



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, June 06, 2022 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

SPECIAL BUSINESS

- 1. Presentation:** 2022 Educational Scholarship Awards. - Susy Diaz, Councilmember and Educational Scholarship Chair.
- 2. Proclamation:** National Garden Week, June 5-11, 2022. - Barbara Hadsell, Oleander Garden Club.
- 3. Proclamation:** State Farm celebrating 100th Year Anniversary. - Brean Rodriguez, State Farm Agent.
- 4. Proclamation:** Parks and Recreation Month. - Michele Thompson, Director of Parks and Recreation.
- 5. Proclamation:** Parks and Recreation Professionals Day, July 15, 2022. - Michele Thompson, Director of Parks and Recreation.
- 6. Presentation:** Annual Comprehensive Financial Report - Teri Beiriger, Director of Finance and Ron Bennet, CPA, Nowlen, Holt and Miner, PA.

CONSENT AGENDA

- 7. Official Minutes:** City Council Meeting Minutes, May 16, 2022. - Quintella L. Moorer, City Clerk.
- 8. EMS Write-Off:** Pursuant to Staff Item Summary and the June 2022 List. - Teri Beiriger, Director of Finance.

9. **Resolution 2022-28:** Approving the execution of Agreement 2022-0888 with the Community Foundation for Palm Beach and Martin counties; and providing for an effective date. - Jowie Mohammed, Director of Youth Programs.
10. **Resolution 2022-29:** Approving the agreement between the City of Greenacres and MCCi, LLC, for the migration and upgrade of the City's Laserfiche electronic document management system to the Laserfiche Cloud enterprise content management system; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.

REGULAR AGENDA

11. **PUBLIC HEARING: Ordinance 2022-12: Second Reading:** Amending Chapter 2, Article 2, to create a new Section 2-29 to be entitled "Appointment Process for Deputy Mayor," to set forth the process for the appointment of the Deputy Mayor, providing for repeal of conflicting ordinances, severability, inclusion in the Code and an effective date. - Andrea McCue, City Manager.
12. **PUBLIC HEARING: Ordinance 2022-13: Second Reading:** Amending Article 5, Section 2-146 of the Greenacres City Code, entitled Voting Districts, by redefining the geographic boundaries for the five (5) established voting districts; providing for repeal of conflicting ordinances, severability, inclusion in the Code and an effective date. - Andrea McCue, City Manager.
13. **Ordinance 2022-14: First Reading:** Amending Chapter 8, Licenses and Business Regulations, Article 3, Business Taxes, Section 8-46 through 8-736, to correct the applicable department names, to clarify Business Inspections, to create criteria for denying, suspending and revoking Business Tax Receipts, providing for appeals to the Special Magistrate, and for other purposes; providing for repeal of conflicting ordinances, severability, inclusion in Code, and an effective date. - Caryn Gardner-Young, Zoning Administrator.
14. **PUBLIC HEARING: Ordinance 2022-16: Second Reading:** Amending Chapter 16, Article 4 Supplemental District Regulations, Amending Division 3 Public Places; to add Subdivision 2, Art in Public Places; creating a one percent Art in Public Places Program for City beautification; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in Code; and providing for an effective date. - Kara Irwin-Ferris, Development and Neighborhood Services Director.
15. **Ordinance 2022-18: First Reading:** Amending Chapter 9 "Miscellaneous Offenses" by adopting Article 3, "Landlord/Tenant Notice Requirements," Section 9-30 "Notice of Termination of Monthly Residential Tenancy Without Specific Duration" and Section 9-31 "Written Notification Requirements related to Rental payment increases for Rental Tenancies," to require 60 days written notice for termination of certain tenancies and increases in rental rates; providing for severability, preservation, conflicts, codification, and an effective date. - Glen Torcivia, City Attorney.
16. **Florida League of Cities Annual Conference Voting Delegate:** Each municipality sending representatives to the Annual Conference must designate one of the current officials as a Voting Delegate to cast their votes at the Annual Business Session. - Andrea McCue, City Manager.

DISCUSSION ITEM - None.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**CITY MANAGER'S REPORT****CITY ATTORNEY'S REPORT****MAYOR AND CITY COUNCIL REPORT****ADJOURNMENT****Upcoming Council Meetings**

July 18, 2022

August 1, 2022

Meeting Records Request

Any person requesting the appeal of a decision of the City Council will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

Notice of Council Meetings and Agendas

The first and third Monday of each month are regular meeting dates for the City Council; special or workshop meetings may be called, whenever necessary. Council Agendas are posted on the City's website on the Friday prior to each Council meeting. A copy of the meeting audio and the complete agenda may be requested at CityClerk@greenacresfl.gov or 561-642-2006.

Americans with Disabilities Act

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Quintella Moorner at Greenacres City Hall, 5800 Melaleuca Lane, Greenacres, Florida. Phone No. 561-642-2006. Hearing Assistance: If any person wishes to use a Listen Aid Hearing Device, please contact the City Clerk prior to any meeting held in the Council Chambers.

CITY OF GREENACRES
Council Agenda Memorandum
2022.05MT06.003

TO: Mayor and City Council
FROM: Susy Diaz, Councilwoman – District IV
RE: **2022 Educational Scholarship Awards Presentation**
DATE: May 20, 2022

At the City Council meeting of May 16, 2022, the City Council ratified the Scholarship Committee’s recommendation for six (6) \$1,500 Educational Scholarship Awards. A letter was sent to the scholarship recipients inviting them to attend the City Council meeting of June 6, 2022 for the presentation of the Scholarship Award Certificates.

The 2022 Educational Scholarship award recipients are as follows:

Nathaniel Barrow - Berean Christian School
Denise Padgett Memorial Scholarship Award - Athletic Excellence

Perla Tavira - SLAM Palm Beach Charter High School
Norman Rose Memorial Scholarship Award – Outstanding Community Service

Ben-Gina Fantaisie - Atlantic Community High School
James Panglialungo Memorial Board Service Award

Shovik Saha
Suncoast High School

Alyssa Urrutia
Florida Atlantic University

Eden Westerman
Santaluces Community High School



Susy Diaz, Councilwoman - District IV
Educational Scholarship Chair



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, May 16, 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 Assistant City Clerk Selene Tapia called the roll.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

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

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

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

Mr. Daniel Sata a resident was thankful to the Council and the Public Works Department for the Chickasaw Road clean up.

SPECIAL BUSINESS

- 1. Proclamation:** National Gun Violence Awareness Day, June 3, 2022. - Wynna Dunmyer, Palm Beach County Moms Demand Action.

Assistant City Clerk Tapia read the proclamation by title. Ms. Dunmyer thanked the Council for the proclamation and recognition. Photos were taken.

- 2. Presentation:** Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award. - Andrea McCue, City Manager.

Mayor Flores thanked Teri Beiriger for her hard work. Ms. McCue stated the award was the highest honor in terms of government budgeting and was proud of Ms. Beiriger, Ruth Umholtz and the Finance Department for receiving such a high honor. Photos were taken.

CONSENT AGENDA

- 3. Official Minutes:** City Council Meeting Minutes, May 2, 2022. - Quintella Moorer, City Clerk.
- 4. Resolution 2022-23:** Authorizing the FY 2022/2023 Children's Services Council (CSC) scholarship provider contract, between the Early Learning Coalition of Palm Beach County and the City of Greenacres for the Youth Programs Department; authorizing the Mayor to execute the contract and city officials to effectuate implementation of the terms of the contract; and providing for an effective date. - Jowie Mohammad, Youth Programs Director.
- 5. Resolution 2022-24:** Authorizing the FY 2022/2023 State of Florida Statewide School Readiness provider contract, between the Early Learning Coalition of Palm Beach County and the City of Greenacres for the Youth Programs Department; authorizing the Mayor to execute the contract and City Officials to effectuate implementation of the terms of the contract; and providing for an effective date. - Jowie Mohammed, Youth Programs Director.
- 6. Resolution 2022-25:** Approving Craven Thompson & Associates, Inc. to subcontract Signarama for construction of eight monument signs surrounding the City of Greenacres; authorizing the appropriate City officials to execute the project; providing for an effective date. - Monica Powery, Director of Purchasing.
- 7. Resolution 2022-26:** Authorizing the acceptance of Cares Provider Relief Funds Phase 4 and ARP Rural Distributions for healthcare-related expenses or lost revenue between the U.S. Department of Health and Human Services and the City of Greenacres; and authorizing the Mayor to attest to receipt of funds. - Teri Beiriger, Director of Finance.
- 8. Resolution 2022-21:** Approving the agreement between the City of Greenacres and ARZ Builders, Inc., for the median landscape and irrigation improvements along Forest Hill Boulevard from the median west of River Bridge Boulevard to the median east of Jog Road and associated incidental work; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.
- 9. Educational Scholarship Ratification.** - Michele Thompson, Community and Recreation Services Director and Councilmember Diaz.

Motion made by Councilmember Diaz, 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

- 10. PUBLIC HEARING: Ordinance 2022-09: Second Reading:** Amending the Code of Ordinances at Chapter 5, Fire Prevention and Protection, by adding Section-5-11, Public Safety Access to gated communities; providing for repeal of conflicting ordinances, severability, inclusion in the Code and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Assistant City Clerk Tapia read the ordinance by title.

Chief Brian Fuller explained the Click2Enter device, the decrease in response time, the implementation process and the cost to HOA's. Staff recommended approval.

Councilmember Diaz asked about required public notice. Chief Fuller stated they would visit communities and there was a two year window to comply.

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to approve Ordinance 2022-09 on Second Reading.

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

11. Ordinance 2022-12: First Reading: Amending Chapter 2, Article 2, to create a new Section 2-29 to be entitled "Appointment Process for Deputy Mayor," to set forth the process for the appointment of the Deputy Mayor; providing for repeal of conflicting ordinances, severability, inclusion in the code, and an effective date. - Andrea McCue, City Manager.

Assistant City Clerk Tapia read the ordinance by title.

Ms. McCue stated there was no current process for the selection of Deputy Mayor. At the April 18, 2022, Council Meeting, the Council directed Staff to draft an ordinance which would outline the Deputy Mayor selection process.

Staff recommended at the first Council Meeting in April of 2023 the appointment of Deputy Mayor shall rotate annually amongst the Councilmembers with the initial appointment of Seat One. Any first term member would defer the first term for one year. If a member declines the appointment the appointment would go into the next sequence. Also if the Deputy Mayor was serving as Mayor the position would not rotate until a new Mayor was selected. Ms. McCue mentioned since the current Deputy Mayor was District One, in 2023 the rotation would start with District Two. Staff recommended approval.

Motion made by Councilmember Dugo, Seconded by Councilmember Noble to approve Ordinance 2022-12 on First Reading with the added clause to begin with District Two seat in 2023.

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

12. Ordinance 2022-13: First Reading: Amending Article 5, Section 2-146 of the Greenacres City Code, entitled Voting Districts, by redefining the geographic boundaries for the five (5) established voting districts; providing for repeal of conflicting ordinances, severability, inclusion in the code and an effective date. - Andrea McCue, City Manager.

Assistant City Clerk Tapia read the ordinance by title.

Mr. James Gammack-Clark, FAU reviewed the alternative maps. He mentioned the FAU team, the previous alternatives, the projected timeline, the data used and the review process. He presented Alternative 1B per the request of Council to keep River Bridge Plaza in the same district as River Bridge.

Councilmember Noble questioned future growth within the districts. Mr. Gammack-Clark suggested adding a clause in the Charter which would require certain timeframes.

Councilmember Dugo thanked the Council for their consideration and FAU for their hard work.

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to approve Ordinance 2022-13 on First Reading.

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

13. Ordinance 2022-16: First Reading: Amending Chapter 16, Article 4 Supplemental District Regulations, Amending Division 3 Public Places; to add Subdivision 2 Art in Public Places; creating a 1% Art in Public Places Program for City beautification; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Kara Irwin-Ferris, Development and Neighborhood Services Director.

Assistant City Clerk Tapia read the ordinance by title.

Ms. Irwin-Ferris stated the purpose of creating an Art in Public places program was to enhance the City's vibrancy and add more opportunity for public art.

She discussed information from the Council's workshop, such as a fees, guidelines, and project styles.

Ms. Irwin-Ferris explained the funds, maintenance plans, approval of art, and possible art committee.

She said certain types of art may be included such as sculptures and rotating art. She also mentioned unacceptable art such as manufactured art and logos.

Staff recommended approval.

Councilmember Diaz questioned why an Art Committee was not created. Ms. Irwin-Ferris stated currently the program was basic, she also mentioned the hardship of recruiting volunteer board members and stated in the future a committee would be needed. Mayor Flores agreed with Councilmember Diaz.

Motion made by Councilmember Noble, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-16 on First Reading.

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

14. Resolution 2022-27: Approving the purchase of land; providing for authorization for City Staff to execute all closing documents and an effective date. - Andrea McCue, City Manager.

Assistant City Clerk Tapia read the resolution by title.

Ms. McCue stated the purchase was a result of the City's growth in the last twenty years resulting in the need to expand services.

The City, made an offer to acquire two parcels located at 553 and 557 Jackson Avenue. the sale price for the two parcels were \$490,000.

Councilmember Noble asked were the parcels being purchased with Rescue Plan dollars. He also questioned the possible purchase of parcels on 10th Avenue. Ms. McCue replied yes to the rescue plan dollars and the other parcels were being reviewed.

Councilmember Noble suggested reviewing acquiring the entire block of parcels.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve Resolution 22022-27.

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

None.

CITY MANAGER'S REPORT

Ms. McCue stated the next Mental Health awareness was related to Suicide Prevention on May 18, 2022.

The next Council meeting was June 6, 2022 along with the Capital Improvement Program.

15. Community & Recreation Services Department Report.
16. Development and Neighborhood Services Report.
17. Finance Report.
18. Fire Rescue Report.
19. PBSO District 16 Report.
20. Public Works Report.
21. Purchasing Report.
22. Youth Programs Report.

CITY ATTORNEY'S REPORT

No report.

MAYOR AND CITY COUNCIL REPORT

Councilmember Dugo: Thanked PBSO for the invite to the Red Flag event, it was very nice.

Councilmember Diaz: Thanked Michele Thompson, Director of Community and Recreation Services and Mr. Charles Shaw for the assistance with the scholarship awards.

Mayor Flores: He stated he was starting the program, Basketball with the Mayor to be a role model for teens and stay current in the community with the youth.

23. Presentation: Legislative Update - The Honorable State Representative David Silvers, District 87.

Representative Silvers apologized for the lateness.

He highlighted the Legislative updates mentioning the minimum wage pay increase, the Mia's Law which now required background checks and timeframes for rental property employees, HB35 establishing a program for construction engineering to use as a marketing tool and become more helpful in hopes it would help prevent future building issues. He was also happy to announce the passing of the future Greenacres Fire station renovation.

