



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, November 06, 2023 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

Mayor and City Council

Joel Flores, Mayor

Peter A. Noble, Deputy Mayor

John Tharp, Councilmember, District I

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Christy Goddeau, City Attorney

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. **Proclamation:** National Hunger and Homelessness Awareness Week - November 11-18, 2023. - Ruth Mageria and Brian Rowe of CROS Ministries and Graig Carlson of WAWA.
2. **Proclamation:** Small Business Saturday - November 25, 2023. - Elite Media Marketing, Nissan Greenacres, Sweet Dulce Bakery, Talented Teen Club and Theo & Charles Learning LLC.

CONSENT AGENDA

3. **Official Council Minutes:** City Council Meeting, October 16, 2023. - Quintella L. Moorer City Clerk.
4. **Resolution 2023-54:** Approving an Interlocal Agreement for Code Compliance Services with the City of Atlantis. - Andrea McCue, City Manager.
5. **Resolution 2023-55:** Approving a maintenance service agreement for landscape maintenance services of canals and medians, authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.

REGULAR AGENDA

6. **PUBLIC HEARING: Ordinance 2023-10: Second Reading:** Amending Chapter 16, Article 1, in General, Section 16-1, definitions; Article 3, District Regulations, Division 8,

Office, Professional and Institutional (OPI), Section 16-425; Division 9, Commercial Neighborhood (CN), Section 16-450; Division 10, Commercial General (CG), Section 16-475; Division 11, Commercial Intensive (CI), Section 16-500; Division 14, Mixed Development (MXD), Section 16-546; Division 15, Mixed Use Development - Office (MXD-O), Section 16-562; and Division 16, Mixed Use Development - Original Section (MXD-OS), Section 16-577; creating Chapter 9, Miscellaneous Offenses, Division 1, Section 9-10; prohibiting the dispensing of medical marijuana within the City; providing that each and every other section and subsection of Chapter 16, Zoning Regulations, shall remain in full force and effect as previously adopted; providing for nonconforming uses; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in Code; and providing for an effective date. - Tanya Earley, City Attorney.

- 7. PUBLIC HEARING: Ordinance 2023-14: Second Reading:** Amending Chapter 16, Zoning Regulations, Article 1, in General, Section 16-1, definitions, by amending certain definitions and adding definitions related to adult arcades; prohibiting simulated gambling devices and adult arcades and providing for nonconforming uses; creating Chapter 9, miscellaneous offenses, Division 1, Section 9-11; providing that each and every other Section and subsection of Chapter 16, Zoning Regulations, shall remain in full force and effect as previously adopted; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Tanya Earley, City Attorney.
- 8. Resolution 2023-27:** Approving the agreement between the City of Greenacres and CAREATC; and authorizing the appropriate City Officials to effectuate the terms of the agreement. - Suzanne Skidmore, Director of Human Resources/Risk Management.
- 9. Resolution 2023-41:** Repealing Resolution 2021-40 and establishing a Fire Prevention Schedule of Fees for services and functions performed pursuant to Chapter 5 Fire Prevention and Protection of the City of Greenacres Code of Ordinances; and providing for conflicts and an effective date. - Brian Fuller, Fire Chief, Fire Rescue.
- 10. Ordinance 2023-16: First Reading:** Amending Chapter 4, entitled Building and Building Regulations, of the City of Greenacres Code, to adopt and incorporate the Florida Building Code 8th Edition, together with all amendments thereto, as recommended by the Building Code Advisory Board of Palm Beach County, Florida and as conformed to the City's operational standards; providing for repeal of conflicting ordinances; providing for severability providing for inclusion in Code; and providing for an effective date. - Michael Jerrahian, Building Official.
- 11. Ordinance 2023-17: First Reading:** Amending Chapter 9 "Miscellaneous Offenses," by deleting the title of Article III, "Landlord/Tenant Notice Requirements," and by repealing Section 9-30 "Required Fair Written Notice of Termination of Monthly Residential Tenancy Without Specific Duration" and Section 9-31, "Required Fair Written Notice of Rental Payment Increases for Residential Tenancies," due to preemption by the State of Florida; providing for severability, conflicts, codification, and an effective date, and for other purposes. - Tanya Earley, City Attorney.
- 12. Appointment of Education Advisory Committee Member.** (Ann Cadaret) - Andrea McCue, City Manager.

DISCUSSION ITEM

13. Council Representative to the 100th Anniversary Committee. - Andrea McCue, City Manager.
14. Form 6 - Full Disclosure of Financial Interest. - Judith Dugo, Councilmember.

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

December 4, 2023.

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 Moorer 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 COUNCIL MEETING
City of Greenacres, Florida
Monday, October 16, 2023 at 6:00 PM
City Hall Council Chambers | 5800 Melaleuca Lane

MINUTES

Mayor and City Council
Joel Flores, Mayor
Peter A. Noble, Deputy Mayor
John Tharp, Councilmember, District I
Judith Dugo, Councilmember District III
Susy Diaz, Councilmember, District IV
Paula Bousquet, Councilmember, District V

Administration
Andrea McCue, City Manager
Christy Goddeau, City Attorney
Glen J. Torcivia, City Attorney
Quintella Moorner, City Clerk

CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to order at 6PM and City Clerk Moorner called the Roll.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Noble to approve the agenda.

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

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

Mr. Fule Dogic mentioned the previous Council Meeting of October 2, 2023, and the length of time it took and the amount of Special Business items. He mentioned minimum wage, insurance cost, housing market, cost of food and economic impact. Mr. Dogic wanted to make Greenacres great again.

SPECIAL BUSINESS

- 1. Proclamation:** National Disability Employment Month - October 2023. - Bayla Hirsch and Tyler Jasensky, Best Buddies.

Ms. Moorner read the proclamation by title.

Ms. Hirsch thanked the Council and highlighted the goals and accomplishments of the Best Buddies organization.

Photos were taken.

- 2. Presentation:** Long Range Transportation Plan "Vision 2050" - Brian Ruscher, Deputy Director of Multimodal of the Transportation Planning Agency.

Mr. Andrew Uhlir, Director of Programs provided a presentation about the TPA agency. He talked about balancing transportation such as congestion and providing other options such as different modes of transportation. Mr. Uhlir stated the goal was to have a safe, resilient, efficient, connected and multimodal line of transportation. Mr. Uhlir talked about the timeline with a goal wrap up adoption plan set for Winter 2024.

Mr. Uhlir stated the City would host a workshop on October 23, 2023 at the Greenacres Community Center. He invited all residents to attend.

CONSENT AGENDA

- 3. Official Council Minutes:** City Council Meeting, October 2, 2023. - Quintella L. Moorer, City Clerk.
- 4. Resolution 2023-37:** Approving the agreement between the City of Greenacres and Hera Property Registry, LLC for the provision of services authorized pursuant to Ordinance 2025-23, "Mortgage Foreclosure Registration" authorizing the appropriate City Officials to execute the agreement; and providing for an effective date. - Monica Powery, Director of Purchasing.
- 5. Resolution 2023-52:** Approving the Fiscal Year 2024 increase for fire protection and emergency medical services by and between the City of Greenacres and the City of Atlantis; providing for an effective date. - Andrea McCue, City Manager.
- 6. Resolution 2023-53:** Approving a professional services agreement for governmental consulting and lobbying services; providing for an effective date. - Andrea McCue, City Manager.

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

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

REGULAR AGENDA

- 7. PUBLIC HEARING: Ordinance 2023-10: First Reading:** Amending Chapter 16, Article 1, in General, Section 16-1, definitions; Article 3, District Regulations, Division 8, Office, Professional and Institutional (OPI), Section 16-425; Division 9, Commercial Neighborhood (CN), Section 16-450; Division 10, Commercial General (CG), Section 16-475; Division 11, Commercial Intensive (CI), Section 16-500; Division 14, Mixed Development (MXD), Section 16-546; Division 15, Mixed Use Development - Office (MXD-O-), Section 16-562; and Division 16, Mixed Use Development - Original Section (MXD-OS), Section 16-577; creating Chapter 9, Miscellaneous Offenses, Division 1, Section 9-10; prohibiting the dispensing of medical marijuana within the City; providing that each and every other section and subsection of Chapter 16, Zoning Regulations, shall remain in full force and effect as previously adopted; providing for nonconforming uses; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in Code; and providing for an effective date. - Glen Torcivia, City Attorney.

Ms. Moorer read the Ordinance by title.

Ms. Goddeau provided some history of the ordinance. She stated the City was concerned with the possibility of recreational marijuana use and the City wanted to ban new dispensaries from entering the City and the current facilities would remain as non-conforming uses and also adopt a general offense of use.

Staff recommended approval.

Motion made by Councilmember Tharp, Seconded by Councilmember Bousquet to approve Ordinance 2023-10 on First Reading.

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

- 8. PUBLIC HEARING: Ordinance 2023-14: First Reading:** Amending Chapter 16, Zoning Regulations, Article 1, in General, Section 16-1, definitions, by amending certain definitions and adding definitions related to adult arcades; prohibiting simulated gambling devices and adult arcades and providing for nonconforming uses; creating Chapter 9, miscellaneous offenses, Division 1, Section 9-11; providing that each and every other Section and subsection of Chapter 16, Zoning Regulations, shall remain in full force and effect as previously adopted; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Glen Torcivia, City Attorney.

Ms. Moorer read the ordinance by title.

Ms. Goddeau stated the ordinance was proposing a ban of simulated gambling devices in the City. The concern was creating an atmosphere of increased crime and increased gambling. She stated the current arcades would remain in the City as non-conforming use. The ordinance also created a general offense of use.

Staff recommended approval.

Councilmember Diaz was concerned if the ordinance would prohibit family-oriented gaming. Ms. Goddeau stated the language was crafted broad, so the City was able to determine the type of gaming devices.

Motion made by Councilmember Tharp, Seconded by Councilmember Dugo to approve the ordinance on First Reading.

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

- 9. Appointment of Education Advisory Committee Members.** - Andrea McCue, City Manager.

Ms. McCue recommended appointment of two student members Jesus Gonzalez, John I Leonard High School and Leliani Sanchez, L.C. Swain Middle School.

DISCUSSION ITEM - None.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Ms. Barbara Boli asked about commenting at the TPA Workshop to include resident input. She also asked if Deputy Mayor Noble could appear in the photo as he does not leave the dais during presentations. Ms. Boli questioned the status of the church on Jog Road and the traffic exiting the Walmart Plaza.

CITY MANAGER'S REPORT

Ms. McCue highlighted a few items such as the City's 100th Anniversary celebration and the appointment of one Council member to serve as the liaison. November 2, 2023, EAR Workshop was confirmed. She also requested cancelling the November 20, 2023, Council Meeting.

The Council agreed to cancel the November 20 Meeting and to add the 100th Anniversary Council liaison appointment to the November 2 Meeting.

- 10. Community and Recreation Services Report.
- 11. Development and Neighborhood Services Report.
- 12. Economic Development Report.
- 13. Finance Report.
- 14. Palm Beach Sheriff's Office District 16 Report.
- 15. Purchasing Report.
- 16. Youth Programs Report.

CITY ATTORNEY'S REPORT

No report.

MAYOR AND CITY COUNCIL REPORT

Councilmember Dugo: will be absent November 2, 2023.

Councilmember Diaz: Reminded the residents about Trunk or Treat and National Night Out.

