



# CITY COUNCIL MEETING

## City of Greenacres, Florida

Monday, October 16, 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 Disability Employment Month - October 2023. - Bayla Hirsh and Tyler Jasensky, Best Buddies.
2. **Presentation:** Long Range Transportation Plan "Vision 2050" - Brian Ruscher, Deputy Director of Multimodal of the Transportation Planning Agency.

#### 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.

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

**DISCUSSION ITEM - None.****COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS****CITY MANAGER'S REPORT**

- 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****MAYOR AND CITY COUNCIL REPORT****ADJOURNMENT**

**Upcoming Council Meeting**

November 6, 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](mailto:CityClerk@greenacresfl.gov) or 561-642-2006.

**Americans with Disabilities Act**

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



## CITY COUNCIL MEETING

### City of Greenacres, Florida

Monday, October 02, 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 Moorer, City Clerk

### CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to order at 6pm and City Clerk Moorer called the roll.

### PLEDGE OF ALLEGIANCE

### AGENDA APPROVAL

Motion made by Councilmember Dugo, Seconded by Councilmember Diaz to amend the agenda by removing item 13 and adding the recognition of National Custodial Day.

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

### COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

### SPECIAL BUSINESS

1. **Proclamation:** 90th Anniversary of Palm Beach State College. - Barbara Cipriano, Provost and Dean, Palm Beach State College.

Ms. Moorer read the proclamation by title.

Ms. Cipriano thanked the Council for their recognition.

Photos were taken.

2. **Proclamation:** Breast Cancer Awareness Month - October 2023. - Lissette Lahoz, Promise Fund of Florida.

Ms. Moorer read the proclamation by title.

Ms. Lahoz thanked the Council and provided some literature for education.

Photos were taken.

- 3. Proclamation:** Community Planning Month - October 2023. - Denise Malone, Director of Development and Neighborhood Services.

Ms. Moorer read the proclamation by title.

Ms. Malone thanked the Council for their recognition.

Photos were taken.

- 4. Proclamation:** Fire Prevention Week, October 8-14, 2023. - Brian Fuller, Fire Chief, Fire Rescue.

Ms. Moorer read the proclamation by title.

Chief Fuller thanked the Council for their recognition.

Photos were taken.

- 5. Proclamation:** Florida Government Week, October 16-22, 2023. - Benjamin Dexter II, Youth Programs Supervisor - Teen Programs.

Ms. Moorer read the proclamation by title.

Mr. Dexter thanked the Council for their recognition and support of Youth Programs.

Photos were taken.

## CONSENT AGENDA

- 6. Official Council Minutes:** City Council Budget Hearing Meeting, September 18, 2023. - Quintella L. Moorer, City Clerk.

- 7. Resolution 2023-48:** Agreement for medical supplies; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.

- 8. Resolution 2023-49:** Approving the FY 2024 agreement between the City of Greenacres and Florida Vipers, Inc. for the organization, management and operation of the City's Recreational Youth Basketball League and Programs; use of the City's gym, multi-purpose field, and classroom; and authorizing the Mayor and City Council to approve the agreement and City Officials to effectuate the implementation of the terms of this agreement. - Michele Thompson, Director of Community and Recreation Services.

- 9. Resolution 2023-50:** Approving and authorizing the execution of the third amendment to the Interlocal Agreement for Information Technology Services between the City of Greenacres and Palm Beach County (R2020-1834) for additional telephone lines. - Georges Bayard, Information Technology Director.

- 10. Resolution 2023-51:** Supporting the extension and continuation of the Palm Beach County one-cent sales surtax to fund local infrastructure projects through December 2036. - Andrea McCue, City Manager.

Motion made by Councilmember Tharp, 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**

**11. QUASI-JUDICIAL: PUBLIC HEARING: Resolution 2023-16:** Approving the petition for a Special Exception to allow a fast-food drive through restaurant in a Commercial Intensive (CI) zoning district, located within the River Bridge Centre on the southwest corner of Forest Hill Boulevard and South Jog Road, as requested by the petitioner, Andrew Savage, agent for the owner, Publix; providing for repeal of conflicting resolutions; and providing for an effective date.- Denise Malone, Director of DNS. *(Continued from 9/18/2023, Council Meeting).*

Ms. Moorer read the resolution by title.

Ms. Moorer swore in two people.

*Ex-parte communications:* Mayor Flores reported he met with the applicants and Ms. McCue after the September 18, 2023, meeting regarding Chick-fil-A. The rest of the Council members reported no ex-parte communications.

Mr. Savage stated the owners coordinated to get the conditions of approval completed and would possibly have a word or phrase changed but was otherwise content with the language and was ready to move forward.

Ms. Malone highlighted the revised conditions of approval which were provided to the Council.

Councilmember Bousquet was concerned with the proposal's condition Item D, regarding truck delivery and traffic flow.

Councilmember Dugo thanked the applicant and Staff for all the effort and was content with the conditions. She was not concerned with deliveries.

Councilmember Tharp thanked everyone for the effort and looked forward to the partnership with Chick-fil-A. He was not concerned with delivery issues.

Deputy Mayor Noble was happy with the conditions and that the City had control.

Councilmember Diaz thanked the applicants for listening to the City's concerns and was not concerned with delivery.

Ms. Earley ensured the Council was fully aware of all proposed conditions and she also suggested the proposed conditions be re-named as traffic management plan for final approval. She also confirmed the traffic would not be monitored when the restaurant was not operating.

Mayor Flores was concerned with the applicant changing words or phrases after approval.

Mr. Savage clarified the words or phrases were to clarify definitions in the plan. He was not certain of the changes if any.

Clarification was discussed regarding the City's ability to control any traffic issues should they arise.

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Noble to approve resolution 2023-16 to approve the application with all of staff recommendations to include the traffic management plan as presented to Council.

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

**12. QUASI-JUDICIAL: PUBLIC HEARING: Resolution 2023-17:** Approving a site and development plan to allow for the proposed Chick-fil-A fast food restaurant with drive-thru. The site is located within the River Bridge Centre on the southwest corner of the intersection of South Jog Road and Forest Hill Boulevard. The project consists of 4,680 square foot restaurant with one drive-thru lane and a by-pass lane that will be utilized to provide service during peak hour demand as requested by the Petitioner, Andrew Savage, PE of Bohler Engineering, agent for REAL SUB, LLC, providing for repeal of conflicting resolutions; and providing for an effective date. - Denise Malone, Director of DNS. *(Continued from 9/18/2023, Council Meeting).*

Ms. Moorer read the resolution by title.

Ms. Malone stated the proposed conditions applied to the site plan as well.

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Noble to approve Resolution 2023-17 with all staff recommendations and conditions.

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

**13. 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.

Item was removed.

**14. Comprehensive Plan EAR GOP Review:** Denise Malone, Director of Development and Neighborhood Services.

Ms. Malone reviewed the Comp Plan with a brief glance of the goals, objectives and policies.

After discussion the Council agreed to schedule a Workshop Meeting to review the entire Comp Plan transmittal prior to submittal. Ms. McCue would set a meeting schedule.

**DISCUSSION ITEM - None.**

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

None.

**CITY MANAGER'S REPORT**

Ms. McCue mentioned the upcoming Let's Talk Series on October 11, Diliman Trail ribbon cutting ceremony, the upcoming Truck or Treat event on October 18, and the National Night Out on Crime would be held on November 20. She also stated the Read for the Record would be coming up soon.

**CITY ATTORNEY'S REPORT**

None.

**MAYOR AND CITY COUNCIL REPORT**

*Councilmember Tharp:* stated the Senior Health event was wonderful, he thanked CRS, Nicole King and Fire Rescue.

*Councilmember Dugo:* thanked the Attorney and staff for all of the events and completion of task and duties.



*Councilmember Diaz:* echoed Councilmember Tharp and Nicole King on a job well done. She was happy to see the great attendance.

*Mayor Flores:* stated the meeting hosted by the City with County Commissioner Barnett was to discuss the surtax funds.

**ADJOURNMENT**

7:06pm.

\_\_\_\_\_  
**Joel Flores**  
Mayor

\_\_\_\_\_  
**Quintella Moorer, CMC**  
City Clerk

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





## ITEM SUMMARY

**MEETING DATE:** October 16, 2023

**FROM:** Monica Powery, Director, Purchasing

**SUBJECT:** Execution of Mortgage Foreclosure Registration Agreement

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### BACKGROUND

Ordinance 2015-23 implemented a Mortgage Foreclosure Property Registration Program, requiring lenders to register with the City any property within the City that is in the foreclosure process. The Ordinance imposes a registration fee and allows for an outside vendor to implement and administer the program.

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### ANALYSIS

The City's current contractor for Mortgage Foreclosure Property Program, Property Registration Champions, LLC d/b/a PROCHAMPS has ceased operations. In accordance with the Ordinance, the City intends to establish a new partnership with Hera Property Registry, LLC. This collaboration aims to facilitate the registration of defaulted real properties, as authorized by the Ordinance, to enable the City to effectively address violations of its property maintenance codes.

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### FINANCIAL INFORMATION

The program has a required registration fee of two hundred dollars (\$200.00), with the vendor retaining one hundred dollars (\$100.00) and the balance remitted to the City.

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### LEGAL

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

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### STAFF RECOMMENDATION

Approval of Resolution 2022-37 authorizing the City to enter into an agreement with Hera Property Registry, LLC for the provision of foreclosed property registration services with the option for an additional five-year renewal.

