

# **City of Delray Beach**

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## **Minutes - Draft**

**Tuesday, March 6, 2018**

**6:00 PM**

**Regular Meeting at 6:00 PM**

**Delray Beach City Hall**

**City Commission**

## 1. ROLL CALL

The March 6, 2018 Regular City Commission Meeting was called to order at 6:00 p.m.

Roll Call:

Mayor Glickstein

Vice Mayor Chard

Deputy Vice Mayor Johnson

Commissioner Petrolia

Commissioner Katz

Others present were:

Mr. Lauzier, City Manager

R. Max Lohman, City Attorney

Katerri Johnson, City Clerk

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

Mayor Glickstein asked if there were any staff agenda changes. Item 6.K.1. was pulled from the agenda to be discussed at the next available meeting.

Commissioner Katz made motion to approve the agenda as amended. It 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. [18-093](#) PRESENTING JENNIFER COSTELLO, COMMUNITY IMPROVEMENT PROJECT ADMINISTRATOR, WITH EMPLOYEE OF THE MONTH FOR MARCH 2018.

**Recommendation:** Motion to approve Jennifer Costello as Employee of the Month for March 2018.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Memo](#)  
[Jennifer Costello Nomination form](#)

Sharon Liebowitz, Human Resources Director announced that Jennifer Costello was nominated as employee of the month. Mr. Jamaal Stewart spoke about the efforts of Ms. Costello and why she was nominated as employee of the month. Ms. Costello was presented with a plaque and a

day off with pay.

**4.B.     [18-140](#)       FREEDOMS FOUNDATION PRESENTATION**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Memo](#)

Mr. Johnny Castro from the Freedoms Foundation presented Mayor Glickstein with a flag for his service to the City of Delray Beach.

Mayor Glickstein gave parting words full of thanks and appreciation to all.

**approved**

**4.C.     [18-048](#)       HONORING MAYOR GLICKSTEIN FOR HIS SUPPORT OF PALM BEACH COUNTY SCHOOLS**

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Memo](#)

Ian Salsman, Area Superintendent with the Palm Beach County School District honored Mayor Glickstein. He stated that the Mayor always put schools first and kids first. He presented Mayor Glickstein with a plaque. The South Regional team was present- Dr. Sheffield, Ms. Jamie Wyatt, Dr. Sanders and Joyota Grant.

**approved**

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

There were no comments or inquiries on agenda and non-agenda items.

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

Mr. Lauzier, City Manager, presented the Mayor with a plaque and a key to the city. He also presented the Mayor with a surfboard paid for and signed by the city staff.

Mayor Glickstein thanked his family and friends, the city staff and volunteers for all their hard work over the years and mentioned the

projects that were completed during his tenure.

5.B. From the Public

Mayor Glickstein opened the meeting up for public comment:

A court reporter was present.

Ms. Pauline Moody, temporarily homeless, thanked the Mayor and distributed some photos to the City Commission and made comments regarding the missing braille pads on the train track crossings and remarked about the potholes in the streets.

Guam Sims, Village Academy School Principal gave parting words to Mayor Glickstein. Several students from Village Academy also gave parting words to the Mayor.

Mitsy Katz of N.E. 8th Avenue thanked the Mayor and other City Commissioners for their service to the City of Delray Beach.

Dwayne Randolph of 1191 N. Federal Highway and the Delray Beach Library Association thanked Mayor Glickstein for his years of service as Mayor.

Arturo Garza of KOP Mentoring program gave an update of their activities for the past month.

Phil Pepe of Greensward Court is not in favor of all the construction in the downtown area and the IPic Theater.

Roy Palmer, Jr. from Rainberry Woods thanked the Mayor and staff from City Hall, the Police Department and Code Enforcement who helped with the issues they had with the HOA in their community.

Gabriela Diangeles of 1020 Phillips Road spoke about gun violence.

Terri Cooper of 223 South Swinton Avenue was asked to hold her comments to the Quasi-Judicial hearing that will be coming up soon.

Reggie Cox of 715 Dr. Martin Luther King, Jr. Drive spoke about the Set Plan and thanked the members of the NW & SW Alliance.