Mayor Flores: addressed the Citizen Comment section of the meeting.

ADJOURNMENT

6:40PM.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: November 6, 2023
FROM: Andrea McCue, City Manager, Administration
SUBJECT: Resolution 2023-54 – City of Atlantis Code Enforcement Interlocal Agreement

BACKGROUND

The City of Atlantis has a need for code enforcement services following the retirement of their lone code enforcement officer. Atlantis approached the City about providing code enforcement services rather than filling their position. The City is willing and able to assist the City of Atlantis without any burden to the City's operations.

ANALYSIS

The City is very familiar with the City of Atlantis, and we are willing and able to assist them without any burden to the City's operations.

FINANCIAL INFORMATION

The City's total cost for service will be covered 100% by the City of Atlantis.

LEGAL

The City Attorney has reviewed the Resolution and all supporting documents for legal sufficiency and compliance in coordination with the City of Atlantis' Attorney.

STAFF RECOMMENDATION

Staff is recommending approval of Resolution 2023-54.

RESOLUTION NO. 2023-54

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT FOR CODE COMPLIANCE SERVICES WITH THE CITY OF ATLANTIS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Atlantis has a need for code compliance services; and

WHEREAS, the City of Greenacres possesses code compliance services resources;

and

WHEREAS, the City of Greenacres is willing and able to assist the City of Atlantis by providing the City with code compliance services that serve its needs; and

WHEREAS, both the City of Greenacres and the City of Atlantis are authorized pursuant to Part I of Chapter 163, Florida Statutes, including Section 163.01, Florida Statutes, to enter into this Agreement for the provision of code compliance services; and

WHEREAS, both the City of Greenacres and City of Atlantis have determined that this Agreement 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 of the City of Greenacres hereby authorizes the appropriate City Officials to execute the Interlocal Agreement for Code Compliance Services.

SECTION 2. The City Clerk is hereby directed to transmit one (1) original of the Interlocal Agreement to The City of Atlantis.

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

RESOLVED AND ADOPTED this 6th day of October, 2023.

Joel Flores, Mayor

Voted:
John Tharp, Council Member, *District I*

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Deputy Mayor

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

INTERLOCAL AGREEMENT FOR CODE COMPLIANCE SERVICES

THIS INTERLOCAL AGREEMENT ("Agreement") for Code Compliance Services is hereby made and entered into on the _____ day of _____, 2023, between the **City of Greenacres**, a Florida municipal corporation ("GREENACRES"), and the **City of Atlantis**, a Florida municipal corporation ("ATLANTIS").

WITNESSETH THAT:

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined herein to enter into Agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969," authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, ATLANTIS has a need for code compliance services; and

WHEREAS, GREENACRES, possesses code compliance service resources; and

WHEREAS, GREENACRES is willing and able to assist ATLANTIS by providing ATLANTIS with code compliance services that serve its needs; and

WHEREAS, both GREENACRES and ATLANTIS are authorized pursuant to Part I of Chapter 163, Florida Statutes, including Section 163.01, Florida Statutes, to enter into this Agreement for the provision of code compliance services; and

WHEREAS, both GREENACRES and ATLANTIS desire to enter into this Agreement for code compliance services; and

WHEREAS, both GREENACRES and ATLANTIS have determined that this Agreement serves a valid public purpose.

NOW THEREFORE, in consideration of the mutual covenants and promises hereinafter contained to be kept and performed by the parties hereto, and for the mutual benefit of both GREENACRES and ATLANTIS, it is agreed as follows:

1. The above recitals are true and correct and are incorporated into this Agreement.
2. The term of this Agreement is for Seven (7) years beginning on the date this Agreement is executed by both parties. This Agreement may be extended by mutual agreement of the parties' respective managers. This Agreement may be terminated by either party at any time by providing Sixty (60) days advance written notice to the other party.
3. GREENACRES' personnel shall provide the services set forth in the Scope of Services, attached hereto and incorporated herein at Exhibit "A".

- 4. In exchange for the services provided under this Agreement, ATLANTIS shall pay GREENACRES the annual sum of Twenty Six Thousand Dollars (\$26,000.00) in equal monthly installments. The parties acknowledge and agree that said amount is intended to cover the entire cost incurred by GREENACRES to hire and pay necessary personnel, including but not limited to salary, applicable taxes, transportation, and benefits (if any).
- 5. The annual sum shall be adjusted annually by a three percent (3%) increase beginning October 1, 2024.
- 6. Any overtime incurred by GREENACRES personnel in the performance of the services under this Agreement shall be at the rate of \$37.50 per hour which shall likewise be adjusted annually by a three percent (3%) increase beginning October 1, 2024. Overtime must be approved by ATLANTIS in advance.
- 7. ATLANTIS shall pay for and provide access to a cellular phone capable of taking photographs, a laptop computer, ordinary office supplies, ordinary office equipment, and a temporary workspace for use by GREENACRES' personnel in the performance of services under this Agreement.
- 8. GREENACRES shall provide all transportation and vehicle needs for GREENACRES personnel in the performance of the services under this Agreement.
- 9. ATLANTIS shall be responsible for selecting a code enforcement special magistrate and paying all costs associated with the special magistrate's services. All special magistrate hearings shall be held at ATLANTIS facilities.
- 10. All notices as may be required by this Agreement shall be delivered in person or be sent by certified mail or nationally recognized overnight courier to the individual designated below, until such time as either party furnishes the other party written instructions to contact another individual.

For GREENACRES:	For ATLANTIS:
City of Greenacres 5800 Melaleuca Lane Greenacres, Florida 33463 Attention: City Manager	City of Atlantis 260 Orange Tree Drive Atlantis, Florida 33462 Attention: City Manager

- 11. If any clause, section, or provision of this Agreement shall be declared to be unconstitutional, invalid, or unenforceable for any cause or reason, or is abrogated or negated by a change in law, the same shall be eliminated from this Agreement, and the remaining portion of this Agreement shall be in full force and effect and be valid as if such invalid portions thereof had not been incorporated herein.
- 12. This Agreement represents the entire agreement between GREENACRES and ATLANTIS and supersedes all prior agreements or representations, whether written or oral, with respect to the subject matter hereof. No provision of this Agreement may be changed or amended except by written agreement signed by both parties.

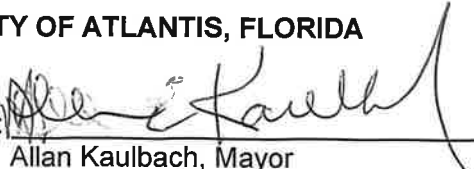
13. After being properly executed by both parties this Agreement shall be filed with the Palm Beach County Clerk & Comptroller's Office.
14. This Agreement shall not be construed against the party who drafted the same as all parties to this Agreement have participated in its drafting.
15. This Agreement shall be construed in accordance with the laws of the State of Florida. Should any litigation arise from this Agreement, venue shall lie in Palm Beach County, Florida. Each party in any dispute shall be responsible for its own attorney's fees and costs, including such fees and costs associated with any appeal.
16. This Agreement is binding upon the parties hereto and their respective heirs, successors, and assigns.
17. Each party's performance and obligations for subsequent fiscal years are contingent upon annual appropriations for its purpose. Written notice of a non-appropriation event shall be immediately provided to the other party.
18. Both parties warrant and represent that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity and expression.
19. Each Party recognizes the other Party's right to sovereign immunity under Florida law. Each Party shall be responsible for its own negligence under this Agreement. However, nothing in this Agreement shall be construed as either Party's waiver of its right to sovereign immunity nor as consent to be sued. Each Party shall maintain adequate insurance or be self-insured for their performance of this Agreement.
20. Each Party shall abide by all applicable laws and regulations in the performance of this Agreement, including without limitation, Florida's Public Records Act, Chapter 119, Florida Statutes.
21. The parties agree that GREENACRES will receive access to ATLANTIS' server, network, and related facilities. The parties agree that such access may include GREENACRES personnel being provided access to information that ATLANTIS treats as confidential information. For purposes of this Agreement, "Confidential Information" means any data or information that is confidential or proprietary to ATLANTIS and not generally known to the public, whether in tangible or intangible form, in whatever medium provided, whether unmodified or modified by GREENACRES or by its employees, whenever and however disclosed by ATLANTIS. GREENACRES agrees that all Confidential Information disclosed by ATLANTIS shall be used only as is reasonably required to accomplish GREENACRES' performance under this Agreement and GREENACRES agrees to treat and protect the secret nature of the Confidential Information with a reasonable degree of care. GREENACRES further agrees to restrict its use and dissemination of the Confidential Information within its own organization on a "need to know" basis. To the extent permitted by law, GREENACRES agrees that Confidential Information shall not be disclosed without the prior written consent of ATLANTIS. Should GREENACRES be faced with a legal action or demand for such Confidential Information by a third party, GREENACRES shall immediately notify ATLANTIS and allow ATLANTIS the opportunity to contest the disclosure prior to GREENACRES' release of any Confidential Information. All Confidential Information disclosed by ATLANTIS to GREENACRES shall remain the

property of ATLANTIS and said Confidential Information shall not be copied nor reproduced without the express written approval of ATLANTIS, except for such copies as may be reasonably required for GREENACRES' internal evaluation purposes by those persons with the requisite "need to know". Upon written notice, all Confidential Information shall be returned to ATLANTIS within thirty (30) calendar days after the expiration or earlier termination of this Agreement or such earlier date as may be prescribed by ATLANTIS. In the event of any loss or unauthorized disclosure of Confidential Information, GREENACRES shall immediately notify ATLANTIS of such loss or unauthorized use. Nothing in this Agreement shall be deemed to directly nor by implication grant a license nor convey any rights to GREENACRES under any trade secrets, trademarks, or Confidential Information disclosed by ATLANTIS.

22. This Agreement is subject to the Palm Beach County Inspector General's authority.
23. GREENACRES and ATLANTIS are and shall be, in the performance of all services and activities under this Agreement, independent contractors and not employees, agents or servants of the other Party. All GREENACRES employees engaged in the work or services performed pursuant to this Agreement shall at all times, and in all places, be subject to GREENACRES' sole direction, supervision, and control. All ATLANTIS employees engaged in the work or services performed pursuant to this Agreement shall at all times, and in all places, be subject to ATLANTIS' sole direction, supervision, and control. Each party shall exercise control over the means and manner in which it and its employees perform the work, and in all respects the parties' relationship and the relationship of its employees to the other party shall be that of an independent contractor and not as employees or agents of the other. The parties do not have the power or authority to bind each other in any promise, agreement, or representation without the prior written consent of the other party. This section shall not be construed to prevent GREENACRES' personnel from resolving code violations in a manner consistent with ATLANTIS code enforcement policies and procedures, as further specified in Exhibit A.
24. No provision of this Agreement is intended to, or shall be construed to, create any third-party beneficiary or to provide any rights to any person or entity not a party to this Agreement.
25. The obligations, rights, and remedies of the parties hereunder shall survive the termination or expiration of this Agreement.
26. This Agreement shall be effective and binding upon the parties hereto once the Agreement has been signed by both parties. This Agreement may be executed in counterparts, each of which shall be an original, but all of which shall constitute one and the same document. This Agreement may be executed electronically.

IN WITNESS WHEREOF, the parties hereto have made and executed this Interlocal Agreement for Code Compliance Services on the day and date first above written.