**RESOLUTION NO. 2023-37**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE CITY OF GREENACRES AND Hera Property Registry, LLC, FOR THE PROVISION OF SERVICES AUTHORIZED PURSUANT TO ORDINANCE 2015-23 "MORTGAGE FORECLOSURE REGISTRATION"; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in order to promptly and efficiently address the issues related to the maintenance of residential and commercial properties in foreclosure, the City Council on October 19, 2015 adopted Ordinance 2015-23, "Mortgage Foreclosure Registration" (the Ordinance); and

**WHEREAS**, pursuant to the Ordinance, the City desires to enter into this Agreement with Hera Property Registry, LLC, in order to provide services authorized pursuant to the Ordinance to register real property in default so that the City can properly address violations of the City's property maintenance codes; and

**WHEREAS**, Hera Property Registry, LLC, will provide an electronic registration process to administer records and the collection of fees pursuant to the Ordinance; and

**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 between the City of Greenacres and Hera Property Registry, LLC, attached hereto as Exhibit "A".

**Section 2.** The City Manager is hereby authorized to execute the Agreement, and implement the provisions of the Agreement.

**Section 3.** The resolution shall be effective upon its adoption.

**RESOLVED AND ADOPTED this 16 of day of October 2023**

\_\_\_\_\_  
**Joel Flores**, Mayor

**Attest:**

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

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

\_\_\_\_\_  
*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:** October 16, 2023

**FROM:** Andrea McCue, City Manager, Administration

**SUBJECT:** Resolution 2023-52 – Approving Second Amendment to Agreement with City of Atlantis for fire protection and emergency medical services (for FY24 Agreement Increase)

### BACKGROUND

The City entered an agreement with the City of Atlantis in 2012 for fire protection and emergency medical services. In 2021, the agreement was amended to extend the term, address the cost for services for the new term and make other administrative amendments.

### ANALYSIS

The amended agreement provides that the annual cost adjustment will be based on the percent change as reflected in the United States Department of Labor, Consumer Price Index (CPI), for All Urban Consumers, All Items, for the Miami-Fort Lauderdale area (the “Interlocal CPI”), from February of the prior year to February of the current year, or three percent (3%) whichever is greater. The City has seen a substantial increase (9.2%) in the CPI consistent with overall inflation throughout the US. Wanting to ensure that the City’s cost was covered but not pass on an unreasonable increase to the City of Atlantis, both Cities have agreed to a 3% increase for FY24. The second amendment to the agreement states that the FY24 increase will be 3%.

### FINANCIAL INFORMATION

Total cost for service in the FY24 budget is \$1,095,367.92.

### LEGAL

City Attorney has drafted the second amendment and reviewed the Resolution and all supporting documents for legal sufficiency and compliance.

### STAFF RECOMMENDATION

Staff is recommending approval of Resolution 2023-52.

**RESOLUTION NO. 2023-52**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES INTERLOCAL AGREEMENT WITH THE CITY OF ATLANTIS TO ADDRESS THE FISCAL YEAR 2024 COST OF SERVICE INCREASE; AND, PROVIDING FOR EXECUTION AND AN EFFECTIVE DATE.**

**WHEREAS**, on May 16, 2012, the City of Greenacres entered an Interlocal Agreement for fire protection and emergency medical services with the City of Atlantis ("Agreement"); and

**WHEREAS**, on August 2, 2021, the City of Greenacres and the City of Atlantis amended the Agreement to extend the term, address the cost for services for the new term, and make other administrative amendments; and

**WHEREAS**, the amended Agreement provides that the annual cost adjustment will be based on the percent change as reflected in the United States Department of Labor, Consumer Price Index (CPI), for All Urban Consumers, All Items, for the Miami-Fort Lauderdale area (the "Interlocal CPI"), from February of the prior year to February of the current year, or three percent (3%) whichever is greater; and

**WHEREAS**, the City has seen a substantial increase in the CPI consistent with overall inflation throughout the State and nation; and

**WHEREAS**, in the Second Amendment to the Agreement, the City of Greenacres and the City of Atlantis have agreed to increase the cost for services for FY24 by 3% rather than the CPI rate of 9.2%; and

**WHEREAS**, the City of Greenacres and the City of Atlantis have determined that the agreed upon cost increase for FY24 is in the best interests of the cities and serves a valid public purpose.

**Resolution No. 2023-52 | City of Atlantis FY24 Agreement Increase**

Page No. 2

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

**SECTION 1.** The foregoing recitals are adopted and made a part of this Resolution as true and correct statements.

**SECTION 2.** The Second Amendment to the Agreement with the City of Atlantis for fire protection and emergency medical services is hereby approved. The appropriate City officials are authorized to execute the Second Amendment.

**SECTION 3.** This Resolution shall become effective on October 1, 2023.

**RESOLVED AND ADOPTED this 16th day of October 2023**

Voted:

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**Joel Flores**, Mayor

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

**Attest:**

Voted:

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**Quintella Moorer**, City Clerk

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**Peter Noble**, Deputy Mayor

Voted:

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

**Resolution No. 2023-52 | City of Atlantis FY24 Agreement Increase**

Page No. 3

*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



**SECOND AMENDMENT TO INTERLOCAL AGREEMENT FOR  
FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES BY AND BETWEEN  
THE CITY OF GREENACRES AND THE CITY OF ATLANTIS**

THIS SECOND AMENDMENT TO INTERLOCAL AGREEMENT (hereinafter “Second Amendment”), is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the **City of Greenacres** (hereinafter “Greenacres”), a Florida municipal corporation, and the **City of Atlantis** (hereinafter “Atlantis”), a Florida municipal corporation, for fire protection and emergency medical services (collectively, the “Parties”).

WHEREAS, on May 16, 2012, the Parties entered into an Interlocal Agreement for Fire Protection and Emergency Medical Services (hereinafter “Agreement”); and

WHEREAS, on or about August 2021, the Parties entered the First Amendment to the Agreement to extend the term, update the cost of service, and for other purposes; and

WHEREAS, the Parties desire to amend the Agreement to address the cost of service for Fiscal Year 2023-2024 (hereinafter “FY 2024”); and

WHEREAS, Greenacres has seen a substantial increase (9.2%) in the applicable CPI, which may be used to determine the cost of service under the Agreement, which increase is consistent with the overall inflation rates in the United States; and

WHEREAS, Greenacres desires to ensure its costs of service are covered but not pass an unreasonable increase on to Atlantis, the Parties are agreeable to limit the FY 2024 increase to three percent (3%); and,

WHEREAS, the Parties’ governing bodies have determined that entering into this Second Amendment serves a valid public purse.

NOW, THEREFORE, Atlantis and Greenacres, in consideration of the terms and conditions set forth herein and the benefits flowing from each to the other, do hereby agree to amend the Agreement as follows:

1. Recitals. The foregoing recitals are incorporated into this Second Amendment as true and correct statements.

2. Amendment. Notwithstanding Section 7 of the Agreement (as previously amended), the Parties agree that for FY 2024, the increase in the Annual Service Fee over the prior fiscal year shall be limited to three percent (3%) and not based on the applicable CPI increase.

3. Effective Date. This Second Amendment to Interlocal Agreement shall have an effective date of October 1, 2023.

4. Entire Agreement. The Parties agree that the Agreement, the First Amendment and this Second Amendment set forth the entire agreement between the Parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Second Amendment may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto. All other terms and conditions of the Agreement (as previously amended) remain in full force and effect.

5. Counterparts. This Second Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original and such counterparts will constitute one and the same instrument. The Parties agree to accept the execution and delivery of this document by digital or electronic means and shall treat the delivered copy as an original.

IN WITNESS WHEREOF, the Parties through their duly authorized representatives do hereby execute this Second Amendment to the Interlocal Agreement on the date first written above.

**CITY OF GREENACRES:**

BY: \_\_\_\_\_  
Joel Flores, Mayor

Approved as to form and legal  
Sufficiency:

\_\_\_\_\_  
Glen J. Torcivia, Esquire  
City Attorney

**ATTEST:**

BY: \_\_\_\_\_  
Quintella Moorner, City Clerk

**CITY OF ATLANTIS:**

BY: \_\_\_\_\_  
Allan Kaulbach, Mayor

Approved as to form and legal  
Sufficiency:

\_\_\_\_\_  
Keith W. Davis, Esquire  
City Attorney

**ATTEST:**

BY: \_\_\_\_\_  
Kristen Puhalainen, City Clerk



## ITEM SUMMARY

**MEETING DATE:** October 16, 2023

**FROM:** Andrea McCue, City Manager, Administration

**SUBJECT:** Resolution 2023-53 – Authorization to enter Professional Services Agreement for Governmental Consulting and Lobbyist Services

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### BACKGROUND

The City entered into an agreement with Gray Robinson, PA, on October 7, 2019. During the initial contract the City received over \$1.5 million in appropriation funds and realized over \$450,000 in Youth Program savings. The new professional services agreement sets forth the standard City terms for provision of said services and the compensation schedule to be paid by the City.

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### ANALYSIS

Gray Robinson has requested an increase for services which the City feels is appropriate as they have not had an increase during the initial contract period.

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### FINANCIAL INFORMATION

The annual proposed fee for services is \$72,000.00 plus documented out of pocket expenses any lobbyist registration fees. Increase of \$7,000.00 per year. The proposed amount is included in the FY24 budget.

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### LEGAL

City Attorney has prepared the Professional Services Agreement and reviewed all supporting documents for legal sufficiency and compliance.

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### STAFF RECOMMENDATION

Staff is recommending approval of Resolution 2023-53 – Authorization to enter Professional Services Agreement.

**RESOLUTION NO. 2023-53**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH GRAY ROBINSON, P.A., FOR GOVERNMENTAL CONSULTING AND LOBBYING SERVICES; PROVIDING AUTHORIZATION FOR EXECUTION, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Greenacres entered into an agreement for professional services with Gray Robinson, P.A., on October 7, 2019 for the provision of governmental consulting and lobbyist services; and

**WHEREAS**, Gray Robinson, P.A., has a depth of experience representing municipalities at the state and federal level; and

**WHEREAS**, Gray Robinson, P.A., has successfully facilitated the award of over \$1.5 million in appropriation funds to the City for critical projects and saved the City over \$450,000 in Youth Programs expenses during the initial contract period; and

**WHEREAS**, the City desires to continue its relationship with Gray Robinson, P.A., and enter into a new agreement in order to set forth the terms and conditions under which Gray Robinson, P.A., will provide the governmental consulting and lobbying services for the City; and,

**WHEREAS**, the City Council finds entering the Agreement with Gray Robinson, P.A., 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 approves the Professional Services Agreement with Gray Robinson, P.A., and authorizes the appropriate City Officials to execute the Professional Services Agreement.