Mayor Flores asked about the Special session regarding insurance. Representative Silvers stated it would take billions of dollars and was uncertain of any updates as everyone was feeling the drawback of insurance.

ADJOURNMENT

7:05PM.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: June 6, 2022

FROM: Teri Beiriger, Finance Director, Finance Department

SUBJECT: Accounts Receivable Write-offs for EMS

BACKGROUND

The City of Greenacres bills residents for ambulance transport and emergency life support services. Upon death of the patient the remaining balance is to be written off. Section 2196 City of Greenacres Code, provides for the discharging of uncollected debts. The Director of Finance shall have the authority to write off minor, uncollectible debts to the City, not to exceed two hundred dollars (\$200.00) per account per fiscal year. Prior city council approval shall be required for discharging debt greater than two hundred dollars (\$200) per account per fiscal year.

ANALYSIS

It has been City's practice to write-off any remaining balance left on patient's account when the patient is deceased, and the insurance claim has been exhausted. It is Finance's practice based on prior direction of the City Council, not to balance bill the next of kin when a patient is deceased.

FINANCIAL INFORMATION

Attached is a request proposing the write-offs on six (6) aged uncollectible and deceased patient accounts for a total of \$3,305.75 for date of service 5/6/2018 – 11/21/2021

LEGAL

The memo has been prepared in accordance with applicable City Code requirements.

STAFF RECOMMENDATION

Approval of EMS write-offs.



ITEM SUMMARY

MEETING DATE: June 6, 2022

FROM: Jowie Mohammed, Director, Youth Programs Department

SUBJECT: Community Foundation for Palm Beach and Martin Counties Summer Camp Grant for middle and high school youth.

BACKGROUND

The City provides summer camp for eligible youth in Palm Beach County in grades K-12 in the Youth Programs Department. Youth Programs licensed capacity is 150 and typically offers an eight (8) week summer camp. Over the past six (6) years, there has been an increase in the need for summer camp for middle and high school youth.

ANALYSIS

There are numerous funding opportunities for youth in elementary school, but not middle and high school. In previous years, the City has utilized Textile Recycling funds to offer partial camp scholarships for middle and high school youth.

FINANCIAL INFORMATION

The Community Foundation for Palm Beach and Martin Counties has provided the City with a grant for \$25,000, which will fully fund summer camp for twenty-five (25) middle and high school youth.

LEGAL

The Attorney has reviewed the agreement and resolution for legal sufficiency and compliance.

STAFF RECOMMENDATION

Approval of Resolution No. 2022-28 authorizing the execution of Agreement #20220888 with the Community Foundation for Palm Beach and Martin Counties.

RESOLUTION NO. 2022-28**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE EXECUTION OF AGREEMENT #20220888 WITH THE COMMUNITY FOUNDATION FOR PALM BEACH AND MARTIN COUNTIES; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City of Greenacres' Youth Programs have been established to provide an affordable, beneficial structured program with planned activities and enrichment opportunities for grades K-12 youth in the Greenacres community; and

WHEREAS, Youth Programs is the only Licensed Child Care Facility in the 33463 zip code to provide programming to middle and high school youth; and

WHEREAS, Youth Programs has seen an increased need in summer camp programming for middle and high school youth; and

WHEREAS, the Community Foundation for Palm Beach and Martin Counties Agreement (Agreement #20220888), attached hereto as Exhibit "A", will provide \$25,000 in needed funding for twenty-five (25) middle and high school youth to attend Youth Programs' 2022 summer camp; and

WHEREAS, the Director of Youth Programs recommends approval of the Community Foundation Agreement; and,

WHEREAS, the City Council has determined that approving and executing the Community Foundation Agreement is in the best interest of the community and serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The City Council grants authorization for the execution of the Community Foundation for Palm Beach and Martin Counties Agreement (Agreement #20220888), attached hereto as Exhibit "A", to provide \$25,000 for twenty-five (25) middle and high school youth to attend Youth Programs' 2022 summer camp.

SECTION 2. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED this 6th of day of June 2022

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Nobel, Council Member, District II

Voted:
Judith Dugo, Council Member, District III

Voted:
Susy Diaz, Council Member, District IV

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: June 6, 2022

FROM: Monica Powery, Director of Purchasing, Purchasing Department

SUBJECT: Laserfiche migration from on-premise to Cloud platform

BACKGROUND

The City of Greenacres desires to migrate and upgrade its current on-premise Laserfiche electronic Document Management System (DMS) to the latest Laserfiche Cloud Enterprise Content Management (ECM) system.

The City's DMS is the repository of all official documents related to City business. The computer hardware on which it operates must be secure and reliable to provide assurance that its contents are available for retrieval at any given time. The public nature of these documents require that staff make them available upon request.

ANALYSIS

Laserfiche has been a premiere developer of DMS and ECM solutions for many years. The City has invested significant resources to integrate Laserfiche into City business processes.

Managing the on-premise DMS involves continuous system maintenance, as well as periodic addition of storage space due to the ongoing growth of stored data. Moving to a cloud-based ECM removes the burden of maintenance from the City's Information Technology Department.

The Laserfiche Cloud platform is housed in multiple regions of the country, each with multiple secure data centers. This redundancy ensures high availability of the system, which would be unaffected by any natural or other disaster affecting our local area. Direct access to the City's ECM will be available from any Internet-connected computer. The automation capabilities of a modern ECM will provide increased efficiencies in staff's daily workflows.

City staff determined that the best course of action is to engage MCCi, LLC to perform this migration and upgrade. MCCi, LLC is the City's Solution Provider of Record for Laserfiche, and is therefore the sole vendor that can provide this service.

The total year one cost of the project is \$88,122.75

FINANCIAL INFORMATION

Sufficient funds are budgeted for this project.

LEGAL

The agreement has been reviewed by the City Attorney and meets all City Code requirements.

STAFF RECOMMENDATION

Approval of Resolution No. 2022-29 authorizing the execution of the Agreement.

RESOLUTION NO. 2022-29

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE CITY OF GREENACRES AND MCCi, LLC, FOR THE MIGRATION AND UPGRADE OF THE CITY'S LASERFICHE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM TO THE LASERFICHE CLOUD ENTERPRISE CONTENT MANAGEMENT SYSTEM; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres desires to migrate and upgrade its current on-premise Laserfiche electronic Document Management System (DMS) to the latest Laserfiche Cloud Enterprise Content Management (ECM) system; and

WHEREAS, Laserfiche has been a premiere developer of DMS and ECM solutions for many years and the City has invested significant resources to integrate Laserfiche into City business processes; and

WHEREAS, MCCi, LLC, is the City's Solution Provider of Record for Laserfiche and the sole vendor that can provide the necessary migration and upgrade services to the City; and

WHEREAS, MCCi, LLC, provided a proposed agreement to the City to provide the necessary services and the City finds the proposed services and agreement are fair and reasonable; and

WHEREAS, City staff recommends that the City Council authorize the execution of the proposed agreement with MCCi, LLC; and,

WHEREAS, the City Council finds entering the agreement with MCCi, LLC, serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The City Council hereby authorizes the agreement with MCCi, LLC, for the migration and upgrade of the City's current on-premise Laserfiche electronic Document

Resolution No. 2022-29 | Laserfiche Migration to Cloud Enterprise Content Management System

Page No. 2

Management System (DMS) to the latest Laserfiche Cloud Enterprise Content Management (ECM) system by MCCi, LLC, which agreement is attached hereto and includes Addendum 1 to the MSA, the Letter of Removal, and the City's standard addendum.

SECTION 2. The City Council authorizes the appropriate City Officials to execute the agreement with MCCi, LLC.

SECTION 3. This Resolution shall be effective upon its adoption.

Resolution No. 2022-29 | Laserfiche Migration to Cloud Enterprise Content Management System

Page No. 3

RESOLVED AND ADOPTED this 13 of day of December 2021

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: June 6, 2022
FROM: Andrea McCue, City Manager, Administration
SUBJECT: Ordinance 2022-12 – Appointment of Deputy Mayor

BACKGROUND

Article II, Section 2 of the City's Charter requires that the City Council designate one (1) of its members as Deputy Mayor. Council Policy 12 which was adopted in 1997, outlined a process for the appointment but it was rescinded in 2016. Outside of the Charter requirements, the City has no other policies or guidelines in place that provide a process for the appointment of Deputy Mayor.

ANALYSIS

At the April 18th the Council directed staff to prepare an Ordinance outlining a process that mirrors the recommendation made by the Charter Review Committee. The process for appointment of Deputy Mayor is as follows:

Beginning with the first meeting in April 2023, the appointment of the Deputy Mayor shall rotate annually among the Councilmembers with the initial appointment to Council Seat 1. Any Councilmember in his/her first term will defer the appointment as Deputy Mayor for a one (1) year period, at which point the appointment will be assigned to the next sequential Council seat and the deferring Councilmember shall serve the subsequent year. Should any Councilmember decline the appointment, the appointment will go to the next sequential Council seat and the deferring Council member will not be appointed until the rotation returns to his/her seat. Should the Councilmember serving as Deputy Mayor vacate his/her Council seat for any reason, the Deputy Mayor appointment will rotate to the next sequential Council seat and the incumbent therein shall complete the unexpired term followed by his/her own term as Deputy Mayor. In the event the Deputy Mayor is serving as Mayor pro-tem pursuant to Article II, Section 3 of the Charter, the Deputy Mayor's position will not rotate until a new Mayor is elected.

At the May 16, 2022, Council Meeting, the Council agreed that since the District 1 Councilmember was currently serving as Deputy Mayor, the new process for the appointment of Deputy Mayor effective the first meeting in April 2023, will begin with District 2.

FINANCIAL INFORMATION

Minimal cost associated with Deputy Mayor appointment

LEGAL

The City Attorney has reviewed Ordinance 2022-12 for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2022-12.

ORDINANCE NO. 2022-12

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, TO CREATE A NEW SECTION 2-29 TO BE ENTITLED “APPOINTMENT PROCESS FOR DEPUTY MAYOR”, TO SET FORTH THE PROCESS FOR THE APPOINTMENT OF THE DEPUTY MAYOR; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

WHEREAS, Article II, Section 2 of the City’s Charter requires that the City Council shall designate one (1) of its members as Deputy Mayor, who shall serve in such capacity at the pleasure of the Council; and

WHEREAS, the City Council adopted Council Policy 12 in 1997, which outlined a process for the appointment of Deputy Mayor; and

WHEREAS, the City Council rescinded Council Policy 12 in 2016; and

WHEREAS, the City Council does not have any policies or guidelines in place that provide a process for the appointment of Deputy Mayor; and

WHEREAS, the City Council desires to adopt an Ordinance outlining the process for appointment of Deputy Mayor; and

WHEREAS, the City Council recently appointed Councilmember John Tharp, who serves in Council Seat 1, to the position of Deputy Mayor; and

WHEREAS, since it is anticipated that Councilmember Tharp will continue to serve as Deputy Mayor until 2023, the City Council has determined that the new process for appointment of the Deputy Mayor shall commence in 2023 with Council Seat 2; and,

WHEREAS, the City Council finds adopting this Ordinance to outline the process for appointment of Deputy Mayor is in the best interests of the City and serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

Ordinance No. 2022-12 | Appointment of Deputy Mayor

Page No. 2

GREENACRES, FLORIDA, THAT:

SECTION 1. Chapter 2, entitled “Administration”, Article II, entitled “Mayor and City Council”, is hereby amended by creating a new section 2-29 to be entitled “Appointment Process for Deputy Mayor”, which new section shall state as follows:

Sec. 2-29. – Appointment Process for Deputy Mayor.

The process for appointment of Deputy Mayor is as follows:

Beginning with the first meeting in April 2023, the appointment of the Deputy Mayor shall rotate annually among the Councilmembers with the initial appointment to Council Seat 2. Any Councilmember in his/her first term will defer the appointment as Deputy Mayor for a one (1) year period, at which point the appointment will be assigned to the next sequential Council seat and the deferring Councilmember shall serve the subsequent year. Should any Councilmember decline the appointment, the appointment will go to the next sequential Council seat and the deferring Council member will not be appointed until the rotation returns to his/her seat. Should the Councilmember serving as Deputy Mayor vacate his/her Council seat for any reason, the Deputy Mayor appointment will rotate to the next sequential Council seat and the incumbent therein shall complete the unexpired term followed by his/her own term as Deputy Mayor. In the event the Deputy Mayor is serving as Mayor pro-tem pursuant to Article II, Section 3 of the Charter, the Deputy Mayor’s position will not rotate until a new Mayor is elected.

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not

Ordinance No. 2022-12 | Appointment of Deputy Mayor

Page No. 3

been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 4. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

SECTION 4. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

Ordinance No. 2022-12 | Appointment of Deputy Mayor

Page No. 4

Passed on the first reading this 16th day of May, 2022.

PASSED AND ADOPTED on the second reading this 6th day of June, 2022.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: June 6, 2022

FROM: Andrea McCue, City Manager, Administration

SUBJECT: Ordinance 2022-13 Redistricting

BACKGROUND

The boundaries of the City's five (5) voting districts were last updated in 2000. The City has grown significantly over the last 20+ years and a review of the voting districts is necessary to ensure fair apportionment in population within each district.

ANALYSIS

The City contracted with Florida Atlantic University (FAU) in 2021 to conduct an independent review of the City's voting districts based on the population results of the 2020 census. Based on the recommendations from FAU, it is necessary to amend the City's voting districts.

On May 16, 2022, the City voted to pass the Ordinance on first reading.

FINANCIAL INFORMATION

Any cost associated with Redistricting will be included in the budget.

LEGAL

The City Attorney has reviewed Ordinance 2022-13 and supporting documents for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2022-13.

ORDINANCE NO. 2022-13

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, SECTION 2-146, ENTITLED "VOTING DISTRICTS", OF THE CITY OF GREENACRES CODE OF ORDINANCES, BY REDEFINING THE GEOGRAPHIC BOUNDARIES FOR THE FIVE (5) ESTABLISHED VOTING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the boundaries for the City's five (5) voting districts were last updated on January 1, 2000; and

WHEREAS, due to the significant growth in the City's population over the last 20 years, to ensure fair apportionment in population, it was necessary to review voting district boundaries; and

WHEREAS, the City contracted with Florida Atlantic University (FAU) to conduct an independent review and analysis of the City's voting districts based on the population results of the 2020 census; and

WHEREAS, after review of FAU's analysis and recommendations, the City Council has determined that it is necessary to amend the City's voting districts to ensure compliance with state and federal law; and

WHEREAS, the City Council finds that the Consultant Report: Redistricting Alternatives for the City of Greenacres and the Greenacres Alternate Districts 1B map, which map is attached hereto as Exhibit "A", provided for compact, contiguous alternate council voting districts nearly equal in population size; and,

WHEREAS, the City Council finds that adopting this Ordinance, accepting Exhibit "A", and implementing the Council selected alternate voting district map is in the best interest of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The foregoing recitals are incorporated into this Ordinance as true and correct statements and findings of the City Council.

