

City of Delray Beach

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Minutes - Draft

Tuesday, November 7, 2017

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

Mayor Cary Glickstein
Vice Mayor Jim Chard
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Shelly Petrolia
Commissioner Mitchell Katz

1. ROLL CALL

The Regular Commission Meeting was called to order at 6:00 p.m. The following members were present:

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

Others present were:
Mr. Mark R. Lauzier, City Manager
R. Max Lohman, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG**3. AGENDA APPROVAL**

Mayor Glickstein introduced the new city manager, Mr. Mark Lauzier, and welcomed him and his family to Delray.

Commissioner Petrolia would like 6.A., the approval of minutes to be removed for couple of changes. She also wanted 6.H. and 6.I. pulled for discussion.

Deputy Vice Mayor Johnson wanted to pull 6.F. for discussion.

Vice Mayor Chard wanted to pull 6.N.2. for discussion.

Mayor Glickstein stated that 6.A. will become 7.A.A., 6.H. will become 7.B.B. and 6.I. will become 7.C.C., and 6.F. will become 7.D.D.

Vice Mayor Chard made a motion to approve the agenda as amended. The motion was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

4. PRESENTATIONS:

4.A. [17-844](#) SHOP SMALL 2017 PRESENTATION

Recommendation: Support and promote the Shop Small initiative in conjunction with Small Business Saturday - the Saturday after Thanksgiving.

Sponsors: Economic Development Department

Joan Goodrich gave a presentation of "Shop Small 2017", Director of Economic Development. Also present Laura Simon of the Downtown Development Authority and Ben Nolan from the Chamber of Commerce.

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

Mayor Glickstein opened up the meeting to the public.

Pauline Moody, temporarily homeless had many concerns.

James Quinlan of 925 S.E. 2nd Avenue had a concern regarding a property that the city owns off of Dixie Highway.

Lisa Quinlan of 925 S.E. 2nd Avenue stated that Ocoola Park neighborhood was never notified about the property being for sale.

Allen Costello, Vice Chair of the Downtown Development Authority thanked Mr. Stillings and the Planning and Zoning Department and looks forward to working with the city in the future.

Ken McNemy of 1049 Dellhaven Drive was concerned with the contract with Waste Management. He is not in favor of the Fire Training Facility, he stated that there was no business plan done for this project.

Mayor Glickstein closed the public portion of the meeting.

Mayor Glickstein read the proclamation of National Hunger and Homelessness Awareness Week- November 11-19, 2017.

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

5.B. From the Public

6. CONSENT AGENDA: City Manager Recommends Approval**6.A. [17-856](#) APPROVAL OF MINUTES**

Recommendation: Motion to Approve minutes as listed below.

Sponsors: City Clerk Department

Attachments: [July 6, 2017 Regular Meeting Minutes - Draft](#)

Commissioner Petrolia and Deputy Vice Mayor Johnson requested changes to the minutes.

Commissioner Petrolia made a motion to approve the minutes. It was seconded by Deputy Vice Mayor Johnson. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

6.B. [17-847](#) CONSIDERATION OF A FINAL BOUNDARY PLAT FOR DELRAY MEDICAL PARCEL, LOCATED AT 4675 LINTON BOULEVARD

Recommendation: Move approval for the Final Boundary Plat for Delray Medical Parcel by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the criteria set forth in Section 2.4.5(K), Minor Subdivision of the Land Development Regulations.

Sponsors: Planning and Zoning Board

Attachments: [Plat Exhibit](#)
[Delray Medical Parcel Plat Location Map](#)
[Delray Medical Parcel Plat Aerial Map](#)

approved

6.C. [17-749](#) ACCEPTANCE OF A 6 FOOT PEDESTRIAN EASEMENT BEGINNING AT THE SW CORNER OF PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 28423 PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY. THENCE 36 DEGREES W A DISTANCE OF 20 FEET; THENCE N 90 DEGREES E A DISTANCE OF 6 FEET; THENCE S 36 DEGREES E A DISTANCE OF 20 FEET; THENCE N 90 DEGREES W A DISTANCE OF 6 FEET TO THE POINT OF BEGINNING.

Recommendation: Motion to approve the foot pedestrian agreement located at 183 NE 2nd Avenue which begins at the SW corner of parcel of land recorded in official records book 28423 of the public records of Palm Beach County.