John Fischer with Code 3 America announced that this is the last year that they will be holding the St. Patrick's Day Parade. He stated that the fees were too high to keep running the parade.

Jim Smith of 225 South Ocean Boulevard thanked the Mayor for his time on the Palm Beach County Transportation Planning Association. He also thanked the Commissioners for all their work regarding the safety of pedestrians and several complete streets projects that are underway.

Michael Winn wanted to purchase property to open a technology company.

Santo Gonzalez would like to see more projects here.

Yvonne Gray thanked the Mayor for his service through the years.

Eric Camacho of 118 S.E. 7th Avenue thanked several people and commented on how great the Visitor Center looks. He encouraged everyone to get out and vote on March 13, 2018.

Ron Galinski of 1405 S. Federal Highway encouraged everyone to come out to vote next week.

Carol Anderson of 1440 E. Bexley Park Drive thanked everyone for their involvement in Rainberry Woods.

There being no further public comments, Mayor Glickstein closed the public portion of the meeting.

## **6. CONSENT AGENDA: City Manager Recommends Approval**

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

### **6.A. [18-103](#) APPROVAL OF MINUTES**

**Recommendation:** Motion to approve various sets of meeting minutes as listed below:

December 5, 2017 Regular Meeting

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Memo](#)  
[December 5, 2017 Meeting Minutes](#)

approved

- 6.B. [18-108](#) CONSIDERATION OF A FINAL PLAT FOR KOLTER HOTEL DELRAY, LOCATED AT THE NORTHEAST CORNER OF SE 6TH AVENUE AND SE 2ND STREET.

**Recommendation:** Move approval for the Final Plat for Kolter Hotel Delray 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(J), Major Subdivision of the Land Development Regulations, subject to the following condition:

1. That an easement is dedicated to FPL by separate instrument to cover the proposed transformer to be located at the southeast corner of the site and that such easement is recorded prior to the issuance of the first Certificate of Occupancy.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)  
[Reduced Plat Exhibit](#)  
[Location Map](#)  
[Planning and Zoning Board Staff Report](#)

approved

- 6.C. [18-106](#) RESOLUTION NO. 14-18 APPROVING THE COMMUNITY AESTHETIC FEATURE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION IN ORDER TO CREATE A PUBLIC ART MURAL ON A SOUND WALL LOCATED ON I-95 AT THE COMMUNITY GROVE AT CATHERINE STRONG PARK AT THE INTERSECTION OF SW 6TH STREET AND SW 17th AVE.

**Recommendation:** Motion to approve and authorize the Mayor to execute the Community Aesthetic Feature Agreement with the Florida Department of Transportation in order to create a public art mural on the backside of the soundwall located at I-95 at the Community Grove at Catherine Strong Park at the intersection of SW 6th Street and SW 17th Avenue in Delray Beach, Florida.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Memo](#)  
[Legal Review Checklist CAFA](#)  
[CAFA Form 625-010-10 ver 9-15-2017 \(SF1-16-18\) CAO rev - Feb2018](#)  
[I95 SOUND WALL MURAL COMPLETE CALL TO ARTISTS 12-19-17 \(002\)](#)  
[RESOLUTION NO 14-18- sound wall CAO rev - Feb 2018\(2\)](#)

approved

- 6.D. [18-112](#) TERMINATION OF TWO AGREEMENTS WITH SEACOAST EMBROIDERY, INC. DBA SEACOAST UNIFORMS AND APPROVAL OF AN AGREEMENT WITH GALLS, LLC FOR PUBLIC SAFETY PERSONNEL UNIFORMS AND EQUIPMENT UTILIZING THE BROWARD SHERIFF'S OFFICE CONTRACT NO. 14036AG

**Recommendation:** Motion to terminate Contract Nos. 2016-012 and 2016-020 with Seacoast Embroidery, Inc. dba Seacoast Uniforms, to approve an Agreement with Galls, LLC for public safety uniforms and equipment in an annual amount not-to-exceed \$315,000 utilizing the Broward Sheriff's Office Contract No. 14036AG.

