

City of Delray Beach

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Minutes - Draft

Tuesday, June 13, 2017

5:00 PM

Special Commission & Workshop Meeting at 5:00 PM

Delray Beach City Hall - Commission Chambers

City Commission

Mayor Cary Glickstein

Vice Mayor James Chard

Deputy Vice Mayor Shirley Ervin Johnson

Commissioner Mitchell Katz

Commissioner Shelly Petrolia

Pursuant to Section 3.12 of the Charter of the City of Delray Beach the Mayor has instructed me to announce a Special Meeting of the City Commission to be held for the following purposes:

Roll Call

Mayor Glickstein called the meeting to order at 6:00 p.m.

The following were in attendance:

Commissioner Petrolia
Vice Mayor Chard
Deputy Vice Mayor Johnson
Mayor Glickstein

Also in attendance were:

Interim City Manager, Neal deJesus
City Attorney, R. Max Lohman
City Clerk, Katerri Johnson

Mayor Glickstein reported that Walter Gaum, former Ocean Rescue lifeguard and current City lifeguard for over twenty years suffered a stroke and is in the Delray Medical Center in critical condition. Mayor Glickstein wanted to let the family know our thoughts and prayers are with Walter and his family.

On behalf of the City, Mayor Glickstein thanked all the Task Force participants for volunteering their time and expertise in helping to formulate better City policy.

Mr. Lohman explained that both meetings were scheduled at the same time, so either one could take place first. It is the consensus of the Commission to start with the Special meeting. Due to technical difficulties, the Workshop meeting was adjourned and the Special meeting was called to order.

Roll Call:

Commissioner Petrolia
Vice Mayor Chard
Deputy Vice Mayor Johnson
Commissioner Katz
Mayor Glickstein

Also in attendance were:

Interim City Manager, Neal deJesus
City Attorney, R. Max Lohman
City Clerk, Katerri Johnson

1. Public Comments

2. Public Hearings

2.a. [17-561](#)

ORDINANCE NO. 17-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH ARTICLE 6.3 "USE AND WORK IN THE PUBLIC RIGHT OF WAY" BY AMENDING SECTION 6.3.3 "SIDEWALK CAFE" TO ELIMINATE REGULATIONS FOR SIDEWALK CAFES LOCATED ON PRIVATE PROPERTY; AMENDING SECTION 6.3.3 (A) "PERMIT AND FEES" TO ADD LEASING FEES; AMENDING SECTION 6.3.3 (F) "REGULATIONS GOVERNING THE USE, DESIGN, AND MAINTENANCE OF A SIDEWALK CAFE" TO CREATE TWO ZONES, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 17-17 on Second Reading.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 17-17 Sidewalk Cafe](#)
[P & Z Staff Report with Ord No. 17-1](#)

Mr. Lohman explained that this ordinance was continued from the last meeting. Mr. Lohman gave an overview of Ordinance 17-17, he stated it would amend the Land Development regulations, Article 6.3 "use and work in the public right of way" by amending Section 6.3.3.

Vice Mayor Chard had a question that if the businesses are expanding their floor space, are they required to have parking spaces in lieu. Mr. Pape, the city Planner, stated that the businesses are not required to have extra parking for outdoor dining.

Deputy Vice Mayor Johnson asked for clarification of the fees charged.

Commissioner Petrolia was concerned with the cost to the city, for inspectors, etc.

Mr. Lohman explained that he has been pulling the fees out of ordinances so the Commission can adopt fees charged by resolutions instead. He stated that the resolution does not need two readings nor do they need to be advertised.

Mayor Glickstein opened the meeting up for public comment.

Mr. Marincola explained how the city approved these permits years ago.

Being no further comments from the public, Mayor Glickstein closed the public portion of the meeting.

Commissioner Petrolia made a motion to approve the ordinance, as amended, seconded by Vice Mayor Chard. A Roll Call vote was taken. All were in favor. The motion carried 4-0.

approved

3. Resolutions

Commissioner Petrolia questioned the cost of inspecting these businesses for compliance. She would like to see a cost breakdown for inspections. Mr. deJesus explained that they are inspecting the properties for other violations, not just for outdoor dining.

Mayor Glickstein opened the meeting up for public comment.

Mr. Marincola of 1138 Vista Del Mar is not in favor of the charging extra for the outdoor dining permits. He gave an overview of the history of the outdoor dining permits.

No further comments from the public Mayor Glickstein closed the public portion of the meeting.

Commissioner Petrolia made a motion to approve Resolution #46-17 as amended, seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 4-0.

3.a. [17-562](#)

RESOLUTION NO. 46-17 ESTABLISHING A FEE SCHEDULE FOR SIDEWALK CAFE PERMITS

Recommendation: Motion to Approve Resolution No. 46-17 adopting a fee schedule for the establishment and/or renewal of a Sidewalk Cafe Permit.

Sponsors: Planning & Zoning Department

Attachments: [Res 46-17-Fees-SidwalkCafeOrd2017 CA Approved](#)

Commissioner Petrolia was concerned with revenues dropping off because the city will be charging less for the sidewalk cafe permits.

Mayor Glickstein stated that the business owners were getting charged twice, by the city and also by Florida Department of Transportation.

Commissioner Petrolia questioned the cost of inspecting these businesses for compliance. She would like to see a cost breakdown for inspections. Mr. deJesus explained that they are inspecting the properties for other violations, not just for outdoor dining.