**SECTION 2.** This Resolution shall be effective immediately upon adoption.

**Resolution No. 2023-53 | Lobbying Services-Professional Services Agreement**

Page No. 2

**RESOLVED AND ADOPTED this 16<sup>th</sup> day of October, 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:**

**Resolution No. 2023-53 | Lobbying Services-Professional Services Agreement**  
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**Glen J. Torcivia**, City Attorney



## ITEM SUMMARY

**MEETING DATE:** October 16, 2023

**FROM:** Christy Goddeau, City Attorney's Office

**SUBJECT:** Ordinance 2023-10: First Reading – Ordinance banning Medical Marijuana Treatment Center Dispensing Facilities

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### BACKGROUND

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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.

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### ANALYSIS

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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.

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### FINANCIAL INFORMATION

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

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### LEGAL

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

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### STAFF RECOMMENDATION

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Staff is recommending approval of Ordinance 2023-10.



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

Revised: 09/14/2023



## LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

### 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

#### **Originating Department:**

##### **Planning & Engineering**

Project Manager

\_\_\_\_\_  
**Denise Malone, AICP**

**Development and Neighborhood Services Director**

#### **Reviewed By:**

Director of Planning & Engineering

\_\_\_\_\_  
**Denise Malone, AICP**

**Development and Neighborhood Services Director**

\_\_\_\_\_  
**Tanya Earley, Esq.**

**Torcivia, Donlon, Goddeau & Rubin, P.A.**

#### **Approved By:**

##### **City Manager**

\_\_\_\_\_  
**Andrea McCue**

#### **Public Notice:**

☒ Required

☐ Not Required

Dates: August 31, 2023

Papers: Lake Worth Herald

Mailing

☐ Required

☒ Not Required

Notice Distance: \_\_\_\_\_

#### **Attachments:**

- Ordinance 2023-10

#### **City Council Action:**

☒ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: \_\_\_\_\_

## **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.

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**PLANNING COMMISSION RECOMMENDATION – September 14, 2023**

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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 (PZAB)** as presented by staff.

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**CITY COUNCIL ACTION First Reading**

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**CITY COUNCIL ACTION Adoption Hearing**

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## 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 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 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**PASSED AND ADOPTED** on the second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**Joel Flores**, Mayor

**Attest:**

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
*Voted:*  
**John Tharp**, Deputy Mayor

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

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

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

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

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**Glen J. Torcivia**, City Attorney

# **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 law<sup>1</sup> 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;

<sup>1</sup> 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:** October 16, 2023

**FROM:** Christy Goddeau, City Attorney's Office

**SUBJECT:** Ordinance 2023-14: First 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.

### 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**

Page No. 2

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**  
Page No. 3

**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**  
Page No. 5

**Passed on the first reading this 16<sup>th</sup> day of October, 2023.**

**PASSED AND ADOPTED on the second reading this 6<sup>th</sup> day of November, 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

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

Revised:



## LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

### 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

\_\_\_\_\_  
**Denise Malone, AICP**

**Development and Neighborhood Services Director**

#### Reviewed By:

Director of Planning & Engineering

\_\_\_\_\_  
**Denise Malone, AICP**

**Development and Neighborhood Services Director**

\_\_\_\_\_  
**Tanya Earley, Esq.**

**Torcivia, Donlon, Goddeau & Rubin, P.A.**

#### Approved By:

**City Manager**

\_\_\_\_\_  
**Andrea McCue**

#### Public Notice:

☒ Required

☐ Not Required

Dates: 9/28/2023

Papers: Lake Worth Herald/Palm Beach Post

Mailing

☐ Required

☒ Not Required

Notice Distance: \_\_\_\_\_

#### Attachments:

- Ordinance 2023-14

#### City Council Action:

☒ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: \_\_\_\_\_

## **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 ~~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, 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.

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

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**CITY COUNCIL ACTION First Reading – October 16, 2023**

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**CITY COUNCIL ACTION Adoption Hearing – November 6, 2023**

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# **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 law<sup>1</sup> 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:

<sup>1</sup> 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.



## ITEM SUMMARY

**MEETING DATE:** October 16, 2023

**FROM:** Andrea McCue, City Manager

**SUBJECT:** Education Advisory Committee

### 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 are currently two (2) applications. Jesus Gonzalez is a high school student from John I. Leonard. Leliani Sanchez is a middle school student from L.C Swain. Both applicants show interest in serving on the committee and are City Residents.

### FINANCIAL INFORMATION

N/A

### LEGAL

The appointment procedure is in compliance with City Codes.

### STAFF RECOMMENDATION

Staff recommends appointing Jesus Gonzalez and Leliani Sanchez to serve as Student Members of the Education Advisory Committee.





## Department Report

**MEETING DATE:** October 16, 2023  
**FROM:** Michele Thompson, Director, Community & Recreation Services  
**SUBJECT:** Community & Recreation Services Dept. – September Report

### ADMINISTRATION

PERFORMANCE MEASUREMENT	THIS PERIOD	FY2023 TO DATE	FY 2023 BUDGET
No. of Contracts Executed/Renewed	1	3	2
No. of Collaborative Partnerships	5	28	25
No. of Vendor/Independent Contractor Agreements	6	35	21
No. of Educational Scholarship Applications R'cd	-	21	15
No. of Community Events Coordinated	1	10	9
No. of Event Participants	160	35,406	31,500
No. of Little Free Libraries (LFL)*/Story Walk	0	32/2	32/2
No. of Business Sponsorships	0	22	20

### FACILITY RENTALS

FACILITY RENTALS	THIS PERIOD	FY2023 TO DATE	FY 2023 BUDGET
Fields/Concession Stands	67	705	875
Pavilions	47	501	400
Center Facility	68 <sup>1</sup>	836 <sup>1</sup>	800
Monthly Center Attendance	3,175	42,209	-

<sup>1</sup> 150 Additional Free Rentals: **94** Gym: YP/Open Gym/Skill Dev.BB/Senior Health Fair/Tai Chi, **7** Banquet Room: PBSO/FR/Mayor Managers Meet/Soccer Parent Meet, **1** Room 1: HOA, **5** Room 2: Spotlighters/Senior Health Fair, **24** Room 3: Senior Social/Senior Health Fair, **4** Room 4: AARP/FR, **1** Conference Room: YP, **14** Com. Park: PB Square Dance, 20 Freedom Park: Soccer League

**REVENUE**

<b>FACILITY RENTALS REVENUE</b>	<b>THIS PERIOD</b>	<b>FY2023 TO DATE</b>	<b>FY2023 PROJECTED</b>
Rental Revenue Generated	\$17,432.25	\$136,613.26	\$132,799

**ATHLETICS**

<b>YOUTH ATHLETICS</b>	<b>THIS PERIOD</b>	<b>FY2023 TO DATE</b>	<b>FY2023 PROJECTED</b>
FY24 Co-ed Fall Soccer (10/6/23-12/8/23) • Registration Period 7/31/23 – 10/6/23	130	224	200
FY23 Co-ed Spring Soccer (3/6/23-5/19/23) • Registration Period 1/9/23 – 3/3/23	-	257	220
FY23 Co-ed Winter Basketball (12/5/22-3/9/23) • Registration Period 9/6/22 – 11/2/22	-	120	120
FY23 Spring Skill Development Basketball Program (Monthly Attendance)	26	241	-
Co-ed Summer Basketball Skills Camp	-	40	40

**Athletic Sponsors: Renaissance Charter School, Greenacres Nissan, & MyAccounting**  
**COMMUNITY SERVICES**

<b>CROS MINISTRIES FOOD PANTRY DATES</b>	<b>NO. OF HOUSEHOLDS</b>	<b>NO. OF INDIVIDUALS</b>
August 10 <sup>th</sup> & 24 <sup>th</sup>	48 / 33	123 / 67
September 14 <sup>th</sup> & 28 <sup>th</sup>	46 / 58	102 / 128
TOTAL YTD	936	1997

**SENIOR PROGRAMS**

<b>SENIOR SOCIAL</b>	<b>SPONSORS</b>	<b>NO. OF PARTICIPANTS YTD</b>
Games/Bingo/Special Events Mon - Fri. (5x12)	Prominence; Dedicated Senior; PBSO; Humana	193

## FY23 EVENTS &amp; SPONSORSHIPS

EVENTS	SPONSORS/PARTNERS	FY2023 EXPENSE	FY2023 ATTENDEES
Holiday in the Park (12/3/22)	\$7,500: Greenacres Nissan; Waste Management; Humana; Sunshine Health; FPL; State Farm; Cayuga Centers; Renaissance Charter School (Wellington); Rosenthal/Levy/S/S; Forest Hill Orthodontics	\$14,845	5,200
Fiesta de Pueblo (1/7/23)	Co-Sponsored w/ Fiesta de Pueblo, Inc.	\$1,058	10,000
Artzy Eve. at City Hall (1/21/23)	\$2,500: Renaissance Charter; Nissan; Waste Management	\$4,800	1,500
Daddy Daughter Dance (2/18/23)	\$1,000: Humana; Waste Mgmt.	\$3,875	66
Egg'stravaganza (4/8/23)	\$9,500: Waste Mgmt; Nissan; State Farm; Ed's; Tapatia; Dedicated Sr. Medical Ctr.; Renaissance Charter School at Wellington; Renaissance Charter School (Summit); Rosenthal, Levy, Simon & Sosa	\$11,229	4,800
Rock-n-Roll Sunday/FR Chili Cook-Off (5/21/23)	\$2,000: Nissan; Florida Blue Co-Sponsored Event	\$6,447	4,300
Ignite the Night (7/4/23)	\$12,500: FPL; State Farm, Waste Mgmt; Nissan; Renaissance Charter School (Summit); Zambelli (in-kind); Renaissance Charter School at Wellington; Wawa (In-kind)	\$53,546	8,000
<i>Back2School</i> Supply Distribution (7/28/23)	\$6,700: Humana; Waste Management, Ed's Food and Deli, Tapatia, Greenacres Nissan, Big Smile Dentistry, National Council of Jewish Women, Steigner, Greene & Feiner, Aleeh's Lemonade Stand, Carol Glasser & Family	\$6,700	9 Public; 1 Private School
Senior Health & Resource Fair (9/30/23)	\$1,700: Prominence; The Healthy Living Event (In-kind)	\$1,700	160



## Department Report

**MEETING DATE:** October 16, 2023

**FROM:** Denise Malone, AICP, Development & Neighborhood Services Director

**SUBJECT:** September 1, 2023 through September 30, 2023

### Development & Neighborhood Services

#### Planning & Engineering Division

##### NEW CASES

None.