**Sponsors:** Fire Rescue Department and Police Department

**Attachments:** [Agenda Cover Memo](#)  
[Broward County Contract# 14036AG](#)  
[2016-012 Contract Termination, Seacoast](#)  
[2016-020 Contract Termination, Seacoast](#)  
[Legal Review ChecklistLW](#)  
[P2018-004 Public Safety Uniforms and Accessories Agreement, Vendor Executed](#)

approved

- 6.E. [18-111](#) APPROVAL OF AMENDMENT NO. 1 WITH TANNER INDUSTRIES, INC. TO RENEW THE AGREEMENT TERM FOR ANHYDROUS AMMONIA

**Recommendation:** Motion to approve Amendment No. 1 to the Agreement with Tanner Industries, Inc. for anhydrous ammonia in an amount not-to-exceed \$58,000 through April 1, 2019, and authorize the City Manager to execute all remaining options to renew.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Memo](#)  
[2015-09 Amendment No. 1, Vendor Executed](#)  
[Legal Review Checklist Amd No1 for Tanner Anhydrous Ammonia bid 2015-09](#)  
[Tanner Executed Contract](#)

approved

- 6.F. [18-114](#) RATIFICATION OF AN EMERGENCY PURCHASE TO MBR CONSTRUCTION, INC. FOR DEBRIS MANAGEMENT SERVICES FOLLOWING HURRICANE IRMA

**Recommendation:** Motion to ratify an emergency purchase to MBR Construction, Inc. in the amount of \$271,872.91 for debris management services following Hurricane Irma.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Memo](#)  
[Support Documentation](#)

approved

**6.G.     [18-131](#)**       TERMINATE ACCOUNTS RECEIVABLES, INC. (ARI) FOR COLLECTION OF THE CITY'S CONSUMER DEBT

**Recommendation:** Motion to terminate Accounts Receivables, Inc. (ARI) with 30 days notice.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Memo](#)  
[ARI, Inc Debt Collections Signed Agree June 1 2016](#)  
[Termination Letter 02232018](#)

approved

**6.H.     [18-130](#)**       SETTLEMENT IN THE CASE OF SHERYL GROOVER-LOCKET V. CITY OF DELRAY BEACH

**Recommendation:** Motion to settle the case of Sheryl Groover-Locket v. City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Memo](#)

approved

**6.I. PROCLAMATIONS:**

**6.I.1.    [18-081](#)**       ALL PEOPLE'S DAY PROCLAMATION

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Memo](#)  
[Proposed Proclamation - Delray Beach 2018](#)

approved



- 6.J. [18-092](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JANUARY 22, 2018 THROUGH FEBRUARY 2, 2018

**Recommendation:** By motion, receive and file this report.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)  
[City Commission Map 03-6-18.pdf](#)  
[A - The Guitar Center .pdf](#)  
[B - Saltwater Brewery .pdf](#)

approved

## 6.K. AWARD OF BIDS AND CONTRACTS:

- 6.K.1. [18-139](#) APPROVAL OF A ONE-YEAR AGREEMENT WITH FIRST TRANSIT, INC. TO PROVIDE TROLLEY OPERATION SERVICES IN A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$365,000

**Recommendation:** Motion to approve a one-year Agreement with First Transit, Inc. to provide trolley operation services in a total Agreement value not-to-exceed \$365,000.

**Sponsors:** Public Works Department - Programs & Project Management

**Attachments:** [Agenda Cover Memo](#)  
[Legal Review Checklist First Transit Trolley service](#)  
[Trolley Services Bid Waiver Agreement, Contractor Executed](#)

approved

## 7. REGULAR AGENDA:

The City Clerk swore all members of the public who wanted to give testimony.