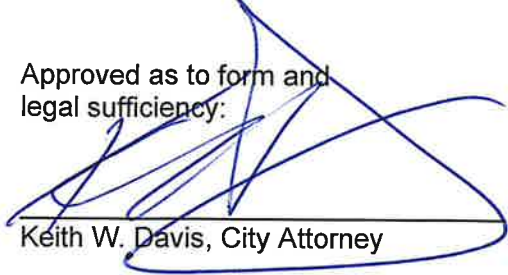
CITY OF ATLANTIS, FLORIDA

By: 
Allan Kaulbach, Mayor

ATTEST:


Kristen Puhalainen, City Clerk

Approved as to form and
legal sufficiency:


Keith W. Davis, City Attorney



CITY OF GREENACRES, FLORIDA

By: _____
Joel Flores, Mayor

ATTEST:

Approved as to form and
legal sufficiency:

Quintella Moorer, City Clerk

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: November 6, 2023

FROM: Monica Powery, Director, Purchasing

SUBJECT: Award of Bid No. 24-007 Landscape Maintenance of Canals & Medians

BACKGROUND

The City of Greenacres desires to hire an experienced and qualified company to provide landscape maintenance services of canals and medians in the City. The bid was advertised by the City's Purchasing Department on September 26, 2023.

ANALYSIS

The proposals were opened on October 18, 2023 with six (6) bidders responding. The attached tabulation sheet summarized the results received. The lowest quote received was from JBF Lawn Maintenance and Landscaping, however, they have been deemed non-responsive. Therefore City staff has evaluated the proposals and recommends award to D.S. Landscaping, Inc. as the lowest responsive and responsible bidder.

FINANCIAL INFORMATION

Funds are budgeted in account 001-40-42-34-4.

LEGAL

The recommendation for award is in accordance with the requirements of City policies and procedures.

STAFF RECOMMENDATION

Approval of Resolution No. 2023-55 authorizing execution of a one-year agreement with the option for three (3) additional one-year renewals for Bid No. 24-007 Landscape Maintenance Services of Canals & Medians to D.S. Landscaping, Inc.

RESOLUTION NO. 2023-55

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES OF CANALS & MEDIANS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City is in need of landscape maintenance services of canals and medians in the City; and

WHEREAS, The Purchasing Department issued Invitation to Bid No. 24-007 (the "BID"); and

WHEREAS, the Director of Purchasing recommends approval of the Agreement; and

WHEREAS, the BID was advertised on the legal notices section of the Palm Beach Post on September 26, 2023, and a notice was also sent to three hundred sixty-one (361) prospective bidders via DemandStar; and

WHEREAS, on October 18, 2023 at 3:00 p.m. EST, the BID closed and the Purchasing Department (the "Department") received six (6) responses which were reviewed by the Department to ensure the responses met the BID requirements and the bidders were both responsive and responsible; and

WHEREAS, the Department recommends that the City Council approved award of the BID to D.S. Landscaping, Inc. and authorize the execution of the contract.

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 for Landscape Maintenance Services of Canals & Medians between the City of Greenacres and D.S. Landscaping, Inc.

SECTION 2. The City Council authorizes the appropriate City Officials to execute the

Resolution No. 2023-55 | Landscape Maintenance Services of Canals & Medians
Page No. 2

Agreement.

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

RESOLVED AND ADOPTED this 6 of day of November 2023

Joel Flores, Mayor

Voted:
John Tharp, Council Member, District I

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Deputy Mayor

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: November 6, 2023
FROM: Christy Goddeau, City Attorney's Office
SUBJECT: Ordinance 2023-10: Second Reading – Ordinance banning Medical Marijuana Treatment Center Dispensing Facilities

BACKGROUND

In 2020, the City adopted Ordinance No. 2020-2 allowing for the operation of Medical Marijuana Treatment Center Dispensing Facilities. The City Council has provided direction to propose an ordinance prohibiting such use and banning such facilities. Existing lawfully permitted facilities will be authorized to continue to operate as non-conforming uses.

ANALYSIS

Recently, some cities have been reconsidering the allowance of Medical Marijuana Treatment Center Dispensing Facilities. This reconsideration is due in part to a growing concern that the Florida legislature may legalize recreational use of marijuana in the State of Florida. If legalized, there are concerns that existing Medical Marijuana Treatment Center Dispensing Facilities may be authorized to dispense recreational marijuana. To protect the City from proliferation of additional Medical Marijuana Treatment Center Dispensing Facilities and potentially future dispensing of recreational marijuana within the City, consistent with section 381.986, Florida Statutes, it appears to be in the City's best interests to prohibit further Medical Marijuana Treatment Center Dispensing Facilities as a permitted use in the City and prohibit the operation of such Medical Marijuana Treatment Center Dispensing Facilities in the City as a general offense. Existing lawfully permitted facilities will be authorized to continue to operate as non-conforming uses.

The City Council voted five (5) to zero (0) to recommend approval of Zoning Text Amendment ZTA-23-01 as presented by staff on October 16, 2023.

FINANCIAL INFORMATION

A business impact estimate has been posted. There is no anticipated financial impact on the City.

LEGAL

City Attorney has reviewed the item and all supporting documents for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2023-10.

ORDINANCE NO. 2023-10

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE I, IN GENERAL, SECTION 16-1, DEFINITIONS; ARTICLE III, DISTRICT REGULATIONS, DIVISION 8, OFFICE, PROFESSIONAL AND INSTITUTIONAL (OPI), SECTION 16-425; DIVISION 9, COMMERCIAL NEIGHBORHOOD (CN), SECTION 16-450; DIVISION 10, COMMERCIAL GENERAL (CG), SECTION 16-475; DIVISION 11, COMMERCIAL INTENSIVE (CI), SECTION 16-500; DIVISION 14, MIXED DEVELOPMENT (MXD), SECTION 16-546; DIVISION 15, MIXED USE DEVELOPMENT – OFFICE (MXD-O), SECTION 16-562; AND DIVISION 16, MIXED USE DEVELOPMENT – ORIGINAL SECTION (MXD-OS), SECTION 16-577; CREATING CHAPTER 9, MISCELLANEOUS OFFENSES, DIVISION 1, SECTION 9-10; PROHIBITING THE DISPENSING OF MEDICAL MARIJUANA WITHIN THE CITY; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 16, ZONING REGULATIONS, SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING FOR NONCONFORMING USES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 8, 2016, the voters of the State of Florida approved an amendment to the State Constitution authorizing medical marijuana use, subject to legislation regarding implementation of such industry; and

WHEREAS, Amendment 2 legalized the medical use of marijuana throughout the State of Florida and authorized the cultivation, processing, distribution and sale of marijuana and related activities by licensed "Medical Marijuana Treatment Centers"; and

WHEREAS, Section 381.986, Florida Statutes, expressly authorizes a county or municipality, by ordinance, to ban medical marijuana treatment center dispensing facilities ("Dispensing Facilities") from being located within the boundaries of that county or municipality, and if Dispensing Facilities are not banned "a county or municipality may

not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under Chapter 465"; and

WHEREAS, on April 15, 2019, the City Council amended the Code of Ordinances to prohibit Dispensing Facilities in the City; and

WHEREAS, on September 10, 2020, the City Council amended the Code of Ordinances to allow Dispensing Facilities in certain areas of the City; and

WHEREAS, the State of Florida could pass legislation authorizing the use of recreational marijuana and, if legalized, there are concerns that existing Medical Marijuana Treatment Center Dispensing Facilities may be authorized to dispense recreational marijuana; and

WHEREAS, to protect the City from proliferation of additional Medical Marijuana Treatment Center Dispensing, the City Council now believes it is in the best interest of the City to prohibit new Dispensing Facilities from being established in the City; and

WHEREAS, the Development Review Committee provided its recommendation regarding the proposed amendment to the Code of Ordinances; and

WHEREAS, the Planning and Zoning Board of Appeals, after notice and public hearing, has considered the proposed amendment to the Code of Ordinances, more specifically described herein, and submitted its recommendation to the City Council; and

WHEREAS, the City Council, after notice and public hearing, has considered the proposed amendment to the Code of Ordinances, the recommendations of the Planning Commission, and all public comments; and

WHEREAS, the City Council finds that the proposed amendment to the Code of

Ordinances is consistent with the City of Greenacres Comprehensive Plan; and

WHEREAS, the City Council desires to amend the Code of Ordinances in order to incorporate the above-described amendment; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Greenacres and the public at large.

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

Section 1. Chapter 16, Article I is hereby amended as follows:

Sec. 16-1. Definitions

Medical marijuana treatment center-dispensing facility (MMTC-DF) means a retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment center dispensing facility," established by a licensed "medical marijuana treatment center," "dispensing organization," "dispensing organization facility," or similar use, that sells and dispenses marijuana, products containing marijuana, or related supplies, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana, marijuana products, or related supplies, and does not allow on-site consumption of marijuana or marijuana products. Medical marijuana treatment center-dispensing facilities are prohibited within the City of Greenacres, with the exception that medical marijuana treatment center dispensing facilities that are lawfully operating as of November 2, 2023, shall be considered nonconforming uses.

[Sections 16-2 through 16-28 to remain unchanged and are omitted for brevity]

Section 2. Chapter 16, Article III, Divisions 8, 9, 10, 11, 14,15, and 16 are hereby amended as follows:

Sec. 16-425. Prohibited uses.

The following are the prohibited uses in the office, professional and institutional (OPI) district:

- (1) Any use or structure not specifically, or by reasonable implication permitted herein or permissible by special exception.

- (2) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
- a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-426 through 16-449 to remain unchanged and are omitted for brevity]

Sec. 16-450. Prohibited uses.

The following are the prohibited uses in the commercial neighborhood (CN) district:

- (1) Any use, accessory use or component of use, or structure not specifically, or by reasonable implication permitted herein, or permissible by special exception.
- (2) Notwithstanding the foregoing prohibitions, all shopping centers either completely developed or partially developed and having site and development plans that were approved on or before January 1, 1994 shall not be classified as prohibited uses as established herein.
- (3) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-451 through 16-474 to remain unchanged and are omitted for brevity]

Sec. 16-475. Prohibited uses.

The following are the prohibited uses in the commercial general (CG) district:

- (1) Any use, accessory use or component of use, or structure not specifically, or by reasonable implication permitted herein, or permissible by special exception.
- (2) Notwithstanding the foregoing prohibitions, all shopping centers either completely developed or partially developed and having site and development plans that were approved on or before January 1, 1994 shall not be classified as prohibited uses as established herein.
- (3) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-476 through 16-499 to remain unchanged and are omitted for brevity]

Sec. 16-500. Prohibited uses.

The following are the prohibited uses in the commercial intensive (CI) district:

- (1) Any use or structure not specifically, or by reasonable implication permitted herein or permissible by special exception.
- (2) Notwithstanding the foregoing prohibitions, all shopping centers either completely developed or partially developed and having site and development plans that were approved on or before January 1, 1994 shall not be classified as prohibited uses as established herein.
- (3) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-501 through 16-545 to remain unchanged and are omitted for brevity]

Sec. 16-546. Prohibited uses and structures.

The prohibited uses and structures in the mixed development districts MXD-R and MXD-C are as follows:

- (1) Any use, accessory use or component of use or structure not specifically or by reasonable implication permitted herein or permissible by special exception.
- (2) All outdoor storage and display of commercial materials.
- (3) Mobile homes.
- (4) Shopping centers.
- (5) Adult entertainment establishments.
- (6) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-547 through 16-561 to remain unchanged and are omitted for brevity]

Sec. 16-562. Prohibited uses and structures.