SECTION 2. Chapter 2, Article V, Section 2-146, entitled, "Voting Districts" of the City of Greenacres Code of Ordinances is hereby amended as follows (underlined language is being added; struck language is being deleted):

(1) DISTRICT I. All property north of Nash Trail, west of Military Trail, east of Nautica Isles West PL 3 and south of Boatman Street.

~~DISTRICT I. All property east of the E-3 canal including the entire Pine Ridge III development and the east on half (½) of Pickwick Park.~~

(2) DISTRICT II. All property north of Lake Worth Road to 10th Avenue North, west to include Park Pointe and Lucerne Park and east of Haverhill Road to MODEL LAND CO SUB subdivision.

~~DISTRICT II. All property north of Lake Worth Road, south of Tenth Avenue North, west of the E-3 canal excluding the entire Pine Ridge III development and the east one half (½) of Pickwick Park.~~

(3) DISTRICT III. All property north of 10th Avenue North to Forest Hill Boulevard, south of Cresthaven Boulevard, west to Pinehurst Drive and east to John I. Leonard High School.

~~DISTRICT III. All property north of L-10 canal and west of Jog Road.~~

(4) DISTRICT IV. All property east of Jog Road from Cresthaven Boulevard to Forest Hill Boulevard, including three northwest corner parcels located in the Riverbridge Centre Plaza. All property north of Forest Hill Boulevard.

~~DISTRICT IV. All property north of Tenth Avenue North, east of Jog Road, and west of~~

Ordinance No. 2022-13 | Redistricting

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~~Sherwood Forest, together with Canalakes and Canalakes replat subdivisions.~~

(5) DISTRICT V. All property north of the L-14 canal, west of the E-3 canal north of Lake Worth Road to the L-11 canal, west of Sherwood Forest Boulevard and Via Poinciana to the west.

~~DISTRICT V. All property south of Lake Worth Road and west of the E-3 canal.~~

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 5. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to

Ordinance No. 2022-13 | Redistricting

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accomplish such intention, and that the word “Ordinance” may be changed to “Section”, “Article” or another word. However, Exhibit “A”, which is the map attached to this Ordinance, shall not be codified but shall be kept and maintained by the City Clerk with the original copy of this Ordinance.

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 16th day of May, 2022.

PASSED AND ADOPTED on the second reading this DD day of Month, 202Y.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

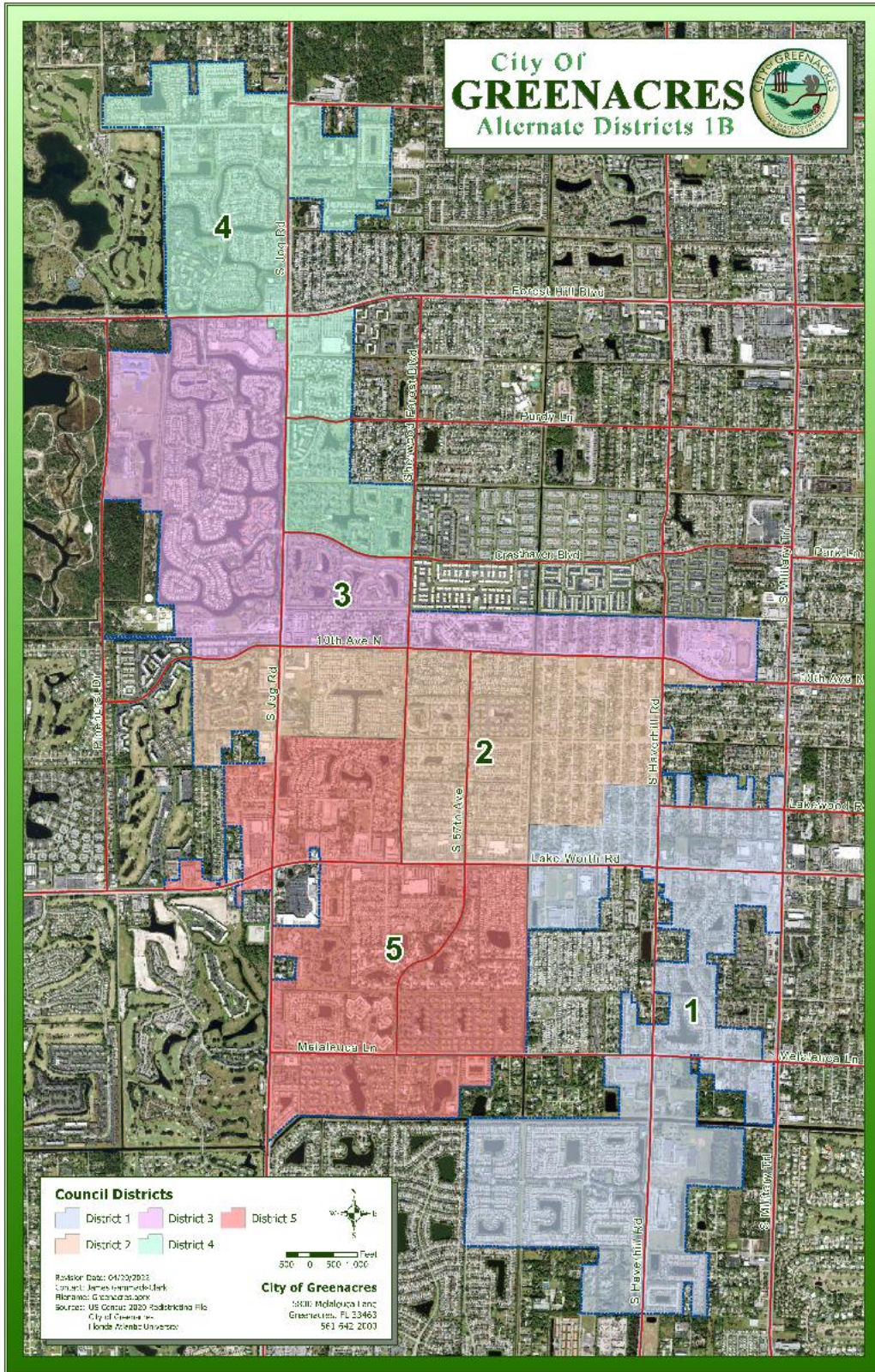
Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

EXHIBIT "A"





ITEM SUMMARY

MEETING DATE: June 6, 2022

FROM: Kara L. Irwin-Ferris, AICP, Director of Development and Neighborhood Services Department

SUBJECT: Amendments to Business Tax Receipt (Ordinance No. 2022-14)

BACKGROUND

The City of Greenacres desires to update and revise its ordinance provisions regarding business tax receipts; specifically, Chapter 8, Article III entitled, "Business Taxes". The proposed revisions include correcting the responsible department's name, clarifying required inspection(s), removing duplicative language, creating criteria to deny a business tax receipt application, creating criteria to suspend, revoke, and cancel and business tax receipt, and revising the appeals process.

ANALYSIS

The City's business tax receipt process has not been updated in over ten years. The current process adheres to the basic requirements of Chapter 205, Florida Statutes; however, there are several areas where additional requirements and processes are needed to fill gaps in the basic requirements. Further, the City has seen an increase in occasions where business tax receipts should not be granted and/or should be revoked. Clearer criteria and processes are needed in this regard.

FINANCIAL INFORMATION

The proposed revisions to the Business Taxes provisions should not create any change in the current revenue received from this tax.

LEGAL

The proposed ordinance has been reviewed by the City Attorney and meets all City Code requirements.

STAFF RECOMMENDATION

Approval of Ordinance No. 2022-14 on first reading.

ORDINANCE NO. 2022-14

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 8, LICENSES AND BUSINESS REGULATIONS, ARTICLE III, BUSINESS TAXES, SECTIONS 8-46 THROUGH 8-73, TO CORRECT THE APPLICABLE DEPARTMENT NAMES, TO CLARIFY BUSINESS INSPECTIONS, TO CREATE CRITERIA FOR DENYING, SUSPENDING, AND REVOKING A BUSINESS TAX RECEIPTS, PROVIDING FOR APPEALS TO THE SPECIAL MAGISTRATE, AND FOR OTHER PURPOSES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres, Florida (the “City”) is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Development and Neighborhood Services Department has submitted a request for a Code of Ordinance amendment to revise Chapter 8 regarding business tax receipts; and

WHEREAS, a business tax receipt is a document issued by the City of Greenacres when the tax is paid by a business authorized to operate within the City’s municipal limits; and

WHEREAS, the business tax receipt ensures that a business is a permitted use to operate on a particular parcel, permits an inspection to ensure that the business is in compliance with city code requirements, and requires proof of state and/or federal licensing and certification for certain businesses; and

WHEREAS, it has been determined, in accordance with the Development Review Committee Staff Report and Recommendation, attached as “Exhibit A” that the proposed amendments to Chapter 8 of the City’s Code of Ordinances are appropriate; and,

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres and serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The foregoing recitals are incorporated into this Ordinance as true and correct findings of the City Council.

SECTION 2. Chapter 8, Article III, Business Taxes, section 8-46 through section 8-73 of the City of Greenacres Code of Ordinances is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout~~):

ARTICLE III. - BUSINESS TAXES

Sec. 8-46. - Business tax imposed and registration.

- (a) Business tax. A tax is hereby fixed and imposed upon every person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business, profession, or occupation within the city. A business tax is also hereby levied upon any person who does not qualify under the provisions noted hereinabove and who transacts any business or engages in any occupation or profession in interstate commerce, if such tax is not prohibited by section 8 of article I of the United States Constitution.
- (b) Registration. Any person who does not fall into one (1) of the categories set forth above in subsection (a), but who comes within the corporate limits of the city to carry on, complete, perform, or engage in any type of business, is hereby required to register with the city by filling out a registration form with the development and neighborhood services department. Such person must provide a copy of a valid business tax receipt issued by another municipality and/or by Palm Beach County indicating that he or she possesses a valid business tax receipt at the location of his or her branch or permanent office. The registration requirement shall not apply to any trade or business regulated by the state department of business and professional regulation including but not limited to, contractors, surveyors, barbers, cosmetologists, architects, landscape architects and interior designers. Additionally, this requirement shall not apply to any pest control operators licensed and regulated by the state.
- (c) Voluntary registration. Pursuant to F.S. § 205.065, any person engaging in or managing a business, profession or occupation regulated by the state department of business and professional regulation that has paid a business tax receipt tax for the current year to the county or municipality in that state where the person's

permanent business location or branch office is maintained shall not be required to register his business tax receipt with the city. However, such persons may voluntarily register with the city by presenting proof of state licensing, a valid business tax receipt issued by the municipality or county in which the licensee's branch or permanent office is located and by paying an administrative fee as established by resolution of the city council. Persons not desiring to voluntarily register shall not be required to do so. However, such persons shall be required to present all documentation required by this subsection each time application for a city permit is made.

- (d) Registration fee. A registration fee shall be charged to cover administrative costs in registering these additional businesses, occupations and professions; the amount of which registration fee shall be set by resolution of the city council.

A business tax is hereby imposed by the city upon:

- ~~(1) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction; and~~
- ~~(2) Any person who does not qualify under the provisions of (1) above and who transacts any business or engages in any occupation or profession in interstate commerce where such business tax is not prohibited by section 8, article 1 of the United States Constitution and is not otherwise exempt by this article or other local, state, or federal laws or rules.~~

Sec. 8-47. - Required.

No person described in section 8-46(a) shall engage in any trade, business, profession or occupation within the city without a local business tax receipt or with a local business tax receipt issued upon false statements made by such person or in his or her behalf.

Sec. 8-48. - Application procedures and Inspections.

~~(a) Before the city shall issue a local business tax receipt for engaging in or conducting any of the businesses, professions or occupations specified and set forth in this article, it shall be the duty of the applicant to:~~

- (1) File an application for a business tax receipt on the form provided by the department of development and neighborhood services building.
- (2) Submit all documentation as required by this article and the director of development and neighborhood services building or his/her appointed designee and also as required by any other local, state, or federal laws or rules.
- (3) Remit a non-refundable local business tax fee in accordance section 8-72 local business tax schedule.

(4) Submit an application for a county business tax receipt for city zoning approval.

(b) Every applicant for a local business tax receipt ~~to engage in or conduct any of the businesses, professions or occupations specified and set forth in this article~~ shall obtain a county business tax receipt. The fact that a county business tax receipt is not required for a particular business, profession or occupation does not imply that the requirement for a city local business tax receipt is waived.

(c) Every applicant for a local business tax receipt ~~to maintain a permanent business location or branch office within the city~~ shall be reviewed for compliance with the city's zoning code and any applicable site plan or special exception approval for the subject property to verify compliance with the property's zoning designation and approved uses.

(d) Every applicant for a local business tax receipt ~~to maintain a permanent business location or branch office within the city~~ must provide proof of a passed fire inspection as required by section 5-8 of the City Code, a building code inspection as determined by the building official, and any other inspection required by applicable law unless exempt by general law. ~~have inspections made and approval by the building official or appointed designee(s) and the fire marshal. An inspection fee for these mandatory inspections shall be imposed by separate city resolution in an amount to be kept on file in the department of building. Failure to provide proof of the passed inspection(s) schedule and pass these inspections within thirty (30) days of application may result in the business tax receipt being denied, suspended, revoked and possible fines imposed through the code enforcement procedures as set forth in the City Code sections 2-72 through 2-78.~~

(e) Upon receipt from the applicant of all application forms, approvals, and documentation as required by this article, and any additional documentation that may be required, the director of development and neighborhood services ~~building or appointed designee~~ shall issue a city business tax receipt, valid through September 30, of each fiscal year.

~~Sec. 8-49. - Contractors license requirements.~~

~~Every applicant desiring to engage in or conduct any of the contractor occupations which will maintain a permanent business location or branch office within the city shall file an application for a local business tax receipt as set forth in section 8-48 and pay a local business tax as set forth in the local business tax schedule referred to in section 8-72.~~

Sec. 8-4950. - Home-based businesses ~~occupations~~—Business tax receipt required.

(a) Every applicant for a business tax receipt to conduct a business, profession, or occupation within their home, when located within the city limits, shall file an application for a local business tax receipt as set forth in section 8-48(a), and (b) and (d) and pay a local business tax as set forth in the local business tax schedule referred to in section 8-72. Pursuant to section 559.955, Florida Statutes (as amended), home-based

businesses are exempt from the inspection requirement of section 8-48(d) unless the particular use triggers an inspection under other applicable law.