- 7.A. [18-143](#) RESOLUTION NO. 15-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CALLING ON THE STATE OF FLORIDA, GOVERNOR RICK SCOTT, PRESIDENT DONALD TRUMP, AND THE FEDERAL GOVERNMENT TO REDUCE GUN VIOLENCE IN AMERICA AND HELP PREVENT FUTURE SHOOTINGS BY BANNING MILITARY-STYLE WEAPONS AND HIGH CAPACITY MAGAZINES; REQUIRING A RIGOROUS BACKGROUND CHECK FOR EVERY FIREARM SALE; SUPPORTING RAISING THE AGE FOR LEGAL PURCHASE OF FIREARMS, MAGAZINES AND AMMUNITION TO 21; SUPPORTING THE PASSAGE OF COMPREHENSIVE LAWS TO ADDRESS THE GROWING CONCERNS ASSOCIATED WITH GUN

VIOLENCE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Recommendation:** Motion to approve Resolution No. 15-18 requesting legislation to reduce gun violence to help prevent future gun-related tragedies in our community.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Memo](#)  
[Resolution 15-18 Gun control](#)

Mr. Lohman read Resolution Number 15-18 into the record.

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

Mayor Glickstein read the resolution and added that the Commission would like the clerk to send copies to Governor Rick Scott, President of the Senate Joe Negron, Florida Speaker of the House Rich Corcoran, US President Donald Trump, Speaker of the House Paul Ryan, the Florida delegation, US Senator Bill Nelson, US Senator Marco Rubio and Congresswoman Lois Frankel and the Florida League of Cities.

Mayor Glickstein mentioned that the city of Weston is contemplating a lawsuit against the state of Florida for holding elected officials personally responsible for passing any gun laws.

The agenda was reordered moving item 7B and 7C to the end.  
**approved**

**7.B.     [18-116](#)**     RESOLUTION NO. 09-18: ABANDONMENT OF AN IMPROVED PUBLIC ALLEY WITHIN BLOCK 69 ASSOCIATED WITH MIDTOWN DELRAY (fka SWINTON COMMONS)

**Recommendation:** Motion to Approve Resolution No. 09-18 for the abandonment of the east-west portion of the alley right-of-way located within Block 69, associated with the Midtown Delray development, 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 Comprehensive Plan and meets criteria set forth in Section 2.4.6(M)(5) of the Land Development Regulations, subject to the following conditions:

1. That the abandonment is not effective until:
  - a. The 20' right-of-way dedication to extend the north/south alley to SE 1st Street is recorded; and,
  - b. That the replacement alley (condition #1) is paved to SE 1st Street.

2. That an associated site plan is approved and certified within one year of the approval of the alley abandonment. If the associated site plan is not approved, then the abandonment, if recorded, shall revert to the City, and if not yet recorded, then the abandonment approval shall be void.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)

[Midtown Delray \(fka Swinton Commons\) block 69 Planning and Zoning](#)

[Board Staff Report](#)

[BLOCK 69 APPLICATION AND ATTACHMENTS](#)

[BLOCK 69 SURVEY](#)

[Revised Resolution Block 69 Abandonment](#)

Mr. Lohman, City Attorney, read Resolution No. 09-18 by title, the abandonment of a public alley.

Commissioner Petrolia made a motion to approve Resolution No. 09-18. It was seconded by Deputy Vice Mayor Johnson. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

approved

**7.C.**     [18-117](#)

RESOLUTION NO. 10-18: ABANDONMENT OF THE ALLEY IN BLOCK 61, TOWN OF LINTON, ASSOCIATED WITH THE PROPOSED MIDTOWN DELRAY DEVELOPMENT, LOCATED ON THE SOUTH SIDE OF WEST ATLANTIC AVENUE BETWEEN SOUTH SWINTON AVENUE AND SW 1ST AVENUE.

**Recommendation:** Motion to Approve Resolution No. 10-18 to abandon the alley right-of-way within Block 61 of the Town of Linton Plat, 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 Comprehensive Plan and meets criteria set forth in Section 2.4.6(M)(5) of the Land Development Regulations, subject to the following conditions:

1. A Unity of Title for Block 61 be recorded and a certified copy be submitted to the Planning, Zoning, and Building Director within 60 days of this action;
2. A Pedestrian Easement for the north/south portion of the alley right-of-way within Block 61 be accepted by the City Commission prior to site plan certification;
3. A Vehicular Easement for the east/west portion of the alley right-of-way within Block 61 be accepted by the City Commission prior to

site plan certification.

