



City of Delray Beach

Regular Commission Meeting

City Commission

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Mayor Shelly Petrolia
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Adam Frankel
Commissioner Juli Casale
Commissioner Ryan Boylston

Tuesday, January 11, 2022

4:00 PM

Delray Beach City Hall or Watch on YouTube:

[https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos? View=2&live_view=501](https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?View=2&live_view=501)

Regular Commission Meeting at 4:00 PM

1.ROLL CALL

The Regular City Commission Meeting was called to order at 4:00 p.m.

The roll call was taken by Katerri Johnson, City Clerk, and the following were present:

Present: 4 Mayor Shelly Petrolia, Vice Mayor Shirley Ervin Johnson, Commissioner Juli Casale
Commissioner Ryan Boylston - participated virtually

Absent: Deputy Vice Mayor Adam Frankel

Others present were:

Terrence Moore, City Manager
Lynn Gelin, City Attorney
Cynthia Hood, Deputy City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

A. Additions, Deletions, Substitutions

Mr. Moore, City Manager, requested Item No. 7.C. be pulled from the Regular Agenda.

Commissioner Casale moved to approve the agenda as amended. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

APPROVED

4. PRESENTATIONS:

4.A. None

5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC-IMMEDIATELY FOLLOWING PRESENTATIONS:

5.A. City Manager's response to prior public comments and inquiries

5.A.1. Introduction of New Assistant City Manager Mr. Jeffrey L. Oris

Mr. Moore introduced Assistant City Manager Jeffrey L. Oris, who shared the vast experience and knowledge he brings to the city. Mr. Oris told the Commission that he welcomed the opportunity to serve the Delray Beach community.

5.A.2. Follow-up report on current COVID-19 epidemiology analysis

Fire Chief Keith Tomey reported that the number of people infected with COVID-19 had gone down since the holiday. He acknowledged that those infected, but vaccinated, could return to work quicker than in the past.

Mr. Chris Bell, Emergency Preparedness Officer, presented the latest data for COVID-19 cases in Florida. He reminded the public that Fire Station No.111, located at 511 West Atlantic Avenue, offers vaccines to people twelve years and older every Tuesday from 9:00 a.m. through noon.

Dr. Gunta, Medical Director of the Employee Health Center, discussed the importance of the continued practice of COVID-19 protocols to keep the infection rate down.

Mayor Petrolia thanked everyone for their updates.

5.A.3. Utilities Cross Connection Policy Matters

Mr. Hassan Hadjimiry, Utilities Director, discussed the concerns about the cross-connection policies being implemented. He explained that on December 7, 2021, the Commission adopted Resolution No. 156-21, which allows the City Manager to change the city's engineering standards, if it complies with state and federal regulations. Mr. Hadjimiry explained the two different types of systems available:

Dual Check Valves: are paid for by the city as part of its reclaimed water expansion project in all communities, including replacements. He noted that the city would incur the cost of replacement every five years.

Reduced Pressure Zones: are required in new construction single-family homes, multi-family homes, and commercial establishments, per city's engineering standards and are paid for by the customer.

Mayor Petrolia stated that she favored the dual check valve.

The Commission had a discussion and thanked Mr. Hadjimiry for his time.

5.A.4. Current construction projects and resulting inconveniences

Ms. Cynthia Buisson, Assistant Public Works Director, provided an update on the Private Developer Construction Projects impacting the community.

5.B. From the Public

Montraie Bennett, residing at 323 NW 2nd Avenue, Delray Beach, expressed concern about the cars speeding through his neighborhood. He commented that he would not be happy with an increase in his water bill.

Margaret Bloom, residing at 953 Greenbriar Drive, Boynton Beach, the private donor for the renovations at the Cornell Museum of Art and Crest Theatre, stated that she blames the City Commission for halting the construction and making the museum and theatre uninhabitable.

Ms. Lynn Gelin, City Attorney, clarified for the Mayor why the buildings are closed and reminded the Commission to hold off commenting about Old School Square due to the pending lawsuits.

Laura Simon, Downtown Development Authority Director, informed the Commission that on January 15 and 16, Atlantic Avenue would be closed for a special event. She reported that the Federspiel Garage still isn't operational and discussed bringing back the FreeBee transportation vehicle.

Jason Tomaheski, employed with Old School Square, discussed what Old School Square has accomplished since the lease was terminated. He thanked the Parks and Recreation Department for their support and requested a meeting with the Commission.

Peter Raycroft, residing at 213 Sherwood Forest Drive, Delray Beach, remarked that he hopes the city can work things out with Old School Square.