##### CURRENT PLANNING CASES

#### Bethesda Tabernacle

A request by the owner for a site and development plan approval (SP-99-04C) to modify the previously approved site plan and a special exception (SE-23-01) to develop a 28,930 square foot House of Worship and accessory uses at 4901 Lake Worth Road. (Awaiting response to sufficiency review).

#### CPA-23-01

A Comprehensive Plan Text Amendment to create a new Multiple Land Use (MLU) Future Land Use Designation providing for a mixture of high density residential with tiered workforce housing density bonus provisions if criteria are met and non-residential uses. (PZBA meeting on May 11, 2023 and City Council first reading on June 5, 2023. State reviewed as part of the State Expedited Review process for Comprehensive Plan Text amendments and issued no objection recommendation or comments (ORC) report. Public hearing is required to take place within 180 days in order to adopt the amendments.)

#### 3130 Perry Avenue

A site and development plan (SP-22-03) for a vacant parcel to construct a 6241 sq. ft office space totaling 4 bays for flexible office space use. The site is located on the northeast corner of Perry Avenue and 10<sup>th</sup> Avenue South. (Awaiting receipt of applicants response to DRC comments and outside agency approvals).

#### CPA-22-01

A City-initiated request for comprehensive plan text and map amendments as required by the State Evaluation and Appraisal Review (EAR) due to be transmitted to the State

in September. Staff is finalizing the draft Goals, Objective, and Policies (GOPs) and supporting Data and Analysis (D&A). (City Council update presentation will be on October 2, 2023 Council meeting).

### **Church of God 7<sup>th</sup> Day of Palm Beach**

A request by the applicant for a site plan amendment (SP-08-01C) to change the metal roof to asphalt shingle due to cost constraints. The site is located at 3535 S. Jog Road. DRC meetings April 14 and April 21, 2022. City Council on May 2, 2022. The City Council postponed until applicant is ready for certificate of occupancy.

### **Chick Fil A Greenacres**

A request by the owner for: 1) a site and development plan (SP-85-12RR) approval to construct a 4,646 fast food restaurant with a drive-thru window; and 2) a special exception (SE-21-03) request to allow a fast food/drive thru restaurant in a commercial intensive zoning district. The site is located at 6714 Forest Hill Blvd in the River Bridge Centre on the southwest corner of Forest Hill Blvd and S. Jog Road. PZBA recommended approval at their meeting on May 11, 2023. Resubmittal for the site plan received on June 20, 2023. The special exception scheduled for City Council on June 5, 2023 was withdrawn and rescheduled to coincide with the Site Plan review. The special exception and site plan were approved at the PZBA meeting on July 13, 2023. The special exception and site plan was scheduled for the City Council meeting on August 21, 2023, City Council postponed to October 2, 2023 meeting.

### **Garden Square**

A request by the owner for a site plan (SP-23-03) approval to construct 4 - five-unit townhomes and 6 - four unit townhomes (total of 44 units). The site is located at 6645 Chickasaw Road. (Awaiting Sufficiency response from applicant to Letter dated August 23, 2023)

### **Iglesia Bautista Libre Emmanuel – 5083 Lake Worth Rd**

A request by the property owner for a major site plan amendment (SP-22-05A) and a special exception request (SE-22-04) to allow a house of worship within an existing building located within a Commercial Intensive zoning district and a variance request (BA-22-01) to allow for a reduction in the front and rear landscape buffers. The site is located at 5083 Lake Worth Road. (DRC reviewed on October 13, 2022. The applicant requested a postponement for the variance petition from the PZBA meeting on December 8, 2022, application revised to include adjacent property (previous Pawn Shop) Staff/applicant meeting on June 15, 2023. Awaiting sufficiency response from Applicant).

### **Interlocal Annexation 2022**

Annexation (ANX-22-02) of sixteen enclaves located on Chickasaw and Wry Road into the City through an Interlocal Agreement with Palm Beach County. (Staff anticipates initiating in the near future given progress on the City proposed Chickasaw Road Improvement)

### **Orchid Cove**

A request by Aaron Taylor, representative of the property owner, US Nursing Group Florida, LLC, for Site Plan (SP-23-01) approval of a twelve duplex unit development

on the west side of Jog Road at 1105 S Jog Road. (DRC comments response issued April 26, 2023, awaiting applicant response)

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## SITE PLAN AMENDMENTS

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### **Astro Skating Center**

A request by the owner for a minor site plan amendment (SP-75-02A-B) to change the color scheme of the exterior building, signage, and to modify their landscape plan. The site is located at 3100 S Jog Road. Approvals issued. Grand Opening took place. (Re-striping of the parking lot required to meet City code awaiting applicant compliance).

### **Potentia Academy Site Plan Amendment**

The petitioner is requesting a minor site plan amendment (SP-11-01D) to add a portable 1,269 sq. ft. classroom. The site is located at 4784 Melaleuca Lane. (Time extension granted until May 3, 2023, May 26, 2023 meeting with applicant. Awaiting receipt of remaining fees for Major Site plan amendment and applicant response)

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## ZONING TEXT AMENDMENTS

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### **ZTA-23-01 – Prohibiting Medical Marijuana**

A City-initiated request for a zoning text amendment amending Chapter 16 prohibiting the dispensing of Medical Marijuana within the City. The proposed ordinance also amends Chapter 9, Miscellaneous Offenses, to prohibit the dispensing of Medical Marijuana. (Scheduled for PZBA on September 14 and first reading scheduled for City Council on October 16, 2023)

### **ZTA-23-02 – Prohibiting Adult Arcades**

A City-initiated request for a zoning text amendment amending Chapter 16 defining adult arcades, simulated gambling devices, and related terms and prohibiting the operation of adult arcades. The proposed ordinance also amends Chapter 9, Miscellaneous Offenses, to prohibit the operation of adult arcades. (Scheduled for PZBA on October 12 and first reading scheduled for City Council on October 16, 2023)

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## RESIDENTIAL PERMITS

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### **Catalina Estates**

Plat application received on May 16, 2019. Comments letter sent to applicant on July 17, 2019, resubmittal received on August 25, 2019 and approved by City Council on October 7, 2019. Project being built. Zoning, landscape and building inspections are being conducted when requested. Final inspections have been completed. Ready for closeout. Approved Maintenance bond in place until July 2024.

### **Ranchette Road Townhomes**

Plat Application received on March 23, 2021. Comments letter sent to applicant on May 17, 2021, resubmittal received on June 1, 2021. Final plat received and utility permit reviewed by City's engineer. Plat approved by City Council on October 4, 2021. Utilities permit approved by City's consulting engineer on 10/1/2021. Pre-construction meeting held on November 19, 2021. On September 16, 2022 final walk through was completed TCJA approved.

### **Blossom Trail (Nash Trail)**

Plat application received on July 8, 2022. Complete submittal of application received. (Plat Revisions. Waiting on applicant to provide required revised Plat and associated documents to proceed with Council Final Plat approval).

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## NON RESIDENTIAL PERMITS

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### **Church of God 7th Day (3535 S Jog Road)**

The building permit and engineering permit are both issued for the development. Stop work order was issued by Building Official on September 28, 2018. Subsequent meetings have been held with Building Official and Consultant Engineer as well as DNS staff. Code enforcement provided a time certain of July 19th to bring the exterior code maintenance items into compliance. (Applicant responded to Code Enforcement request for site maintenance. Code and Building Divisions will continue to address outstanding site items).

### **Palm Beach Christian Academy**

Revision to building permit received on November 1, 2021 comments sent to applicant on November 17, 2021, waiting on outside agency permits and resubmittal to address City's engineer comments. Utility permit approved August 4, 2022. Property is for sale. The City has received several inquiries regarding possible development options for the property.

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## GIS

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### **BTR/Fire/Finance Fees Map/Database**

Map all active/inactive BTR licenses to create a citywide database that will combine to show active fees for fire inspections and BTRs. This effort attempts to provide a

workaround for Fire, Finance and Business Tax to query and record all fees attached to BTRs. The goal is to use GIS as a central database that can be used in the field for fire inspections and in house by Finance staff.

### Finance Asset Management

Assist the Finance Department with the mapping of all major and minor assets. This effort provides spatial visualization of all assets and database for quick access. The purpose is to assist with FEMA and insurance reimbursement.

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## TEMPORARY USE PERMITS

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### **TU-2023-1997 – El Festival Familiar – Approved**

A request for Temporary Use Permit approval for a free cultural event to unite the Hispanic community sponsored by Hispanos Unidos to be held on Saturday, September 9, 2023 from 12 noon to 6:00 pm to be held at Samuel J. Ferrari park, 2905 S. Jog Road. The event will have Live Entertainment, Food trucks, Merchandise Vendors and Amusement games/rides.