(b) Every applicant for a business tax receipt to conduct a business, profession or occupation within their home, when located within the corporate limits of the city, shall be reviewed for compliance with the City Code as permitted in section 559.955, Florida Statutes (as amended) sections 16-740 through 16-754 of the zoning code concerning home occupations to verify compliance with the use, size and other restrictions for home occupations.

Sec. 8-504. - Home family daycare.

In addition to the requirements of section 8-498-50, every applicant for a business tax receipt to conduct a home family daycare service within their home must submit the following documentation before a business tax receipt can be issued:

- (1) Approved inspection required under applicable law; section 8-48(c);
- (2) ~~An approved county permit~~ All permit(s) and/or license(s) for family day care center for the property on which the home family daycare service is to be conducted;
- (3) Any additional documentation as required by this article or the director of development and neighborhood services or designee building.

Sec. 8-512. - Exemptions.

Exemptions shall be allowed for certain disabled veterans of any war, declared or undeclared, and their unremarried spouses; certain disabled persons, the aged, and widows with minor dependents in conformance with F.S. chapter 205, as amended. Such individuals shall be entitled to an exemption as provided for by state statute.

Sec. 8-523. - Business tax receipt required of nonprofit organizations.

(a) The director of development and neighborhood services building, or ~~appointed~~ designee shall issue a business tax receipt to any person or organization for the conduct or operation of a nonprofit religious, charitable or educational institution as defined in F.S. chapter 205, as amended. The business tax receipt shall be exempt from payment of any business taxes. Nothing in this section shall be construed to require a business tax receipt for practicing the religious tenets of any church.

(b) Upon application for a local business tax receipt, the person or organization must exhibit an active state certificate, registration, or receipt, or proof of copy of the same before such local business tax receipt may be issued.

Sec. 8-534. - Affidavit required in certain cases.

Whenever information required to document the amount of a business tax receipt applied for is dependent on facts not within the personal knowledge of the director or ~~appointed-designee~~, no business tax receipt shall be issued until the applicant therefore has made and filed with the director of development and neighborhood services building or ~~appointed-designee~~ a notarized affidavit, duly authenticated, setting forth the facts upon which the amount of such business tax receipt depends.

Sec. 8-545. - Duration and due date.

No local business tax receipt shall be issued for more than one (1) year. All receipts shall expire on the thirtieth day of September of each year.

Sec. 8-556. - Half-year local business tax receipts.

(a) For each local business tax receipt obtained between the first day of October and the thirty-first day of March, the full tax for one (1) year shall be paid.

(b) For each local business tax receipt obtained between the first day of April and the thirtieth day of September, one-half ($\frac{1}{2}$) of the full tax for one (1) year shall be paid.

~~(c) Each licensee for a temporary use permit who does not possess a valid and current local business tax receipt shall pay a registration fee to the city as set forth in article IV, entitled "Registration requirements and fees," of this chapter 8 upon each instance that a temporary use permit is secured.~~

Sec. 8-567. - Multiple business tax receipts.

In the event any person engaged in a business, occupation, or profession at one (1) location or place of business is required under the provisions of this article to have more than one (1) business tax, the receipt holder shall pay in full all applicable business taxes required in order to operate the business. The director of development and neighborhood services building, or ~~appointed-designee~~ shall have the administrative duty to determine which local business tax receipt category or categories shall apply to each applicant for a receipt. Appeals to his/her decision shall be processed as provided for in section 8-71.

Sec. 8-578. - Duplicate business tax receipts.

The director of development and neighborhood services building, or ~~appointed-designee~~ shall charge a fee for each duplicate local business tax receipt issued to replace any business tax receipt issued under the provisions of this article which has been lost, stolen, defaced, or destroyed. The duplicate fee charged hereunder shall be equal to ten (10) percent of the annual business tax, but in no case be less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00).

Sec. 8-589. - Each location to have a separate business tax receipt.

If any person operates any business regulated in this section at more than one (1) location within the city, each location shall be considered a separate business and a separate local business tax receipt therefore is required of each business.

Sec. 8-5960. - Posting of business tax receipts.

(a) All local business tax receipts issued to a business that has a permanent place of business within the city shall display the same prominently within its place of business.

(b) In those occupations without a permanent place of business, the receipt holder shall be required to produce the business tax receipt, or proof of copy thereof, upon request.

Sec. 8-604. - Professional business tax receipts.

The business tax provided in section 8-72(b)(1) for professionals shall be construed to mean that each individual shall pay the tax therein provided whether practicing by himself or herself, in a partnership, employed by another, or incorporated as a professional association.

Sec. 8-612. - Prohibition of issuance of local business tax receipt without exhibition of state license or registration.

Any person applying for or renewing local business tax receipt for the receipt period beginning October 1 to practice any profession regulated by the state department of professional regulation, or any board or commission thereof, must exhibit an active state certificate, registration or license or proof of copy of the same before such local business tax receipt may be issued. Thereafter, only persons applying for the first time for local business tax receipt must exhibit such certification, registration, or license.

Sec. 8-623. - Transfer business tax receipt required.

(a) Any time a business, profession, or occupation licensed within the city has a change of ownership, location, change of business name, or change in the qualifier a transfer business tax is required. Any change in use type shall require application for a new local business tax receipt according to section 8-48 herein.

(b) The applicant shall obtain a county transfer business tax receipt and submit a copy of the receipt to the director of building or appointed designee.

(b) The applicant shall, in addition to the application form, submit all documentation as required by this article and the director of building or appointed designee.

(c) The fee for each transfer business tax receipt shall be equal to ten (10) percent of the annual business tax but in no case be less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00).

(d) Every business, occupation or profession licensed within the city and maintaining a permanent business location or branch office within the city, which is required by this section to obtain a transfer business tax receipt, shall have inspections made as set forth in section 8-48(~~d~~e).

Sec. 8-634. - Local business tax receipt covers specified business, etc.

No local business tax receipt issued under the provision of this article shall protect any person from prosecution for transacting any business, trade or profession not covered by such business tax receipt, nor shall it protect any merchant doing business having provided false information for business tax receipt computation by affidavit to the director of development and neighborhood services building.

Sec. 8-645. - Businesses not specifically covered.

Any person engaged in any lawful business, profession, or occupation, wholly or in part, within the city, not mentioned or covered by this article shall pay the closest applicable or related business tax as determined by the director of development and neighborhood services building or appointed-designee.

Sec. 8-656. - False statements in application void business tax receipt.

Any business tax receipt issued upon any false statement made in the application therefore shall be considered as void ab initio and shall not protect the holder thereof from prosecution for transacting business without a valid business tax receipt.

Sec. 8-667. – Issuance denial, suspension, or revocation.

(a) The city shall have the authority to deny an application for a business tax receipt on the following grounds:

(1) That the applicant has failed to disclose or has misrepresented a material fact of any information required by this article in the application;

(2) That the applicant desiring to engage in the business, as described in the application, has selected a proposed site or type of business activity, which does not comply with the City Code;

(3) That the applicant has failed to obtain a certificate of occupancy as required by the Florida Building Code;

(4) The prior business tax receipt for the proposed business location was or has been denied, suspended, or revoked for any reason which reason has not been corrected;

(5) The issuance of business tax receipt is based upon the applicant's compliance with specific provisions of federal, state, city, or county laws with respect to the specific zoning use and the applicant has violated such specific provisions;

(6) The applicant has violated any provisions of this article and has failed or refused to cease or correct the violation within thirty (30) days after notification thereof;

(7) The premises have been condemned by the local health authority for failure to meet sanitation standards or the local authority has condemned the premises because the premises are unsafe or unfit for human occupancy;

(8) The applicant is delinquent in the payment of any fee imposed under this article, code enforcement lien, special assessment lien and/or other debt or obligation debt to the city under state or local law; and/or,

(9) The applicant does not engage in the business as described in the application or has changed the use without authorization.

~~Any business tax receipt issued by the city may be temporarily suspended or absolutely revoked and canceled by a majority vote of the city council when such council shall have ascertained and determined in the exercise of its sound discretion that such action will promote the public peace, health, safety, welfare, harmony or good order of the city and the neighborhood in which the receipt holder's place of business is located or where he/she operates or carries on his/her business, trade, profession or occupation; provided, however, that prior to the revocation and cancellation of any business tax receipt, the receipt holder shall be given not less than fifteen (15) days' notice of the time and place set for consideration of the proposed revocation and cancellation of such business tax receipt. Such notice shall further instruct the receipt holder that he/she shall have an opportunity to be heard at such designated meeting.~~

(b) Any business tax receipt issued by the city may be temporarily suspended, refused to be renewed, or revoked and canceled by the director of development and neighborhood services or designee building when

(1) Such business, trade, profession, or occupation is operating in violation of this article or other provision of the City Code or was falsely procured;

(2) The business tax receipt holder has utilized fraud or misrepresentation in an application for or in obtaining a business tax receipt;

(3) The premises of the business, trade, profession, or occupation violates any provision of the Florida Building Code;

(4) The applicant does not engage in the business, trade, profession, or occupation as described in the application or has changed the use without authorization; or,

(6) The applicant is delinquent in the payment of any fee imposed under this article, code enforcement lien, special assessment lien and/or other debt or obligation debt to the city under state or local law.

~~The receipt holder shall be given not less than fifteen (15) days to appeal the decision in accordance with section 8-71.~~

(c) In the case of revocation and cancellation of such business tax receipt, the receipt holder is not entitled to a refund on any unused portion of the business tax.

Sec. 8-678. - Compliance by principal deemed compliance by agent.

Where the principal or employer has complied with the provisions of this article, it shall be unnecessary for his or her agent or employee to comply herewith, unless otherwise expressly provided for herein. In the event such principal or employer shall not have complied with this article, each of his or her agents or employees shall be subject to prosecution and, upon conviction, to fine or imprisonment to the same extent as his principal or employer.

Sec. 8-689. - Engaging in business without local business tax receipt or under a local business tax receipt issued upon false statements; penalties, prima facie evidence.

(a) It shall be unlawful for any person to engage in any business, trade, profession, or occupation taxable by business tax receipt hereunder, without a local business tax receipt or under a local business tax receipt issued upon false statements made by such person, or in his or her behalf. Any person engaged in any such business, profession, or occupation without first obtaining a local business tax receipt, if required herein shall pay a penalty of twenty-five (25) percent of the full year business tax for such trade, in addition to the business tax set forth herein.

(b) In addition to the penalties provided in subsection (a), any person engaged in any trade, business, profession or occupation, within the city without a local business tax receipt or under a local business tax receipt issued upon false statements made by such person, or in their behalf, shall be subject to a fine as may be imposed through the code enforcement procedures set forth in the City Code ~~as levied by the code enforcement board, under the provisions of sections 2-72 through 2-78.~~

(c) In any prosecution under this article, the fact that such person is open for business shall be prima facie evidence of engaging in such trade, business, profession, or occupation, and the burden shall be upon the defendant to refute the same.

(d) Each day or part of a day that this article is violated shall constitute a separate and distinct offense for which such person or his agents or employees may be prosecuted.

Sec. 8-~~6970~~. - Renewal of local business tax receipt.

(a) All local business tax receipts not renewed by September 30th shall be considered delinquent and subject to a delinquency penalty of ten (10) percent of the full year business tax for the month of October, plus an additional five (5) percent penalty for each month of delinquency thereafter until paid. The total delinquency penalty shall never exceed twenty-five (25) percent of the full year business tax for that applicant. The City will endeavor to send out advance renewal notices to the contact information provided on the prior year business tax receipt; however, it is the sole responsibility of each person who engages in any business, trade, occupation, or profession covered by this chapter to timely renew each business tax receipt.

(b) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required local business tax within one hundred fifty (150) days of ~~July 1 after the initial notice of the tax due~~, and who does not obtain the required local business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative fee of twenty-five dollars (\$25.00) for costs incurred as a result of collection efforts, and a penalty of one hundred dollars (\$100.00).

Sec. 8-~~704~~. - Appeals.

Any person ~~who feels aggrieved~~ adversely affected by the provisions of this article may petition the director of development and neighborhood services ~~city council~~ within thirty (30) days of the adverse notice, action, or decision of the city for review of this article as applied to the person. The petition shall be on a form provided by the city and shall contain the name and address of the petitioner. The petition shall briefly set forth the grounds for review, and the director of development and neighborhood services or designee ~~city council~~ shall consider the petition within thirty (30) days following receipt of the petition. In making ~~it's a~~ determination on the petition, the director of development and neighborhood services or designee ~~city council~~ shall consider the provisions of this article and state law. The determination of the director of development and neighborhood services or designee shall be in writing and sent by regular mail to the address of the petitioner as listed on the petition.

Within ten (10) days of the mailing of the written decision of the director of development and neighborhood services or designee, the petitioner may appeal the written decision to the Special Magistrate appointed to hear code enforcement cases. The appeal and its grounds for review shall be set forth in a form provided by the city and shall be filed with the development and neighborhood services department along with a filing fee as set by city resolution. The appeal shall be scheduled for the next available Special

Magistrate hearing date and notice of the hearing shall be sent by regular mail to the address of the petitioner as listed on the original petition form.

Sec. 8-712. - Local business tax schedule.

(a) The amount of local business tax levied and imposed upon every person who shall engage in or manage any business, profession, privilege, or occupation hereinafter mentioned, within the city, is fixed, graded, determined, and imposed based upon the classifications and rates set forth in subsection (b).

(b) All businesses and occupations subject to the local business taxes in this article shall be classified according to the following schedule:

(1) *Category 1: Professionals.* Includes insurance companies and all professionals whose occupation is regulated by the State of Florida Department of Business and Professional Regulation, Florida Bar Association, or any other regulatory authority created by the state to regulate professionals except construction contractors included in category 2 below, cosmetology and barber professionals included in subcategory a. and real estate and individual insurance professionals included in subcategory b. below. The business tax shall be separately charged for each professional employed by a business regardless of whether the person is an owner, employee, agent of the business, or incorporated as a professional association.

Tax rate: One hundred sixteen dollars and twenty-two cents (\$116.22) per professional.

a. Cosmetology and barber professionals—Includes all professionals regulated by the State of Florida Department of Business and Professional Regulation Board of Cosmetology or Board of Barbers.

Tax rate: Thirty-eight dollars and sixty-eight cents (\$38.68).

b. Real estate and insurance professionals—Includes all individual professionals regulated by the State of Florida Department of Business and Professional Regulation Board of Real Estate or Department of Insurance. Except, an individual licensed and operating as a real estate sales associate or broker associate under F.S. Ch. 475 is exempt from obtaining a business tax receipt.

Tax rate: Ninety-three dollars (\$93.00).