Mayor Petrolia closed public comments.

6.CONSENT AGENDA: City Manager Recommends Approval

Vice Mayor Johnson requested to pull Item No. 6.G.1. from the Consent Agenda for discussion. Item No. 6.G.1. became Item No. 7.A.A. on the Regular Agenda.

Commissioner Casale made a motion to approve the agenda as amended. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

APPROVED as amended.

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[September 23, 2021 Regular Commission Meeting-FINAL VERSION w-Corrections](#)
[September 28, 2021 - Special Meeting Attorney Client Session](#)

APPROVED

6.B. RESOLUTION NO. 09-22 AMENDING THE FISCAL YEAR 2021-22 BUDGET ADOPTED BY RESOLUTION NO. 141-21 ON SEPTEMBER 23, 2021

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[DBPD Budget Resolution No. 09-22 lg rev](#)
[Exhibit A Budget Amendment - Reso 09-22](#)
[Finance Memo - Budget Amendment - Service Population Advocate position](#)
[Simple Legal Review Approval Resolution 09-22](#)

APPROVED

6.C. APPROVE AMENDMENT 2 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION / PROFESSIONAL SERVICES FOR FISCAL YEAR 2020/21

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[PE - 2nd Amendment to CIP ILA FY21-22 \(002\)](#)
[Legal Review Checklist Amd #2 to ILA with CRA for Contruction Professional Services](#)

[Funding 2020-2021](#)

APPROVED

6.D. ITEM(S) A1 AND B1- ACCEPTANCE OF A RIGHT OF-WAY DEDICATION BY 248 NE 7TH AVE. AND ACCEPTANCE OF A GENERAL UTILITY EASEMENT AGREEMENT BY 1158 LOWRY ST.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(A1a\) ROW Deed - 248 NE 7th Ave. - 612 Manor LLC](#)
[Item \(A1b\) Exhibit A & Survey - 248 NE 7th Ave](#)
[Item \(B1a\) General Utility Easement - 1158 Lowry St. - 1158 Lowry LLC](#)
[Item \(B1b\) Exhibit A & Survey- 1158 Lowry St.](#)
[Legal Reviews \(2\)](#)

APPROVED

- 6.E. *DELRAY RIDGE PLAT: CERTIFICATION OF THE FINAL PLAT, A MAJOR SUBDIVISION, KNOWN AS "DELRAY RIDGE," GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH SWINTON AVENUE AND NE 22ND STREET, INCLUDING THE ASSOCIATED TREE DISPOSITION PLAN.*

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Delray Ridge Plat: Sheets 1 and 2](#)

[Delray Ridge Plat: PZB Staff Report](#)

[Delray Ridge Plat: Tree Preservation Survey](#)

[Delray Ridge Plat: Landscape Plans](#)

[Delray Ridge Plat: Arborist Report](#)

[Delray Ridge Plat: Paving, Grading, Drainage Plans](#)

[Delray Ridge Plat: PBC Traffic Review](#)

[Delray Ridge Plat: Environmental Assessment Report](#)

APPROVED

- 6.F. *APPROVAL OF STATE HOMELAND SECURITY GRANT PROGRAM AGREEMENT RENEWAL WITH THE STATE OF FLORIDA, WHICH HAS THE STATUTORY AUTHORITY TO DISBURSE FEDERAL HOMELAND SECURITY FUNDS TO PARTICIPATING MUNICIPALITIES OF A REGIONAL DOMESTIC SECURITY TASK FORCE (RDSTF).*

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[FY2021 SHSGP - Federally Funded SubGrant Agreement - City of Delray Beach - R0518](#)

[Resolution 02-22 Grant Agreement for SHSGP](#)

[Legal Review SHSGP Grant Agreement FY2021](#)

APPROVED

6.G. PROCLAMATIONS

Vice Mayor Johnson requested to pull Item No. 6.G.1. for discussion.