Sponsors: Planning & Zoning Department

Attachments: [Exhibit A](#)
[The Grove Sidebar -Sidewalk Easement Agreement](#)

approved

6.D. [17-807](#) INTERLOCAL AGREEMENT WITH THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE CO-TITLE TENNIS TOURNAMENT SPONSORSHIP/DIAMOND "CITY" PARTNERSHIP

Recommendation: Motion to approve the Interlocal Agreement with the Delray Beach Community Redevelopment Agency (CRA) for a term which will commence upon execution of the contract and terminate on September 30, 2018 for the Co-Title Tennis Tournament Sponsorship/ Diamond "City" Partnership in the amount of \$1,000,000.

Sponsors: Parks & Recreation Department

Attachments: [ILA FY 17-18 Tennis Sponsorship-par exec](#)
[ILA - CRA BOARD SUMMARY 2017-2018](#)
[Legal Review Checklist form v. 3 ILA with CRA for Tennis Tournaments](#)

approved

- 6.E. [17-823](#) SERVICE AUTHORIZATION NO. 17-02 WITH WANTMAN GROUP, INC. FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION FOR THE CITY MARINA SEAWALL CIVIL OFF-SITE IMPROVEMENTS IN A NOT-TO- EXCEED AMOUNT OF \$99,493.64.

Recommendation: Motion to Approve Service Authorization No. 17-02 with Wantman Group, Inc. in a not-to-exceed amount of \$99,493.64 for the City of Delray Beach (City) Marina seawall civil off-site improvements (Project No. 16-098).

Sponsors: Environmental Services Department

Attachments: [Location Map](#)
[WGI SA 17-02](#)
[WGI Annual Contract 2017](#)

approved

- 6.F. [17-835](#) APPROVE SPENDING LIMIT INCREASE FOR FY 2018 AND RENEWAL OF THE AGREEMENT WITH BATALLAN ENTERPRISES, INC. DBA PROPERTY WORKS, INC. IN AN AMOUNT OF \$65,600 FOR STORMWATER RETENTION AREAS AND LANDSCAPING MAINTENANCE

Recommendation: Motion to Approve a spending limit increase for FY2018 in the amount of \$4,625.00 for an additional location and Motion to Approve the renewal of the agreement with Batallan Enterprises, Inc. dba Property Works Inc. in the amount of \$65,600.00 for stormwater retention areas and landscape maintenance.

Sponsors: Environmental Services Department

Attachments: [2nd Renewal Letter Executed](#)
[Specs Bid #2015-39 Stormwater Retention Areas](#)
[Original Agreement 2015](#)
[Legal Review Checklist form v. 3 Ballatan Enterprises](#)
[Battalan Amendment 1.pdf](#)

Deputy Vice Mayor Johnson had a couple of questions regarding this item, it was a resolution to approve spending limit increase for 2018 and renewal of the agreement with Battalan Enterprises, Inc. for landscaping in the stormwater retention areas.

Commissioner Petrolia made a motion to approve this item. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.
approved

6.G. [17-816](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING OF AN ENGINEERING INSPECTOR POSITION

Recommendation: Motion to approve interlocal agreement between the City of Delray Beach (City) and the Community Redevelopment Agency (CRA) for funding of the Engineering Inspector Position in the amount not to exceed \$75,000.

Sponsors: Environmental Services Department

Attachments: [Interlocal Agreement- Engineering Inspector Position](#)
[Legal Review Checklist CRA ILA for Engineer](#)

approved

6.H. [17-818](#) INTERLOCAL AGREEMENT WITH THE CITY OF DELRAY BEACH (CITY) AND THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING CONSTRUCTION AND PROFESSIONAL SERVICES FOR FY 2017-2018

Recommendation: Motion to approve the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Community Redevelopment Agency (CRA) for funding of construction and professional services for FY 2017-2018.

Sponsors: Environmental Services Department

Attachments: [Interlocal Agreement \(ILA\) between the City and the Community Redevelopment Agency \(CRA\) for funding of construction and professional services for FY 2017-2018](#)
[Legal Review Checklist ILA CRA Construction and professional services.](#)

Commissioner Petrolia had some concerns regarding the interlocal agreement with the Community Redevelopment Board.

Deputy Vice Mayor Johnson also had questions.

Commissioner Petrolia made a motion to approve item 6.H. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.
approved

6.I. [17-819](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH (CITY) AND THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING OF TROLLEY SERVICE

Recommendation: Motion to approve agreement between the City of Delray Beach (City) and the Community Redevelopment Agency (CRA) for funding of trolley services.

Sponsors: Environmental Services Department

Attachments: [INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BECH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING OF TROLLY SERVICE](#)
[Legal Review Checklist ILA CRA for Trolley](#)

Commissioner Petrolia had questions regarding item 6.I. an interlocal agreement between the city and the Community Redevelopment Agency for funding of the trolley service.

Mayor Glickstein asked that they move this item to after the presentation.