(2) *Category 2: Contractors.* Includes each business that is regulated by the State of Florida Department of Business and Professional Regulation in a construction or directly related trade or is licensed by a local or county licensing board in order to be certified to perform a construction trade or business. The business tax shall be charged separately for each business with a permanent business location within the city limits of Greenacres.

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Tax rate: One hundred sixteen dollars and twenty-two cents (\$116.22) per contractor.

(3) *Category 3: General services.* Each business, office, or other concern offering the sale of services shall obtain a business tax receipt in this category.

Tax rate: One hundred ten dollars and sixty-nine cents (\$110.69) per business tax receipt per business location.

(4) *Category 4: General retail (merchandise).* Includes each business whose source of income is the sale of merchandise to retail customers.

Tax rate:

a. Business occupying three hundred (300) square feet gross floor area or less—Seventy-seven dollars and fifty-one cents (\$77.51) per business.

b. Business occupying over three hundred (300) and up to twenty thousand (20,000) square feet gross floor area—One hundred fifty-five dollars and thirteen cents (\$155.13) per five thousand (5,000) square feet gross floor area and each fraction thereof.

c. In addition, business occupying over twenty thousand (20,000) square feet gross floor area—Three hundred ten dollars and fifty-one cents (\$310.51) per five thousand (5,000) square feet gross floor and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.

(5) *Category 5: Food service.* Includes all restaurants, to include delis, snack bars, fast food, sit-down, specialty, bars, lounges, dinner theaters and other businesses serving prepared food and beverage products.

Tax rate: One hundred twenty-one dollars and fifty-five cents (\$121.55) per business location plus four dollars and thirteen cents (\$4.13) per chair of customer seating.

(6) *Category 6: Home occupation.* Any business as described section 8-5049. Any business paying the business tax appropriately charged in this category as a home occupation, in a residentially zoned district, shall not be charged another tax in one (1) of the other categories.

Tax rate: Seventy-seven dollars and fifty-one cents (\$77.51)

(7) *Category 7: Wholesalers.* A business whose income is obtained from the selling of goods in relatively large quantities and usually at lower prices than at retail, normally selling to retailers for resale to consumers. Each wholesale business shall obtain a separate local business tax receipt in this category.

Tax rate:

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a. One hundred fifty-five dollars and thirteen cents (\$155.13) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.

b. In addition, three hundred ten dollars and fifty-one cents (\$310.51) per five thousand (5,000) square feet gross floor area and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.

(8) *Category 8: Industrial.* Any business engaged in the manufacturing or production of new products or the remanufacturing and rehabilitation of used products for subsequent sale at wholesale or retail must obtain a local business tax receipt in this category.

Tax rate:

a. One hundred fifty-five dollars and thirteen cents (\$155.13) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.

b. Three hundred ten dollars and fifty-one cents (\$310.51) per five thousand (5,000) square feet gross floor area and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.

(9) *Category 9: Rental.* Any business whose income is obtained from the rental of residential dwelling units located within the City of Greenacres.

Tax rate:

a. One hundred fifty-five dollars and thirteen cents (\$155.13) per rental office; plus

b. Fifteen dollars and forty-six cents (\$15.46) per dwelling unit, with a minimum fee of thirty-eight dollars and sixty-eight cents (\$38.68) per location.

(10) *Category 10: Amusement/entertainment facility and vending.* Any business that operates a facility that offers entertainment, amusement, shows, theaters, motion pictures, or similar diversions must obtain a business tax receipt in this category. In addition, a separate business tax is imposed on each amusement, vending, or coin operated machine maintained by any business and where the amusement, vending, or coin operated machine is located within the city limits.

Tax rate:

a. One hundred fifty-five dollars and thirteen cents (\$155.13) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.

b. Three hundred ten dollars and fifty-one cents (\$310.51) per five thousand (5,000) square feet gross floor area and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.

c. Thirty dollars and ninety-four cents (\$30.94) per amusement, vending, or coin operated machine.

(11) *Category 11: Storage or warehouse.* Includes each business whose source of income is the rental of storage or warehouse space or units.

Tax rate:

a. Storage or warehouse area occupying five thousand (5,000) square feet gross floor area or less—Eighty-two dollars and sixty-nine cents (\$82.69) plus

b. Thirty-three dollars and eight cents (\$33.08) per each additional five thousand (5,000) square feet of storage or warehouse area or portion thereof.

Sec. 8-723. - Compliance with local business tax receipt adjustments permitted by state statute.

(a) F.S. § 205.0535, as amended, places limitations on local business tax receipt reclassification and local business tax amounts established by municipalities. Nothing contained in section 8-712 of this article is intended to exceed the tax reclassification limitations as established by state law. In the event the tax rates established herein exceed the maximum amount permitted by state statute, the director of building is hereby directed to reduce the amount of such local business taxes to the maximum amount permitted by law.

(b) Every two (2) years as permitted by F.S. § 205.0535, the director of development and neighborhood services or designee building is directed to submit a new schedule of local business taxes by ordinance to provide for the adjustment of these taxes as permitted by state statute.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting with the provision of this Ordinance are hereby repealed to the extent of the conflict.

SECTION 4. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 5. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

(Remaining page is intentionally left blank)

Passed on the first reading this _____ day of _____, 2022.

PASSED AND ADOPTED on the second reading this _____ day of _____ 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: June 6, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2022-16, ZTA-21-07**
Art in Public Places

BACKGROUND

A City-initiated request to amend the City's Zoning Code to provide for an art in public places program within the City. The proposed code changes provide the framework for funding the program, the process for approving the artwork, as well as the verification of the artist and artwork. Overall, private development projects will be required to provide art on site or contribute to the city's art impact fund for art on public sites within the city.

The Visioning process provided for a strategic action to provide a citywide program for art in public places. The proposed amendment provides an avenue for providing a basic art in public places program with regulations and funding.

The Land Development Staff has reviewed these text amendments and is recommending approval. The Planning Commission reviewed this staff-initiated text amendment on December 15, 2021, and recommended approval by a vote of 4-0. On May 16, 2022, City Council approved Ordinance 2022-16 on first reading with a vote of 5-0

ANALYSIS

On June 17, 2019, the City Council adopted Ordinance 2019-18 in order to institute regulations for public spaces that provided criteria for monuments and memorials within the City. The intent was to also provide a location for the creating of an art in public places program for the City.

The current amendments to Article IV, Division 3, provides for Subdivision II, Art in Public Places. The proposed code section will provide regulations for allowing public art projects within the City, creating a public art fee, setting a requirement for development project to provide art on site or contribute to the city art fund, as well as set up the process for reviewing and approving public and private art.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2022-16 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of ZTA-21-07 through the adoption of Ordinance 2022-16.

ORDINANCE NO. 2022-16

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE IV, SUPPLEMENTAL DISTRICT REGULATIONS, AMENDING DIVISION 3. PUBLIC PLACES; TO ADD SUBDIVISION II. ART IN PUBLIC PLACES; CREATING A 1% ART IN PUBLIC PLACES PROGRAM FOR CITY BEAUTIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres acknowledges the important part the arts play in the lives of its residents and visitors; and

WHEREAS, the City of Greenacres prides itself in its projects and programs in the visual and performing arts; and

WHEREAS, private developments in the city of Greenacres affect the physical and cultural environment of the city of Greenacres, its residents and visitors; and

WHEREAS, the quality of life in the city of Greenacres should be further enhanced by including a 1% allocation of funds for Art in Public Places projects for private development as part of the construction budget for certain private developments; and

WHEREAS, the objective of this ordinance is to enable the city of Greenacres to preserve its artistic heritage, to promote a community environment which provides equal and abundant opportunity for exposure to culture and fine arts in all forms, and to bring works of art into the urban landscape with the hope that directly or indirectly these works of art shall humanize, beautify, and refine the lives of its people.

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

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GREENACRES, FLORIDA, THAT:

SECTION 1. Section 1. Chapter 16, Article IV, Division 3. Public Places is herel amended as follows:

* * * * *
[Section 16-651 through 16-655 to remain unchanged and are omitted for brevity]

Secs. 16-656- 16-676 16-659. – Reserved.

Subdivision II. –Art in Public Places

Section 16-660. – Purpose.

The city recognizes the importance of public art to enhance our public spaces, promote creativity, enhance community vibrancy, and provide the public with more opportunities to experience public art. The purpose of the public art program is to establish a program for the integration of public art into both public and private spaces throughout the city. Public art will add enormous value to the cultural, aesthetic, and economic vitality of our community. It is a well-accepted principle of urban design that public art contributes to a community's identity, fosters community pride and a sense of belonging, and enhances the quality of life for its residents and visitors. The public art fund is accounted separately from other city monies to support the public art program.

Section 16-661. – Establishment of Public Art Fee.

(a) All development, redevelopment, reconstruction or remodeling projects commenced after the adoption of this article which have a construction value of \$250,000.00 or greater, shall participate in the Art in Public Places Program by paying a public art fee. For the purpose of this section, a project will be considered "commenced" when an application for review is first submitted to the city's Development & Neighborhood Services Department. The public art fee shall be equal to one percent (1%) of construction value of the project. The Building Division/Finance Department shall administer the billing and collection of the thirty percent (30%) or (.03) of the one percent (1%) of the public art fee at the time of Building Permit issuance and the seventy percent (70%) or (.07) of the one percent (1%) prior to and as a condition of issuance of the certificate of occupancy that includes the public art. One hundred percent (100%) of the public art fees collected are to be allocated to the Public art fee. All distributions for the Public art fee require the recommendation of the development review committee prior to City Council approval.

(b) The following types of projects are exempt from the payment of the public art fee:

(1) Remodeling, repair or reconstruction of structures damaged by fire, flood, wind, earthquake or other calamity determined by the City of Greenacres Building Official.

(2) Single-family and two-family in-fill housing.

(3) Normal, routine maintenance including replacement of existing damaged or failing structural or non-structural elements, HVAC, plumbing, electric, or fire detection/suppression equipment of a project not associated with an addition, renovation or new construction.

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(4) Remodeling, repair, reconstruction, or additions made after June 6, 2022 to any existing amenity, clubhouse, building, pool, park, playground and/or common area element located within an existing private residential development. This specific exemption applies retroactively to June 6, 2022.

(c) Project owners required to participate in the Art in Public Places Program may obtain reimbursement up to seventy percent (70%) of collected art fee if the following conditions are met:

(1) The owner of a development agrees to follow the City Council's recommendations to develop the art in the project; and

(2) Prior to placement on the development site, has the artwork approved by the City Council to insure that the artwork will be accessible and readily visible to the public based on location of artwork and normal traffic of vehicles/pedestrians in the proposed location; and

(3) Select an artist directly to execute a project that meets specific criteria outlined by the recommendations and guidelines document provided by the City or hire a professional consultant to select artists to commission site- specific, architecturally integrated artworks that meet specific art guidelines; or purchase artworks for permanent installation recommended by the City Council; or elect to purchase an existing artwork or commission an original artwork for donation as a gift to the City of Greenacres' public art collection.

Section 16-662. - Art in public places requirements.

(a) *Application requirements.* The applicant shall provide the information described below and any additional information requested by the development and neighborhood services department necessary to review the application pursuant to the standards of the Code.

(1) *Application forms.* The application shall be made on forms provided by the development and neighborhood services department.

(2) *Artist information.* Portfolio containing photographs of the artist's existing work, exhibition and sales history, and biography.

(3) *Miscellaneous plans, renderings, and details.* Artist's color renderings and/or photographs of proposed artwork; materials sample board; site plan depicting the proposed location of the artwork; landscape plan, if necessary, depicting additional landscaping or modifications to existing landscaping; architectural elevations, if necessary, depicting structures associated with the artwork; lighting location plan and light fixture details; or other information requested by staff, the art in public places advisory board, or the city council. All submittals shall be required to provide an accurate representation of the proposed artwork.

(b) *Violations.* Violation of this chapter shall be subject to enforcement as provided in Chapter 2, Article III, Division 2.

(c) *Requirements for art or fee in lieu of art.* All new development, except city projects, where total construction costs of all buildings on a project site are equal to or greater than \$250,000.00 shall provide art valued in an amount of 70% of the one percent of the total construction costs, as provided in this section and section 16-663, 30% of the one percent shall be deposited in the city's Public art fee. All buildings within planned developments shall be assessed cumulatively towards the art in public places requirement, even if they are

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permitted or owned separately. If the aggregate cost of the entire project exceeds the \$250,000.00 threshold, each phase of development shall contribute the required one percent of construction cost towards art in public places for the building project. The art fee for redevelopment of an existing building shall be calculated based on the construction costs of the new development, excluding the assessed value of the existing buildings that are replaced or redeveloped.

(1) *Private development.* A private developer may choose either to provide artwork on the project site with a budget of 70% of the one percent fee for art or to contribute one percent of the total construction costs to the city's Public art fee. The city's Public art fee shall be interest bearing with all interest to be retained by the city.

a. *Contribution of art.* If the developer chooses to provide artwork, the *development review committee* shall review the proposed artwork and shall recommend to the city council whether to approve, deny, or approve with conditions the selection and location of the artwork according to the standards of this division. The artwork shall be provided as follows:

1. *Deposit of funds.* The Building Division/Finance Department shall administer the billing and collection of the thirty percent (30%) of the one percent (1%) of the public art fee at the time of Building Permit issuance to the Public art fee. The developer shall submit documentation to the city showing that a deposit was made in the amount of the 70% of the one percent fee with the developer's attorney into an escrow account in an amount of money equal to 70% of the one percent art fee prior to the issuance of the first building permit. The developer's attorney will furnish the city documentation of the withdrawals for payment of art fees in accordance with the terms of the contract between the developer and the artist or artists, or the developer's arts consultants. The developer and/or the developer's attorney will provide the city a final written certification and accounting of the payment of art and consulting fees at the conclusion of the placement of artwork. This certification shall be provided in a manner acceptable to the city.
2. *Surplus balance.* Any surplus balance existing in the escrow accounts after the developer has installed the required artwork shall be collected by the city. The surplus balance shall be held in a segregated, interest-bearing fund (the "Public art fee"), and shall be used for the provision of additional art work at the construction site or another site within the city. Use of such funds shall be determined by the city council, following a recommendation by the city staff, and shall be in accordance with further provisions of this division.
3. *Artist selection.* The selection and commissions of the artists shall be by written contract between the developer and artists.
4. *Art consultant.* The developer may utilize up to 12 percent of the required fee to retain an art consultant to assist in the selection and procurement of required artwork; an additional three percent of the required fee shall be used to pay the city for administering the art in public places program. The art consultant shall have no financial relationship with the artist, nor any ownership in artwork purchased by the developer. The artist shall be allowed to act as the art consultant for the art petition but shall be precluded from receiving the art consultant fee.