The prohibited uses and structures in the MXD-O mixed use development district are as follows:

- (1) Any use, accessory use or component of use or structure not specifically or by reasonable implication permitted herein or permissible by special exception.
- (2) All outdoor storage and display of commercial goods and materials.
- (3) Mobile homes.
- (4) Adult entertainment establishments.
- (5) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by

- Section 381.986(11), et seq., Florida Statutes.
- b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-563 through 16-576 to remain unchanged and are omitted for brevity]

Sec. 16-577. Prohibited uses.

The following are the prohibited uses in the mixed use development-original section (MXD-OS) district:

- (1) Any use, accessory use or component of use, or structure not specifically, or by reasonable implication, permitted herein or permissible by special exception.
- (2) All outdoor storage and outdoor display of commercial goods and materials.
- (3) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

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

Section 3. Chapter 9, Article I, Division 1, Section 9-10 is hereby created as follows:

Sec. 9-10. Marijuana Dispensaries.

- (a) Consistent with Section 381.986(11), Florida Statutes, it shall be unlawful to operate a medical marijuana treatment center dispensing facility within the boundaries of the city.
- (b) It shall be unlawful to operate any facility related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail

transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities.

- (c) Medical marijuana treatment center dispensing facilities that are lawfully operating within the city as of November 2, 2023, shall be treated as nonconforming uses.

Section 4. Changes in the Law

To the extent the provisions of this Ordinance or § 381.986, Florida Statutes, are declared unconstitutional or are superseded, the City would adhere to its current regulations, including continuing to adhere to the federal prohibition on marijuana. Should the federal law on marijuana change, this Ordinance shall be reviewed and amended as appropriate.

Section 5. 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 6. 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 7. 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 8. Effective Date

The provisions of this Ordinance shall become effective upon adoption in accordance with the City's Charter.

Passed on the first reading this 16th day of October 2023.

PASSED AND ADOPTED on the second reading this 6th day of November 2023.

Joel Flores, Mayor

Voted:
Peter Noble, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Council Member, *District I*

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

ZTA-23-01 (Ord. 2023-10)
 Exhibit "A"
 Date: August 25, 2023

Revised: 09/14/2023
 10/16/2023

	LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2023-10 – Medical Marijuana Treatment Center – Dispensing Facilities Hearing before the Planning and Zoning Board of Appeals: A City-initiated text amendment to the Zoning Code to prohibit Medical Marijuana Treatment Center – Dispensing Facilities to the list of Prohibited Uses in all areas of the city.

-
- 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>Denise Malone, AICP Development and Neighborhood Services Director</p>	<p>Reviewed By:</p> <p>Director of Planning & Engineering</p> <p>_____</p> <p>Denise Malone, AICP Development and Neighborhood Services Director</p> <p>_____</p> <p>Tanya Earley, Esq. Torcivia, Donlon, Goddeau & Rubin, P.A.</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 <input type="checkbox"/> Not Required</p> <p>Dates: 8/31/2023, 10/05/2023, 10/26/2023</p> <p>Papers: Lake Worth Herald</p> <p>Mailing</p> <p><input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance: _____</p>

<p>Attachments:</p> <ul style="list-style-type: none"> • Ordinance 2023-10 	<p>City Council Action:</p> <p><input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <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 prohibit Medical Marijuana Treatment Center Distribution Facilities (MMTC-DF) as provided for in Section 381.986(11), et seq., Florida Statutes. Previously, the City Council had banned the use within the City's boundaries. However, the City Counsel subsequently adopted Ordinance No. 20-02, which removed the ban on MMTC-DF. The City Counsel has since directed staff to reinstate the ban on MMTC-DF. The reinstatement of the MMTC-DF ban requires multiple text amendments to the zoning code (Chapter 16). Chapter 9 (Miscellaneous Offenses) is likewise being amended to prohibit the unlawful operation of such a facility.

II. Background

In 2014, the Florida Legislature enacted the Compassionate Medical Cannabis Act, which authorizes dispensing organizations to manufacture, possess, sell, and dispense low-THC cannabis for medical use (§381.986, Florida Statutes).

In 2016, the Legislature amended §381.986, Florida Statutes, to address a multitude of issues including regulatory oversight, additional standards for dispensing organizations, use of independent laboratories, etc. The Florida Department of Health's Office of Compassionate Use (DOH) created the administrative provisions that were adopted on June 17, 2015, as Florida Administrative Code 64-4.

On September 8, 2016, the City Council passed a moratorium on allowing medical marijuana dispensaries in the City for a one (1) year period to allow time to see what regulations the Florida Legislature would put in place to address the management of the industry in Florida.

On June 23, 2017, Governor Rick Scott signed Senate Bill 8-A regarding medical marijuana treatment centers into law, which limited the counties and municipalities from prohibiting Medical Marijuana Treatment Facilities and providing regulations limiting Medical Marijuana Treatment Center – Dispensing Facilities other than those consistent with regulations for pharmacies.

Two additional extension were passed by motion on September 19, 2017 and on December 18, 2017, in order to provide sufficient time to study the provision of uses related to medical cannabis and the impact of these uses on residents, property values, and redevelopment planning efforts. The City also needed to evaluate the projected demand for and location of these uses and the impacts from the City's inability to regulate the number or impacts of dispensaries allowed within City limits based on the legislation passed.

On January 16, 2018, a workshop was held where the Mayor and Council heard presentations from the Palm Beach County Sheriff's Office and City Attorney. The discussion related to possible impacts from medical marijuana dispensaries within the City limits, as well as impacts from the use of medical marijuana by employees as it relates to Drug Free Workplace policies.

At the following City Council meeting on February 5, 2018, the City Council directed staff to change the moratorium extension date to April 15, 2019. The time extension was intended to

give the City time to see what impact dispensaries have on the Palm Beach County municipalities that had not banned the use and to provide for additional time to see if the state legislature passed any future legislation regarding medical marijuana dispensaries.

In 2019, based on the information that a majority of the municipalities in Palm Beach County banned the use, the City Council directed staff to effectuate a ban on MMTC-DF. Ordinance 2019-01, amended Chapter 8, Licenses and Business Regulations to ban medical marijuana treatment center dispensing facilities as a business in the City. Ordinance 2019-02, amended Chapter 16, Zoning Code to add MMTC-DF to the prohibited use section of every non-residential use zoning district, with the exception of Government Use (GU) and Study Area Zone (SAZ).

In 2020, the City Council directed staff to remove the ban. Adopted on September 10, 2020, Ordinance 2020-2 allowed for the operation of a MMTC-DF in the following non-residential zoning districts: Office Professional, and Institutional (OPI); Commercial Neighborhood (CN); General Commercial (CG); Commercial Intensive (CI); and Mixed Development Districts (MXD-R, MXD-C, MXD-O, MXD-OS).

Recently, staff have been directed to reinstate the prohibitions that were removed by the passage of Ordinance 2020-02.

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

The proposed zoning text amendments are as follows:

Chapter 16, Article I:

Sec. 16-1. Definitions

Medical marijuana treatment center-dispensing facility (MMTC-DF) means a retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment center dispensing facility," established by a licensed "medical marijuana treatment center," "dispensing organization," "dispensing organization facility," or similar use, that sells and dispenses marijuana, products containing marijuana, or related supplies, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana, marijuana products, or related supplies, and does not allow on-site consumption of marijuana or marijuana products. Medical marijuana treatment center-dispensing facilities are prohibited within the City of Greenacres, with the exception that medical marijuana treatment center dispensing facilities that are lawfully operating as of October 2, 2023, shall be considered nonconforming uses.

[Sections 16-2 through 16-28 to remain unchanged and are omitted for brevity]

Chapter 16, Article III, Divisions 8, 9, 10, 11, 14,15, and 16 are hereby amended as follows:

Sec. 16-425. Prohibited uses.

The following are the prohibited uses in the office, professional and institutional (OPI) district:

- (1) Any use or structure not specifically, or by reasonable implication permitted herein or permissible by special exception.
- (2) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-426 through 16-449 to remain unchanged and are omitted for brevity]

Sec. 16-450. Prohibited uses.

The following are the prohibited uses in the commercial neighborhood (CN) district:

- (1) Any use, accessory use or component of use, or structure not specifically, or by reasonable implication permitted herein, or permissible by special exception.
- (2) Notwithstanding the foregoing prohibitions, all shopping centers either completely developed or partially developed and having site and development plans that were approved on or before January 1, 1994 shall not be classified as prohibited uses as established herein.
- (3) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-451 through 16-474 to remain unchanged and are omitted for brevity]

Sec. 16-475. Prohibited uses.

The following are the prohibited uses in the commercial general (CG) district:

- (1) Any use, accessory use or component of use, or structure not specifically, or by reasonable implication permitted herein, or permissible by special exception.
- (2) Notwithstanding the foregoing prohibitions, all shopping centers either completely developed or partially developed and having site and development plans that were approved on or before January 1, 1994 shall not be classified as prohibited uses as established herein.
- (3) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-476 through 16-499 to remain unchanged and are omitted for brevity]

Sec. 16-500. Prohibited uses.

The following are the prohibited uses in the commercial intensive (CI) district:

- (1) Any use or structure not specifically, or by reasonable implication permitted herein or permissible by special exception.
- (2) Notwithstanding the foregoing prohibitions, all shopping centers either completely developed or partially developed and having site and development plans that were approved on or before January 1, 1994 shall not be classified as prohibited uses as established herein.
- (3) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center

dispensing facilities, are prohibited.

[Sections 16-501 through 16-545 to remain unchanged and are omitted for brevity]

Sec. 16-546. Prohibited uses and structures.

The prohibited uses and structures in the mixed development districts MXD-R and MXD-C are as follows:

- (1) Any use, accessory use or component of use or structure not specifically or by reasonable implication permitted herein or permissible by special exception.
- (2) All outdoor storage and display of commercial materials.
- (3) Mobile homes.
- (4) Shopping centers.
- (5) Adult entertainment establishments.
- (6) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-547 through 16-561 to remain unchanged and are omitted for brevity]

Sec. 16-562. Prohibited uses and structures.

The prohibited uses and structures in the MXD-O mixed use development district are as follows:

- (1) Any use, accessory use or component of use or structure not specifically or by reasonable implication permitted herein or permissible by special exception.
- (2) All outdoor storage and display of commercial goods and materials.
- (3) Mobile homes.
- (4) Adult entertainment establishments.
- (5) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales,

or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

[Sections 16-563 through 16-576 to remain unchanged and are omitted for brevity]

Sec. 16-577. Prohibited uses.

The following are the prohibited uses in the mixed use development-original section (MXD-OS) district:

- (1) Any use, accessory use or component of use, or structure not specifically, or by reasonable implication, permitted herein or permissible by special exception.
- (2) All outdoor storage and outdoor display of commercial goods and materials.
- (3) Medical marijuana treatment center dispensing facilities and any general medical marijuana retailers.
 - a. Medical marijuana treatment center dispensing facilities, including medical marijuana retail centers, are prohibited, as authorized by Section 381.986(11), et seq., Florida Statutes.
 - b. In addition to the prohibition set forth in subsection a., marijuana remains a Schedule 1 drug and is illegal pursuant to federal law; therefore, any facilities related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities, are prohibited.