Commissioner Katz made a motion to move this item. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.
approved

approved

6.J. [17-848](#) APPROVAL OF AMENDMENT NO. 1 WITH THE BANCORP BANK FOR POLICE VOLUNTEER VEHICLES LEASE

Recommendation: Motion to approve Amendment No. 1 with The Bancorp Bank to extend the Agreement from November 11, 2017 through March 11, 2018 for police volunteer vehicles lease in an amount not-to-exceed \$10,000.

Sponsors: Police Department

Attachments: [Legal Review Checklist form v. 3 volunteer vehicle lease for PD](#)
[Bancorp Amendment No 1 Executed](#)

approved

6.K. [17-860](#) APPROVAL OF AMENDMENT NO. 1 WITH HART HALSEY LLC FOR ADMINISTRATION OF OFF DUTY POLICE DETAILS

Recommendation: Motion to approve Amendment No. 1 with Hart Halsey LLC to extend the Agreement from November 3, 2017 through November 2, 2018 for administration of off duty police details.

Sponsors: Police Department

Attachments: [Legal Review Checklist Amendment Off Duty Police Details](#)
[Hart Halsey Agreement 2015-73 F Executed 2017](#)
[Off Duty Police Details Form 6 Schedule of Pricing \(updated 2017\)](#)
[Hart Halsey and the City of Delray Beach Original Agreement](#)

approved

6.L. PROCLAMATIONS:

6.L.1. [17-843](#) FAMILY CAREGIVERS MONTH - NOVEMBER 2017 - PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Family Caregivers 2017](#)

6.L.2. [17-867](#) NATIONAL HUNGER & HOMELESSNESS AWARENESS WEEK 2017 - NOVEMBER 11-19, 2017 - PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Hunger and Homelessness Awareness Week 2017](#)

6.L.3. [17-845](#) 2017 SMALL BUSINESS SATURDAY - NOVEMBER 25, 2017 - PROCLAMATION

Recommendation: Proclaim November 25, 2017 as Small Business Saturday in Delray Beach, Florida.

Sponsors: Economic Development Department

Attachments: [110717 Delray Beach Small Business Saturday 2017 Proclamation](#)

6.M. [17-831](#) REPORT OF APPEALABLE LAND USE ITEMS FROM AUGUST 28, 2017 THROUGH OCTOBER 6, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning & Zoning Department

Attachments: [Location Map 11-7-17.pdf](#)
[1420 N Swinton Ave.pdf](#)

6.N. AWARD OF BIDS AND CONTRACTS:

6.N.1. [17-809](#) APPROVAL OF AN AGREEMENT WITH ODYSSEY MANUFACTURING CO. FOR BULK SODIUM HYPOCHLORITE FOR THE WATER TREATMENT PLANT OPERATIONS USING THE PALM BEACH COUNTY CONTRACT.

Recommendation: Motion to approve an agreement with Odyssey Manufacturing Co. (Odyssey) for the purchase and delivery of bulk sodium hypochlorite for use at the City of Delray Beach's (City) water treatment plant in the production of potable water, in an annual not to exceed amount of \$350,000, using the Palm Beach County (County) contract, subject to annual renewals by the County.

Sponsors: Environmental Services Department

Attachments: [Master Agreement - Odyssey Manufacturing Co.](#)
[Odyssey Lowest Pricing Letter 20161114](#)
[Corporate authority to bind agreement](#)
[Legal Review Checklist Odyssey Mftg Sodium Hypochloride](#)

approved

6.N.2. [17-834](#) AWARD OF AN AGREEMENT WITH WEST CONSTRUCTION, INC. FOR CONSTRUCTION OF A PAVILION AND DECK AT ATLANTIC DUNES PARK IN A NOT-TO-EXCEED AMOUNT OF \$320,000

Recommendation: Motion to award an Agreement with West Construction, Inc. for the construction of a pavilion and deck at Atlantic Dunes Park in a total amount not to exceed \$320,000.

Sponsors: Environmental Services Department

Attachments: [2017-038 Atlantic Dunes Pavilion Deck ITBC](#)
[2017-038 Addendum No. 1](#)
[2017-038 Addendum No. 2](#)
[2017-038 Addendum No. 3](#)
[2017-038 Bid Tabulation](#)
[2017-038 Contractor Executed Atlantic Dunes Pavilion & Deck Agreement](#)
[Legal Review Checklist form v. 3 West Construction Atlantic Dunes Pavilion](#)

Vice Mayor Chard had a question regarding the award of an agreement with West Construction, Inc. for construction of a pavilion and deck at Atlantic Dunes Park.

