

Voting Nay: Councilmember Bousquet.

Councilmember Bousquet made a supplemental Motion which did not pass.

## **DISCUSSION ITEM**

**16. Property Improvement Program Criteria.** - Carlos Cedeno, Director of Public Works and Aileen Hernandez, Administrative Assistant.

Ms. Hernandez stated she was available for any questions.

Councilmember Dugo asked for clarification of the programs criteria. She was not certain if the program included businesses along with resident properties.

Ms. Hernandez stated the criteria for businesses were the same as the previous year the only change for the upcoming year was the amount rewarded. She said businesses were allowed a max of \$50,000.

Councilmember Noble suggested two separate programs and was certain the suggestion was discussed at a previous meeting.

Ms. McCue confirmed it was discussed during the budget process and stated the total program was \$100,000 and no more than \$50,000 for commercial could be rewarded she felt it was in the best interest to maintain the current amounts as listed so if any was left over from the commercial amounts it would be used for residential.

After further discussion Councilmember Noble terminated his comments.

Mayor Flores asked if the program was being advertised in the community. Ms. Hernandez replied yes.

## **COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

None.

## **CITY MANAGER'S REPORT**

17. Community & Recreation Service Department Report.

18. Development & Neighborhood Services Report.

19. Finance Report.

20. Fire Rescue Report.

21. Information Technology Report.

22. PBSO District 16 Report.

23. Purchasing Department Report.

24. Public Works Report.

25. Youth Programs Report.

Ms. McCue mentioned some of the City's upcoming events in January such as Fiesta de Pablo, Let's Talk Series, Artzy Event, and the Food Pantry.

She was also proud of the Holiday in Park event.

### **CITY ATTORNEY'S REPORT**

No report.

### **MAYOR AND CITY COUNCIL REPORT**

Deputy Mayor Tharp: requested a Discussion item regarding the street lighting on Haverhill Road to Lantana to Lake Worth Road. He asked each Council member to drive those roads at night prior to the discussion.

Mr. Noble stated in a previous email to Ms. McCue he requested a lighting update for the entire City as lighting was a concern. Mr. Noble thanked Ms. Gardner-Young on her great presentations.

Ms. McCue stated a report would be provided regarding an update on lighting from FPL and Public Works.

Councilmember Pearce: remembered K-9 Cigo, 12-24-18. He also requested a Discussion Item regarding naming a Scholarship for one year in honor of Mr. James Paglialungo as he was a volunteer of the City's advisory board for many years. Councilmember Pearce also requested a Discussion Item regarding the selection of Artist Anthony Hernandez to paint the wall in District One. He also highlighted the parade in Wellington.

Councilmember Bousquet: stated the Holiday in the Park event was amazing.

Mayor Flores stated the Holiday in the Park event was great, great job Staff. He requested a thank you letter to the Central Palm Beach County Chambers for an outstanding parade. He felt Greenacres was greatly represented, and John I. Leonard High did a great job.

Mayor Flores said Greenacres was majority in County District 3 which was the new Hispanic County District, he stated Greenacres was a part of District 2 in the School Board District. He also mentioned the TPA would be undergoing some changes.

### **ADJOURNMENT**

7:25pm.

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**Joel Flores**  
Mayor

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**Quintella Moorer, CMC**  
City Clerk