



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, March 21, 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

Susy Diaz, 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.

Councilmember Pearce was absent.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to amend the agenda by removing Item 13.

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

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

SPECIAL BUSINESS

1. Announcement of 2022 Election Results. - Quintella L. Moorer, City Clerk.

Ms. Moorer announced the March 8, 2022, Municipal Election winners as follows: Mr. Peter Noble, District 2, Ms. Judy Dugo, District 3, and Ms. Susy Diaz, District 4.

2. Motion to accept Election Results. - Mayor Joel Flores.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Bousquet to approve the election results as read by Ms. Moorer.

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

3. Oaths of Offices. - Quintella L. Moorer, City Clerk.

Mr. Peter Noble, District 2.

Ms. Judy Dugo, District 3.

Ms. Susy Diaz, District 4.

The Oath of office was performed for all appointed Councilmembers.

Mayor Flores congratulated the appointed Councilmembers and stated he looked forward to working with everyone. Councilmember Diaz thanked everyone for their support and looked forward to working towards the greater good of the community.

Councilmember Dugo stated it was the job of the leaders to help residents achieve the American Dream via teamwork to all residents. She suggested encouraging residents to use public transportation and stated she wanted to work with Palm Tran to increase awareness of public transportation.

4. Proclamation: School District of Palm Beach County and Education Foundation of Palm Beach County - 2022 Teacher of the Year; Ms. Annabel Wagner, Greenacres Elementary School. - Mayor Joel Flores.

Ms. Moorer read the Proclamation by title and Mayor Flores presented the Proclamation to Ms. Wagner. Mayor Flores stated he was so extremely proud of his mother and her accomplishments. Ms. Wagner said she was thankful for the honor and would continue to teach and inspire in Greenacres.

5. Proclamations: Let's Move Palm Beach County Month. - Mr. Wil Romelus, Executive Director of Digital VibeZ.

Mr. Romelus thanked the City for their support and challenged the City to join the movement by logging all physical movement minutes. He encouraged everyone to join and to stay active.

6. Presentation: Certificate of Appreciation to Deputy Sheriff Eduardo Davalos. - Andrea McCue, City Manager.

Mayor Flores presented Deputy Sheriff Davalos the certificate of appreciation and thanked him for his amazing efforts and dedication to the City, he wished him well on his promotion.

Councilmember Diaz and Deputy Mayor Tharp thanked Deputy Sheriff Davalos for his remarkable efforts, dedication, and service to the community. They congratulated him on his promotion.

Ms. McCue stated Deputy Sheriff Davalos would be missed dearly and she wished him well in his new position as Detective.

Deputy Sheriff Davalos was honored and thanked everyone for the well wishes.

7. Presentation: Comprehensive Plan Updates (Evaluation and Appraisal Report- EAR). - Caryn Gardner-Young, Zoning Administrator.

Ms. Gardner-Young stated she wanted the Council to be aware of a major task coming up and mentioned it would take a lot of outreach. She said the Comprehensive Plan was required by the State and the intention was coordination. She continued to review what a

Comprehensive Plan was, what was required for the plan and what were the next steps in updating.

Ms. Gardner-Young stated the timeline would begin tonight with the presentation, then a hired consultant would be next, thereafter stakeholder meetings would take place for elements. She mentioned once the Planning Zoning and Appeals Board had approved the elements, the City Council would make a final decision prior to the State's approval.

Ms. Gardner-Young also mentioned a resident survey would be posted online for input.

CONSENT AGENDA

8. Official Minutes: City Council Meeting Minutes, February 7, 2022. - Quintella L. Moorer, City Clerk.

9. Resolution 2022-13: Approving an interlocal agreement with Palm Beach County for distribution of the Palm Beach County Regional Fund for abatement of the effects of the Opioid Epidemic; and authorizing the appropriate city officials to execute all necessary documents; and providing for an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

10. Resolution 2022-14: Approving the agreement between the City of Greenacres and TCLM Enterprise, Inc., for ditch excavation and grading, sidewalk restoration, pavement restoration, drainage installation, sod placement watering and establishment, and other incidental work; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Bousquet to approve the Consent Agenda.

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

REGULAR AGENDA

11. PUBLIC HEARING: Ordinance 2022-03: Second Reading: Amending Chapter 15 Utilities to include an additional Article for expansion of Palm Beach County's wastewater system within the City of Greenacres; providing for conflicts, severability, codification, and effective date. - Andrea McCue, City Manager.

City Clerk Moorer read Ordinance 2022-03 by title.

Ms. McCue reiterated the requirements from the County and the City's support of the project and stated no changes had been made since the First Reading and asked were there any questions. Staff recommended approval.

Motion made by Councilmember Noble, Seconded by Councilmember Bousquet to approve Ordinance 2022-03 on Second Reading.