Commissioner Petrolia made a motion to approve this agreement. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.
approved

7. REGULAR AGENDA:

7.A. [17-758](#) 206 SE 2ND ST IN LIEU OF PARKING FEE REQUEST FOR 9 SPACES (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve in lieu of parking fee request in the amount of \$41,400 for 9 parking spaces associated with the conversion of 2,169 square feet of retail to restaurant at 206 SE 2nd Street, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in Section 4.6.9(E) of the Land Development Regulations, subject to the condition that full payment be paid upon issuance of a building permit.

Sponsors: Planning & Zoning Department

Attachments: [In Lieu signed agreement SIGNED](#)
[Exhibit A](#)
[Legal Review Checklist form v. 3 in lieu parking 206 se 2 street](#)
[206 SE 2nd ST Board order](#)

Katerri Johnson, City Clerk, swore in the applicant.

Tim Stillings, of the Planning Department reported on the item 17-758, 206 S.E. 2nd Street, in lieu of parking fee request for 9 spaces.

Tyler Knight of 813 Delmar Way gave a presentation .

Mayor Glickstein opened up the meeting for public comment.

James Quinlan of 925 S.E. 2nd Avenue is in favor of a new restaurant.

Kevin Homer of 327 & 329 S.E. 3rd Avenue is in favor of a new restaurant at that location.

The clerk swore Dr. Victor Kerson of Tierra Verde in. He is in favor of this restaurant.

Mr. Lohman read the Board Order. All in favor.

Commissioner Katz made a motion to approve. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

approved

- 7.B. [17-837](#) THE RAMEN @ HILO, LOCATED AT 181 NE 2ND AVE, IN LIEU OF PARKING FEE REQUEST FOR 2 SPACES (*QUASI-JUDICIAL HEARING*)

Recommendation: Motion to approve the in lieu of parking fee request in the amount of \$20,280 for 2 parking spaces for 181 NE 2nd Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in Section 4.6.9(E) of the Land Development Regulations, subject to the condition that full payment be paid upon issuance of a building permit.

Sponsors: Planning & Zoning Department

Attachments: [CC Board Order 9.16.2017](#)

[Ramen @ Hilo Site Plan](#)

[Ramen @ Hilo Floor Plan](#)

[Ramen @ Hilo Eng. /Parking](#)

Mr. Stillings, Planning Director reported on the application from Ramen @ Hilo, located at 181 N.E. 2nd Avenue, in lieu of parking fee request for 2 spaces. Ms. Moto of Ramen was present.

Mayor Glickstein opened up the meeting for public comment.

Christina Morrison of 2809 Florida Boulevard, a Board member of the Pineapple Grove Arts District is in favor of this item.

Mayor Glickstein closed the public portion of the meeting.

Commissioner Petrolia and Deputy Vice Mayor Johnsonsone had questions regarding the parking spaces.

Mr. Loman read the Board Order. All in favor.

Commissioner Petrolia made a motion to approve this item. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

approved

7.C. [17-880](#) PRESENTATION OF OPTIONS FOR A CITY OF DELRAY BEACH OPERATED DOWNTOWN TRANSPORTATION SERVICE.

Recommendation: Discussion of possible options to provide transportation alternatives in the City of Delray Beach (City) downtown area and to provide direction on which option(s) City Staff is to proceed with implementing.

Sponsors: Environmental Services Department

Missie Barletto, Deputy Director of Programs and Project Management discussed some of the issues affecting the Roundabout Trolley. A discussion ensued. Mayor Glickstein suggested that a RFP or an RFI would be needed for this project. The Commission will meet at a later date to discuss this matter further.

Vice Mayor Chard made a motion to approve this item. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

approved

7.D. [17-851](#) NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Green Implementation Advancement Board for an unexpired term ending July 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Green Implementation Advancement Board Member List](#)
[Green Implementation Advancement Board.3](#)

continued

7.E. [17-832](#) RATIFICATION OF APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Recommendation: Recommend City Commission approves and ratifies the appointed member to the Parking Management Advisory Board for a two (2) year term ending July 31, 2019.

Sponsors: City Clerk Department

Mayor Glickstein asked for a motion to ratify the nominations to the Parking Management Board. Commissioner Petrolia made a motion to approve. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.
approved

8. PUBLIC HEARINGS:

8.A. [17-874](#) RESOLUTION NO. 76-17: AUTHORIZING THE PURCHASE OF COMMERCIAL PROPERTY LOCATED AT 15 SE 10TH STREET AND A PARCEL LOCATED ON SE 1ST AVENUE (PUBLIC HEARING)

Recommendation: Motion to approve Resolution No. 76-17.