6.G.1. MARTIN LUTHER KING, JR. DAY PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[MARTIN LUTHER KING JR. DAY 2022](#)

Vice Mayor Johnson shared that Martin Luther King Jr. Day is a day to memorialize him by service and not a holiday to celebrate. Vice Mayor Johnson made a motion to commemorate, by proclamation, Dr. Martin Luther King Jr. Day. Commissioner Casale seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

APPROVED

6.H. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS

6.H.1. None

6.I. AWARD OF BIDS AND CONTRACTS:

- 6.I.1.** APPROVAL OF RESOLUTION NO. 12-22 TO AWARD AN AGREEMENT WITH MARCUM LLP FOR EXTERNAL FINANCIAL AUDITING SERVICES FOR THE FINANCE DEPARTMENT (RFP NO. 2019-043) IN THE ESTIMATED AMOUNT OF \$749,900 FOR THE INITIAL FOUR-YEAR TERM

Sponsors: Finance Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 7 WMB 3 5 2021 Marcum LLP](#)
[Resolution 12-22 Financial Auditing Services - Marcum LLP Ig rev](#)
[Delray - Marcum LLP Agreement](#)

APPROVED

7. REGULAR AGENDA

- 7.A.** RESOLUTION NO. 10-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.5(C) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW INSTALLATION OF A SIX (6) FOOT TALL FENCE ON TOP OF A TWO (2) FOOT HIGH BERM SURROUNDING THE PROPERTY LOCATED AT 1314 NORTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 10-22](#)
[Applicant Justification Statement](#)
[Site Plan](#)
[Simple Legal Review Approval 10-22](#)

Mayor Petrolia read the Quasi-Judicial rules into the record.

Vice Mayor Johnson swore in those who wished to provide testimony on Resolution No. 10-22.

Mayor Petrolia asked if any of her colleagues had any ex-parte communications to disclose.

The following was disclosed:

Mayor Petrolia - none

Vice Mayor Johnson - none

Commissioner Casale - none
Commissioner Boylston - none

Ms. Anthea Gianniotis, Development Services Director, entered File No. 2022-028 into the record.

Mr. Mike Covelli, of Covelli Design Associates, located at 1209 S. Swinton Avenue, Delray Beach, communicated that he was seeking direction from the Commission on how to correctly measure the fence height around the facility known as Pop Stroke, located at 1314 North Federal Highway. Ms. Gianniotis reminded the Commission that this would not be a special use but rather a solution to a specific location.

There were no public comments, rebuttals, or cross-examinations.

A brief discussion ensued.

Commissioner Casale made a motion to approve Resolution No.10-22, as amended, with the six-foot fence to be placed on top of the two-foot berm area. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

APPROVED

***7.B. RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19
ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF
ORDINANCES***

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Res. No. 188-21](#)

Commissioner Casale made a motion to approve the Ratification of the 95th Extension of the State of Emergency Regulations related to COVID-19. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

APPROVED

***7.C. APPROVE APPLICATION FOR FUNDING THROUGH THE FEDERAL EMERGENCY
MANAGEMENT AGENCY (FEMA) ASSISTANCE TO FIREFIGHTERS GRANT (AFG)
PROGRAM FOR TWO PROJECTS - ONE LIGHT AND AIR SUPPORT VEHICLE; AND
ONE RESCUE BOAT.***

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[fema fy21-afg-nofo.pdf](#)

[Simple Legal Review Approval Application for AFG grant for Light and Air Truck and
Rescue Boat.pdf](#)

Item 7.C. was removed.

Ms. Gelin read Resolution No. 06-22, Ordinance No. 31-21, and Ordinance No. 32-21 into the record.

7.D. RESOLUTION NO. 06-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONSENTING TO THE REVOCATION OF A DEDICATION MADE BY SHERWOOD PARK GOLF, INC, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 06-22](#)

[Resolution No. 06-22, Exhibit C: Sherwood Dedication](#)

[Resolution No. 06-22, Exhibit D: Consent of Association](#)

[Resolution No. 06-22, Exhibit E: Dedication Termination](#)

[PZB Staff Report \(LUMA, RZ and MDP\)](#)

[Resolution No. 06-22 Legal Review](#)

Commissioner Casale made a motion to approve Resolution No. 06-22. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

APPROVED

8. PUBLIC HEARINGS/SECOND READINGS

Ms. Johnson swore in Mr. Mike Tuma, Principal Planner with Urban Design Studio, located at 610 Clematis Street, West Palm Beach, who wished to provide testimony on agenda Item No.'s 8.A. and 8.B.

Mr. Tuma gave a presentation on the land use amendment and rezoning proposal of Sherwood Forest/The Enclave, on behalf of the homeowners of Sherwood Forest and Pulte Developers. Ms. Gianniotis reported staff's findings on the project.

Mayor Petrolia opened public comments.

Alice Finst, residing at 707 Place Tavant, Delray Beach, inquired about what was to be done with the black olive trees that were removed.

John Colasacco, residing at 425 Sherwood Forest Drive, Delray Beach, remarked that the homeowners were pleased to work with Pulte Developers and are looking forward to the Commission voting in favor of this project.