4. The alley abandonment shall not be recorded until an associated site plan for the entire block is approved and certified, the unity of title is recorded, and the referenced easements are recorded.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)

[Midtown Delray Block 61 Alley Abandonment -10/17/16 PZB Staff Report](#)

[Block 61 Application and Attachments](#)

[Block 61 Survey](#)

[Vehicular Easement Deed Draft](#)

[Pedestrian Ingress and Egress Easement Deed Draft](#)

[Revised Resolution No 10-18 Block 61 Abandonment](#)

Neil Schiller representing Hudson Holdings with the law firm of Saul, Ewing, Arnstine and Lair of 515 No. Flagler Drive, West Palm Beach. He gave a powerpoint presentation.

Bonnie Miskel, Land Use and Zoning attorney spoke of the abandonment of alleys.

Rick Gonzales, AIA gave an overview of the demolitions that are required for this project, as well as the repositioning of the historic buildings.

John Williams, AIA, NCARB, member of the Louisiana Governor's Advisory Commission on coastal protection conservation. He is an expert witness regarding historic preservation. He reported on the Department of Interior standards.

John W. Szerdi, Architect, NCARB, LEED-AP was involved with this project years ago as well as the Sundry House back in 2000.

Jonathan Hague, Landscape Architect of Kimley Horne and Associates of 1920 McKiver Way, West Palm Beach. He stated that the staff had approved the landscape plan and gave an overview of the plan.

Tim Stillings, Planning Director, Scott Poppe, Principal Planner and Project Manager for this project. Michelle Hoylan, Principal Planner with Historic Preservation and Bill Wilshire, Senior Landscape Planner are all present.

Mr. Stillings reported that there are five items covered tonight for this application:

Alley Abandonments

Waivers

Conditional Use  
Relocations and Demolitons  
Class V Site Plan, Landscape Plan & Architectural Elevations

Mayor Glickstein opened the meeting for public comment.

The clerk swore in the public and applicants wishing to speak on this matter.

Jim Smith of 1225 S. Ocean Boulevard spoke in favor of the project.

Tucker Gibbs with Law Offices at 3835 Utopia Court in Coconut Grove representing Glen Mies of 126 S.W. 2nd Avenue is not in favor of this project and submitted a letter to the Commissioners.

Steve Avdakov of Heritage Architectural Associates of Miami Beach representing the Preservation Trust for Delray Beach are not in favor of this project. The Board voted against this application and would like their decision upheld. The six people he is representing is Gail Clark, Jodie Burke, Clayton Peart, Allan Schlossberg, Judy Craig and Barbara Foster.

Rob Long of 1780 Palm Cove Boulevard is a current member of the Site Plan and Appearance Board also sat on Delray's Green Implementation Advancement Board and Palm Beach County's Solar and Water Conservation District is in favor of this project.

Mohamad Abdola of 181 S.E. 5th Avenue is in favor of this project because it would bring jobs to the city.

Joy Howell of 1 N.W. 25th Street is in favor of the project to create more jobs.

Dominick Darcangelo of 54 N.W. 3rd Avenue is in favor of this project.

Stephen Fike of 55 S.E. 2nd Avenue is in favor of this project.

Dorothy W. Patterson of 1206 N.E. 2nd Avenue, local historian, is not in favor of this project.

Gary Eliopoulos of 1045 E. Atlantic Avenue with G.E. Architecture moved several historic structures over the years in Delray and is in favor of this project.

Smolee Biston, Rabbi of Habad of East Delray is planning to lease space at this project's location in order to expand the programs for the Jewish

community.

Matt Shipley of 1210 Vista Delmar of a non-profit called Community Greening will be relocating sixty-two of the trees and Hudson Holdings will be supplying one hundred and fifty new trees.

Angie Gray of 219 S.W. 9th Street thanked the Mayor for his service to this community and is in favor of this project.

Sandy Simon of 20 MacFarlane Drive thanked the Mayor for his service, he is in favor of this project.

Rodney Mayo of 52 N. Swinton Avenue, owner of DaDa's restaurant and Subculture Coffee at 20 W. Atlantic Avenue and Honey at E. Atlantic Avenue, he is in favor of this project.