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5. Construction cost overruns. Prior to the issuance of the final certificate of occupancy for a project, the developer shall submit a revised construction cost certification. If the final cost of the vertical construction for the entire project is higher than the cost figure used to calculate the preliminary art budget, the art budget shall be increased as necessary to equal one percent of the actual defined total vertical construction cost for the project. The art budget shall be revised within 30 calendar days of any such changes. The increase in the art budget due to the final increase of the vertical construction cost for the entire project shall be placed in the city Public art fee or shall be used for the provision of art on site, at the option of the developer.
6. Appraisal. To establish the value of art submitted to comply with this division, the city may employ an independent art appraiser to provide a written appraisal of the art submitted. Such appraisal will be paid for by the developer as part of the overall art contribution.
7. Artwork purchased pursuant to the requirements of this section belongs to the property owner and shall be insured and maintained in good condition at all times as determined by the city's code enforcement official. Maintenance shall include any associated landscaping or related improvements. The city has the right to maintain any art it deems improperly maintained and charge the owner the cost of such maintenance, including cost of collection, interest, and attorney's fees.
8. Unless an alternative deadline is established in a development order, or a time extension is granted by the director of development and neighborhood services, no certificate of occupancy for the project shall be issued until the artwork is installed and the final certification and accounting of the payment of the escrow fees has been provided. Artwork installed in accordance with this division cannot be altered or removed from the site without approval of the city council.
9. The artist of approved artwork shall grant to the City of Greenacres an unlimited, perpetual, non-exclusive, royalty-free, irrevocable license to reproduce and distribute two-dimensional reproductions of the artwork for city-related purposes, and grant to the city the exclusive irrevocable ownership rights in any trademark, service mark, or trade dress rights regarding the artwork, pursuant to a license that shall be approved by the city attorney. City approval of the artwork shall be deemed to be a grant of the artist for authorization by third parties to review and reproduce documents provided by the artist to the city which are deemed to be public records pursuant to public record laws of the state. The city shall also have the option of referring to the name and title of the artist and artwork in reproductions.
10. Review by the development review committee.
 - A. Workshop. The applicant shall appear before the development review committee in order to receive guidance in the initial stages of the review. In this case, the applicant shall choose between two types of review described below:
 - i. The applicant may appear before the committee in order to receive more detailed direction, if the applicant does not have a set direction, prior to receiving a final recommendation by the committee. The applicant is strongly encouraged to submit the portfolios of up to three artists. The portfolios shall contain photographs of the artists' existing works, as well as the artists' biographies; or

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- ii. The applicant may have a set direction regarding the artwork and may appear before the committee for preliminary comments prior to receiving the committee's final recommendation. The applicant shall submit the portfolio of the proposed artist which shall contain photographs of the artist's existing works, as well as the artist's biography.
 - B. Criteria for review of artwork by the committee. In making its recommendation to the city council, the committee shall consider the quality of the artwork; the exhibition and sales history of the artist; the artist's works in public collections and previous public art purchases or commissions; the ability of the artist to complete the project within a specified schedule; and the compliance with the standards of this division.
 - C. Guidelines. The development review committee may adopt art in public places implementation guidelines to assist both the public and private sector planning activities.
- 11. Review by staff. In making recommendations to the development review committee and to the city council, staff shall consider the standards of this division in association with sound planning principles.
- 12. In the case of redevelopment of a property which has contributed artwork on the site pursuant to this article, the artwork may be replaced, at the option of the developer, with new artwork pursuant to this article, or the existing artwork may remain on the site. In the latter case, the value of the existing artwork and its placement must comply with this article as if it were new artwork.
 - b. Fee in lieu of artwork. Instead of providing artwork on the project site, a developer may choose to contribute one (1) percent of the total construction costs as the required art fee. If the contribution is made, the contribution shall be placed in the city's Public art fee fund and used as provided in subsection 16-662(c)(2). The contributor shall have no input in the use of such funds.
- (2) Public Art Fee Fund. When the developer provides a fee in lieu of artwork pursuant to subsection 16-662(c)(1)b. and pays the 30% of the one percent when providing art on site, the following shall apply to the use of the funds:
 - a. The fee shall be placed in the city's Public art fee fund. Funds from the public art fee fund may be spent anywhere in the city, and such funds may be spent on any art or art-related costs such as, but not limited to, lighting, consulting, landscaping, aesthetic features or enhancements, maintenance of art work, and to promote public art and the public art process in the city.
 - b. Artist selection. The city council may choose either to select an artist through a call-to-artist process or to procure works of art through commission via written contract with a specific artist for a specific work of art.
 - i. Call to artists. If a preferred artist has not been determined, the city may issue a call to artists to procure a work or works of art. A selection committee will review the submitted proposals and shall select at least two finalists for consideration by the city council. The city council shall review the finalists'

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- proposals and make a final determination on the selection and commission of the artist and the artwork. The selection and commission of the artist and artwork shall be by written contract between the city and the artist. Final decision-making authority regarding the artwork and artist shall be at the sole discretion of the city council.
- ii. *Artist/artwork selection.* The city may utilize funds allocated from the Public art fee to retain a specific artist for a specific artwork on city-owned land, a city-owned building, a facility that is leased or rented by the city or on any property where the city has granted permission by the property owner. The selection and commission of the artist and artwork shall be by written contract between the city and artist. Final decision-making authority regarding the artwork and artist shall be at the sole discretion of the city council.
 - iii. *Contracts for artwork.* Artists, as a part of any commission or contract with the city for the provision of artwork, shall be required to submit to the city a "maintenance and inventory sheet," which shall include an annual cost estimate for the annual maintenance necessary in order to properly preserve and maintain the artwork in substantially the same condition that it was in when accepted by the city.
- c. Use of purchased art. All artwork purchased by the city-required art fee contribution shall be displayed on city-owned land, a city-owned building, or a city-leased or rented facility unless otherwise approved by the city. The artwork shall be displayed in a visually accessible location, which shall be suitable to the design of the site, in order for the public to receive the most enjoyment and benefit from the art.
 - d. Art consultant. The city may utilize funds allocated from the art account to retain an art consultant. The artist shall be allowed to act as the art consultant but shall be precluded from receiving the art consultant fee.
 - e. Proper insurance coverage shall be maintained by the city on artwork purchased with funds generated by this article or on artwork whose ownership has been transferred to the city. The artwork owned by the city shall be maintained by the city.
 - f. Maintenance of artwork. The Public art fee fund shall be utilized to cover the costs of acquiring and maintaining public works of art purchased for display on city-owned, -leased, or -rented property/buildings, or on any property where the city has been granted permission by the property owner.
 - i. *Public art maintenance fund.* The city council shall designate portions of the public art fee fund in order to provide for the maintenance and upkeep of all publicly-owned works of art in order to ensure that proper preservation and maintenance is provided.
 - ii. *Art maintenance requirement.* When the city council approves the acquisition of a public work of art, the city council shall designate funds from the public art fund dedicated to the continual maintenance and preservation of the subject work of art for a period of no less than 25 years.
 - iii. *Maintenance funds.* Maintenance funds may be expended to cover any and all expenses reasonably associated with the maintenance and preservation of public works of art.

Sec. 16-663. - Standards for artwork.

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- (a) Artwork shall be displayed in a visually accessible location, which shall be suitable to the design of the site, in order for the public to receive the most enjoyment and benefit from the art.
- (b) Artwork shall be integrated into the overall planning and design for a structure or project and shall be compatible with the intent and purpose of the structure at which the work or works are located.
- (c) Artwork shall be integrated into the overall landscaping plan, and landscaping shall be utilized to enhance the visibility of such works.
- (d) Artwork shall be lighted at a minimum from dusk until midnight. The lighting shall be designed and located in order to prevent excessive lighting, energy waste, glare, light trespass, and sky glow.
- (e) Artwork installed pursuant to the division cannot be altered or removed from the site without approval of the city council.
- (f) Maintenance. Artwork shall be maintained in good condition at all times, including any associated landscaping or related improvements.
- (g) All artwork purchased from the public art fund shall be displayed on city-owned land, a city-owned building, or a city-leased or -rented facility.
- (h) Zoning and building consideration. Consideration shall be given to project zoning. Permits and building approval shall be obtained, when necessary, and shall be in compliance with the Florida Building Code, the National Electric Code, and the previously-approved plans by city council.

Sec. 16-664. - Definitions of art.

The following words, terms, and phrases, when used in this subsection, shall have the meanings ascribed herein except where the context clearly indicates a different meaning:

Art, artwork, or works of art means all tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, and includes all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, painting, sculpture, fountains, engraving, carving, frescos, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, artist-designed seating, or other functional art pieces and collaborative design projects between architects and/or landscape architects and artists, together with all hard costs and soft costs such as, but not limited to, lighting, landscaping, or other aesthetic effects or enhancements integrated with the art and approved by the growth management administrator. The city council shall not consider for approval art objects which are mass-produced in unlimited quantities. Artwork may include, but is not limited to:

- (1) Sculpture: Free-standing, wall supported or suspended; kinetic, electronic; in any material or combination of materials.
- (2) Murals or portable paintings: In any material or variety of materials.
- (3) Fiber works, neon, glass, mosaics, photographs, prints, calligraphy, earthworks, any combination of forms of media, including: Light, sound, literary elements, film, holographic images, and video systems; hybrids of any media and new genres.

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Page No. 9

- (4) Furnishings or fixtures, including, but not limited to: gates, railings, lighting, street lights, signage, seating, if created by artists as unique elements or limited editions.
- (5) Culturally significant elements.
- (6) Temporary artwork or installations, that serve the purpose of providing community and educational outreach.

Ineligible artwork. The following shall not be considered artwork:

- (1) Art objects which are mass produced or of standard manufacture, such as playground equipment, fountains, statuary elements, signage, maps, corporate logos or other functional elements, unless incorporated into an artwork by an artist commissioned for that purpose.
- (2) Reproductions, by mechanical or other means, of original artwork, except in the cases of limited editions controlled by the artist, cast sculpture, film, video, photography, printmaking, or other media arts.
- (3) Decorative, ornamental, architectural, or functional elements of the architecture or landscape design which are designed by the building architect. as opposed to elements created by an artist commissioned for that purpose. Such elements may be considered artwork when commissioned from an artist as an integral aspect of the structure or site.
- (4) Commercial expression, including design elements related to the visual identity of a developer or occupant of a building such as a logo, trademark iconography, color scheme or theme, even if created by an artist.
- (5) Services or utilities necessary to operate and maintain an artwork over time.

Development, as it pertains to art means any project to construct or remodel any private or public development, except residential and/or residential components of mixed-use development, or any portion thereof within the limits of the city, where total construction costs equal or exceed two hundred and fifty thousand dollars (\$250,000.00).

Remodeling or conversion, as it pertains to art means alterations made to a building within any twelve month period, including, but not limited to, changes to the facade of a building, changes to the interior of a building, increases or decreases in the floor area of a building and changes to exterior improvements.

Secs. 16-665—16-676. - Reserved.

[Sections 16-578 through 16-589 to remain unchanged and are omitted for brevity]

* * * * *

SECTION 2. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 4. Inclusion in Code. It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

SECTION 5. Effective Date

The provisions of this Ordinance shall become effective five (5) days after it is adopted.

Passed on the first reading this 16th day of May, 2022.

PASSED AND ADOPTED on the second reading this 6th day of June, 2022.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Suzy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ZTA-21-07 (Ord. 2022-16)
Exhibit "A"
Date: December 8, 2021

Revised: 12/15/2021
05/06/2022
05/16/2022

	LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2022-16: ZTA-21-07 Art in Public Places

First Reading: A City-initiated text amendment to the Zoning Code in order to provide changes to the Public Places division to create an Art in Public Places Program for the City of Greenacres.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p>Originating Department:</p> <p>Planning & Engineering</p> <p>Project Manager</p> <p>_____</p> <p>Kara L. Irwin-Ferris, AICP</p>	<p>Reviewed By:</p> <p>Director of Planning & Engineering</p> <p>_____</p> <p>Kara L. Irwin-Ferris, AICP</p>
<p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Dates: PC Hearing – 12/2/21</p> <p style="padding-left: 40px;">CC Hearing – 5/26/22</p> <p>Papers: Lake Worth Herald</p> <p>Mailing</p> <p><input type="checkbox"/> Required</p> <p><input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance: _____</p>

<p>Attachments:</p> <ul style="list-style-type: none"> • Ordinance 2022-16 	<p>City Council Action:</p> <p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Approve with conditions</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Continued to: _____</p>
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I. Executive Summary

A City-initiated request to amend the City's Zoning Code to provide for an art in public places program within the City. The proposed code changes provide the framework for funding the program, the process for approving the artwork, as well as the verification of the artist and artwork. Overall, private development projects will be required to provide art on site or contribute to the city's public art fund for art on public sites within the city.

II. Background

The Visioning process provided for a strategic action to provide a citywide program for art in public places. The proposed amendment provides an avenue for providing a basic art in public places program with regulations and funding.

III. Proposed Zoning Code Amendments:

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Text shown in ~~strike through~~ is to be deleted. Text shown in underline is to be added.

Proposed Change #1

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 3. - PUBLIC PLACES

Subdivision I. -Placement of Memorials and Monuments on City Property

[Section 16-651 through 16-655 to remain unchanged and are omitted for brevity]

Secs. 16-656- ~~16-676~~ 16-659. – Reserved.

Subdivision II. –Art in Public Places

Section 16-660. – Purpose.

The city recognizes the importance of public art to enhance our public spaces, promote creativity, enhance community vibrancy, and provide the public with more opportunities to experience public art. The purpose of the public art program is to establish a program for the integration of public art into both public and private spaces throughout the city. Public art will add enormous value to the cultural, aesthetic, and economic vitality of our community. It is a well-accepted principle of urban design that public art contributes to a community's identity, fosters community pride and a sense of belonging, and enhances the quality of life for its residents and visitors. The public art fund is accounted separately from other city monies to support the public art program.

Section 16-661. – Establishment of Public Art Fee.

(a) All development, redevelopment, reconstruction or remodeling projects commenced after the adoption of this article which have a construction value of \$250,000.00 or greater, shall participate in the Art in Public Places Program by paying a public art fee. For the purpose of this section, a project will be considered "commenced" when an application for review is first submitted to the city's Development & Neighborhood Services Department. The public art fee shall be equal to one percent (1%) of construction value of the project. The Building Division/Finance Department shall administer the billing and collection of the thirty percent (30%) or (.03) of the one percent (1%) of the public art fee at the time of Building Permit issuance and the seventy percent (70%) or (.07) of the one percent (1%) prior to and as a condition of issuance of the certificate of occupancy that includes the public art. One hundred percent (100%) of the public art fees collected are to be allocated to the Public Art Fund. All distributions for the Public Art Fund require the recommendation of the development review committee prior to City Council approval.