Lance Hall, residing at 4920 Sherwood Forest Drive, Delray Beach, reported that he was enthusiastic about the proposed land development.

Anthony Orlando, residing at 4695 Sherwood Forest Drive, Delray Beach, stated that he supported the community moving forward with the development by having enhancements made to it. He commended Pulte Homes on their efforts working with the residents and asked the Commission to approve the project.

Sharla Ryals, residing at 4610 Sherwood Forest Drive, Delray Beach, remarked that she was happy to have more single-family homes in Sherwood Forest.

Steven Safern, the President of Legacy Town Homes, Delray Beach, stated that he favored the new community but was concerned about the traffic it may bring.

Christina Morrison, residing at 1000 Lowery Street, Delray Beach, reported how pleased she was to have more housing in Delray but would like to see more Workforce Housing for essential workers.

Mayor Petrolia closed public comments.

8.A. ORDINANCE NO. 31-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR A PARCEL OF LAND LOCATED AT 170 SHERWOOD FOREST DRIVE, WHICH MEASURES APPROXIMATELY 37.31± ACRES AS MORE PARTICULARLY DESCRIBED HEREIN, RE-DESIGNATING SAID LAND FROM OPEN SPACE (OS) TO LOW DENSITY (LD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187. PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING / PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[170 Sherwood: Staff Report](#)

[170 Sherwood: Ordinance No. 31-21 \(LUMA\)](#)

[170 Sherwood: Project Narrative \(LUMA\)](#)

[170 Sherwood: Master Development Plan](#)

[170 Sherwood: Traffic Report](#)

[170 Sherwood: Traffic - PBC TPS Approval](#)

[170 Sherwood: Existing and Proposed Land Use and Zoning](#)

[170 Sherwood: Signed Board Order](#)

[170 Sherwood: Legal Review](#)

Commissioner Casale made a motion to approve Ordinance No. 31-21. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

APPROVED

8.B. ORDINANCE NO. 32-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY

OF DELRAY BEACH, FLORIDA, REZONING LAND PRESENTLY ZONED OPEN SPACE & RECREATION (OSR) DISTRICT TO PLANNED RESIDENTIAL DEVELOPMENT, FOR A DEVELOPMENT TO BE KNOWN AS THE ENCLAVE AT SHERWOOD, LOCATED SOUTH OF WEST ATLANTIC AVENUE AND EAST OF SOUTH MILITARY TRAIL, WHICH MEASURES APPROXIMATELY 37.31± ACRES, AS MORE PARTICULARLY DESCRIBED HERIN; AMENDING “CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021”; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[170 Sherwood: Staff Report](#)

[170 Sherwood: Ordinance No. 32-21 \(Rezoning\)](#)

[170 Sherwood: Project Narrative \(Rezoning\)](#)

[170 Sherwood: Plans - Master Development Plan](#)

[170 Sherwood: Plans - Site Plan](#)

[170 Sherwood: Plans - Landscape Plan](#)

[170 Sherwood: Traffic Report](#)

[170 Sherwood: Traffic - PBC TPS Approval](#)

[170 Sherwood: Existing and Proposed Land Use and Zoning](#)

[170 Sherwood: Signed Board Order](#)

[170 Sherwood: Legal Review](#)

Commissioner Casale made a motion to approve Ordinance No. 32-21. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

APPROVED

Ms. Gelin read Ordinance No. 22-21 and Ordinance No. 23-21 into the record.

8.C. ORDINANCE NO. 22-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 100, “NUISANCES,” SECTION 100.04, “SEAWALLS,” TO ESTABLISH REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC AND PRIVATE SEAWALLS AND PROVIDE FOR GENERAL PENALTIES. PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE. AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 22-21 - Code of Ordinances \(Seawalls\)](#)

[Ordinance No. 22-21 - PZB Staff Report](#)

[City of Delray Beach - Water Level Infrastructure Vulnerability Study](#)

[Ordinance No. 22-21 Legal Review](#)

Ms. Gianniotis reported that between the First and Second Reading, there were language adjustments made to reflect the findings of the Vulnerability Study. She reported that on August 16, 2021, the Planning and Zoning Board voted 6-0 to recommend the approval of Ordinance No. 22-21.

Mayor Petrolia opened public comments for Ordinance No. 22-21 and Ordinance No. 23-21.

Dean Stanley, residing at 960 Gardenia Drive, Delray Beach, reminded the Commission that there are already restrictions in place on seawalls from other state and government entities.