Sponsors: City Attorney Department

Attachments: [Resolution 76-17](#)

[Appraisal of Real Property - 15 SE 10th Street](#)

[Seller Exchange Addendum](#)

Mr. Lohman read the resolution, authorizing the purchase of commercial property located at 15 S.E. 10th Street and a parcel located on S.E. 1st Avenue.

Fire Chief Neal deJesus gave a presentation on the need for a fire training facility.

Mayor Glickstein opened the meeting up for public comment.

Dr. Victor Kurson of Tiera Verde would like to see a financial plan of the cost of the building and the cost of maintaining the building.

Christina Morrison 2809 Florida Boulevard agreed with Dr. Kurson, did not think a Fire Training facility is needed.

Mayor Glickstein closed the public portion of the meeting.

A discussion ensued.

Jim Knight of 10 S.E. 1st Avenue said the property was appraised by a certified general appraiser which is a commercial appraiser.

Commissioner Petrolia made a motion to move this item to a workshop

meeting. No one seconded. The motion failed.

Deputy Vice Mayor Johnson made a motion to approve. It was seconded by Commissioner Katz. A Roll Call vote was taken. Vice Mayor Chard-yes Commissioner Katz-yes Deputy Vice Mayor Johnson-yes Mayor Glickstein- yes Commissioner Petrolia- no The motion carried 4-1.
approved

8.B. [17-736](#)

ORDINANCE NO. 24-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", BY ADOPTING A NEW SUBSECTION (C), TO BE ENTITLED "AUTOMOTIVE RENTAL FACILITY" TO REGULATE THIS TYPE OF USE IN BOTH THE "GENERAL COMMERCIAL (GC) DISTRICT" AND THE "PLANNED COMMERCIAL (PC) DISTRICT" AS EITHER A PERMITTED ACCESSORY USE OR A CONDITIONAL USE; ADOPTING SUBSECTIONS 4.4.9(C)(7) AND 4.4.12(C)(5) TO PERMIT AUTOMOTIVE RENTAL FACILITY AS AN ACCESSORY USE IN THE GC AND PC DISTRICTS, RESPECTIVELY; FURTHER AMENDING SECTION 4.4.12 BY ADOPTING A NEW SUBSECTION (D)(6) TO ALLOW AUTOMOTIVE RENTAL FACILITY, NEIGHBORHOOD AS A CONDITIONAL USE IN THE PC DISTRICT AND WITHIN THE FOUR CORNERS OVERLAY DISTRICT; ESTABLISHING DEFINITIONS FOR THE "ACCESSORY" AND "NEIGHBORHOOD" CATEGORIES OF AN "AUTOMOTIVE RENTAL FACILITY" USE BY AMENDING APPENDIX A "DEFINITIONS".
(SECOND READING/SECOND PUBLIC HEARING)

Recommendation: Motion to Approve Ordinance No. 24-17 amending the Land Development Regulations, as presented, on Second Reading.

Sponsors: Planning and Zoning Board

Attachments: [Ord No. 24-17](#)

[Revisions Memorandum Highlighting Changes](#)

[Planning and Zoning Board Staff Report, June 19, 2017](#)

Mr. Lohman read Ordinance 24-17 amending the Land Development Regulations of the code of ordinances by amending Section 4.3.3., "Special requirements for specific uses".

Mr. Stillings reported the changes on the ordinance.

Mayor Glickstein opened up the meeting for public comment. Hearing none, he closed the public portion.

Commissioner Petrolia made a motion to approve the ordinance on second reading. It was seconded by Commissioner Katz. A Roll Call vote

was taken and all were in favor. The motion carried 5-0.
adopted

8.C. [17-849](#)

ORDINANCE NO. 32-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, FOR A PARCEL OF LAND LOCATED ON THE NORTHWEST CORNER OF LA MAT AVENUE AND FREDERICK BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Move to approve on Second Reading, Ordinance No. 32-17, a privately-initiated Future Land Use Map amendment from Transitional (TRN) to General Commercial (GC) for the parcel of land located at the northwest corner of LaMat Avenue and Frederick Boulevard, by adopting the findings of fact and law contained in the staff report, and the finding that the request is consistent with the Comprehensive Plan, South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 3.1.1 of the Land Development Regulations.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 32-17](#)
 [Planning and Zoning Board Staff Report of August 21, 2017](#)

Mr. Lohman read Ordinance 32-17. An ordinance of the City Commission adopting a small-scale future land use map amendment from transitional (TRN) to General Commercial (GC), pursuant to the provisions.

Mr. Stillings gave an overview of the ordinance.