### **TU-2023-2214 –Hoffmans Chocolate Christmas Tree - Approved**

A temporary use permit for Hoffmans Chocolate located at 5190 Lake Worth Road. The permit is for a 40' Christmas Tree with light, set up on November 20, 2023 and being on display from 11/24/2023 through 12/31/2023. The tree lighting ceremony will be on the 24<sup>th</sup>, there is no food trucks, signs or photo booths and will not be blocking any part of the parking lot.

### **TU-2023-2363 –McDonalds - Approved**

A temporary use permit request from McDonalds for their Grand Reopening Event 9/6/23 to 9/16/23 for a balloon arch, blow up of Ronald on the roof, raffles, tents and music at 6581 Forest Hill Blvd.

### **TU-2023-2627 – Not So Scary, Trunk or Treat – In Process**

A temporary use permit request from Palm Beach County Sheriff's Office for Not So Scary, Trunk or Treat event to include food, candy, bounce house, face painter to be held at 501 Swain Blvd., on October 19, 2023 from 5:00 pm to 8:00 pm

### **TU-2023-2616 – National Night Out Against Crime 2023 – In Process**

A temporary use permit request from Palm Beach County Sheriff's Office for National Night Out Against Crime to be held on Friday, October 20, 2023 from 5:00 pm to 8:00 pm at Samuel J. Ferrari Community Park.

### **TU-2023-2216 – Homecoming Parade - Approved**

A temporary use permit request from John I. Leonard HS for their homecoming parade on October 12, 2023 from 1:00 pm to 3:00 pm.

### **TU-2023-2444 – Walmart Holiday Trailers - Approved**

A temporary use permit request for holiday trailers to be located at Walmart through February 15, 2024. The site is located at 6294 Forest Hill Blvd.

### **TU-2023-2542 – Sol Y Vida - Approved**

A temporary use permit request for a Open House Event for September 29, 2023 from 9:00 am to 1:00 pm for Sol Y Vida located at 6440 Lake Worth Road.

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## FY 2023 Data:

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Case	Current Period	FY 2023 to Date	FY 2023 Budget
Annexation	0	1	2
Comprehensive Plan Amendment	0	3	5
Zoning Changes	0	4	3



Special Exceptions	0	3	5
Site Plans	0	3	5
Site Plan Amendments	0	10	14
Variances	0	2	4
Zoning Text Amendments	0	5	5

<b>Inspection Type</b>	<b>Current Period</b>	<b>FY 2023 to Date</b>	<b>FY 2023 Budget</b>
Landscaping	45	172	131
Zoning	40	128	121
Engineering	1	22	100

## Building Division

### Building Department Report (September 1, 2023 – September 30, 2023)

#### 1) ADMINISTRATION:

- a) Researched and completed seventy-five (75) lien searches providing open and/or expired permit information.
- b) Researched and completed thirty (30) records requests for historical permits.

#### 2) PERMITS/INSPECTIONS:

PERMITS/INSPECTIONS	DURING THIS PERIOD	FYTD 2023
New Applications Received / Permits Created	167	2597
Applications Approved	157	1201
Applications Canceled	3	58
Applications Denied	0	27
Applications Reopened	0	31
Permits Issued	191	2418
Permits Completed	200	2513
Permits Canceled	2	75
Permits Reopened	31	565
Permits Expired	56	132
Inspections Performed	493	8109
Construction Value of Permits Issued	\$2,465,021.07	\$31,957,043.69
Construction Reinspection Fees	\$400.00	\$8,950
Extension/Renewal Fees	\$1,608.59	\$42,789.66
CO's Issued	14	114
CC's Issued	0	2
Temporary CO's Issued	0	3

### 3) BUSINESS AND CONTRACTOR REGISTRATION:

(See Attached Summary Reports)

### 4) LARGER SCALE PROJECT PERMIT APPLICATIONS IN PLAN REVIEW – PRINCIPAL NEW OR REMODEL PROJECTS:

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT#
Walmart	3911 Jog Rd	15,000	Interior Remodel	2023-2761
El Car Wash	6200 Lake Worth Rd	3724	Construct Car Wash	2023-2487
Dunkin Donut	6097 Lake Worth Rd	1292	Interior Remodel	2023-2464
Lisa Dance Studio	3963 S Jog Rd		Interior Remodel	2023-2248
Certified Spine	6415 Lake Worth Rd #307	1598	Tennant Improvement	2023-2290
Planet Fitness	6488 Lake Worth Rd		Interior Remodel	2023-2140
Ice Cream Shop	4509 Lake Worth Rd	1,066	Interior Remodel Change	2023-0373

### 5) LARGER SCALE PROJECTS APPROVED AND IN PROGRESS – PRINCIPAL REMODELING/RENOVATION:

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT #
Gyro GR	6852 Forest Hill	1682	Interior Remodel	2023-1965
WSS	6358 Forest Hill	10,168	Interior Remodel	2023-2182
Carlyle Therapy	6685 Forest Hill #204		Interior Remodel	2023-2212
Smoothie King	3899 S Jog	1,000	Interior Buildout	2023-1731
Fire Station	2905 S Jog		Interior Remodel	2023-1733
Salon	3951 S Jog Rd	5,165	Interior Renovation – Convert Mercantile to Business Occupancy	2023-0425
Publix	6790 Forest Hill Blvd		Interior Remodel – Interior Décor Scheme & Layout Changes	2022-3630
Public Storage	6351 Lake Worth Rd		Interior Remodel	2022-2283

Palm Beach Christian Academy	5208 S Haverhill Rd	4,250	Sitework – Utilities, Paving, Excavation	2021-3295
Convenience Store/Laundry	5470 10 <sup>th</sup> Ave N	1,604 sq.ft.	Interior Remodel – Add Coin Laundry to Convenience Store	2021-1191
Ministries in Bethel	3950 S 57 <sup>th</sup> Ave	6,939 sq.ft.	House of Worship	2021-0365
Church of God 7 <sup>th</sup> Day	3535 S Jog Rd	11,500 sq. ft.	New Church	2016-2382

**6) APPROVED PROJECTS IN PROGRESS – PRINCIPAL NEW CONSTRUCTION:**

PROJECT	ADDRESS/LOCATION	UNITS OR SQ. FT. APPROVED	UNITS C.O.'D This Period / To Date
Single Family	310 Walker Ave	1 S/F	0
Single Family	344 Fleming Ave	1 S/F	0
Single Family	240 Walker Ave	1 S/F	0
Single Family	236 Walker Ave	1/SF	0
Blossom Trail	5595 S Haverhill Rd/Common Area	76 S/F 154 T/H	0
Ranchette Townhomes	1093 Ranchette Rd / Common Area	74 T/H	8/60
Catalina Estates	4500 Catalina Way / Common Area	20 S/F	0/20

## Code Enforcement Division

### Code Division Report (September 1, 2023 – September 30, 2023)

CODE ENFORCEMENT	DURING THIS PERIOD	FYTD 2023
Inspections Related to Active Code Cases	115	1851
New Cases Started	28	484
Cases Complied	37	512
Current Open Cases	180	2195
Notices Sent	53	1475
Illegal Signs Removed from right-of-way	257	2041
Inspections Not Related to Active Code Cases	325	2687
Complaints Received and Investigated	17	243
Warning Tickets	308	2193

## Code Enforcement - STATS

	NOTICES				COMPLAINTS	WRITTEN WARNINGS
	<u>MAILED</u>	<u>SIGNS</u>	<u>INSPECTIONS</u>			
OCTOBER 2022	152	145	338	16	221	
NOVEMBER 2022	161	135	370	15	217	
DECEMBER 2022	107	321	206	12	194	
JANUARY 2023	161	269	208	10	263	
FEBRUARY 2023	175	200	169	16	131	
MARCH 2023	196	263	187	24	194	
APRIL 2023	94	82	235	12	129	
MAY 2023	156	113	169	24	146	
JUNE 2023	108	92	194	32	117	
JULY 2023	68	153	235	41	173	
AUGUST 2023	102	175	169	35	405	
SEPTEMBER 2023	86	257	115	17	308	



# License Activity Report

Activity Date Range 09/01/22 - 09/30/23  
Summary Listing

License Type	Category	Application Received	Application Denied	Application Approved	New License Issued	Licenses Renewed	Licenses Reopened	Licenses Cancelled
Amusement - Amusement & Entertainment	Amusement	3	0	0	3	32	0	0
Can Office - Contractor Office	Business	5	0	0	6	2	0	0
Contractor Reg - Contractor Registration	Business	435	0	0	303	73	0	0
Donations - Donations / Non-Profit	Business	8	0	0	8	115	0	0
Food Service - Food Service / Bar / Lounge	Business	16	0	0	4	113	0	0
General Retail - General Retail	Business	26	0	0	27	135	0	0
General Service - General Service	Business	97	0	0	120	519	0	0
General Service - General Service Registration	Business	10	0	0	8	21	0	0
Home - Home Based Business	Business	60	0	0	40	510	0	0
Industrial - Industrial	Business	3	0	0	2	4	0	0
Insurance Co - Insurance Sales Company	Business	18	0	0	13	153	0	0
Professional - Professional	Business	90	0	0	90	350	0	0
Rental Office - Rental Office	Business	0	0	0	0	13	0	0
Rental Unit - Rental Unit	Business	142	0	0	152	1690	0	0
Storage/Warehouse - Storage / Warehouse Units	Business	1	0	0	0	9	0	0
Wholesale - Wholesale	Business	0	0	0	1	0	0	0
<b>Grand Totals</b>		<b>914</b>	<b>0</b>	<b>0</b>	<b>887</b>	<b>3785</b>	<b>0</b>	<b>0</b>

**CITY OF GREENACKES**  
**Licensing Revenue Summary Report**  
 Licensing Revenue Summary Report - Summary  
 From Date: 10/01/2022 - To Date: 09/30/2023