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

In addition to the foregoing proposed zoning text amendments, it is proposed that Chapter 9, Miscellaneous Offenses, be amended as follows:

Chapter 9, Article I, Division 1:

Sec. 9-10. Marijuana Dispensaries.

- (a) Consistent with Section 381.986(11), Florida Statutes, it shall be unlawful to operate a medical marijuana treatment center dispensing facility within the boundaries of the city.
- (b) It shall be unlawful to operate any facility related to the cultivation, processing, distribution, storage, sales, or other wholesale or retail transaction of marijuana, whether for compensation or otherwise, including medical marijuana treatment center dispensing facilities.
- (c) Medical marijuana treatment center dispensing facilities that are lawfully operating within the city as of October 2, 2023, shall be treated as nonconforming uses.

III. Staff Analysis:

Section 381.986(11), Florida Statutes, specifically authorizes municipalities to “ban” medical marijuana treatment center dispensing facilities from being located within their boundaries. The City initially instituted such a ban, but later removed it as to certain non-residential zoning districts. The passage of Ordinance 2023-10 would reinstate the prior prohibition, and it will apply citywide. However, if a MMTC-DF is lawfully operating as of the effective date of Ordinance 2023-10, it will be treated as a nonconforming use.

Development Review Committee Comments:

The petition was reviewed by the Development Review Committee staff recommended approval with no comments.

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 reinstate the prohibition on the MMTC-DF use within the boundaries of 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.

V. Staff Recommendation:

Approval of ZTA-23-01 through the adoption of Ordinance 2023-10.

PLANNING COMMISSION RECOMMENDATION – September 14, 2023

The Planning Commission on a motion made by Commissioner Hayes and seconded by Commissioner Clements, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment *ZTA-23-01 (MMTC-DF)* as presented by staff.

CITY COUNCIL ACTION First Reading – October 16, 2023

The City Council on a motion made by Deputy Mayor Tharp and seconded by Council Member Bousquet, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment *ZTA-23-01 (MMTC-DF)* as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – November 6, 2023

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

ORDINANCE NO. 2023-10

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE I, IN GENERAL, SECTION 16-1, DEFINITIONS; ARTICLE III, DISTRICT REGULATIONS, DIVISION 8, OFFICE, PROFESSIONAL AND INSTITUTIONAL (OPI), SECTION 16-425; DIVISION 9, COMMERCIAL NEIGHBORHOOD (CN), SECTION 16-450; DIVISION 10, COMMERCIAL GENERAL (CG), SECTION 16-475; DIVISION 11, COMMERCIAL INTENSIVE (CI), SECTION 16-500; DIVISION 14, MIXED DEVELOPMENT (MXD), SECTION 16-546; DIVISION 15, MIXED USE DEVELOPMENT – OFFICE (MXD-O), SECTION 16-562; AND DIVISION 16, MIXED USE DEVELOPMENT – ORIGINAL SECTION (MXD-OS), SECTION 16-577; CREATING CHAPTER 9, MISCELLANEOUS OFFENSES, DIVISION 1, SECTION 9-10; PROHIBITING THE DISPENSING OF MEDICAL MARIJUANA WITHIN THE CITY; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 16, ZONING REGULATIONS, SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING FOR NONCONFORMING USES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

¹ See Section 166.041(4)(c), Florida Statutes.

- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The Florida legislature may legalize recreational use of marijuana with the state. If legalized, existing Medical Marijuana Treatment Center Dispensing Facilities may be authorized to dispense recreational marijuana. The proposed ordinance is intended to protect the health, safety, and general welfare within the City by avoiding the proliferation of additional Medical Marijuana Treatment Center Dispensing Facilities, consistent with section 381.986, Florida Statutes, and potentially future dispensing of recreational marijuana within the City.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur:

None. Existing, lawfully operating Medical Marijuana Dispensing Facilities may continue to operate as non-conforming uses.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible:

None.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

Not applicable.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None. Existing, lawfully operating Medical Marijuana Dispensing Facilities may continue to operate as non-conforming uses.

4. Additional information the governing body deems useful (if any):

Not applicable.



ITEM SUMMARY

MEETING DATE: November 6, 2023
FROM: Christy Goddeau, City Attorney's Office
SUBJECT: Ordinance 2023-14: Second Reading – Ordinance Defining and Prohibiting Adult Arcades.

BACKGROUND

Currently, the Code of Ordinances does not define or otherwise address the topic of adult arcades. The City Council has provided direction to propose an ordinance prohibiting the operation of adult arcades. The proposed ordinance would apply citywide, with an exception for legal non-conforming uses.

ANALYSIS

In recent years, Florida has experienced an increase in the number of adult arcades. Such establishments typically offer simulated gambling devices for use by the public. Recognizing that adult arcades are associated with illegal gambling in violation of Chapter 849, Florida Statutes, and other crimes, including violent crimes and property crimes, local governments have passed ordinances prohibiting the use of simulated gambling devices and/or the operation of arcades within their respective jurisdictions. To avoid the proliferation of adult arcades in Greenacres, the proposed ordinance defines adult arcades and related terms and it prohibits the operation of such establishments within the City. If adopted, the ordinance would permit legally operating arcades to continue as non-conforming uses.

The City Council voted five (5) to zero (0) to recommend approval of Zoning Text Amendment ZTA-23-02 as presented by staff on October 16, 2023.

FINANCIAL INFORMATION

A business impact estimate has been posted. There is no anticipated financial impact to the City.

LEGAL

City Attorney has reviewed the item and all supporting documents for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2023-14.

ORDINANCE NO. 2023-14

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE I, IN GENERAL, SECTION 16-1, DEFINITIONS, BY AMENDING CERTAIN DEFINITIONS AND ADDING DEFINITIONS RELATED TO ADULT ARCADES; PROHIBITING SIMULATED GAMBLING DEVICES AND ADULT ARCADES AND PROVIDING FOR NONCONFORMING USES; CREATING CHAPTER 9, MISCELLANEOUS OFFENSES, DIVISION 1, SECTION 9-11; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 16, ZONING REGULATIONS, SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that adult arcades have been associated with and tend to encourage an increase in criminal activity, including but not limited to violent crimes, property crimes, illegal gambling, and the possession of illegal gambling machines; and

WHEREAS, the City Council deems the prohibition of adult arcades to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Greenacres and the public at large; and

WHEREAS, the Development Review Committee provided its recommendation regarding the proposed amendment to the Code of Ordinances; and

WHEREAS, the Planning and Zoning Board of Appeals, after notice and public hearing, has considered the proposed amendment to the Code of Ordinances, more specifically described herein, and submitted its recommendation to the City Council; and

WHEREAS, the City Council, after notice and public hearing, has considered the proposed amendment to the Code of Ordinances, the recommendations of the Planning Commission, and all public comments; and

WHEREAS, the City Council finds that the proposed amendment to the Code of

Ordinance No. 2023-14 | Prohibiting Adult Arcades

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Ordinances is consistent with the City of Greenacres Comprehensive Plan; and

WHEREAS, the City Council desires to amend the Code of Ordinances in order to incorporate the above-described amendment;

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

SECTION 1. Chapter 16, Zoning Regulations, Article I, In General, Section 16-1, Definitions, is hereby amended as follows:

Sec. 16-1. Definitions.

Amusement device/coin- or token-operated shall mean any amusement machine or device operated by means of insertion of a coin, token, or similar object for the purpose of amusement or skill, or for the playing of which, a fee is charged. This definition does not include the following: vending machines which do not incorporate gaming, amusement or skilled features; ~~nor does this definition include~~ any coin or token operated mechanical musical devices; and simulated gambling devices.

Arcade, adult shall mean any establishment, room, place, or business location at which there are available to the public one (1) or more simulated gambling devices. Adult arcades are prohibited within the City of Greenacres, with the exception that adult arcades that are lawfully operating as of November 6, 2023, shall be considered nonconforming uses.

Arcade, game/video shall mean any establishment, room, place, or business location in which there are available to the public more than three (3) coin- or token-operated amusement devices which are coin- or token-operated or where a fee is charged for the operation of such devices. This definition does not include adult arcades.

Simulated gambling device shall mean any game, machine, device, computer simulation of any game, or simulated slot machine, which may deliver or entitle the user thereof to a payoff directly or indirectly from the owner or operator of the device or the owner or operator's designee. For purposes of this definition, "payoff" includes, but is not limited to, any money, credit, allowance, or additional chance to use the device.

Slot machine shall have the same meaning as defined in section 551.102, Florida Statutes, as that section may be amended from time to time.

Ordinance No. 2023-14 | Prohibiting Adult Arcades

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SECTION 2. Chapter 9, Article I, Division 1, Section 9-11 is hereby created as follows:

Section 9-11. Simulated Gambling Devices.

(a) Definition. Adult arcade shall have the definition set forth in Section 16-1 of this Code.

(b) Findings and Intent. Adult arcades are associated with and tend to encourage an increase in criminal activity, including but not limited to, violent crimes, property crimes, illegal gambling, and the possession of illegal gambling equipment. It is the intent of this section to promote the general health, safety, and welfare by avoiding the future establishment and proliferation of adult arcades, while permitting legal nonconforming uses as set forth herein.

(b) Operation of adult arcades prohibited. It is unlawful to operate an adult arcade within the City of Greenacres. This subsection does not prohibit the personal, recreational, and non-commercial ownership, possession, play, operation, or use of a device which could be construed to be a simulated gambling device.

(c) Nonconforming uses. Any adult arcade lawfully operating on or before November 6, 2023, shall not be prohibited under this section, but shall be classified as a nonconforming use and governed by section 16-1357 of this Code.

(d) Conflict with state law. Nothing set forth in this section or this article is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as may be amended from time to time. If any provision of this section directly conflicts with state law, the applicable state law shall control.

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

Ordinance No. 2023-14 | Prohibiting Adult Arcades

Page No. 4

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 the 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 in accordance with the City's Charter.

Ordinance No. 2023-14 | Prohibiting Adult Arcades
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Passed on the first reading this 16th day of October 2023.

PASSED AND ADOPTED on the second reading this 6th day of November 2023.

Voted:

Joel Flores, Mayor

Peter Noble, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

John Tharp, Council Member, *District I*

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

ZTA-23-02 (Ord. 2023-14)
Exhibit "A"
Date: September 7, 2023

Revised: 10/12/2023
10/16/2023

	LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2023-14 – Prohibiting Adult Arcades: A City-initiated text amendment to the Zoning Code to define and prohibit adult arcades in all areas of the City.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

Originating Department: Planning & Engineering Project Manager <hr style="width: 100px; margin-left: 0;"/> Denise Malone, AICP Development and Neighborhood Services Director	Reviewed By: Director of Planning & Engineering <hr style="width: 100px; margin-left: 0;"/> Denise Malone, AICP Development and Neighborhood Services Director <hr style="width: 100px; margin-left: 0;"/> Tanya Earley, Esq. Torcivia, Donlon, Goddeau & Rubin, P.A.
Approved By: City Manager <hr style="width: 100px; margin-left: 0;"/> Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 9/28/2023, 10/05/2023 Papers: Lake Worth Herald/Palm Beach Post Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____

Attachments: <ul style="list-style-type: none"> Ordinance 2023-14 	City Council Action: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____
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I. Executive Summary:

This is a city-initiated request to amend the City’s Zoning Code to define and prohibit adult arcades. In addition, it is recommended that Chapter 9 (Miscellaneous Offenses) be amended to prohibit the unlawful operation of such establishments.