Michael Winer of 6111 Broken Sound Parkway, Boca Raton, on behalf of Greico Motors. He explained that the property is zoned in four different categories and gave a presentation.

Also present Paul Boley, Facilities Director for the Greico Automotive Group.

Mayor Glickstein opened the meeting up for public comment.

John Lombardo of 702 Lamat Avenue is not in favor of a new car lot. There are seventeen car dealerships in Delray.

Fred Webber of 710 Lamat Avenue is not in favor of the car dealership.

Carlos Gonzalez of 610 Lamat Avenue is in favor of townhouses not the car dealership.

Nancy Yacado of 610 Lamat Avenue is not in favor of the dealership.

Christina Morrison of 2809 Florida Boulevard, she worked on the redevelopment plan in 2010. She is in favor of the car dealership.

Asher Asarian of 706 Lamat Avenue is not in favor of the car dealership.

Mayor Glickstein closed the public portion of the meeting.

adopted

8.D. [17-850](#)

ORDINANCE NO. 33-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT IN PART, GENERAL COMMERCIAL (GC) DISTRICT IN PART, NEIGHBORHOOD COMMERCIAL (NC) DISTRICT IN PART, AND MULTIPLE FAMILY RESIDENTIAL-MEDIUM DENSITY (RM) DISTRICT IN PART TO AUTOMOTIVE COMMERCIAL (AC) DISTRICT; SAID LAND LYING BETWEEN SOUTH FEDERAL HIGHWAY AND FREDERICK BOULEVARD, AND BETWEEN AVENUE F (FLADELL WAY) AND LAMAT AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Move to approve on Second Reading, Ordinance No. 33-17, a privately-initiated rezoning from SAD in part, GC in part, NC in part and RM in part to AC for the properties located within Block 24 and Block 25, Del Raton Park, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and the South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 33-17](#)
[Planning and Zoning Board Staff Report of August 21, 2017](#)
[Exhibit A - Excerpt from the South Federal Highway Redevelopment Plan](#)

Mr. Lohman read Ordinance 33-17. An Ordinance of the City Commission of the city of Delray Beach, Florida, adopting a Small-Scale future land use map amendment from transitional (TRN) to General Commercial (GC), pursuant to the provisions of the "COMMUNITY PLANNING ACT", Florida statutes Section 163.3187, for a parcel of land located on the northwest corner of Lamat Avenue and Frederick Boulevard, as more particularly described herein, providing a conflicts clause; and a severability clause, providing an effective date; and for other purposes. (Second Reading)

Commissioner Katz made a motion to approve the Ordinance. It was seconded by Vice Mayor Chard. A Roll Call vote was taken. Mayor Glickstein- yes Commissioner Petrolia- yes Vice Mayor Chard- yes Commissioner Katz- yes
Deputy Vice Mayor Johnson-absent. The motion carried 4-0.

Commissioner Katz made a motion to extend. It was seconded by Commissioner Petrolia. A Roll Call vote was taken.
Mayor Glickstein- yes Commissioner Petrolia- yes Vice Mayor Chard- yes Commissioner Katz-yes Deputy Vice Mayor Johnson-absent. The motion carried 4-0.

adopted

8.E. [17-852](#) ORDINANCE NO. 37-17: REPEAL OF LAND DEVELOPMENT REGULATION SECTIONS 4.5.3 "FLOOD DAMAGE CONTROL DISTRICTS" AND 4.5.4 "COASTAL CONSTRUCTION" (SECOND READING)

Recommendation: Motion to approve Ordinance No. 37-17, repeal of Section 4.5.3 and 4.5.4 of the Land Development Regulations, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Ord 37-17 repealing LDR 4.5.4 coastal construction - REVISED 09.22.17 TRS 9-27-17 LG REV](#)

Mr. Lohman read Ordinance 37-17. It is a repeal of Land Development Regulation Sections 4.5.3. "Flood Damage Control Districts" and 4.5.4 "Coastal Construction". (Second Reading)

Mayor Glickstein opened the meeting up for public comment. Hearing none, he closed the public portion.

Commissioner Petrolia made a motion to approve Ordinance 37-17. It was seconded by Vice Mayor Chard. A Roll Call vote was taken. Vice Mayor

Chard-yes Commissioner Katz- yes Deputy Vice Mayor Johnson-absent
Mayor Glickstein- yes Commissioner Petrolia- yes. The motion carried 4-0.
adopted

8.F. [17-853](#)

ORDINANCE NO. 38-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; BY AMENDING ARTICLE 2.4 "GENERAL PROCEDURES", SECTION 2.4.5 "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", SUB-SECTION 2.4.5(A) "AMENDMENTS TO THE COMPREHENSIVE PLAN" AND REPEALING CHAPTER 9, "THE COMPREHENSIVE PLAN" IN ITS ENTIRETY, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Approve Ordinance No. 38-17 on Second Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 38-17, as presented.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 38-17](#)
[PZB Report of September 18, 2017](#)

Mr. Lohman read Ordinance 38-17. An Ordinance amending the Land Development Regulations; amending Article 2.4 "General Procedures", Section 2.4.5. (Second Reading)

Mayor Glickstein opened the meeting up for public comment. Hearing none, he closed the public portion.