Charge Code	No. of Billing Transactions	No. of Adjustment Transactions	Billed Amount	Adjustments	Net Billed
<b>Licenses Type: Amusement, Amusement &amp; Entertainment</b>					
Amusement, 3c Pin-Amusement Secure Fee	15	0	\$ 0.598.09	\$0.00	\$10,888.08
Vending Machine Amusement Vending / Coin Operated	27	0	\$7,431.77	\$0.00	\$7,431.77
Food-Food Service	3	0	\$376.81	\$0.00	\$376.81
Food-Food Service	0	0	\$214.30	\$0.00	\$174.30
Licenses Type: Amusement-for usermen. & Entertainment	44	0	\$ 6,881.39	\$0.00	\$19,391.39
<b>Licenses Type: Civil Office-Inspector Office</b>					
Civil Office-Inspector Office	24	0	\$2,989.68	\$0.00	\$2,989.68
Civil Office-Inspector Office	5	0	\$345.00	\$0.00	\$345.00
Transfer-Transfer	1	0	\$11.62	\$0.00	\$11.62
Licenses Type: Civil Office-Inspector Office	31	0	\$3,256.30	\$0.00	\$3,256.30
<b>Licenses Type: Commercial Inspection</b>					
Commercial Inspection	5	0	\$345.00	\$0.00	\$345.00
Commercial Inspection	5	0	\$345.00	\$0.00	\$345.00
<b>Licenses Type: Food Service-Food Service / Bar / Lounge</b>					
Food-Food Service	108	0	\$18,210.30	\$0.00	\$18,210.30
Food-Food Service	130	0	\$34,001.88	\$0.00	\$34,001.88
Vending Machine Amusement Vending / Coin Operated	9	0	\$3,026.10	\$0.00	\$3,026.10
Civil Inspection-Commercial Inspection	45	0	\$1,055.00	\$0.00	\$1,055.00
Civil Inspection-Commercial Inspection	1	0	\$28.00	\$0.00	\$28.00
Transfer-Transfer	5	0	\$1,055.00	\$0.00	\$1,055.00
Collection Fee-Collection Fee	3	0	\$75.00	\$0.00	\$75.00
Collection Fee-Collection Fee	5	0	\$300.00	\$0.00	\$300.00
25% Penalty-25% Penalty	1	0	\$136.07	\$0.00	\$136.07
Licenses Type: Food Service-Food Service / Bar / Lounge	324	0	\$58,857.37	\$0.00	\$58,857.37
<b>Licenses Type: General-Retail-General Retail</b>					
General Retail-General Retail / Coin Operated	24	0	\$38,005.82	(\$395.78)	\$37,610.04
Vending Machine Amusement Vending / Coin Operated	4	0	\$1,404.12	\$0.00	\$1,404.12
Civil Inspection-Commercial Inspection	21	0	\$1,404.12	\$0.00	\$1,404.12
Transfer-Transfer	4	0	\$71.54	\$0.00	\$71.54
Collection Fee-Collection Fee	9	0	\$225.00	\$0.00	\$225.00

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Delinquent >150 Delinquent Over 150 Days	11	0	\$100.00	\$0.00	\$500.00
25% Penalty 25% Penalty	1	0	\$40.72	\$0.00	\$40.72
General Service-General Service	13	1	\$1,330.67	\$1,330.67	\$1,330.67
Food Service-General Service	11	0	\$139.71	\$0.00	\$139.71
Food Service-General Service	2	0	\$73.60	\$0.00	\$73.60
License Type General Retail General Retail Totals	296	2	\$107,951.06	\$0.00	\$107,951.06
License Type General Service-General Service					
General Service-General Service	513	0	\$57,306.87	\$0.00	\$57,306.87
Vending Machine/Vending Machine	2	0	\$1,840.96	\$0.00	\$1,840.96
Delinquent >150 Delinquent Over 150 Days	83	0	\$5,718.02	\$0.00	\$5,718.02
25% Penalty 25% Penalty	9	0	\$700.50	\$0.00	\$700.50
General Service-General Service	19	1	\$490.00	\$0.00	\$490.00
Delinquent >150 Delinquent Over 150 Days	18	0	\$1,800.00	\$0.00	\$1,800.00
25% Penalty 25% Penalty	2	0	\$28.12	\$0.00	\$28.12
General Retail-General Retail Totals	30	0	\$7,736.77	\$0.00	\$7,736.77
License Type General Service-General Service Totals	777	2	\$79,616.37	\$0.00	\$79,616.37
License Type General Service-General Service Registration					
General Service-General Service Registration	29	1	\$725.00	\$25.00	\$750.00
License Type General Service-General Service Registration Totals	29	1	\$725.00	\$25.00	\$750.00
License Type Home-Based Business					
Home-Based Business	560	2	\$13,147.87	\$175.00	\$13,322.87
Com Inspection-Commercial Inspection	1	0	\$88.00	\$0.00	\$88.00
Transfer-Transfer	7	0	\$34.14	\$0.00	\$34.14
Collection Fee-Collection Fee	27	0	\$675.00	\$0.00	\$675.00
Delinquent >150 Delinquent Over 150 Days	28	0	\$2,950.00	\$0.00	\$2,950.00
License Type Home-Based Business Totals	621	2	\$18,514.01	\$175.00	\$18,689.01
License Type Home-Based Business					
Industrial Sq Industrial Square Foot	6	0	\$314.46	\$0.00	\$314.46
Com Inspection-Commercial Inspection	2	0	\$138.00	\$0.00	\$138.00
License Type Industrial-Industrial Totals	8	0	\$452.46	\$0.00	\$452.46
License Type Insurance-Insurance Sales Company					
Insurance Registration-Registration	237	0	\$77,410.26	\$0.00	\$77,410.26
License Type Insurance-Insurance Sales Company Totals	237	0	\$77,410.26	\$0.00	\$77,410.26
License Type Professional-Professional					
Professional-Professional	230	1	\$77,370.54	\$15.29	\$77,385.83
Com Inspection-Commercial Inspection	150	1	\$5,853.74	\$50.00	\$5,903.74
Real Estate-Real Estate Broker License Agents	31	0	\$2,762.84	\$0.00	\$2,762.84
Com Inspection-Commercial Inspection	1	0	\$114.00	\$0.00	\$114.00
Insurance-Insurance	1	0	\$116.93	\$0.00	\$116.93
Collection Fee-Collection Fee	5	0	\$220.00	\$0.00	\$220.00

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Delinquent > 150-Delinquent Over 150 Days	5	\$500.00	30.00	\$500.00
25% Penalty-25% Penalty	4	\$50.54	\$0.00	\$50.54
General Service General Service	56	\$8,408.70	\$0.00	\$8,408.70
License Type Professional-Professional Totals	67	\$92,669.34	(\$116.83)	\$92,705.84
License Type Rental Office-Rental Office	15	\$2,593.78	\$0.00	\$2,593.78
Rental Office-Rental Office	11	\$64.30	\$0.00	\$64.30
From Inspection-From Rental Inspection	1	\$15.54	\$0.00	\$15.54
Transfer-Transfer	1	\$33.68	\$0.00	\$33.68
Rental Unit-Rental Unit	16	\$2,519.98	\$0.00	\$2,519.98
License Type Rental Office-Rental Office Totals	16	\$2,519.98	\$0.00	\$2,519.98
License Type Rental Unit-Rental Unit	1674	\$100,212.75	(\$98.60)	\$100,113.15
Rental Unit-Rental Unit	1561	\$8,270.00	(\$82.00)	\$8,188.00
Rental Insp-Rental Inspection	4	\$37.00	\$0.00	\$37.00
Rental Re-Inst-Rental Re-Inspection	6	\$23.98	\$0.00	\$23.98
Transfer-Transfer	30	\$750.00	\$0.00	\$750.00
Collection Fee-Collection Fee	31	\$5,084.09	\$0.00	\$5,084.09
Delinquent > 150-Delinquent Over 150 Days	1	\$5.67	\$0.00	\$5.67
25% Penalty 25% Penalty	1902	\$112,248.39	(\$116.60)	\$112,280.73
License Type Rental Unit-Rental Unit Totals	1902	\$112,248.39	(\$116.60)	\$112,280.73
License Type Storage(Warehouse)-Storage Warehouse Unit	8	\$5,156.84	\$3.00	\$5,166.84
Storage(Warehouse)-Storage Warehouse Unit	7	\$69.00	\$3.00	\$69.00
Com Inspection Commercial Inspection	7	\$5,205.84	\$3.00	\$5,205.84
License Type Storage(Warehouse)-Storage Warehouse Unit Totals	7	\$5,205.84	\$3.00	\$5,205.84

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## Department Report

**MEETING DATE:** Month, DD, 202Y

**FROM:** Gigi Chazu, Director, Economic Development

**SUBJECT:** Monthly Report – Month of September

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### BACKGROUND

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The following report provides activity within the Department of Economic Development for the reporting period from September 1st through September 30th, 2023.

- Attended the International Economic Development Center Annual Conference –
    - Attended 9 sessions focused on workforce development, repurposing, public-private partnerships (P3) and arts and economic development.
    - Participated on a working tour of a revitalized shopping mall in a blighted area and
    - Attended 2 networking events, connecting to key service providers in the economic development field.
  - Attended the Central Palm Beach Chamber of Commerce’s Progress Palm Beach ED Summit, learned about workforce needs in the area.
  - Submitted the Urban Land Institute Leadership Project application for the identification of downtown district – results will be announced in late November.
  - Reached out to 3 developer firms for potential public-private partnerships on multi-use development.
  - Contacted Greenacres Plaza administrator to introduce the Department and open dialogue.
  - Participated in a P3 meeting on a potential facility.
  - Sent Letter of Interest to the Small Business Development Center (SBDC) to participate in their APEX Business Accelerator.
  - Attended the Legacy Church’s 50<sup>th</sup> year anniversary celebration.
  - Spoke about the Eat Local, Eat Greenacres Initiative on local TV.
  - Collaborating in the Dillman Trail Ribbon Cutting event organization.
  - Constant collaborating with content for the City’s LinkedIn page. Page views increased by 58.2% in the last three months.
  - Continued population of new business lists.
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## Department Report

**MEETING DATE:** October 16, 2023

**FROM:** Teri Lea Beiriger, Director of Finance

**SUBJECT:** Department of Finance Activity Report

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### BACKGROUND

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The following report provides activity within the Department of Finance for the reporting period from September 1 through September 30, 2023.