II. Background:

Section 849.231, Florida Statutes, prohibits the possession, purchase, manufacture, and sale of gambling devices, including slot machines. Adult arcades ostensibly provide a space for the public to use devices that simulate gambling without violating section 849.231. In practice, many establishments offer machines that are prohibited under state law, or which require specialized knowledge to verify their legality. In May of 2023, the Florida Gaming Control Commission arrested arcade operators doing business in Palm Beach, St. Lucie, and Pinellas Counties, seizing more than 300 illegal gambling machines.

Law enforcement personnel from areas with a high concentration of arcades (e.g., Pinellas County), have reported that arcades are associated with criminal offenses, including robbery, trespass, criminal mischief, and the sale of illegal drugs onsite.

To avoid the proliferation of adult arcades in Greenacres, staff have been directed to draft amendments to the City Code.

III. Proposed Zoning Code Amendments:

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

Proposed Change #1

The proposed zoning text amendments are as follows:

Chapter 16, Zoning Regulations, Article I, In General, Section 16-1, Definitions:

Sec. 16-1. Definitions.

Amusement device/coin- or token-operated shall mean any amusement machine or device operated by means of insertion of a coin, token, or similar object for the purpose of amusement or skill, or for the playing of which, a fee is charged. This definition does not include the following: vending machines which do not incorporate gaming, amusement or skilled features; ~~nor does this definition include~~ any coin or token operated mechanical musical devices; and simulated gambling devices.

Arcade, adult shall mean any establishment, room, place, or business location at which there are available to the public one (1) or more simulated gambling devices. Adult arcades are prohibited within the City of Greenacres, with the exception that adult arcades that are lawfully operating as of November 6, 2023, shall be considered nonconforming uses.

Arcade, game/video shall mean any establishment, room, place, or business location in which there are available to the public more than three (3) coin- or token-operated amusement devices which are coin- or token-operated or where a fee is charged for the operation of such devices. This definition does not include adult arcades.

Simulated gambling device shall mean any game, machine, device, computer simulation of any game, or simulated slot machine, which may deliver or entitle the user thereof to a payoff directly or indirectly from the owner or operator of the device or the owner or operator's designee. For purposes of this definition, "payoff" includes, but is not limited to, any money, credit, allowance, or additional chance to use the device.

Slot machine shall have the same meaning as defined in section 551.102, Florida Statutes, as that section may be amended from time to time.

In addition to the foregoing proposed zoning text amendments, it is proposed that Chapter 9, Miscellaneous Offenses, be amended as follows:

Section 9-11. Simulated Gambling Devices.

(a) Definition. Adult arcade shall have the definition set forth in Section 16-1 of this Code.

(b) Findings and Intent. Adult arcades are associated with and tend to encourage an increase in criminal activity, including but not limited to, violent crimes, property crimes, illegal gambling, and the possession of illegal gambling equipment. It is the intent of this section to promote the general health, safety, and welfare by avoiding the future establishment and proliferation of adult arcades, while permitting legal nonconforming uses as set forth herein.

(b) Operation of adult arcades prohibited. It is unlawful to operate an adult arcade within the City of Greenacres. This subsection does not prohibit the personal, recreational, and non-commercial ownership, possession, play, operation, or use of a device which could be construed to be a simulated gambling device.

(c) Nonconforming uses. Any adult arcade lawfully operating on or before November 6, 2023, shall not be prohibited under this section, but shall be classified as a nonconforming use and governed by section 16-1357 of this Code.

(d) Conflict with state law. Nothing set forth in this section or this article is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as may be amended

from time to time. If any provision of this section directly conflicts with state law, the applicable state law shall control.

IV. Staff Analysis:

The City Code currently lacks a definition for adult arcade. The proposed text amendment would define an arcade as an establishment that offers one or more simulated gambling devices to the public. In addition, it defines simulated gambling devices and slot machines. While the added definition clarifies that adult arcades are prohibited within the City of Greenacres, the amendment to Chapter 9, Miscellaneous Offenses, prohibits the operation of such establishments. To the extent an adult arcade is legal operating on the effective date of the ordinance, it would be considered a non-conforming use.

Development Review Committee Comments:

The petition was reviewed by the Development Review Committee staff recommended approval with no comments.

V. 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 reinstate the prohibition on the MMTC-DF use within the boundaries of 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.

VI. Staff Recommendation:

Approval of ZTA-23-02 through the adoption of Ordinance 2023-14.

**PLANNING AND ZONING BOARD OF APPEALS
RECOMMENDATION – October 12, 2023**

The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Litowsky, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-23-02** (*Prohibiting Adult Arcade*) as presented by staff.

CITY COUNCIL ACTION First Reading – October 16, 2023

The City Council on a motion made by Deputy Mayor Tharp and seconded by Council Member Dugo, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-23-02** (*Prohibiting Adult Arcade*) as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – November 6, 2023

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

ORDINANCE NO. 2023-14

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE I, IN GENERAL, SECTION 16-1, DEFINITIONS, BY AMENDING CERTAIN DEFINITIONS AND ADDING DEFINITIONS RELATED TO ADULT ARCADES; PROHIBITING SIMULATED GAMBLING DEVICES AND ADULT ARCADES AND PROVIDING FOR NONCONFORMING USES; CREATING CHAPTER 9, MISCELLANEOUS OFFENSES, DIVISION 1, SECTION 9-11; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 16, ZONING REGULATIONS, SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:

¹ See Section 166.041(4)(c), Florida Statutes.

- a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

In recent years, Florida has experienced an increase in the number of adult arcades. Such establishments typically offer simulated gambling devices for use by the public. Recognizing that adult arcades are associated with illegal gambling and other crimes, including violent crimes and property crimes, the proposed ordinance seeks to prohibit the operation of such establishments and thereby contribute to the health, safety, and general welfare within the City.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur:

None. Existing, lawfully operating adult arcades may continue to operate as non-conforming uses.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible:

None.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

Not applicable.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None. Existing, lawfully operating adult arcades may continue to operate as non-conforming uses.

4. Additional information the governing body deems useful (if any):

Not applicable.



Department Report

MEETING DATE: November 6, 2023

FROM: Suzanne Skidmore, Director of Human Resources and Risk Management

SUBJECT: Approval of CareATC Contract

BACKGROUND

The City is fully insured for health insurance. In an effort to reduce the total cost paid for coverage by the employees and the City, over the last several years, Human Resources has implemented wellness programs and initiatives to ensure employees are taking care of themselves and make them better consumers of their healthcare. As a result, the City has seen a decline in loss ratios and medical claims. The decline has put the City in a good position to go out to the market for coverage. Following a solicitation of proposals, the City has received a significant decrease in the renewal costs for Calendar Year 2024. After careful consideration and review of the long-term healthcare and financial benefits, with the City's insurance broker, the City has decided to contract with CareATC for shared-site health center primary care for employees, dependents and retirees that are on the City's health insurance. CareATC is a national integrated health solutions company that enables employers to reduce healthcare costs by improving the health of their workforce. CareATC offers Full Scale Primary Care including Preventive Care, Acute Care and Chronic Condition Management.

ANALYSIS

The long-term impact of using CareATC, will result in reduced costs for employees and a decrease in health insurance costs for the City.

FINANCIAL INFORMATION

Any costs associated with CareATC will be included in the City Budget.

LEGAL

The CareATC Contract has been reviewed by the City Attorney.

STAFF RECOMMENDATION

Approve of Resolution 2023-27.

RESOLUTION NO. 2023-27

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE CITY OF GREENACRES AND CAREATC; AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EFFECTUATE THE TERMS OF THE AGREEMENT.

WHEREAS, In an effort to reduce the total cost paid for coverage by the employees and the City, over the last several years, Human Resources has implemented wellness programs and initiatives to ensure employees are taking care of themselves and make them better consumers of healthcare; and

WHEREAS, As a result, the City has seen a decline in loss ratios and medical claims; and

WHEREAS, the City has received a significant decrease in renewal costs; following a request for proposal and

WHEREAS, After careful consideration and review of the long-term healthcare and financial benefits with the City’s insurance broker the City has decided to contract with CARE ATC for a shared site health center primary care for employees, dependents and retirees that are on the City’s health insurance; and

WHEREAS, CareATC is a leader of near-site and multi-employer, shared-site health centers and has 31 Nationwide Shared-Site Health Centers and 6 Shared Site Health Centers in Southeast Florida; and

WHEREAS, CareATC primary care centers provide employees and their families with comprehensive medical care designed to treat acute illness and chronic disease;

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

SECTION 1. The City Council of the City of Greenacres hereby ratifies the

Resolution No. 2023-27 | CareATC Contact Approval
Page No. 2

Agreement (attached here to as Exhibit "A") between the City and CareATC.

SECTION 2. The City Council of the City of Greenacres hereby authorizes the appropriate City Officials to effectuate the terms of the Agreement.

RESOLVED AND ADOPTED this 6th of day of November 2023

Joel Flores, Mayor

Voted:
John Tharp, Council Member, District I

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Deputy Mayor

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: November 6, 2023

FROM: Brian Fuller, Fire Chief, Fire Rescue

SUBJECT: Resolution 2023-41 – Repeal and replace Resolution 2021-40 Fire Prevention Fee Schedule with an updated Fee Schedule consistent with market pricing and additional charges for expanded services.

BACKGROUND

The current Fire Prevention Schedule of Fees was adopted through Resolution 2021-40. This schedule provided for the establishment of fees for fire plan reviews, inspections, false fire alarm fees and annual fire inspections. With the adoption of the Florida Fire Prevention Code 7th edition and amendments, the Fire Prevention Fee Schedule was reviewed, and it was determined that it needed to be revised.

ANALYSIS

Resolution 2023- 41 repeals the Fire Prevention Fee Schedule that was previously established in Resolution 2021-40 and increases fees to reflect the actual cost incurred by the City in providing those services.

FINANCIAL INFORMATION

The establishment of the new fees for expanded services and the revised fees for functions performed pursuant to Chapter 5, Fire Prevention and Protection of the City of Greenacres Code of Ordinances, will result in an estimated increase of \$10,000.00 dollars in revenue. These fees are consistent with surrounding jurisdictions and are an accurate reflection of the costs incurred and is in the best interests of the City, and those we serve.

LEGAL

The resolution has been prepared in accordance with City Code requirements and has been approved for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff recommends approval of Resolution 2023-41.

RESOLUTION NO. 2023-41

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, REPEALING RESOLUTION 2021-40 AND ESTABLISHING A FIRE PREVENTION SCHEDULE OF FEES FOR SERVICES AND FUNCTIONS PERFORMED PURSUANT TO CHAPTER 5 FIRE PREVENTION AND PROTECTION OF THE CITY OF GREENACRES CODE OF ORDINANCES; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Section 5-5 of the City of Greenacres Code of Ordinances provides for the establishment of fees by resolution for services and functions performed under Chapter 5 Fire Prevention and Protection and in accordance with the Florida Fire Prevention Code; and

WHEREAS, the City Council of the City of Greenacres previously adopted a schedule of fire prevention fees through Resolution No. 2021-40; and

WHEREAS, the inspection fees have not changed since 2021; and

WHEREAS, using the valuation of work to calculate the fees is consistent with surrounding jurisdictions and an accurate reflection of the costs incurred by the fire department in performing said services; and,

WHEREAS, the City Council has determined that all of the fees set forth in this Resolution are reasonable and based upon the actual costs incurred in the performance of the Fire Prevention and Protection functions and in accordance with the Florida Fire Prevention Code; and

WHEREAS, the City Council has also determined that amending the fees as set forth in this Resolution is in the best interests of the City and its residents health, safety and welfare, and serves a valid public purpose.