Mayor Glickstein opened the meeting up for public comment.

Mr. Marincola of 1138 Vista Del Mar is not in favor of charging extra for the outdoor dining permits. He gave an overview of the history of the outdoor dining permits.

No further comments from the public, Mayor Glickstein closed the public portion of the meeting.

Commissioner Petrolia made a motion to approve Resolution #46-17 as amended, seconded by Vice Mayor Chard. A Roll Call vote was taken. All in favor. The motion carried 4-0.

approved

4. Commission Comments

Workshop Meeting

Pursuant to Section 3.12 of the Charter of the City of Delray Beach the Mayor has instructed me to announce a Workshop Meeting of the City Commission to be held for the following purposes:

WS.1. [17-541](#) HISTORIC PRESERVATION TASK FORCE PRESENTATION

Recommendation: Consider Task Force recommendations and provide direction.

Sponsors: Planning & Zoning Department

Attachments: [2017-06-13_Historic Preservation Task Force Presentation_06-08-17](#)

Michelle Houlan, the City's Historic Preservation Planner introduced the Historic Preservation Task Force. The members gave a presentation to the Commission. Charlene Farington gave an overview of the Task Force wants and needs. Roger Cope reported on the need to update some of the

Land Development Regulations. Mrs. Wright also spoke about Frog Alley and the historical importance of that area. Other members of the Task Force added to the presentation.

Commissioner Petrolia had questions regarding the existing Historic Districts. Roger informed the Commission that the Marina District is a nationally recognized Historic District, and Old School Square is slated to become Delray Beach's second nationally recognized Historic District.

WS.2. [17-439](#)**RISING WATERS TASK FORCE REPORT AND RECOMMENDATIONS**

Sponsors: Environmental Services Department

Attachments: [Delray RWTF-FINAL](#)

The Rising Waters Task Force report and recommendations on the sea level rising, title flooding and the storm surge. Extreme rain events and salt water intrusion are all concerns of the committee. There are economic impacts such as the property tax base is at risk, finance and bond ratings and insurance for both the city and property owners alike. The water infrastructure is at capacity and the sea level is rising. One of their recommendations to replace the lost property tax base is with higher density residential on higher elevations. To continue the dune and beach management programs. Also have in place an emergency management plan and a post disaster rebuilding plan.

Commissioner Petrolia had several questions on how Delray can be better prepared for a disaster. Looking at the building codes, elevation, redirecting the water and raising the roadways are some of the suggestions. She was in favor of a Chief Resilience Officer to handle these issues moving forward.

Deputy Vice Mayor Johnson had questions regarding the FEMA flood maps.

John Morgan reported on salt water intrusion on the well system. He stated that beach renourishment is very important for future flood erosion and for tourism.

Anna Pushkin-Shovlin spoke about the need for lobbying money for beach renourishment.

W.S.3. [17-542](#)**PARKING MANAGEMENT PLAN**

Sponsors: Environmental Services Department

Attachments: [Parking Management Report for 6-13-17 Workshop](#)

Dale Sugerman, Assistant City Manager presented the Parking Management plan. The Mayor opened the meeting to public comment.

Mr. Marincola on the Parking Board for 18 years, in favor of metered parking on Atlantic Avenue, where the first hour is cheaper than the second hour.

Ryan Boylston, Chairman of the Downtown Development Association reported that they are in favor of parking meters in the downtown area.

Bruce Skimmy of 439 East Atlantic Avenue is in favor of the parking meters but they should be implemented before tourist season.

Peter Arts of 1746 Fernforce Place, also serves on the Downtown Development Board. He reported that there has been discussions on purchasing a parking garage either privately purchased or a current site that is owned by the city. He would like information pertaining to how much money is in the accounts for a parking garage.

Ronald Platt, retired attorney, owner of Mellow Mushroom restaurant stated that the parking lot south of his restaurant is underutilized. A study was done by Kimley Horne that the city paid for in 2013 that another 284 parking spaces could be added at that location by building a garage.

Eric Camacho of 118 S.E. 7th Avenue is in favor of having parking spots for electric vehicle as well.

Kevin Warner of the Parking Management Advisory Board is in favor of metered parking.

Christina Morrison of 2809 Florida Boulevard stated that residents and business owners should be able to carry a parking card, not to be taxed twice, also needs to address all the employee parking downtown.

David Cook of 25 E. Atlantice Avenue is not in favor of parking meters.

Allen Costello of Big Al's Steaks of 450 E. Atlantic Avenue, also a

Downtown Development Authority member believes they should be involved in the process.

No further comments from the public. The Mayor closed the public portion of the meeting.

W.S.4. Commission Comments

Commissioner Petrolia had a question regarding revenue versus cost. Mr. Sugerman explained that they did not have the figures for year over year available to them yet.

Commissioner Petrolia was concerned with the turn over of parking spaces on Atlantic Avenue. She stated that in liue fees should be charged on an annual basis.

Mr. deJesus had several questions regarding the parking plan.

Vice Mayor Chard suggested the staff doing a "What if" report to give the Commission a better understanding of number of meters, location, etc.

Deputy Vice Mayor Johnson requested that a workshop meeting be held solely for the parking meter issue.

Commissioner Katz would like to see a resident parking pass. A discussion ensued.

Mayor Glickstein distributed information regarding class action suits and the amount of people overdosing on narcotics.

Mayor Glickstein adjourned the meeting at 8:38 p.m.