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

12. PUBLIC HEARING: Ordinance 2021-21: Second Reading: Amending Greenacres code of ordinance at Chapter 12 - Subdivisions and Land Development Regulations, Article 3 - Improvements and Design Standards, Sections 12-65 by increasing the width of sidewalks from four feet to five feet; amending Greenacres Code of Ordinance at Chapter 12 – Subdivisions and Land Development Regulations, Article 3 Improvements and Design Standards Section 12-67 (s) and 12-67d table by increasing the street right-of-way width from forty (40) feet to forty-two (42) feet; 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 2021-21 by title.

Ms. Gardner-Young stated no changes had been made since the First Reading. She also reiterated the amendment was to change the sidewalk width to five feet, and the right of way changes was to allow five feet of sidewalk on both sides of the road. Staff recommended approval.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Bousquet to approve Ordinance 2021-21 on Second Reading.

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

14. Ordinance 2022-04: First Reading: Amending Chapter 16, Article 1, in General, Section 16-1; Article 4, Supplemental District Regulations, Division 2, area and height limitations, Section 16-630; to address the size of accessory structures on large lots and provide regulations for mechanical or architectural equipment placed in the setback; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

City Clerk Moorero read Ordinance 2022-04 by title.

Ms. Irwin-Ferris stated the ordinance would address architectural setbacks relating to accessories such as balconies, air conditional units' generators and chimneys. Ms. Irwin-Ferris said accessory structures on large lots would also be addressed to update regulations to meet various size requirements. Staff recommended approval to address changes. Some Councilmembers asked questions regarding sizes, padding and other best practices.

Motion made by Councilmember Noble, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-04 on First Reading.

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

15. Ordinance 2022-05: First Reading: Amending Greenacres Code of Ordinance at Chapter 16 Zoning Regulations, Article 2 Administration, Section 33 Public Hearings to include a Development Application Approval and Notice Requirement Chart; 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 2022-05 by title.

Ms. Gardner-Young stated the City wanted to create a user friendly zoning code. She was proposing the amendment to capture the readers attention and help to understand the process. Ms. Gardner-Young mentioned the amendment was not a replacement it was a supplement to the text to simplify the process. Staff recommended approval on first reading.

Motion made by Councilmember Dugo, Seconded by Councilmember Diaz to approve Ordinance 2022-05 on First Reading.

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

16. Ordinance 2022-06: First Reading: Amending Chapter 7, Health, Sanitation and Nuisances, Article 3, Noise, in General, Section 7-56; to reduce construction hours permitted, permit the City Manager the right to approve noise outside the permitted hours, create new sanitation operation hours, and create new noise limitations on heating, ventilation and air conditioning equipment, and landscaping and yard maintenance power tools; 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 2022-06 by title.

Ms. Gardner-Young said the ordinance was to modify the machinery and construction activity. She said they were adding heating and ventilation, air conditioning equipment landscaping and yard maintenance with power tools. Ms. Gardner-Young requested to reduce construction noise level hours from 9pm to 8pm and prohibit construction noise on Sundays and Federal holidays, currently the City had no restrictions. She also mentioned the City would have the ability to extend hours if needed.

Ms. Gardner-Young recommended no loading, unloading, opening of boxes, crates, or garbage containers between 10pm and 7am if the operations took place 250 feet of residential area, currently the City had no restrictions.

Ms. Gardner-Young proposed restricting operations of heating and ventilation equipment on residential property if above 80 decibels between 10pm and 7am and in the premises of the complaint, no restrictions currently exist.

Ms. Gardner-Young proposed not allowing landscaping, yard maintenance and power tools Monday-Friday before 7am and Saturday to Sunday before 8am or after 6pm.

Staff recommended approval.

Deputy Mayor Tharp was a bit hesitant with the 8am time frame as more residents worked from home and felt the City should look into alternatives in the future.

Mayor Flores was concerned with Federal holidays being prohibited for projects; he also questioned the 250 feet length. Ms. Gardner-Young suggested returning to Council with backup references. Councilmember Diaz questioned what the consequences were if rules were not followed. Ms. Gardner-Young stated typically Police and Code Enforcement would handle.

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-06 on First Reading.

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

17. Ordinance 2022-08: First Reading: Amending Chapter 11, Streets, Sidewalks, and other Public Places, Article 5, placement of communications facilities in public rights-of-way, Section 11-101, placement or maintenance of a communications facility in public rights-of-way, to address the requirement for City co-location opportunities on Micro Tower Infrastructure within City rights-of-way; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

City Clerk Moorer read Ordinance 2022-08 by title.

Ms. Irwin-Ferris stated the amendment would address tower height, type of structure, and required permits. Micro Towers were currently throughout the City. She mentioned the co-locate opportunity allowed placement of the City's antennas or cameras. Ms. Irwin-Ferris stated the amendment was allowed shared use of structures and a dedication of space for the City's use.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Bousquet to approve Ordinance 2022-08 on First Reading.

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

18. QUASI-JUDICIAL PUBLIC HEARING: Resolution 2022-05: Approving the petition for a special exception to allow a 2,016 square foot indoor recreational amusement use in a Commercial Intensive (CI) zoning district, located at 3747 S. Military Trail, as requested by the petitioner, Stephan A. Yeckes, Agent for the owner, 3757 Military Trail, LLC; providing for repeal of conflicting resolutions; and providing for an effective date. - Caryn Gardner- Young, Zoning Administrator.