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

Resolution No. 2023-41 | Fire Prevention Fee Schedule

Page No. 2

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

SECTION 2. A schedule of fees for services and functions performed pursuant to Chapter 5 Fire Prevention and Protection of the City of Greenacres Code of Ordinances and in accordance with the Florida Fire Prevention Code is hereby established as follows:

I. Plan Review Fees

Fees for plan review and associated inspections for new construction and alterations to existing buildings shall be as follows:

A. The following formula, which is based on the valuation of the proposed work, shall be used to determine plan review fees.

- | | |
|-------------------------------|---|
| 1) \$0.00 up to \$125,000 | Charge 0.5% total valuation of work, with a minimum of \$100.00 |
| 2) \$125,001 to \$300,000 | Charge \$625.00 for the first \$125,000 and then charge 0.25% of the balance of the value |
| 3) \$300,001 to \$1,000,000 | Charge \$1,062.50 for the first \$300,000 and then charge 0.125% of the balance of the value |
| 4) \$1,000,001 to \$2,000,000 | Charge \$1937.50 for the first \$1,000,000 and then charge 0.0625% of the balance of the value |
| 5) \$2,000,001 and up | Charge \$2562.50 for the first \$2,000,000 and then charge 0.03125% of the balance of the value |

B. Plan Revision

\$20 for first page plus
\$10.00 for each additional page

Resolution No. 2023-41 | Fire Prevention Fee Schedule

Page No. 3

C. Open Burning

\$58 effective for 30 days with a \$29 renewal fee

II. INSPECTIONS

Fees for Inspections performed by the Fire Marshal for all occupancies required to obtain a business tax receipt are hereby established as follows:

- A. For all new buildings, and alterations to existing buildings that have received a certificate of occupancy, or certificate of completion within 30 days of an application for business tax receipt, the inspection fee will be waived.
- B. In existing buildings where permits are not required for interior renovations, or where a certificate of occupancy or completion was issued over 30 days from the date of the application for the business tax receipt, the inspection fees shall be as follows:

1. Residential Rental Inspections

Initial inspection per unit: \$50.00

2. All Occupancies other than Residential

Initial inspection per business location: \$75.00

C. Annual Inspections per Building based on Fixed Property Use

FIXED PROPERTY USE	FEES
A. Assembly	
50 - 299 Maximum Occupancy	\$75.00
300 – 1,000 Maximum Occupancy	\$100.00
1,001 - 5,000 Maximum Occupancy	\$150.00
5,001 and over Maximum Occupancy	\$200.00
B. Educational	
Day Care Nursery	\$75.00
All Others	\$200.00
C. Health Care, Hospital, Nursing Home	
5,000 sq ft & under	\$75.00
5,001 - 15,000 sq ft	\$100.00
15,001 - 30,000 sq ft	\$150.00
30,001 - 100,000 sq ft	\$200.00
100,001 - 200,000 sq ft	\$300.00
200,001 - 500,000 sq ft	\$400.00
500,001 – and over	\$550.00

Resolution No. 2023-41 | Fire Prevention Fee Schedule

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D. Hotel/Motel	
Under 25 Units/Rooms	\$75.00
25- 100 Units/Rooms	\$125.00
101 - 500 Units/Rooms	\$200.00
501 - and over	\$250.00
E. Mercantile, Business, and Storage Facilities	
1,000 sq ft and under	\$50.00
1,001 sq ft - 5,000 sq ft	\$75.00
5,001 - 25,000 sq ft	\$125.00
25,001 - 50,000 sq ft	\$150.00
50,001 - 75,000 sq ft	\$200.00
75,001 - 100,000 sq ft	\$275.00
100,001 - 150,000 sq ft	\$350.00
150,001- 200,000	\$400.00
Over 200,001	\$450.00
F. Commercial LP Gas Facilities	
All	\$100.00
G. Temporary Structures	
All	\$50.00
H. Residential (units per community)	
Under 12 Units	\$40.00
12- 25 Units	\$50.00
26 - 100 Units	\$100.00
101 – 500 Units	\$200.00
I. Biennial Mobile Home Parks*	
	Biennial Fee
* Inspection fee is inclusive of an inspection of all park-owned community buildings and park-provided facilities for compliance with the requirements of the Florida Fire Prevention Code and Chapter 69A-42, Florida Administrative Code, pertaining to Mobile Home Parks. Fire inspections of individually owned mobile homes is not included and is not part of the fee assessed to the parks.	
Mobile home park with 1-100 lots	\$250.00
Mobile home park with 101-200 lots	\$500.00
Mobile home park with 200-300 lots	\$1000.00
Mobile home park with 300-400 lots	\$1,500.00
Mobile home park with 400-500 lots	\$2,000.00
Mobile home park with 500-600 lots	\$2,500.00
J. Fire Systems Inspection fees	
In addition to annual inspection fees, the following fees shall apply to inspections of the following fire systems whether located in commercial, residential or other property. Prices are for each.	

Resolution No. 2023-41 | Fire Prevention Fee Schedule

Page No. 5

Flow tests	\$350.00
Fire Sprinkler System (per riser)	\$50.00
Fire Standpipe System (per standpipe)	\$50.00
Fire Alarm System (per fire alarm panel)	\$50.00
Kitchen Hood Suppression System	\$50.00
Fire Line Backflow	\$50.00
Fire Pump	\$50.00
Emergency Generator	\$50.00
K. Commercial buildings with common areas	
50,000 sq ft and under	\$75.00
50,000 sq ft – 100,000 sq ft	\$150.00
1000,001 sq ft – 200,000 sq ft	\$200.00
Over 200,000 sq ft	\$300.00
L. Complaint/Out of service life safety systems inspection	
Complaint inspection	\$75.00
Life safety system out of service	\$250.00
M. Re-inspection (For all inspection types)	
1 st Re-inspection (violations not corrected)	\$50.00
2 nd Re-inspection	\$100.00
3 rd Re-inspection (if 3 rd inspection is failed the violation will go to Code Enforcement)	\$150.00
Additional fee for each BTR in same physical location	\$20.00
N. Fire watch (per hour)	\$60.00

III. Excessive False Fire Alarm fees are hereby established as follows:

A. Number of False Fire Alarms within a 12 month period	Service Fee
1-3	No Charge
4-6	\$100 per occurrence
7-9	\$200 per occurrence
10 and more	\$350 per occurrence
B. False alarm caused by fire alarm technician. To be billed to fire alarm technician's company.	\$100.00 per occurrence

Section 3. All Resolutions in conflict herewith are hereby repealed.

Section 4. If any word, clause, sentence, paragraph, section or part thereof contained in this Resolution is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Resolution.

Section 5. This Resolution shall become effective upon adoption.

Resolution No. 2023-41 | Fire Prevention Fee Schedule

Page No. 6

RESOLVED AND ADOPTED this ____ day of November, 2023.

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: November 6, 2023

FROM: Michael Jerrahian, Building Official

SUBJECT: **Adopting 2023 Florida Building Code, 8th Edition with Administrative Amendments to Chapter One of the Florida Building Code**

BACKGROUND

The Florida Building Code was adopted in accordance with Florida Statute 553.73, as the single unified state building code, and is updated and adopted every three (3) years by the Florida Building Commission. Chapter 1 of the Florida Building Code includes the administrative portion of the Florida Building Code. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in Florida Statute 553.72(4). An amendment to the Florida Building Code adopted by a local government under this subsection is effective only until the adoption of the new edition of the Florida Building Code by the commission every third year.

ANALYSIS

The 2023 Florida Building Code, 8th Edition is set to take effect as of December 31, 2023.

In preparation for the new 2023 Florida Building Code change, a review was performed to evaluate the base changes to the administrative portion of the code and an analysis of any necessary changes relevant to the City of Greenacres to ensure the safe construction, alteration, demolition, and repair of structures and equipment throughout the City of Greenacres.

Proposed Ordinance No. 2023-16 formally adopts the 2023 Florida Building Code and the administrative amendments to Chapter 1, which are attached to the ordinance at Exhibit "A." It has an effective date of December 31, 2023, to coincide with the effective date of the new edition.

The proposed changes to Chapter 1 of the Florida Building Code and to the City of Greenacres Code of Ordinances, Chapter 4, Buildings and Building Regulations, Sections 4-2 and 4-5 are in ~~Strike through for deletion~~ and Underline for addition.

FINANCIAL INFORMATION

N/A

LEGAL

Changes resulting from new state legislation have been highlighted in Exhibit “A”. These changes impact, among other things, the processing time and allowable actions on permit applications; they also include the criteria and process for performing and reporting milestone inspections required. The proposed ordinance and attachment have been reviewed by the City’s legal counsel.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments.

ORDINANCE NO. 2023-16

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 4, ENTITLED BUILDINGS AND BUILDING REGULATIONS, OF THE CITY OF GREENACRES CODE, TO ADOPT AND INCORPORATE THE FLORIDA BUILDING CODE 8th EDITION, TOGETHER WITH ALL AMENDMENTS THERETO, AS RECOMMENDED BY THE BUILDING CODE ADVISORY BOARD OF PALM BEACH COUNTY, FLORIDA AND AS CONFORMED TO THE CITY'S OPERATIONAL STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS; pursuant to Chapter 553, Florida Statutes, known as the “Florida Building Codes Act”, the legislature provided for the adoption and enforcement of a single unified state building code, entitled the “Florida Building Code”; and

WHEREAS; pursuant to the laws of the State of Florida and Section 553.73(4)(b), Florida Statutes, the Building Code Advisory Board of Palm Beach County (“BCAB”) and the City of Greenacres has reviewed the Code provisions in the Florida Building Code and, based upon that review, recommend the adoption of the 2023 Florida Building Code 8th Edition, with amendments to the Chapter One of the Florida Building Code 8th Edition (Exhibit “A”); and

WHEREAS; the City Council of Greenacres finds that the adoption of the Florida Building Code 8th Edition, together with the amendments to Chapter One, will greatly promote the health, safety and welfare of the residents of the City of Greenacres.

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

Section 1.

That Chapter 4 Section 4-2 of the City of Greenacres Code of Ordinance, entitled “Florida Building Code” is hereby amended by ~~deleting~~ and adding the following provisions:

Chapter 4 Sec. 4-2. - Florida Building Code.

- (a) The city hereby adopts by reference the Florida Building Code as mandated by Chapter 553, Florida Statutes Including the Florida Building Code 7th 8th Edition.
- (b) The City hereby adopts by reference the “Amendments to Chapter One of the ~~2020~~ 2023 Florida Building Code ~~“(7th Edition)”~~ “(8th Edition)” as recommended by the Palm Beach County Building Code Advisory Board, the Building Official, and as conformed to the City’s operational standards, which are on file in the city clerk’s office.

