



## **CITY COUNCIL MEETING**

### **City of Greenacres, Florida**

Monday, January 03, 2022 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**

Councilmember Noble requested adding an additional Item to the Regular agenda, Item 14; to review the health of the City Council relating to the new Covid-19 Virus. After further discussion, Mr. Torcivia explained the HIPPA Law briefly.

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to approve the revised agenda to include Item 14; to review the health of the City Council as it relates to the new Covid-19 virus.

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**

- 1. Presentation:** 2021 City Photo Contest Winners. - Michele Thompson, Director of Community and Recreation Services.

Ms. McCue read the names of the Photo Contest Winners. She thanked them for their participation.

First Place, John Tharp, Second Place, Amy Demartino and Third Place, Yago Cecchinin.

- 2. Proclamation:** Florida Arbor Day, January 14, 2022. - Barbara Hadsell, National Garden Club.

Mayor Flores thanked Ms. Barbara Hadsell for her dedication and time.

### CONSENT AGENDA

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

- 3. Official Minutes:** City Council Meeting Minutes, December 13, 2021. - Quintella L. Moorer, City Clerk.

Motion made by Councilmember Dugo, Seconded by Councilmember Noble to approve the Consent Agenda.

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

### REGULAR AGENDA

- 4. PUBLIC HEARING: Ordinance 2021-05: 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 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., Phillipe 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 Moorer read Ordinance 2021-05 by title.

Ms. Irwin-Ferris briefly highlighted the land use designation. The Ordinance met all requirements and Staff recommended approval.

Mr. Robert Palahunik was in opposition of the Ordinance and requested a forty-five-day extension for all parties to examine the details. He felt there was not a full vetting of the project by the City. He would like for the Ordinance to be reexamined; to consider animals and residents. Mr. Palahunik felt the Developer was not required to do much, such as to develop roads and/or provide workforce housing. He stated a letter had been provided to Council for consideration.

Councilmember Pearce asked if the City was able to accommodate roads and/or sewer requirements set by the County. Ms. Irwin- Ferris confirmed.

Motion made by Councilmember Pearce, Seconded by Councilmember Dugo to approve Ordinance 2021-05; on Second Reading.

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

- 5. PUBLIC HEARING: Ordinance 2021-06: Second 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 Moorero read Ordinance 2021-06 by title.

Ms. Irwin-Ferris briefly explained the zoning change as previously mentioned in the First Reading presentation. She stated the amendment was necessary and time was of the essence. Staff recommended approval.

Mr. Robert Palahniuk stated the letter he previously provided also stood for Ordinance 2021-06.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-06; on Second Reading.

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

- 6. PUBLIC HEARING: Ordinance 2021-14: Second Reading:** Amending the Comprehensive Plan, more specifically to adopt a Property Rights Element, in its entirety as contained herein 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. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorero read Ordinance 2021-14 by title.

Ms. Irwin-Ferris stated the Ordinance was transferred to all required reviewers from the State and County, no negative reviews were reported. No changes were made since the First Reading. She said the Property Element was required per State Statute with a time certain deadline. Staff recommended approval.

Motion made by Councilmember Pearce, Seconded by Councilmember Bousquet to approve Ordinance 2021-14; on Second Reading.

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

- 7. PUBLIC HEARING: Ordinance 2021-15: Second Reading:** Amending the Comprehensive Plan, more specifically to update the Five-Year Capital Improvements Plan of the City of Greenacres as outlined in the Capital Improvement Element, as contained herein; 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. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorhead read Ordinance 2021-15 by title.

Ms. Irwin-Ferris stated the Capital Improvement plan was reviewed annually and remain consistent with the annual budget. There were no changes since the First Reading. Staff recommended approval.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-15; on Second Reading.

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

- 8. PUBLIC HEARING: Ordinance 2021-17: Second Reading:** Amending the Comprehensive Plan, more specifically to update the City of Greenacres ten year Water Supply Facilities Work Plan as adopted by reference in the Intergovernmental and Public Facilities Elements, as contained herein; 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. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorhead read Ordinance 2021-17 by title.