Alyce Christine Beck owner of the Bull Bar of 14593 Sunset Pine Drive is not in favor of this project.

JoAnn Peart of 107 N.W. 9th Street is not in favor of this project especially to not allow four stories to be built.

Andrea Harden of 516 N. Swinton Avenue is a member of the Historic Preservation Board is not in favor of the abandonment of the alley way.

Andrea Sherman of 222 N.W. 15th Street is on the Historic Preservation Board is not in favor of this project.

Terri Cooper of 223 S. Swinton Avenue is in favor of this project.

Klye Hoffman of 152 1/2 S.E. 5th Avenue is in favor of this project.

David Harden of 516 N. Swinton Avenue is not in favor of this project especially the height of the structure.

Mayor Glickstein gave a ten minute break.

Mitzie Katz from N.E. 8th Avenue had several questions regarding this project.

John E. Miller of 1502 Fenton Drive is the current Chairman of the Historic Preservation Board and past Chair of the Planning and Zoning Board is not in favor of this project.

Christen Finn of 102 George Bush Boulevard is not in favor of this project.

Mr. Lohman asked for a motion to extend the meeting. Commissioner Petrolia made a motion to extend meeting. It was seconded by Deputy Vice Mayor Johnson. A Roll Call vote was taken and all were in favor. the motion carried 5-0.

Rita Raner of 50 Gast Road is in favor of the project.

Linda Oxford of 148 Coconut Road is not in favor of this project.

Angie Kenyon of 914 St. George Boulevard is in favor of this project.

Kelly Barrett of 1201 Seaspray Avenue is not in favor of this project.

Carol Anderson of 1441 E. Bexley Park Drive is not in favor of this project.

Nicole Fontaine of 151 S.E. 3rd Avenue is in commercial real estate, is in favor of this project.

Sophia Trionfo of 207 S.W. 1st Avenue is in favor of this project.

Ken Trionfo of 2017 S.W. 1st Avenue is in favor of this project.

Jason Hurst 319 N.W. 2nd Avenue is not in favor of this project.

Gary Broidis of 98 S.E. 6th Avenue is in favor of this project.

Mayor Glickstein closed the public portion of the meeting.

No rebuttal.

Tim Stillings, Planning Director, gave an overview of the application. Scott Poppe, Principal Planner explained the height and setbacks of the building.

The Commissioners had several questions and comments on this matter.

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

The Commissioners were concerned with the specifics of this agreement and the applicant suggested that they will make the requests conditions of approval.

Bonnie Miskiel on behalf of the applicant read the zoning regulations that

were amended in 2003.

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

It has been recommended to the applicant that modifications to height, etc. need to be part of the approval process.

Bonnie Miskiel stated that they would be eliminating the fourth floor on building's one and two, adjusting the elevations and floor plan to push the third floor out twelve feet on the Atlantic side and an additional floor on building three.

Tim Stillings reported on the changes that were previously made to the application. A discussion ensued regarding changes moving forward. The applicant will have to come before the Commission again for the changes in elevations and architectural details.

Mr. Lohman, City Attorney, read Resolution No. 10-18, Abandonment of the alley in Block 61, Town of Linton.

Deputy Vice Mayor Johnson made a motion to approve Resolution No. 10-18. It was seconded by Mayor Glickstein. A Roll Call vote was taken: Deputy Vice Mayor Johnson- yes Mayor Glickstein- yes Commissioner Petrolia- no Vice Mayor Chard- yes Commissioner Katz- yes. The motion carried 4-1.  
**approved**

**7.D. [18-118](#)**

WAIVER REQUESTS TO LDR SECTION 4.4.24(F)(4) TO ALLOW BUILDING WIDTHS OF 71' 6", and 81' 4" ASSOCIATED WITH THE MIDTOWN DELRAY PROJECT WHERE A MAXIMUM WIDTH OF 60' FEET IS PERMITTED IN THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD). (QUASI-JUDICIAL HEARING)

**Recommendation:** Motion to approve the waiver to LDR Section 4.4.24(F)(4) to allow building widths of 71' 6", and 81' 4", where a maximum width of 60' is permitted in the Old School Square Historic Arts District (OSSHAD), for two buildings associated with the Midtown Delray project, based on a positive finding with respect to LDR Section 2.4.7(B)(5).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)  
[Class V HPB Staff Report](#)  
[Revised Midtown Delray site plan](#)  
[revised waiver board order](#)



Mr. Lohman, City Attorney, read the Board Order.