(b) The following types of projects are exempt from the payment of the public art fee:

(1) Remodeling, repair or reconstruction of structures damaged by fire, flood, wind, earthquake or other calamity determined by the City of Greenacres Building Official.

(2) Single-family and two-family in-fill housing.

(3) Normal, routine maintenance including replacement of existing damaged or failing structural or non-structural elements, HVAC, plumbing, electric, or fire detection/suppression equipment of a project not associated with an addition, renovation or new construction.

(4) Remodeling, repair, reconstruction, or additions made after June 6, 2022 to any existing amenity, clubhouse, building, pool, park, playground and/or common area element located within an existing private residential development. This specific exemption applies retroactively to June 6, 2022.

(c) Project owners required to participate in the Art in Public Places Program may obtain reimbursement up to seventy percent (70%) of collected art fee if the following conditions are met:

(1) The owner of a development agrees to follow the City Council's recommendations to develop the art in the project; and

(2) Prior to placement on the development site, has the artwork approved by the City Council to insure that the artwork will be accessible and readily visible to the public based on location of artwork and normal traffic of vehicles/pedestrians in the proposed location; and

(3) Select an artist directly to execute a project that meets specific criteria outlined by the recommendations and guidelines document provided by the City or hire a professional consultant to select artists to commission site- specific, architecturally integrated artworks that meet specific art guidelines; or purchase artworks for permanent installation recommended by the City Council; or elect to purchase an existing artwork or commission an original artwork for donation as a gift to the City of Greenacres' public art collection.

Section 16-662. - Art in public places requirements.

(a) *Application requirements.* The applicant shall provide the information described below and any additional information requested by the development and neighborhood services department necessary to review the application pursuant to the standards of the Code.

- (1) Application forms. The application shall be made on forms provided by the development and neighborhood services department.
- (2) Artist information. Portfolio containing photographs of the artist's existing work, exhibition and sales history, and biography.
- (3) Miscellaneous plans, renderings, and details. Artist's color renderings and/or photographs of proposed artwork; materials sample board; site plan depicting the proposed location of the artwork; landscape plan, if necessary, depicting additional landscaping or modifications to existing landscaping; architectural elevations, if necessary, depicting structures associated with the artwork; lighting location plan and light fixture details; or other information requested by staff, the art in public places advisory board, or the city council. All submittals shall be required to provide an accurate representation of the proposed artwork.
- (b) Violations. Violation of this chapter shall be subject to enforcement as provided in Chapter 2, Article III, Division 2.
- (c) Requirements for art or fee in lieu of art. All new development, except city projects, where total construction costs of all buildings on a project site are equal to or greater than \$250,000.00 shall provide art valued in an amount of 70% of the one percent of the total construction costs, as provided in this section and section 16-663, 30% of the one percent shall be deposited in the city's Public Art Fund. All buildings within planned developments shall be assessed cumulatively towards the art in public places requirement, even if they are permitted or owned separately. If the aggregate cost of the entire project exceeds the \$250,000.00 threshold, each phase of development shall contribute the required one percent of construction cost towards art in public places for the building project. The art fee for redevelopment of an existing building shall be calculated based on the construction costs of the new development, excluding the assessed value of the existing buildings that are replaced or redeveloped.
- (1) Private development. A private developer may choose either to provide artwork on the project site with a budget of 70% of the one percent fee for art or to contribute one percent of the total construction costs to the city's public art fund. The city's public art fund shall be interest bearing with all interest to be retained by the city.
- a. Contribution of art. If the developer chooses to provide artwork, the development review committee shall review the proposed artwork and shall recommend to the city council whether to approve, deny, or approve with conditions the selection and location of the artwork according to the standards of this division. The artwork shall be provided as follows:
1. Deposit of funds. The Building Division/Finance Department shall administer the billing and collection of the thirty percent (30%) of the one percent (1%) of the public art fee at the time of Building Permit issuance to the Public Art Fund. The developer shall submit documentation to the city showing that a deposit was made in the amount of the 70% of the one percent fee with the developer's attorney into an escrow account in an amount of money equal to 70% of the one percent art fee prior to the issuance of the first building permit. The developer's attorney will furnish the city documentation of the withdrawals for payment of

- art fees in accordance with the terms of the contract between the developer and the artist or artists, or the developer's arts consultants. The developer and/or the developer's attorney will provide the city a final written certification and accounting of the payment of art and consulting fees at the conclusion of the placement of artwork. This certification shall be provided in a manner acceptable to the city.
2. Surplus balance. Any surplus balance existing in the escrow accounts after the developer has installed the required artwork shall be collected by the city. The surplus balance shall be held in a segregated, interest-bearing fund (the "public art fund"), and shall be used for the provision of additional art work at the construction site or another site within the city. Use of such funds shall be determined by the city council, following a recommendation by the city staff, and shall be in accordance with further provisions of this division.
 3. Artist selection. The selection and commissions of the artists shall be by written contract between the developer and artists.
 4. Art consultant. The developer may utilize up to 12 percent of the required fee to retain an art consultant to assist in the selection and procurement of required artwork; an additional three percent of the required fee shall be used to pay the city for administering the art in public places program. The art consultant shall have no financial relationship with the artist, nor any ownership in artwork purchased by the developer. The artist shall be allowed to act as the art consultant for the art petition but shall be precluded from receiving the art consultant fee.
 5. Construction cost overruns. Prior to the issuance of the final certificate of occupancy for a project, the developer shall submit a revised construction cost certification. If the final cost of the vertical construction for the entire project is higher than the cost figure used to calculate the preliminary art budget, the art budget shall be increased as necessary to equal one percent of the actual defined total vertical construction cost for the project. The art budget shall be revised within 30 calendar days of any such changes. The increase in the art budget due to the final increase of the vertical construction cost for the entire project shall be placed in the city public art fund or shall be used for the provision of art on site, at the option of the developer.
 6. Appraisal. To establish the value of art submitted to comply with this division, the city may employ an independent art appraiser to provide a written appraisal of the art submitted. Such appraisal will be paid for by the developer as part of the overall art contribution.
 7. Artwork purchased pursuant to the requirements of this section belongs to the property owner and shall be insured and maintained in good condition at all times as determined by the city's code enforcement official. Maintenance shall include any associated landscaping or related improvements. The city has the right to maintain any art it deems improperly maintained and charge the owner the cost of such maintenance, including cost of collection, interest, and attorney's fees.
 8. Unless an alternative deadline is established in a development order, or a time extension is granted by the director of development and neighborhood services, no certificate of occupancy for the project shall be issued until the artwork is installed and the final certification and accounting of the payment of the escrow

fees has been provided. Artwork installed in accordance with this division cannot be altered or removed from the site without approval of the city council.

9. The artist of approved artwork shall grant to the City of Greenacres an unlimited, perpetual, non-exclusive, royalty-free, irrevocable license to reproduce and distribute two-dimensional reproductions of the artwork for city-related purposes, and grant to the city the exclusive irrevocable ownership rights in any trademark, service mark, or trade dress rights regarding the artwork, pursuant to a license that shall be approved by the city attorney. City approval of the artwork shall be deemed to be a grant of the artist for authorization by third parties to review and reproduce documents provided by the artist to the city which are deemed to be public records pursuant to public record laws of the state. The city shall also have the option of referring to the name and title of the artist and artwork in reproductions.
10. Review by the development review committee.
 - A. *Workshop.* The applicant shall appear before the development review committee in order to receive guidance in the initial stages of the review. In this case, the applicant shall choose between two types of review described below:
 - i. The applicant may appear before the committee in order to receive more detailed direction, if the applicant does not have a set direction, prior to receiving a final recommendation by the committee. The applicant is strongly encouraged to submit the portfolios of up to three artists. The portfolios shall contain photographs of the artists' existing works, as well as the artists' biographies; or
 - ii. The applicant may have a set direction regarding the artwork and may appear before the committee for preliminary comments prior to receiving the committee's final recommendation. The applicant shall submit the portfolio of the proposed artist which shall contain photographs of the artist's existing works, as well as the artist's biography.
 - B. *Criteria for review of artwork by the committee.* In making its recommendation to the city council, the committee shall consider the quality of the artwork; the exhibition and sales history of the artist; the artist's works in public collections and previous public art purchases or commissions; the ability of the artist to complete the project within a specified schedule; and the compliance with the standards of this division.
 - C. *Guidelines.* The development review committee may adopt art in public places implementation guidelines to assist both the public and private sector planning activities.
11. Review by staff. In making recommendations to the development review committee and to the city council, staff shall consider the standards of this division in association with sound planning principles.
12. In the case of redevelopment of a property which has contributed artwork on the site pursuant to this article, the artwork may be replaced, at the option of the

developer, with new artwork pursuant to this article, or the existing artwork may remain on the site. In the latter case, the value of the existing artwork and its placement must comply with this article as if it were new artwork.

- b. *Fee in lieu of artwork.* Instead of providing artwork on the project site, a developer may choose to contribute one (1) percent of the total construction costs as the required art fee. If the contribution is made, the contribution shall be placed in the city's public art fund and used as provided in subsection 16-662(c)(2). The contributor shall have no input in the use of such funds.
- (2) *Public art fund.* When the developer provides a fee in lieu of artwork pursuant to subsection 16-662(c)(1)b. and pays the 30% of the one percent when providing art on site, the following shall apply to the use of the funds:
- a. The fee shall be placed in the city's public art fund. Funds from the public art fund may be spent anywhere in the city, and such funds may be spent on any art or art-related costs such as, but not limited to, lighting, consulting, landscaping, aesthetic features or enhancements, maintenance of art work, and to promote public art and the public art process in the city.
- b. Artist selection. The city council may choose either to select an artist through a call-to-artist process or to procure works of art through commission via written contract with a specific artist for a specific work of art.
- i. *Call to artists.* If a preferred artist has not been determined, the city may issue a call to artists to procure a work or works of art. A selection committee will review the submitted proposals and shall select at least two finalists for consideration by the city council. The city council shall review the finalists' proposals and make a final determination on the selection and commission of the artist and the artwork. The selection and commission of the artist and artwork shall be by written contract between the city and the artist. Final decision-making authority regarding the artwork and artist shall be at the sole discretion of the city council.
- ii. *Artist/artwork selection.* The city may utilize funds allocated from the public art fund to retain a specific artist for a specific artwork on city-owned land, a city-owned building, a facility that is leased or rented by the city or on any property where the city has granted permission by the property owner. The selection and commission of the artist and artwork shall be by written contract between the city and artist. Final decision-making authority regarding the artwork and artist shall be at the sole discretion of the city council.
- iii. *Contracts for artwork.* Artists, as a part of any commission or contract with the city for the provision of artwork, shall be required to submit to the city a "maintenance and inventory sheet," which shall include an annual cost estimate for the annual maintenance necessary in order to properly preserve and maintain the artwork in substantially the same condition that it was in when accepted by the city.
- c. Use of purchased art. All artwork purchased by the city-required art fee contribution shall be displayed on city-owned land, a city-owned building, or a city-leased or rented facility unless otherwise approved by the city. The artwork shall be displayed

in a visually accessible location, which shall be suitable to the design of the site, in order for the public to receive the most enjoyment and benefit from the art.

- d. Art consultant. The city may utilize funds allocated from the art account to retain an art consultant. The artist shall be allowed to act as the art consultant but shall be precluded from receiving the art consultant fee.
- e. Proper insurance coverage shall be maintained by the city on artwork purchased with funds generated by this article or on artwork whose ownership has been transferred to the city. The artwork owned by the city shall be maintained by the city.
- f. Maintenance of artwork. The public art fund shall be utilized to cover the costs of acquiring and maintaining public works of art purchased for display on city-owned, -leased, or -rented property/buildings, or on any property where the city has been granted permission by the property owner.
- i. Public art maintenance fund. The city council shall designate portions of the public art fund in order to provide for the maintenance and upkeep of all publicly-owned works of art in order to ensure that proper preservation and maintenance is provided.
- ii. Art maintenance requirement. When the city council approves the acquisition of a public work of art, the city council shall designate funds from the public art fund dedicated to the continual maintenance and preservation of the subject work of art for a period of no less than 25 years.
- iii. Maintenance funds. Maintenance funds may be expended to cover any and all expenses reasonably associated with the maintenance and preservation of public works of art.

Sec. 16-663. - Standards for artwork.

- (a) Artwork shall be displayed in a visually accessible location, which shall be suitable to the design of the site, in order for the public to receive the most enjoyment and benefit from the art.
- (b) Artwork shall be integrated into the overall planning and design for a structure or project and shall be compatible with the intent and purpose of the structure at which the work or works are located.
- (c) Artwork shall be integrated into the overall landscaping plan, and landscaping shall be utilized to enhance the visibility of such works.
- (d) Artwork shall be lighted at a minimum from dusk until midnight. The lighting shall be designed and located in order to prevent excessive lighting, energy waste, glare, light trespass, and sky glow.
- (e) Artwork installed pursuant to the division cannot be altered or removed from the site without approval of the city council.
- (f) Maintenance. Artwork shall be maintained in good condition at all times, including any associated landscaping or related improvements.
- (g) All artwork purchased from the public art fund shall be displayed on city-owned land, a city-owned building, or a city-leased or -rented facility.
- (h) Zoning and building consideration. Consideration shall be given to project zoning. Permits and building approval shall be obtained, when necessary, and shall be in compliance with the

Florida Building Code, the National Electric Code, and the previously-approved plans by city council.

Sec. 16-664. - Definitions of art.

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- (1) Sculpture: Free-standing, wall supported or suspended; kinetic, electronic; in any material or combination of materials.
- (2) Murals or portable paintings: In any material or variety of materials.
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- (4) Furnishings or fixtures, including, but not limited to: gates, railings, lighting, street lights, signage, seating, if created by artists as unique elements or limited editions.
- (5) Culturally significant elements.
- (6) Temporary artwork or installations, that serve the purpose of providing community and educational outreach.

Ineligible artwork. The following shall not be considered artwork:

- (1) Art objects which are mass produced or of standard manufacture, such as playground equipment, fountains, statuary elements, signage, maps, corporate logos or other functional elements, unless incorporated into an artwork by an artist commissioned for that purpose.
- (2) Reproductions, by mechanical or other means, of original artwork, except in the cases of limited editions controlled by the artist, cast sculpture, film, video, photography, printmaking, or other media arts.
- (3) Decorative, ornamental, architectural, or functional elements of the architecture or landscape design which are designed by the building architect, as opposed to elements created by an artist commissioned for that purpose. Such elements may be considered artwork when commissioned from an artist as an integral aspect of the structure or site.

(4) Commercial expression, including design elements related to the visual identity of a developer or occupant of a building such as a logo, trademark iconography, color scheme or theme, even if created by an artist.