Ms. Irwin-Ferris stated the Ordinance was required per State Statute and ensured a ten-year water supply plan for the City. No changes were made since the First Reading and no comments or changes were proposed by the State or County reviewers.

Motion made by Councilmember Pearce, Seconded by Councilmember Dugo to approve Ordinance 2021-17; on Second Reading.

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

- 9. PUBLIC HEARING: Ordinance 2021-19: Second 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 Moorer read Ordinance 2021-19 by title.

Ms. Irwin-Ferris stated the amendment was City initiated to update the process and clarify language. Staff recommended approval and no changes had occurred since the First Reading.

Motion made by Councilmember Dugo, Seconded by Councilmember Bousquet to approve Ordinance 2021-19; on Second Reading.

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

**10. PUBLIC HEARING: Ordinance 2021-20: Second 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 Moorer read Ordinance 2021-20 by title.

Ms. Irwin-Ferris stated no changes had been made since the First Reading. She mentioned the amendment was a housekeeping change to make concurrent with updated processes. Staff recommended approval.

Motion made by Councilmember Pearce, Seconded by Councilmember Bousquet to approve Ordinance 2021-20; on Second Reading.

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

**11. QUASI-JUDICIAL PUBLIC HEARING: Resolution 2021-30:** Approving an application for a special exception to allow a planned unit development in a Residential Medium-2 and a Residential High (RH) zoning district, 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-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 & Lynn Cheetham, Claudia, Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for repeal of conflicting resolutions; and providing for an effective date.- Kara Irwin-Ferris, Director of Development and Neighborhood Services.

Ms. Irwin-Ferris read the Quasi-Judicial process into the record.

City Clerk Moorer swore in five people.

City Clerk Moorer read Resolution 2021-30 by title.

There were no reported ex-parte communications from the Council and Mayor.

Mr. Yoan Machado, WGI, Inc. stated he would provide Council with an updated presentation tomorrow due to technical difficulties. Mr. Machado stated the land use request was needed to meet requirements for the City of Greenacres. He stated the plan was for zero lot line properties and a total of 212 units, single family, and townhomes. He reviewed the site plan further. Mr. Machado stated the site plan had met all requirements and compliance with the City's Code. Mr. Machado requested approval.

Ms. Irwin-Ferris briefly explained the special exception and PUD and the change from a County designation to the City's designation. She mentioned allowable townhome and single-family requirements. Ms. Irwin-Ferris stated the changes were consistent with the City's Code. She said the applicant had met all criteria of the Code. Staff recommended approval.

Mr. Robert Palahniuk was in opposition of Resolution 2021-30. He requested a 45 day postponement and felt the City would not grant his request therefore he decided to file an in junction with the 15th Judicial regarding Public Hearing of Ordinance 2021-05,06 and Quasi- Judicial Hearing Resolutions 2021-30 and 31.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Resolution 2021-30. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**12. Resolution 2021-31:** Approving the application for site plan approval to construct 230 dwelling units (76 zero-lot line homes and 154 townhomes) in a Residential Medium-2 (RM-2) and a Residential High (RH) zoning district, 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-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 & Costal Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for repeal of conflicting resolutions; and providing for an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

City Clerk Moorer read Resolution 2021-31 by title.

Ms. Irwin-Ferris highlighted the site plan proposal, she said the plan met the land use and zoning limits. She showed the site plan via PowerPoint, mentioning landscaping and road access. The project was reviewed and met all requirements. Staff recommended approval.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Resolution 2021-31. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**13. Board Appointment to the Planning and Zoning Board of Appeals/Local Planning Agency:** Appointing members to serve a three year term as Regular members. - Andrea McCue, City Manager.



Ms. McCue suggested the following members be appointed to the Planning and Zoning Board of Appeals:

Dannette Fitzgerald, Emily Jacobs-Robarts, Joan Hayes, Betty Ann Litowsky, Ann Edmundson, Sydelle Neustein and Robert Clements.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to appoint all seven applicants to the Planning and Zoning Board of Appeals. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**14. Renewed health of the City Council regarding Covid-19.** - Councilmember Peter Noble.