Commissioner Petrolia made a motion to approve the Board Order. It was seconded by Commissioner Katz. A Roll Call vote was taken:

Commissioner Katz- yes Deputy Vice Mayor Johnson- yes Commissioner Petrolia- no

Mayor Glickstein- yes Vice Mayor Chard- yes. The motion carried 4-1.  
**approved**

- 7.E. [18-119](#) CONDITIONAL USE REQUEST FOR 24 RESIDENTIAL-TYPE INN UNITS IN THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT FOR MIDTOWN DELRAY (fka SWINTON COMMONS) AT THE SUNDY HOUSE AND ON BLOCKS 61 AND 70. (QUASI-JUDICIAL HEARING)

**Recommendation:** Motion to Approve the Conditional Use request to increase the Residential-type Inn use to 24 units with one additional unit at the Sundy House, 9 new units on Block 61, and 14 new units on Block 70 for Midtown Delray 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 Comprehensive Plan and meets criteria set forth in Sections 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. That Class V Site Plan and Certificate of Appropriateness for the respective project be approved.
2. That Palm Beach County Traffic Engineering Division provide a determination that the proposal meets the Traffic Performance Standards of Palm Beach County.
3. That the plat for the complete development be approved and recorded prior to the issuance of a building permit.
4. That the applicant provide significant evidence that the use operates as a residential-type inn.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)  
[Midtown \(fka Swinton Commons\) PZBoard Cond Use Report](#)  
[Swinton Commons superseded concept plan \(July 2017\)](#)  
[Midtown Delray revised concept plan \(Dec 2017\)](#)  
[Revised Midtown Delray site plan](#)  
[revised city commission conditional use board order](#)

Mr. Lohman, City Attorney, read the Board Order.

Commissioner Katz made a motion to approve the Board Order. It was seconded by Deputy Vice Mayor Johnson. A Roll Call vote was taken:  
Deputy Vice Mayor Johnson- yes Mayor Glickstein- yes Commissioner

Petrolia- no

Vice Mayor Chard- yes Commissioner Katz- yes. The motion carried 4-1.  
**approved**

**7.F.**     [18-120](#)

CITY COMMISSION APPEAL OF THE HISTORIC PRESERVATION BOARD APPROVALS OF CERTIFICATES OF APPROPRIATENESS FOR THREE RELOCATIONS AND SEVEN DEMOLITIONS ASSOCIATED WITH THE MIDTOWN DELRAY (FORMERLY KNOWN AS SWINTON COMMONS) PROJECT GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ATLANTIC AND SWINTON AVENUES (QUASI-JUDICIAL HEARING)

**Recommendation:** The recommendation is to confirm the Historic Preservation Board (HPB) Certificates of Appropriateness (COA) for Buildings D, G, H, T, U, V, W, X, Y, and Z, more specifically described below.

**RELOCATIONS:**

Approve the COA (2016-072) for the relocation of the contributing structure on the property located at 21 SW 1st Avenue (Building 'D') in the Old School Square Historic Arts District (OSSHAD) to the property located at southwest section of the Sundy Block (address to be determined) 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 Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-061), a.k.a. Yellow House, for the relocation of the contributing structure on the property located at 44 South Swinton Avenue (Building 'G') in OSSHAD to the property located south central on the Sundy Block (address to be determined) 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 Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-057), a.k.a. White House, for the demolition/relocation/reconstruction of the contributing structure on the property located at 10 SE 1st Street on Block 70 (Building 'H'), to same property located slightly north of its current site on Block 70 facing SE 1st Street., OSSHAD (address likely to be the same) 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 Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