Seeing there were no other for public comment, Mayor Petrolia closed the floor for public comments.

A brief discussion ensued.

Ms. Gelin emphasized that amending Ordinance No. 22-21 would allow the city to put time constraints on the resident, for permitting and repairing their seawall before it causes flooding due to climate change.

Ms. Missie Barletto, Public Works Director, advised that the ordinance sets elevation and condition standards that are not covered by state or federal regulations.

Commissioner Casale made a motion to approve Ordinance No. 22-21. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

APPROVED

8.D. *ORDINANCE NO. 23-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 7, "BUILDING REGULATIONS," ARTICLE 7.1, "BUILDING REGULATIONS," SECTION 7.1.7, "SEAWALLS" AND AMENDING ARTICLE 7.9, "DOCKS, DOLPHINS, FINGER PIERS, AND BOAT LIFTS," SECTION 7.9.5, "STANDARDS FOR APPROVAL," TO ESTABLISH REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC AND PRIVATE SEAWALLS. PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE. AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)*

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 23-21 - Land Development Regulations \(Seawalls\)](#)

[Ordinance No. 23-21 - PZB Staff Report](#)

[City of Delray Beach - Water Level Infrastructure Vulnerability Study](#)

[Ordinance No. 23-21 Legal Review](#)

Commissioner Casale made a motion to approve Ordinance No. 23-21 as amended, which includes a requirement of disclosure and an updated date of February 1, 2022. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

APPROVED

9. FIRST READINGS:

9.A. ORDINANCE NO. 01-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING APPROXIMATELY 1.78± ACRES OF LAND LOCATED SOUTH OF WEST ATLANTIC AVENUE AND WEST OF SOUTH MILITARY TRAIL FROM planned office center (POC) DISTRICT TO GENERAL COMMERCIAL (GC) DISTRICT, FOR THE PROPERTY LOCATED AT 5200 WEST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[5200 West Atlantic Ave - Ordinance No. 01-22](#)

[5200 West Atlantic Ave - PZB Staff Report](#)

[5200 West Atlantic Ave - Applicant Justification Statement](#)

[5200 West Atlantic Ave - Traffic Study](#)

[5200 West Atlantic Ave - Existing and Proposed Zoning](#)

[5200 West Atlantic Ave - Legal Review](#)

Ms. Gelin read Ordinance No. 01-22 into the record. She provided a letter to the Commission from the applicant's attorney, Ms. Christina Bilenki, with the law firm of Dunay, Miskel, Backman, 14 S.E 4th Street, Boca Raton, asking for a postponement due to COVID-19. Ms. Bilenki was present to request the postponement for a date certain of February 8, 2022, at 5:00 p.m.

Vice Mayor Johnson made a motion to postpone Ordinance No. 01-22 to a date certain of February 8, 2022, at 5:00 p.m. Commissioner Casale seconded the motion. The motion was carried by the following vote:

YES: 3 Mayor Petrolia, Vice Mayor Johnson, Commissioner Casale
Commissioner Boylston was not present for the vote. He left the meeting at 6:30 p.m.

APPROVED

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A.City Manager

- Nothing to report.

B.City Attorney

- M. Gelin requested a Shade Meeting to discuss litigation strategies in the matter of Old School Square on Friday, January 14, 2022, at 1:00 p.m.

Vice Mayor Johnson moved to approve the request. Commissioner Casale seconded the motion. The motion was carried by the following vote:

YES: 3 Mayor Petrolia, Vice Mayor Johnson, Commissioner Casale
Commissioner Boylston was not present for the vote. He left the meeting at 6:30 p.m.

APPROVED

- Informed the Commission that she retained a noise consultant who would be touring the Entertainment District on January 21, 2022, at 2:00 p.m.

C.City Commission

Vice Mayor Johnson:

- Reminded those who live in District 88 to vote before the polls close.
- Reminded the Commission that January 31 would mark Mr. Moore's sixth month of employment with the city and is due for his interim review.

Commissioner Casale:

- Commented on House Representative Michael Caruso's presentation from December 7, 2021, Commission Meeting.
- Discussed the Beach Property Owners Association (BPOA) concerns regarding the building restrictions. A discussion ensued regarding design standards.

Mayor Petrolia:

- Announced that Executive Sessions are open to the public.
- Ms. Gelin clarified that the meetings are not opened to the public.
- Inquired as to when the Police negotiations would take place.

11. ADJOURNMENT

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 7:04 p.m.