Ms. Gardner Young explained the Quasi-Judicial process.

City Clerk Moorer swore in six people.

City Clerk Moorer read Resolution 2022-05 by title.

Mayor Flores asked for any Ex-parte communications, Councilmember Noble reported he drove by the site. Councilmember Diaz reported she spoke to Staff regarding clarification. No other communications were reported.

Mr. Stephan Yeckes, Architect, 712 US Highway One, North Palm Beach stated the applicant was previously approved for over 1900 square foot of space. Additional space in the same development was now available and was currently larger than the previously approved special exception space. Mr. Yeckes requested another special exception to approve the same use to the larger bay unit east of the current space. He mentioned the amount of the machines would remain the same. Mr. Yeckes said the traffic engineer found no increase or decrease in traffic impact.

Ms. Gardner-Young reiterated the special exception was moving closer to Military Trail. She stated there were no increase in machine use. No traffic impact was reported. Staff recommended conditions prior to approval such as limited hours, age requirement of 18 years or older and no alcohol shall be served on site. Staff recommended approval.

Councilmember Noble stated the area was not desirable and not up to standard. Mr. Yeckes stated the plaza owner was hard to reach due to illness.

Councilmember Diaz asked if the applicant failed to meet the approved conditions what was the penalty. Ms. Christy Goddeau, City Attorney stated Code Enforcement would enforce a use violation.

Mr. Yeckes stated a violation was issued to the tenant as he moved to the new space without a special exception. He also mentioned the tenant had not obtained a building permit. Mayor Flores also suggested adding in the condition that no more machines were allowed.

Motion made by Councilmember Bousquet, Seconded by Councilmember Diaz to Table Resolution 2022-05 until April 4, 2022, Council Meeting.

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

19. Resolution 2022-12: Approving the application for site plan approval to construct 25 single family dwelling units in a Residential Medium-2 (RM-2) zoning district, located on the west side of Chickasaw Circle, north of the L-11 Canal at 6645 Chickasaw Road, as requested by the petitioner, Wantman Group Inc. Agent for the owner, South County Development, LLC.; 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 2022-12 by title.

Ms. Irwin-Ferris stated the proposal was to construct 25 single family dwelling units in a residential medium zoning district. She said the previous plan expired. She explained the lot sizes, roadway and landscape plans. Staff recommended approval. Staff and Council continued to discuss requirements and project start time.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Noble to approve Resolution 2022-12.

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

20. Board Appointment for Scholarship Committee Chair - Andrea McCue, City Manager.

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Tharp to elect Councilmember Diaz as Chair.

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

21. Board Reappointment for the Scholarship Committee: Reappointing Mr. Charles Shaw and Mr. Dennis Smith to serve a three (3) year term. - Andrea McCue, City Manager.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to reappoint Mr. Shaw and Mr. Smith to serve another three-year term.

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

DISCUSSION ITEM - None.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Mr. Nathan Galang, resident congratulated the newly elected Councilmembers, he thanked everyone for their support.

Mr. Leonard Grant, Pine Drive resident, congratulated the newly elected Councilmembers. He voiced his concern with the safety of the children in various neighborhoods.

Ms. Jill Broede, stated her delinquent Business Tax license renewal was not noticed and felt she should not pay as her letters were never received and she had never been late in the past.

Ms. Jane Justice, Perimeter Drive, congratulated all the newly elected Councilmembers. She was concerned about the Country's open borders and illegal immigrants. Ms. Justice wondered about endorsement processes. She felt non-partisan elections were dated and unacceptable. She recognized Mr. Jonathan Pearce on his hard work.

CITY MANAGER'S REPORT

22. Community and Recreation Service Department Report.

23. Development and Neighborhood Services Report.

24. Finance Report.

25. Fire Rescue Report.

26. PBSO District 16 Report.

27. Public Works Report.

28. Purchasing Report.

29. Youth Programs Report.

Ms. McCue stated the process of the Comprehensive Plan was upcoming and she was excited to involve the community. She reminded the Council of the March 29, 2022 Special Meeting.

She also recognized the City Clerk's Office for hitting a record amount of passport processing. The Clerk's Office generated over \$24,000 in six days.

CITY ATTORNEY'S REPORT

Ms. Goddeau reminded the Council that she was open to any suggestions regarding reports. She also thanked the City Clerk Moorer for keeping the Attorney's Office updated during the election.

MAYOR AND CITY COUNCIL REPORT

Deputy Mayor Tharp: Congratulated the newly elected Council. He requested a Discussion Item regarding Campaign signs be added to the April 18, Council Meeting.

Councilmember Noble: Asked when the Deputy Mayor would be selected. Ms. McCue stated at the next Council meeting.

Councilmember Bousquet: Congratulated the newly elected Councilmembers.

Mayor Flores: Thanked the City Clerk's Office not only for passports but for running a successful election.

ADJOURNMENT

8:11PM.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____