Councilmember Noble was concerned about the new Covid variant causing more harm. He questioned the direction of the City as it related to Staff and Council attending meetings. He requested the Council's input. Mr. Torcivia stated currently meetings were to be held in person per the Governor's order. No vaccine mandate was in place for the City, however masks were required.

Ms. McCue stated the City Staff was required to wear masks however, the Public was not required but recommended to wear a mask while in the building. She said virtual meetings were encouraged.

Councilmember Dugo questioned if Council travel and participation of in-person meetings was required. She was concerned about the new variant. Mayor Flores clarified that Council was only required to attend Council meetings and other participation was individually determined. Ms. McCue replied correct, conferences were not required but optional.

Ms. McCue stated some events had been postponed and/or made virtual. Palm Beach County days were still scheduled.

**DISCUSSION ITEM**

**14. LED Light Update.** - Andrea McCue, City Manager.

Ms. McCue stated Staff completed an updated review of streetlights, she stated the lights in the City had been upgraded with LED lighting and the lights in Samuel J. Ferrari Park would be replaced with brighter LED lights.

**15. Lighting on Haverhill Road.** - Deputy Mayor John Tharp.

Deputy Mayor Tharp said the road was completely dark, he said the sum of \$1000 for FPL to update was low however the maintenance was about \$28,000 annually. He felt the upgrade would enhance the city.

Ms. McCue stated she posed a question to Palm Beach County regarding the maintenance of the lights since the City does not own the road. She felt the road was dark and needed lighting. Ms. McCue stated the City receives a franchise fee of \$1.7 million dollars meanwhile Palm Beach County receives a fee of \$34 million dollars for maintenance of roadway lights. She mentioned she was waiting on clarification from FPL

and the County to see if the fee formula would be adjusted to reflect the City was maintaining maintenance.

Ms. McCue would return with any updates.

Councilmember Pearce stated his District was willing to work with Deputy Mayor Tharp's District any way possible to resolve the issue. He thanked Deputy Mayor Tharp for bringing the issue up.

Mayor Flores agreed lighting was needed and he thanked Deputy Mayor Tharp for bringing the issue to the Council.

16. Rename Scholarship in remembrance of Mr. John Paglialungo, former Advisory Board Member. - Councilmember Jonathan Pearce.

Councilmember Pearce requested to rename one of the City's scholarships to Mr. John Paglialungo for one year in honor of his years of dedication and service to the City.

Mayor Flores asked what had previously been done to honor Board Members in the past. He also asked Mr. Paglialungo's tie to the scholarship if any.

Ms. McCue said the City had two scholarships one named after a former Council Member and the other after a past employee.

Ms. McCue mentioned one long standing Board Member had volunteered, donated and planted a tree in the City, and in her remembrance the City added a plaque to the tree, honoring her. She mentioned she was not aware of any other recognition.

Councilmember Pearce mentioned his request was only one year of recognition and not permanent.

Councilmember Dugo agreed with the request.

Deputy Mayor Tharp suggested creating a criterion for such request. Councilmember Noble agreed to creating a criterion.

Mr. Torcivia stated creating a criterion would be fair.

Mayor Flores suggested a wall of honor of some sort so volunteers could be remembered longer than a year.

Ms. McCue stated in the past such honors were established with a criterion, she would further research.

The Council agreed to create a future criterion for honoring long term volunteers moving forward.

Councilmember Pearce, Dugo and Noble agreed to a one-year scholarship naming Mr. John Palialungoo. Councilmember Bousquet and Deputy Mayor Tharp disagreed as there was no clear criteria or process set prior to the selection.

Councilmember Noble requested Staff make various types of criteria for honoring volunteers.

Councilmember Dugo suggested pavers be selected as a possible option for honoring volunteers.



17. Designate artist for wall at Melaleuca and Haverhill Road. - Councilmember Jonathan Pearce.

Councilmember Pearce stated the project had been on hold for a while. He stated Mr. Anthony Hernandez did a great job with the last mural. He suggested Deputy Mayor Tharp meet with Ms. McCue to choose a mural, and then have Council confirm his pick at a meeting. He felt it would move the project along.