(5) Services or utilities necessary to operate and maintain an artwork over time.

Development, as it pertains to art means any project to construct or remodel any private or public development, except residential and/or residential components of mixed-use development, or any portion thereof within the limits of the city, where total construction costs equal or exceed two hundred and fifty thousand dollars (\$250,000.00).

Remodeling or conversion, as it pertains to art means alterations made to a building within any twelve month period, including, but not limited to, changes to the facade of a building, changes to the interior of a building, increases or decreases in the floor area of a building and changes to exterior improvements.

Secs. 16-665—16-676. - Reserved.

[Sections 16-578 through 16-589 to remain unchanged and are omitted for brevity]

* * * * *

III. Staff Analysis:

On June 17, 2019, the City Council adopted Ordinance 2019-18 in order to institute regulations for public spaces that provided criteria for monuments and memorials within the City. The intent was to also provide a location for the creating of an art in public places program for the City.

The current amendments to Article IV, Division 3, provides for Subdivision II, Art in Public Places. The proposed code section will provide regulations for allowing public art projects within the City, creating a public art fund, setting a requirement for development project to provide art on site or contribute to the city funds, as well as set up the process for reviewing and approving public and private art in the city.

Land Development Staff Comments:

The petition was reviewed by the Land Development Staff on November 12, 2021 and recommended for approval.

- Planning and Engineering Department: No objections.
- Building Department: No objections.
- PBSO District 16: No objections.
- Fire Rescue Department: No objections.
- Public Works Department: No objections.

IV. Zoning Text Amendment Criteria:

A. *The need and justification for these changes:*

The principal intent of these proposed text amendments to the Zoning Code is to create an Art in Public Places program for the City. The proposed amendment will provide for a funding source and regulations for the placement of art on public and private properties in the city.

B. *The relationship of the proposed amendments to the purpose and objectives of the City's Comprehensive Plan, and whether the proposed change will further the purposes of the City's Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendments are consistent with the City's Comprehensive Plan and will further the purposes of the City's Zoning Code regulations and other City codes. The change promotes and improves the public health, safety, comfort, good order, appearance and general welfare of the citizens of the city.

V. Staff Recommendation:

Approval of ZTA-21-07 through the adoption of Ordinance 2022-16.

PLANNING COMMISSION RECOMMENDATION – December 15, 2021

The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Robarts, by a vote of four (4) to zero (0) recommended approval of Zoning Text Amendment **ZTA-21-07** (*Art in Public Places*) as presented by staff.

CITY COUNCIL ACTION First Reading – May 16, 2022

The City Council on a motion made by Councilmember Noble and seconded by Councilmember Tharp, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-21-07** through Ordinance 2022-16 on first reading as presented by staff.

CITY COUNCIL ACTION Second Reading – June 6, 2022



ITEM SUMMARY

MEETING DATE: June 6, 2022

FROM: Andrea McCue, City Manager & Glen Torcivia, City Attorney

SUBJECT: Landlord/Tenant Notice Requirements Ordinance

BACKGROUND

Over the past year, the City has witnessed substantial and steady increases in residential rental rates within the City. The Council has been searching for ways to assist rental tenants in the City knowing the likelihood of a rent control ordinance is difficult at best given the state's preemption of such ordinances and the statutory requirement of a referendum each year such ordinance is to be adopted.

ANALYSIS

Based on direction provided by the Council, the City Attorney drafted a Landlord/Tenant Notice Ordinance for consideration. The Landlord/Tenant Notice Ordinance seeks to assist residential rental tenants in the City in two ways. First, due to concerns with availability of rentals and substantial increases in rental rates, the ordinance will require residential landlords in the City to give 60 days prior written notice of termination to all tenants with a month-to-month tenancy without a specific duration (i.e., term). The notice will need to be provided prior to the end of any monthly period. Currently, section 83.57, Florida Statutes, only requires 15 days prior notice before a month-to-month tenancy without a set duration may be terminated. Secondly, due to the significant increases in rental rates, the ordinance will require residential landlords to give 60 days prior written notice to all residential tenants with a set lease term, or a month-to-month tenancy without a specific duration, of a proposed rental rate increase that exceeds five percent (5%). This ensures that tenants with a set lease term and monthly tenants without a set lease term are given fair notice (60 days) of any potential rent increase before the rental increase commences. Currently, there is no law that requires such notice.

FINANCIAL INFORMATION

No cost associated with adopted of Ordinance 2022-18

LEGAL

The City Attorney has drafted and reviewed the ordinance for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2022-18.

ORDINANCE NO. 2022-18

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 9 “MISCELLANEOUS OFFENSES,” BY ADOPTING ARTICLE III “LANDLORD/TENANT NOTICE REQUIREMENTS,” SECTION 9-30 “NOTICE OF TERMINATION OF MONTHLY RESIDENTIAL TENANCY WITHOUT SPECIFIC DURATION” AND SECTION 9-31 “WRITTEN NOTIFICATION REQUIREMENTS RELATED TO RENTAL PAYMENT INCREASES FOR RENTAL TENANCIES,” TO REQUIRE 60-DAYS’ WRITTEN NOTICE FOR TERMINATION OF CERTAIN TENANCIES AND INCREASES IN RENTAL RATES; PROVIDING FOR SEVERABILITY, PRESERVATION, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, like other cities in South Florida, over the past year, the City has witnessed a significant and steady increase in rental rates being paid by tenants; and

WHEREAS, the Mayor and Council Members have heard from members of the public regarding unreasonable increases in rental rates within the City and Palm Beach County; and

WHEREAS, according to data from CoStar Group, a provider of multi-family home real estate information, rental rates in Palm Beach County in November 2021 increased 31% from prior year rental rates in 2020; and

WHEREAS, data from Zumper, RedFin and Apartment List found similar numbers with increases in rental rates from 2020 to 2021; and

WHEREAS, as reported by the Sun Sentinel on March 23, 2022, research from three (3) Florida colleges reveals that renters in South Florida are paying 18.98% more than what they should be; and

WHEREAS, in the same article by the Sun Sentinel it was reported that a five percent (5%) increase in rent is a normal annual increase in rental rates; and

WHEREAS, the most recent housing assessments conducted by Florida International University, from 2018 to 2020, showed that in Palm Beach County, 52.7% of renters’ households are severely cost-burdened; and

Ordinance No. 2022-18 | Landlord/Tenant Notice Requirements

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WHEREAS, according to the US Census Bureau, rental vacancy rates during the fourth quarter of 2021 fell to 5.6%, the lowest since 1984; and

WHEREAS, a decrease in available rentals is exacerbating the increases in rent as landlords have a lack of empty units and empty units usually help to maintain the affordability of the rental rates; and

WHEREAS, since the State has preempted the area of rent control and the statutory process to adopt a rent control ordinance requires a referendum each year, the City has very limited realistic options to assist renters with unreasonable increases in rent; and

WHEREAS, Part II of Chapter 83, Florida Statutes, which is commonly known as “Florida Residential Landlord and Tenant Act” (“Act”), applies to the rental of residential dwelling units and sets forth the rights and duties of landlords and tenants; and

WHEREAS, the Act does not provide specific notification requirements for landlords seeking to increase rental rates; and

WHEREAS, although some lease agreements contain provisions regarding increase in rental rates, a landlord generally may not raise rent during the term of a lease; and

WHEREAS, normally, a landlord will have to wait until the end of the term of the lease or tenancy to raise the rental rate and, while not required, generally the notice of such increase is provided in accordance with the termination notice set forth in the lease or set forth by law; and

WHEREAS, with respect to notices of termination of tenancy, if there is a written lease (with a specific duration, i.e., term), section 83.575 of the Act provides that notice to terminate is no more than 60 days; and

Ordinance No. 2022-18 | Landlord/Tenant Notice Requirements

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WHEREAS, when there is no lease or a lease with no set duration, section 83.57 of the Act provides that the landlord must provide at least a seven-day notice to a tenant renting week-to-week, a 15-day notice to a tenant renting month-to-month, a 30-day notice to a tenant renting quarter-to-quarter, and a 60-day notice to a tenant renting year-to-year; and

WHEREAS, this means tenants renting on a month-to-month basis (without a specific duration) could be evicted after receiving only 15 days written notice of a rental rate increase and/or termination of their tenancy; and

WHEREAS, according to the Florida Attorney General Opinion No. 94-41 (May 5, 1994) and the case law cited therein, the Florida Legislature has not preempted local governments from enacting ordinances that enlarge the notification period for month-to-month tenancies without a specific duration pursuant to section 83.57 of the Act; and

WHEREAS, the Florida Attorney General concluded that such enlargement of the notification period by ordinance would be supplemental to the Act and compliance with such ordinance is possible without violating section 83.57 of the Act; and

WHEREAS, the City desires to assist tenants faced with unreasonable rental rate increases, including those tenants who may only receive 15 days written notice prior to eviction for the same; and

WHEREAS, with the current lack of vacant rentals and increases in rents, 15 days written notice is insufficient time for such a tenant to find a new affordable location to live or means to pay an increase in rent in excess of five percent (5%); and

WHEREAS, requiring landlords to provide 60-days written notice before the rent can be increased more than five percent (5%) and before a tenant can be forced to leave in a month-to-month basis (without a specific duration) is a reasonable time period given the current market conditions; and

Ordinance No. 2022-18 | Landlord/Tenant Notice Requirements

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WHEREAS, the City, in response to the Florida Attorney General's opinion 94-41, desires to enact this Ordinance requiring 60 days written notification to be given by City of Greenacres residential landlords to their tenants with a lease (with a specific duration) or a month-to-month tenancy without a specific duration prior to increasing the tenants' rental rates above five percent (5%) and prior to terminating a tenancy if the tenancy is month-to-month without a specific duration; and

WHEREAS, the City Council has reviewed the recommended ordinance and legislatively determines and declares that the ordinance serves a valid public purpose and is in the public interest of the health, safety, and general welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. LEGISLATIVE FINDINGS, INTENT AND PURPOSE. The WHEREAS clauses contained herein are legislatively determined to be true and correct and are incorporated herein and represent the legislative findings of the City Council. It is the purpose and intent of this ordinance to promote the health, safety, and general welfare of the residents of the City.

SECTION 2. The City Council hereby amends the Greenacres Code by adopting new Chapter 9 Miscellaneous Offenses, Article III Landlord/Tenant Notice Requirements, which shall read as follows:

ARTICLE III. – LANDLORD/TENANT NOTICE REQUIREMENTS

Sec. 9-30. – Required fair written notice of termination of monthly residential tenancy without specific duration.

A residential tenancy without a specific duration (as defined in section 83.46(2), Florida Statutes) in which the rent is payable on a month-to-month basis may be terminated by either the landlord or tenant by giving not less than 60 days written notice prior to the end of any monthly period.

Sec. 9-31. – Required fair written notice of rental payment increases for residential tenancies.

A residential landlord that proposes to increase the current rental rate by more than five percent (5%) at the end of a lease with a specific duration, or during a tenancy without a specific

Ordinance No. 2022-18 | Landlord/Tenant Notice Requirements

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duration (as defined in section 83.46(2), Florida Statutes) in which the rent is payable on a month-to-month basis, must provide 60 days written notice to the tenant before the tenant must either:

- (1) Accept the proposed amendment.
- (2) Reach an acceptable compromise; or,
- (3) Reject the proposed amendment to their tenancy.

If the required 60 days written notice has been provided and the tenant has not agreed to the proposed amendment or an acceptable compromise, the landlord may impose the proposed amended term(s) or require the tenant(s) to vacate the residence.

SECTION 5. Except for the notice provisions set forth above in sections 9-30 and 9-31, all other provisions set forth in Chapter 83, Part II, Florida Statutes, as may be amended from time to time, shall govern residential tenancies.

SECTION 6. SEVERABILITY. Should any one or more of the provisions or elements of this ordinance be held invalid, such provision or element shall be null and void, and shall be deemed separate from the remaining provisions or elements of this ordinance and shall in no way affect the validity of any of the remaining provisions or elements of this ordinance.

SECTION 7. PRESERVATION. All pending code compliance cases and code compliance orders existing at the time of the adoption of this ordinance are preserved and shall remain in full force and effect. All code compliance cases to be taken before the special magistrate after the date of adoption of this ordinance shall be processed in accordance with this ordinance. All requests for a release or partial release of an existing code compliance order which are made after the date of the adoption of this ordinance shall be processed in accordance with this ordinance.

SECTION 8. CONFLICTS. All other ordinances and resolutions in conflict with this ordinance are hereby cancelled, repealed, or revised to be consistent with provisions and elements of this Ordinance.

SECTION 9. CODIFICATION. Specific authority is hereby granted to codify Section 4 of this Ordinance by removing the current Division 2, entitled “Code Enforcement”, as set forth in Chapter 2, Article III; and, replacing it with the newly created Article VIII, entitled “Code Compliance”, to be set forth at Chapter 2. The sections set forth in Section 4 of this Ordinance may be renumbered to accomplish such intentions.

SECTION 10. EFFECTIVE DATE. That this Ordinance shall take effect immediately upon its final approval and adoption.

Ordinance No. 2022-18 | Landlord/Tenant Notice Requirements

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Passed on the first reading this 6th day of June, 2022.

PASSED AND ADOPTED on the second reading this DD day of Month, 202Y.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Suzy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



To: Key Official

From: Eryn Russell, Florida League of Cities

Date: May 11, 2022

Subject: 96th Annual Conference Voting Delegate Information

The Florida League of Cities' Annual Conference will be held at the Diplomat Beach Resort in Hollywood, Florida on August 11-13, 2022. This conference will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. Election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each municipality will make decisions that determine the direction of the League.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida.

Conference registration materials were sent to each municipality via the League's e-newsletter and are also available online at flcities.com.

If you have any questions on voting delegates, please email erussell@flcities.com. **Voting delegate forms must be received by the League no later than July 29, 2022.**

Attachments: Form Designating Voting Delegate



**96th Annual Conference
Florida League of Cities, Inc.
August 11-13, 2022
Hollywood, Florida**

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. League By-Laws requires that each municipality select one person to serve as the municipalities voting delegate. *Municipalities do not need to adopt a resolution to designate a voting delegate.*

Please fill out this form and return it to the League office so that your voting delegate may be properly identified. **Voting delegate forms must be received by the League no later than July 29, 2022.**

Designation of Voting Delegate

Name of Voting Delegate: _____

Title: _____

Delegate Email: _____

Municipality of: _____

AUTHORIZED BY:

Name

Title

Return this form to:
Eryn Russell
Florida League of Cities, Inc.
Post Office Box 1757
Tallahassee, FL 32302-1757
Fax: (850) 222-3806
Email: *erussell@flcities.com*