In brief, the Finance Department:

- Approved the millage rate.
- FY 2024 Budget approved, and budget books distributed.
- Certified eTRIM.
- Completely caught up with Fire Inspection invoicing.
- Continued to reconcile outstanding Miscellaneous Billing balances.

The Finance Department has, and continues to, work on efficiencies to better serve our internal and external customers.

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## Department Report

**MEETING DATE:** October 16, 2023

**FROM:** Captain Tristram Moore, PBSO District 16

**SUBJECT:** PBSO District 16 September 2023 Report

### CAD CALLS

CAD CALLS	MONTHLY TOTALS
Business / Residence Checks (Self-Initiated)	1,318
Traffic Stops (Self-Initiated)	570
Calls for Service	1,842
<b>All CAD Calls - Total</b>	<b>3,730</b>
<b>Total Calls for Service – FY 2023</b> (October 2022 – September 2023)	<b>45,907</b>

Data Source: CADS/Premier 1

\*Omit Miscellaneous Calls

*Note: P1 is a dynamic system. Meaning that #'s can change from what was previously reported in the event there is a location or call type re-classification/modification.*

### SUMMARY

During the month, there were 3,730 generated calls within the District and 51% of these calls were self-initiated.

### TRAFFIC ACTIVITY

DISTRICT 16 PERSONNEL	
Total Citations	Total Warnings
139	270

Data Source: D16 Office Staff/Monthly Report

PBSO MOTORS UNIT	
Total Citations	Total Warnings
145	128

Data Source: Motor/Traffic Unit

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## COMMUNITY POLICING EVENTS

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- 09/09/23: Hispanos Unidos Event at the Samuel J. Ferreri Community Park
- 09/11/23: Meeting with the Liberty Park Elementary Staff in reference to upcoming Anti-Bullying Program
- 09/13/23: School Supplies Drop-Off at Liberty Park Elementary with the PBSO Volunteer Unit
- 09/14/23: Meeting with the Principal of Greenacres Elementary in reference to ex-student in need of mentorship
- 09/19/23: Dancing with PBSO Deputies Event at the Villa Madonna Senior Living Facility
- 09/19/23: Meeting with the Principal of Heritage Elementary School in reference to upcoming PBSO Anti-Bullying Program
- 09/20/23: Food Distribution Event at Pickwick Mobile Home Park
- 09/20/23: Meeting with Property Manager of the Woodlake Plaza to show her where the plaza's PBSO No Trespassing Signs needed to be placed
- 09/21/23: PBSO Volunteers Against Scams Team Presentation at the Villa Madonna Senior Living Facility
- 9/27/23: Orientation with kids for the Anti-Bullying Program

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## STREET CRIMES UNIT

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- The District 16 Street Crimes Unit responded to residential burglary and Agents received probable cause to arrest the suspect for burglary. The suspect was located, a traffic stop was conducted and the suspect was charged accordingly.
- The District 16 Street Crimes Unit conducted a traffic stop where probable cause to search the vehicle was established and 7.5g of Methamphetamine, 6.4g of Marijuana, and drug paraphernalia were discovered. The driver was charged accordingly.
- The District 16 Street Crimes Unit apprehended a suspect who had an active armed robbery warrant.

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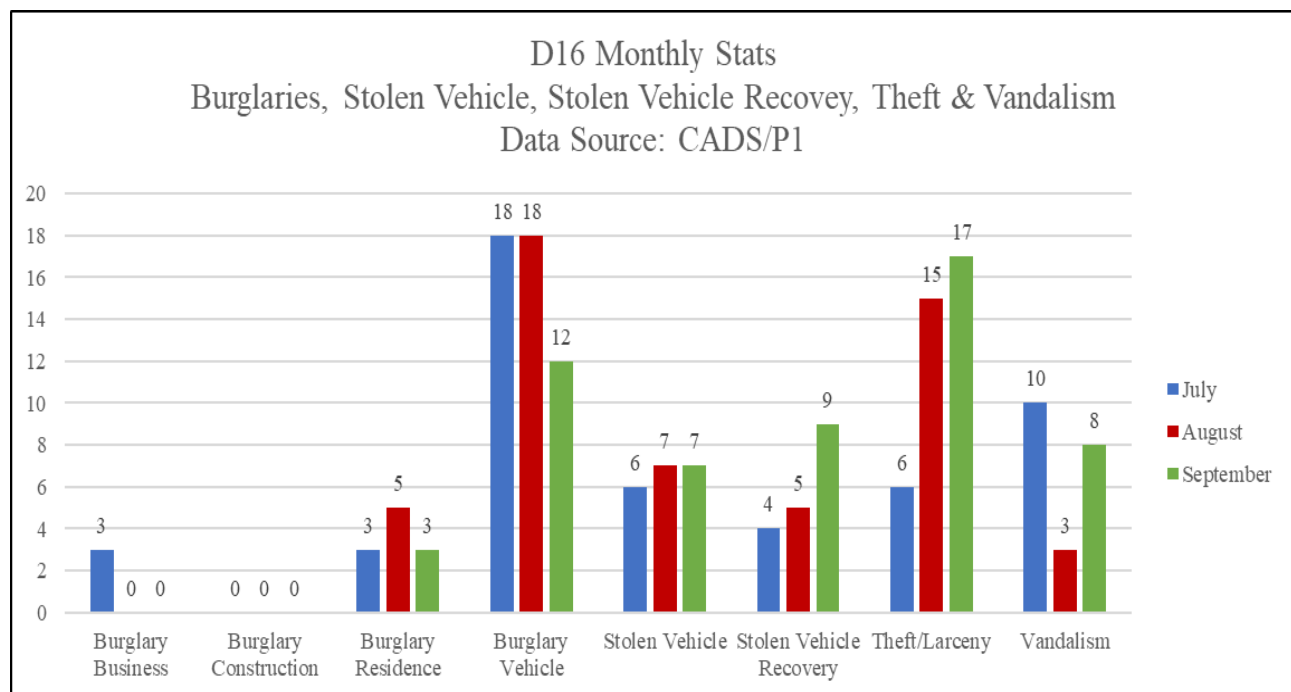
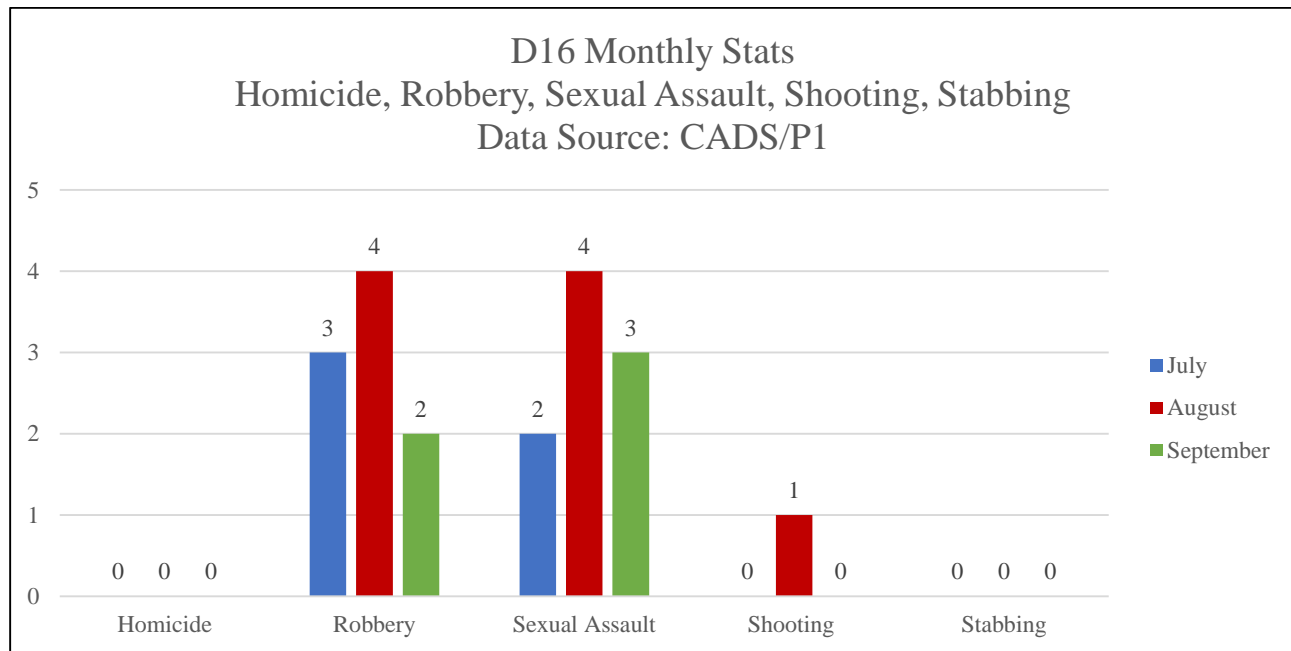
## PROPERTY DETECTIVES