Commissioner Katz made a motion to approve Ordinance 38-17. It was seconded by Commissioner Petrolia.

A Roll Call vote was taken. Commisisoner Katz-yes Mayor Glickstein- yes
Commissioner Petrolia- yes

Vice Mayor Chard- yes. Deputy Vice Mayor Johnson-absent. The motion carried 4-0.
adopted

8.G. [17-854](#)

ORDINANCE NO. 39-17: A CITY-INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR) TO AMEND SECTION 4.4.13(I) (2) TO NOT REQUIRE ADDITIONAL PARKING FOR A CHANGE OF USE IN AN EXISTING BUILDING FOR A PERIOD OF THREE YEARS. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 39-17, as presented, by adopting the

findings of fact and law contained in the staff report and finding the text amendment and approval

Sponsors: Planning & Zoning Department

Attachments: [Ord 39-17 CBD Regulations - West Atlantic - Parking Requirements for Changes in Commercial Use 09.22.17](#)
[LDR Section 4.4.13 CBD 2015 3](#)
[LDR Section 4.4.13 CBD 2015 7](#)
[PZB Report--W Atlantic Parking LDR Amendmetn 09.14.17](#)

Mr. Lohman read Ordinance 39-17. An amendment to the Land Development Regulations (LDR) to amend Section 4.4.13 (I) (2) to not require additional parking for a change in use in an existing building for a period of three years. (Second Reading).

Mayor Glickstein opened the meeting up for public comment. Hearing none, he closed the public portion.

Deputy Vice Mayor Johnson returned.

Commissioner Petrolia made a motion to approve the Ordinance. It was seconded by Commissioner Katz. A Roll Call vote was taken and all were in favor. The motion carried 5-0.
adopted

8.H. [17-855](#) ORDINANCE NO. 41-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 34.16(A), "FILING OF NOMINATING PETITION", TO AMEND THE QUALIFYING DATES FOR THE CITY OF DELRAY BEACH'S GENERAL ELECTION AT THE REQUEST OF THE SUPERVISOR OF ELECTIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 34 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Change the qualifying period to the first fourteen (14) business days in December immediately prior to the calendar year in which the election is to be held.

Sponsors: City Clerk Department

Attachments: [Ord 41-17 Amending Sec 34.16 Filing of Nominating Petition rev 10-20-17](#)

Mr. Lohman read Ordinance 41-17. An Ordinance amending Chapter 34,

"Elections", of the Code of Ordinances by amending Section 34.16(A), the filing of nominating petitions. (Second Reading)

Mayor Glickstein opened the meeting up for public comment, hearing none he closed the public portion.

Commissioner Petrolia made a motion to approve Ordinance 41-17. It was seconded by Commissioner Katz. A Roll Call vote was taken. Mayor Glickstein- yes Commissioner Petrolia- yes Vice Mayor Chard-no Commissioner Katz- yes Deputy Vice Mayor Johnson- yes. The motion carried 4-1.
adopted

9. FIRST READINGS:

- 9.A. [17-836](#) ORDINANCE NO. 42-17 AMENDING CHAPTER 37, "DELRAY BEACH CODE ENFORCEMENT GENERAL PROVISIONS", BY REPEALING SECTIONS 37.01 THROUGH 37.46 AND READOPTING SAME, AS REVISED IN ORDER TO AMEND AND REVISE THE CITY'S CODE ENFORCEMENT PROCEDURES IN ACCORDANCE WITH CHAPTER 162, FLORIDA STATUTES. (FIRST READING)

Recommendation: Motion to approve Ordinance No. 42-17.

Sponsors: City Attorney Department

Attachments: [Ord 42-17 Revising Chapter 37 Code Enforcement](#)
[Ord. 42-17 Exhibit A](#)

Mr. Lohman read Ordinance 42-17. To amend Chapter 37, Code Enforcement General Provisions, by repealing Sections 37.01 through 37.46 and readopting same, as revised in order to amend and revise the City's Code Enforcement procedures. (First Reading).

Commissioner Petrolia requested to see recommendations for the pros and cons of this item at the public hearing and second reading of this ordinance.