Mayor Flores suggested waiting to complete the selection process as discussed at the 2022 budget. He also mentioned that going forward with the process would create variety, transparency, and creativity.

Deputy Mayor Tharp agreed with Mayor Flores. He mentioned variety was intriguing. Councilmember Bousquet received clarification of the procurement process.

Council agreed to move forward with the original process as approved by the budget.

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

Mr. Benjamin Wade, resident, mentioned the Code of Ordinances were not being monitored such as cars parking on sidewalks. He said the lighting issue should have been taken care of years ago. Lastly, Mr. Wade requested a group meeting with all Incumbents and Challengers for the upcoming election to discuss issues.

### **CITY MANAGER'S REPORT**

Ms. McCue stated the Property Improvement Program was open and accepting applications. The Scholarship Program was also accepting applications until April 8. The food pantry would be open January 14 and 27 at the Community Center. Covid Testing was still ongoing and by appointment only. The next Council meeting was February 7, 2022.

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

None.

Mayor Flores confirmed that governments did not get involved in election forums.

Mr. Torcivia stated the City should not get involved at all.

Councilmember Bousquet suggested the City contact an outside organization to set up a forum, she recalled it being done in the past.

Councilmember Dugo was concerned with large groups and Covid.

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

**Councilmember Pearce:** Confirmed the rights of the Nash Trail residents were not taken away by the City. He reminded the Mayor/Council to adhere to the three-minute Council Policy for Public Comment to keep the meeting on track.

**Councilmember Noble:** Noticed the enhanced lighting on Jog Road and stated his role in the upgraded lighting.

**Councilmember Bousquet:** Wished everyone a happy and healthy New Year.

**Mayor Flores:** He stated he would be attending Palm Beach Days, in Tallahassee Florida. He mentioned he would be working with the City's Lobbyist to look into funding for the City on various projects. He stated he had attended yearly without much success; he was hoping for a better result this year. Mayor Flores stated he wanted to read a statement as he knew it was campaign

season and rumors would begin to circulate. He wanted to clear some rumors circulated by individuals.

Councilmember Pearce stated Mayor Flores was out of line to discuss rumors.

Councilmember Noble stated Mayor Flores was not allowed to discuss the rumors.

Mayor Flores stated the Council had not heard his comment to dismiss it, and he requested the right to voice his comment.

Councilmember Noble mentioned Mayor Flores was out of order.

Councilmember Pearce asked what the point of order on the dais was.

Councilmember Dugo stated Mayor Flores could not discuss rumors on the dais.

Mayor Flores stated he wanted to clarify for the record.

Councilmember Pearce made a motion to Adjourn the meeting and Councilmember Noble, Seconded the motion.

Councilmember Dugo questioned if the City's Lobbyist attends the Palm Beach County Days.

Mayor Flores reiterated the meeting was currently under the Mayor's Report section and he would like the same right as the Council to present his report.

Councilmember Pearce reiterated a motion was currently on the table, Councilmember Dugo and Noble, Seconded the motion to Adjourn the meeting.

Mayor Flores asked Mr. Torcivia to confirm if the Council could Adjourn the meeting without the Mayor having his turn to speak.

Mr. Torcivia stated theoretically one could make a motion to Adjourn however historically each member would be allowed to speak. He said he was not sure of what the Mayor was going to say. Councilmember Dugo stated according to Robert's Rules of Order someone could make a motion to Adjourn. She also mentioned she was not opposed to the Mayor's Report if it regarded business. Councilmember Dugo stated that if anyone on the dais talked about a rumor, she would object it.

Councilmember Pearce reiterated there was a motion on the table, and it had been Seconded.

Mayor Flores asked if they were going to allow him to speak. Councilmember Pearce stated no.

Deputy Mayor Tharp stated they were setting a dangerous precedence and he felt Mayor Flores should be allowed to speak.

Councilmember Dugo stated she could not discuss rumors only City business and stated there was a motion to Adjourn.

Mayor Flores adjourned the meeting.

## **ADJOURNMENT**

8:16pm.

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**Joel Flores**  
Mayor

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**Quintella Moorer, CMC**  
City Clerk

**Date Approved:** \_\_\_\_\_