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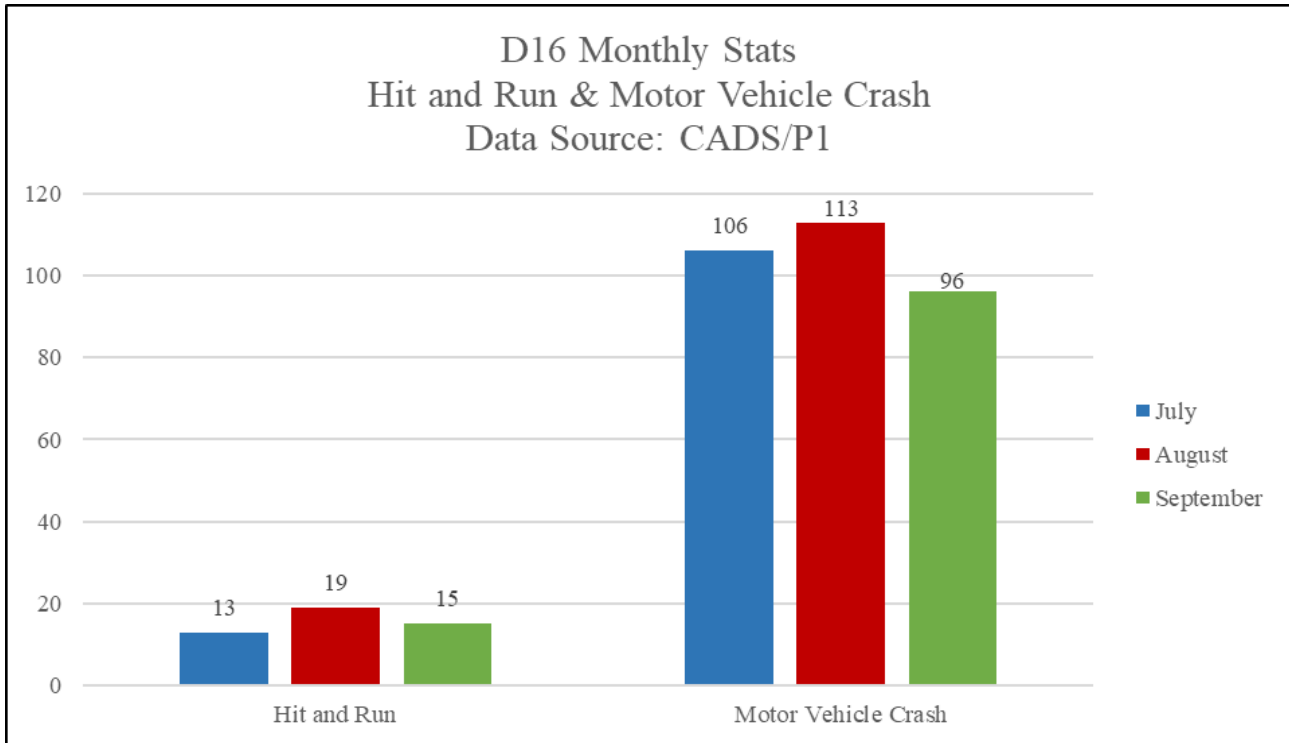
- District 16 Detectives investigated an occupied residential burglary. Through the course of the investigation, Detectives were able to positively identify a suspect who resided within the city. With the assistance of District 16 Street Crimes Unit the suspect was taken into custody without incident and this case was cleared by arrest.
- A business in the city reported a shoplifting where the suspect stole a chainsaw valued at \$829.99. A suspect was developed and positively identified during a photo line-up. The District 16 Street Crimes Unit apprehended the suspect and this case was cleared by arrest.
- A suspect attempted to steal a vehicle. The suspect was identified, provided a confession, and this case was cleared by arrest.

## DATA ANALYSIS

The data included in this report is charted and graphed to illustrate and compare changes over a specific time period. These charts and graphs are utilized to assist in determining crime trends and to measure enforcement efforts. This data is utilized in conjunction with other analysis to develop directed patrol and various enforcement activities. The analysis included on these pages is presented as a brief highlight to explain the salient points of this report.



**Note:** There were actually (8) Stolen Vehicles for the month of September due to 23-112853 not having a case number assigned. This was also noted in the CAB.



**TOP ACCIDENT LOCATIONS FOR SEPTEMBER 2023**  
**CASE NUMBER INCIDENTS**

LOCATION	CASE NUMBER COUNT
South Haverhill / 10th Avenue N	9
Lake Worth Road / S Jog Road	6
Forest Hill Boulevard / S Jog Road	6
Forest Hill Boulevard / Pinehurst	6
10th Avenue N / S Jog Road	4
Cresthaven Boulevard / S Jog Road	4





## Department Report

**MEETING DATE:** October 16, 2023

**FROM:** Monica Powery, Director, Purchasing

**SUBJECT:** Department of Purchasing Activity Report

### DEPARTMENT HIGHLIGHTS

The following report provides the highlights of activity within the Department of Purchasing for the reporting period from September 1 through September 30.

- a. 23-002 Gladiator Lake Drainage Enhancements – This bid was advertised on November 22, 2022 and opened on February 1, 2023 with one (1) bid received. Under staff review.
- b. 23-010 Banking Services – This RFP was advertised on June 18, 2023 and closed on August 3, 2023 with two (2) proposals received. BankUnited NA was the only responsive and responsible proposer, therefore, staff is recommending award to them at the meeting held on November 6, 2023.
- c. 24-001 Landscape Maintenance Services for Facilities & Parks – This bid was advertised on July 2, 2023 and opened on August 7, 2023 with ten (10) bids received. City Council approved award to L.V. Superior Landscaping, Inc. at the meeting held on September 5, 2023.
- d. 24-002 Pressure Cleaning Services – This bid was advertised on July 2, 2023 and opened on August 2, 2023 with eight (8) bids received. City Council approved award to The Pressure Cleaning Man, Inc. at the meeting held on September 5, 2023.
- e. 24-003 HVAC and Ice Machine Services – This RFP was advertised on July 16, 2023 and closed on August 16, 2023 with three (3) proposals received. The Selection Committee met on August 25, 2023 to review and evaluate the proposals. The Selection Committee recommends award to Hyvac Mechanical Services, Inc. City Council approved award to Hyvac Mechanical Services, Inc at the meeting held on September 5, 2023.
- f. 24-004 Medical Supplies – This bid was advertised on August 16, 2023 and opened on September 14, 2023 with five (5) bids received. City staff has evaluated the proposals and recommends award to Bound Tree Medical, LLC, Henry Schein Inc. and Life-Assist, Inc. as the lowest responsive and responsible bidders. To go before Council for approval at the meeting to be held on October 2, 2023.
- g. 24-007 Landscape Maintenance of Canals & Medians – This bid was advertised on September 26, 2023 and opens on October 11, 2023.
- h. Mortgage Foreclosure Registration – City Staff is currently researching possible contract piggyback options.

- i. Request for Quotes – Developed, administered and assisted with the RFQ for Aquatic Plant Management Services
- j. Solicitations In Progress – Credit Card Services; Solid Waste Collection Services; Chickasaw Road Reconstruction and L-11 Canal Piping; Landscape Maintenance of Canals & Medians; Tents for City Events; Inflatables for City Events; and Printing of City Stationery.

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### DEPARTMENT ACTIVITY

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ACTIVITY	CURRENT PERIOD	FY 2023 YTD
Purchase Orders Issued	51	747
Purchase Order Amounts	\$ 2,120,618.56	\$40,678,458.36
Solicitations Issued	2	29
Solicitations in Progress	7	-
Central Store Requests	4	58
Contracts Managed	77	77
Purchasing Card Purchases	258	3,138
Purchasing Card Transactions	\$52,667.60	\$ 491,350.24
No. of Training Sessions Conducted	0	9
Towing Revenue*	\$0.00	\$ 37,922.00

\* The City has not received the revenue collected for September 2023.



## Youth Programs Department Monthly Report

**MEETING DATE:** October 16, 2023

**FROM:** Jowie Mohammed, Director of Youth Programs

**SUBJECT:** September 2023 Department Report

### PROGRAMMING

- Nineteen (19) days of after-school provided and transportation from six (6) schools within City limits.
- One (1) Full Day of programming from 7:30 a.m.-5:30 p.m.

### PERFORMANCE MEASUREMENTS

PERFORMANCE MEASUREMENT	AVERAGE THIS PERIOD	FY 2023 TO DATE	FY 2023 BUDGET
# of Participants	66	97	150
# of Participants in Sierra Club ICO	0	10	25
# of Licenses Coordinated	0	1	1
# of MOU's Coordinated	1	2	6
# of Part.'s in Teen Advisory Council (TAC)	5	5	7
# of Part.'s in TOP Program	30	40	15
# of Part.'s in Garden Club	0	19	20
# of Presidential Volunteer Service Hours	689	10,146	8,000

### FINANCIAL INFORMATION

GRANTS COORDINATED	AVERAGE THIS PERIOD	FY 2023 TO DATE	FY 2023 BUDGET
Early Learning Coalition	\$10,454.90	\$209,330.03	\$316,817
Parent & Registration Fees	\$9,372.41	\$88,198.93	\$185,419
Youth Services Department SEL Grant	\$7,700.80	\$69,306.72	\$77,000
Textile Funds	\$0.00	\$4,865.00	\$18,000
Community Foundation Grant (Summer)	\$0.00	\$33,525.00	-

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## C.A.R.E.S REPORT

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- In the observance of Hispanic Heritage month, the CARES Program was able to participate in themed cooking activities based on various Hispanic cultures.
- The CARES Program is gearing up to get started with the Jr. Garden Club program which will get started in October. Various renovations have been made to the garden to accommodate new projects and to do some much needed updating.

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## TEEN PROGRAMS REPORT

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- Our Teen Programs had their first Late Night of the school year on September 1st, with over 20 students showing up. We provided young people with dinner, and they had access to the gym after-hours, where they played volleyball.
- On Tuesday's between 3:30p.m. – 5:30p.m. our teen participants attended the evidence-based club, Teen Outreach Program (TOP). During this month they worked on their annual City Government Project. City Department roles and responsibilities were reviewed and assigned.
- For this year's City Government Project, some High School teens will act as directors, and others will act as supervisors and team up with their Middle school peers to answer questions about their assigned departments. A council formed of 3 High School students and two middle school students will help look over the departments and help with decisions on group activities.
- On September 25th, two senior students visited the City of Riviera to participate in a panel discussion on mental health and their relationships with parents. They did an excellent job representing their community.