Section 2. Chapter 4 Section 4-5 of the City of Greenacres Code of Ordinance is hereby amended by ~~deleting~~ and adding the following provisions:

Chapter 4 Sec. 4-5. – Unsafe building abatement code.

(Sections b-g to remain unchanged and omitted for brevity.)

(a) General matters.

(1) Purpose and scope. This section is declared to be remedial in nature. The purpose of this section is to secure the public health, safety and welfare by ensuring that all buildings, as defined herein, within the city are structurally sound and that such premises provide adequate egress, sanitation, light and ventilation for the protection of life and property and are free from fire and other hazards incidental to their construction, alteration, use and occupancy. The provisions of this section shall apply to all unsafe buildings and shall apply equally to new and existing conditions.

(2) Authority. The city, acting through its city council and/or its designee, shall have authority pursuant to its home rule and police powers and Article VIII, Section 2(b) of the Florida Constitution to determine and declare the existence of a public nuisance in the form of an unsafe building and shall have the authority to provide for the abatement of the same. The abatement of such unsafe buildings constitutes a municipal service, which specifically benefits

the property, and the assessment of the costs incurred by the city in abating an unsafe building is deemed fair and reasonable. These costs of abatement may be levied as a special assessment. The enforcement of this section is an alternative to the procedures set forth in the “Amendments to Chapter One of the ~~2020~~ 2023 Florida Building Code (~~7th Edition~~) (8th Edition)” adopted pursuant to Section 4-2(b) of this Code.

(3) District established. The city, in its entirety, as its city boundaries exist on the date of enactment of this section and as they may be expanded or contracted from time to time, is hereby declared a special assessment district for the purposes of abating and remedying unsafe buildings. Individual properties within the city’s boundaries, as they may exist from time to time, may be assessed for the costs incurred by the city in abating and remedying violations of this section.

(4) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

Interested parties. Interested parties mean the owner, as determined by the records of the Palm Beach County Tax Collector, the occupant of the building, and any other person or entity having a legal or equitable interest in the building, including but not limited to, any mortgage holder, judgement holder or other lien holders of record.

Unsafe building means any building, structure, existing equipment, or service systems or portion thereof that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance. A vacant structure that is not secured against entry shall also be deemed unsafe.

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 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 December 31, 2023 or upon any amended effective date of the Florida Building Code by the Florida Legislature.

[The remainder of this page intentionally left blank.]

Passed on the first reading this 16th day of October, 2023.

PASSED AND ADOPTED on the second reading this ___ day of ___, 2023.

Voted:

Joel Flores, Mayor

Peter Noble, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

John Tharp, Council Member, *District I*

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: November 6, 2023

FROM: Tanya Earley, City Attorney's Office

SUBJECT: Ordinance 2023-17: First Reading – Ordinance repealing Chapter 9, sections 9-30 and 9-31, due to state preemption of regulation of the residential landlord-tenant relationship.

BACKGROUND

On July 18, 2022, the City adopted Ordinance No. 2022-18, establishing landlord/resident notice requirements for residential tenancies. The Florida Legislature has since enacted legislation that preempts the regulation of residential tenancies. The proposed ordinance would repeal the preempted provisions.

ANALYSIS

Chapter 9 "Miscellaneous Offenses," Article III "Landlord/Tenant Notice Requirements," at Section 9-30 "Required fair written notice of termination of monthly residential tenancy without specific duration" and Section 9-31 "Required fair written notice of rental payment increases for residential tenancies," provides for termination and rental increase notice requirements between landlords and tenants of residential tenancies. This year, the Florida Legislature adopted a new law, Section 83.425, Florida Statutes, effective July 1, 2023, that preempts the City and other local governments from the "regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under this part..." The City of West Palm Beach was sued for their continued enforcement of similar ordinances. Based upon the Legislature's preemption of the field of residential tenancies, it is prudent for the City to repeal Section 9-30 and Section 9-31 to avoid litigation and liability. Because sections 9-30 and 9-31 are the only sections in Article III, the proposed ordinance provides for the current title of Article III to be deleted, and Article III to be reserved.

FINANCIAL INFORMATION

A business impact estimate has been posted. There is no anticipated financial impact on the City.

LEGAL

City Attorney has reviewed the item and all supporting documents for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2023-17 on first reading.

ORDINANCE NO. 2023-17

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 9 “MISCELLANEOUS OFFENSES,” BY DELETING THE TITLE OF ARTICLE III, “LANDLORD/TENANT NOTICE REQUIREMENTS,” AND BY REPEALING SECTION 9-30 “REQUIRED FAIR WRITTEN NOTICE OF TERMINATION OF MONTHLY RESIDENTIAL TENANCY WITHOUT SPECIFIC DURATION” AND SECTION 9-31, “REQUIRED FAIR WRITTEN NOTICE OF RENTAL PAYMENT INCREASES FOR RESIDENTIAL TENANCIES,” DUE TO PREEMPTION BY THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City 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, Chapter 9 “Miscellaneous Offenses,” Article III “Landlord/Tenant Notice Requirements,” at Section 9-30 “Required fair written notice of termination of monthly residential tenancy without specific duration” and Section 9-31 “Required fair written notice of rental payment increases for residential tenancies,” provides for termination and rental increase notice requirements between landlords and tenants of residential tenancies; and

WHEREAS, this year, the Florida Legislature adopted a new law, section 83.425, Florida Statutes, effective July 1, 2023, that preempts the City and other local governments from the “regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under this part...”; and

Ordinance No. 2023-17 | Repealing Landlord/Tenant Notice Requirements

Page No. 2

WHEREAS, based upon the State’s preemption of the field of residential tenancies, it is prudent for the City to amend Chapter 9 of the Code of Ordinances by repealing Section 9-30 and Section 9-31 and deleting the title of Article III; and

WHEREAS, the City Council finds and declares that the repeal of the preempted provisions is appropriate, and in the best interest of the health, safety, and welfare of the City;

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

Section 1.

The foregoing “WHEREAS” clauses are incorporated into this Ordinance as true and correct findings of the City Council.

Section 2.

Chapter 9, “Miscellaneous Offenses,” of the Code of Ordinances is hereby amended to delete the title of Article III and to repeal Sections 9-30 and 9-31 as follows:

~~ARTICLE III. - LANDLORD/TENANT NOTICE REQUIREMENTS~~ Reserved.

~~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 F.S. § 83.46(2)) 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 sixty (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 (5) percent at the end of a lease with a specific duration, or during a tenancy without a specific duration (as defined in section F.S. § 83.46(2)) in which the rent is~~

Ordinance No. 2023-17 | Repealing Landlord/Tenant Notice Requirements

Page No. 3

~~payable on a month-to-month basis, must provide sixty (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 sixty (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 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

Ordinance No. 2023-17 | Repealing Landlord/Tenant Notice Requirements

Page No. 4

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 6. Effective Date

The provisions of this Ordinance shall become effective immediately upon its adoption.

[The remainder of this page intentionally left blank.]

Passed on the first reading this 6th day of November, 2023.

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

Voted:

Joel Flores, Mayor

John Tharp, Council Member, *District I*

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Deputy Mayor

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: November 6, 2023
FROM: Andrea McCue, City Manager
SUBJECT: Education Advisory Committee – Appointing Ann Cadaret

BACKGROUND

The City’s Education Advisory Committee was established through Resolution 2023-31. The Education Advisory Committee promotes and provides public awareness for education accomplishments of students, educators, and all schools located within the City. The Education Advisory Committee has nine (9) regular members appointed and approved by the City Council. The membership is comprised of one (1) councilmember to serve as liaison, one (1) student from John I. Leonard to serve as liaison, one (1) middle school student from the City’s Youth Program to serve as liaison and the City’s Community Services Coordinator will serve as the Committee Coordinator. Five (5) regular members will serve a three (3) year term and four (4) regular members will serve two (2) year terms.

ANALYSIS

There is currently (1) application. Ann Cadaret has experience in teaching, design, and freelance work. Ms. Cadaret shows interest in serving on the committee and is a City Resident.

FINANCIAL INFORMATION

N/A

LEGAL

The appointment procedure is in compliance with City Codes.

STAFF RECOMMENDATION

Staff recommends appointing Ann Cadaret to serve as board member of the Education Advisory Committee.

10/20/23 (ST) Reej

Item # 12.



CITY OF GREENACRES BOARD AND COMMITTEE SERVICE APPLICATION

NAME: Ann Cadaret PHONE: 561-386-5549

ADDRESS: 334 Knotty Pine Circle B-1

CITY, STATE & ZIP: Greenacres FL 33463

EMAIL ADDRESS: Gatoracad@gmail.com

EMPLOYER NAME: Rebekah's dreams OCCUPATION: admin

Please provide a description of your education and experience as it relates to the board(s) on which you wish to serve and describe your interest for serving. (You may attach a copy of your resume.)

This sounds like a great committee.

Looking forward to possibly serving on it.

Thanks for your consideration.

- Ann

See attached resume.

Cannot get the signature field to work, to save my life!

Consider this my signature: Ann Cadaret 10/19/23

Thanks!

Do you currently hold any City office? Yes No

Do you own a business within the City? Yes No If yes, which one? _____

On which Board or Committee are you interested in serving?

- Board of Trustees – PSO & Firefighters Retirement
- Charter Review Committee
- Education Advisory Committee
- Building Board of Adjustments & Appeals
- Planning and Zoning Board of Appeals/Local Planning Agency

Applicant Signature: _____ Date: 10-19-2023

Nominated By: Paula Bousquet



ann cadaret

GatorAcad@gmail.com 561 . 386 . 5549 www.anncadaret.com
 334 Knotty Pine Circle B-1 Greenacres, FL 33463
 U. S. citizen, Florida native

Teaching, Design and work history

TLC Engineering Solutions, Inc.
 TSG Design Solutions, Inc.
 American University of Sharjah, UAE
 Palm Beach Atlantic University
 ME Productions
 Palm Beach Community College
 Dreyfoos School of Arts
 Bak Middle School of Arts
 Barbizon Lighting
 Engineers and Associates
 The Linen Store
 Placido-Mara, Inc.
 The Delray Beach Playhouse
 The Lake Worth Playhouse

freelance work

The King's Academy
 Florida Atlantic University
 Palm Beach DramaWorks
 Raymond F. Kravis CenterArtsCamp
 Storymakers and Take Heed Theatre Co
 Florida Grand Opera/Palm Beach Opera
 Theatre Club (Florida Stage)
 Riverside Theatre
 Burt Reynolds Institute Theatre
 Gold Coast Opera

1989 - present

venues and acoustics division
 assistant to consultants, business manager
 associate prof of theatre, scenic designer
 associate prof of theatre, scenic designer
 event design, graphic artist
 adjunct professor, scenic designer
 theatre teacher, scenic designer
 theatre teacher, scenic designer
 sales, exhibit coordinator
 model builder
 sales, visual merchandising
 assistant designer
 scenic designer, production management
 scenic designer

1991 - present

scenic design
 properties
 scenic design
 faculty
 scenic design
 special properties, draftsman
 assistant design
 scenic design
 scenic design and asst design
 scenic design

education

EDU courses, Palm Beach Atlantic Univ, Palm Beach Comm. College	PostGrad
M. F. A. Scenic Design Pennsylvania State University	1989
B. F. A. Design/Tech University of Florida	1986
Richmond College, London, England summer term	1983

affiliations

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references

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