Commissioner Petrolia made a motion to approve Ordinance 42-17 on first reading. It was seconded by Deputy Vice Mayor Johnson. A Roll Call vote was taken. Vice Mayor Chard- no Commissioner Katz- yes Deputy Vice Mayor Johnson- yes Mayor Glickstein- yes Commissioner Petrolia- yes. The motion carried 4-1.
approved on first reading

- 9.B. [17-838](#) ORDINANCE NO. 43-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 96 "FIRE SAFETY AND EMERGENCY SERVICES", BY AMENDING

96.16, "CERTAIN CODES ADOPTED BY REFERENCE", TO COMPLY WITH THE STATE OF FLORIDA'S UPDATED CHANGES IN THE FIRE PREVENTION CODE STANDARDS; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE AND AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Motion to approve Ordinance No. 43-17 on first reading.

Sponsors: Fire Rescue Department

Attachments: [Ord 43-17 Amending Ch 96 Fire Safety final LG REV 10-20-17](#)

Mr. Lohman read Ordinance 43-17. An Ordinance amending Chapter 96 "Fire Safety and Emergency Services", by amending 96.16, "Certain codes adopted by reference", to comply with the state of Florida. (First Reading).

Commissioner Petrolia made a motion to approve Ordinance 43-17. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

approved on first reading

9.C. [17-858](#)

ORDINANCE NO. 44-17 OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING ARTICLE III, "LEGISLATIVE," SECTION 3.03, "QUALIFICATIONS OF CANDIDATES; ELECTION", OF THE CITY OF DELRAY BEACH CHARTER, TO AMEND THE QUALIFYING DATES FOR THE CITY OF DELRAY BEACH'S GENERAL ELECTION AT THE REQUEST OF THE SUPERVISOR OF ELECTIONS. (FIRST READING)

Recommendation: Motion to approve Ordinance No. 44-17.

Sponsors: City Attorney Department

Attachments: [Ord 44-17 amending section 3.03 of charter](#)

Mr. Lohman read Ordinance 44-17. An ordinance amending Article III, "Legislative," Section 3.03, "Qualifications of candidates; Election", to amend qualifying dates.

Commissioner Petrolia made a motion to approve the Ordinance. It was seconded by Commissioner Katz. A Roll Call vote was taken. Deputy Vice Mayor Johnson-yes Mayor Glickstein- yes Commissioner Petrolia- yes Vice Mayor Chard- no Commissioner Katz- yes. The motion carried 4-1.

approved on first reading

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

Mr. Lauzier, City Manager, introduced the new Finance Director, Kim Ferrell.

10.B. City Attorney

Mr. Lohman reported on Bike Share agreement, an RFP has been completed and we are negotiating a contract. The bike kiosk would have advertising on them so the code would have to be amended. He stated it would be a ten year contract with five year renewals. A discussion ensued. The Commission is in favor of moving forward with the Bike Share program.

10.C. City Commission

Commissioner Petrolia reported on the Rising Waters Task Force. She suggested that they do a Workshop Meeting on this topic in the near future, all were in favor. She had several comments.

Vice Mayor Chard had several issues at Pompey Park that he would like the City Manager to address. He reported that Publix turned down an offer to build a new store in Delray Beach. He also had several comments.

Deputy Vice Mayor Johnson welcomed Mr. Lauzier, the new City Manager. She enjoyed the "All American City" event. She also attended the Florida Redevelopment Association award and congratulated the Community Redevelopment Agency on winning an award.

Commissioner Katz thanked the Mayor for bringing in the Downtowner owners and discussed the Trolley issues. Thanked the Green Market for all their hard work. He reported that the elevators in the parking garage are constantly out of order. Congratulated everyone on the "All American City Award".

Mayor Glickstein reported on the consolidation of meetings in January.

Commissioner Katz made a motion to consolidate the January meetings. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

Mayor Glickstein reminded everyone that there is a memorial service at Veterans Park for Veteran's day at 10:00 am. He reported that Delray's Fire and Rescue Squads won first place over all and first place honors

for best incident commander and best medic and qualifies them for a World Championship in Cape Town, South Africa. Our Fire Chief was also presented with a lifetime achievement award for his contributions to education and training of vehicle extrication throughout the world for the last twenty-eight years. He was also appointed to the Fire Chiefs Board of Directors and he is now South East Director and elected President of the Palm Beach County Fire Chiefs Association. He also reported that Dasteen Junior from Atlantic High School is one of ten finalist for the Wendy's High School Heisman Award, which supplies scholarship money.

There being no further business to discuss, Mayor Glickstein adjourned the meeting at 11:45 p.m.