## DEMOLITIONS:

Approve the COA (2016-065) for the demolition of a non-contributing structure (Building 'T') located at 52 W. Atlantic Avenue Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-068) built in 2001 for the demolition of a non-contributing structure (Building 'U') located at 20 W Atlantic Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-058) for the demolition of a contributing structure/accessory structure (Building 'V') located at 35½ SW 1st Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-062) for the demolition of a contributing structure (Building "W") located at 14 SE 1st Street, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-06)6 for the demolition of a contributing structure (Building' X') that has lost its character defining features of its Mission Revival style located at 18 SE 1st St, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA 2016-067 for the demolition of a contributing structure/accessory structure (Building 'Y') located at 18½ SE 1st Street, Old School Square Historic District, by adopting the findings of fact and law

contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA 2016-059 for the demolition of a contributing structure (Building 'Z') located at 48 SE 1st Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)

[Appeal Request Withdrawal Letter 10-4-17](#)

[Swinton Commons Class V Staff Report 10.17.17](#)

[Relocation-Demolition Location Map 10.17.17](#)

[Relocation Report Building 'D' FINAL](#)

[Relocation Report Building 'G' FINAL](#)

[Relocation Report Building 'H' FINAL](#)

[Demolition Report Building T FINAL](#)

[Demolition Report Building U FINAL](#)

[Demolition Report Building V FINAL](#)

[Demolition Report Building W FINAL](#)

[Demolition Report Building X FINAL](#)

[Demolition Report Building Y FINAL](#)

[Demolition Report Building Z FINAL](#)

[revised CC Board Order -Appeal of HPB approvals 02.02.06](#)

Mr. Lohman, City Attorney, read the Board Order.

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

**7.G. [18-121](#)**

APPLICANT APPEAL OF THE HISTORIC PRESERVATION BOARD DENIALS OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS, CLASS V SITE PLAN, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS, FIVE RELOCATIONS AND TWO DEMOLITIONS ASSOCIATED WITH THE MIDTOWN DELRAY PROJECT

WHICH INCLUDES 39,396 SQUARE FEET OF RETAIL; 11,117 SQUARE FEET OF RESTAURANT; 55,218 SQUARE FEET OF OFFICE; 45 DWELLING UNITS AND 39 RESIDENTIAL-TYPE INN UNITS. (QUASI-JUDICIAL HEARING)

**Recommendation:**

**Site Plan Modification:**

Motion to approve COA 2017-284-SPM-HPB-CL5 and associated Class V site plan for Midtown Delray, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, meets criteria set forth in Chapter 3, Section 2.4.5(F)(5), and Section 2.4.6(H)(5) of the Land Development Regulations and Comprehensive Plan, subject to the following conditions of approval.

1. That the locations of the generators are provided on the plans together with the source of fuel prior to certification of the site plan.
2. That the waiver regarding building length are approved by the City Commission.

**Landscape Plan:**

Motion to approve COA 2017-284-SPM-HPB-CL5 and associated landscape plan for Midtown Delray, based on positive findings with respect to LDR Section 4.6.16 and Section 2.4.5(H)(5), subject to the condition that a payment of \$139,800 to the Delray Beach Tree Trust Fund for remediation of the trees to be removed.

**Elevations:**

Motion to approve COA-2017-284-SPM-HPB-CL5 and associated design elements for Midtown Delray, based on positive findings with respect to LDR Section 4.6.18 and Section 2.4.5(I)(5), subject to the elimination of the conflict between the building elevations of building #9 and the floor plans.

**Relocations:**

Move approval of COA 2016-069 (Rectory, Building 'A'), 14 S. South Swinton for the relocation of the contributing structure on the property located at 20 W Atlantic Avenue, Block 61 to the property located at further south on Block 61 fronting on South Swinton Avenue (address to be determined) OSSHAD 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 Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-070 (Rectory, Building 'B') for the relocation of the contributing structure on the property located at 20 W Atlantic Avenue, OSSHAD to the property located at southwest section of Block 70 (address to be determined) OSSHAD 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 Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-071 (Building 'C') for the relocation of the contributing structure on the property located at 22 South Swinton Avenue, OSSHAD to the property located at north section of Block 70 (address to be determined) OSSHAD 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 Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-063 (Building 'E'), a.k.a. Cathcart House for the relocation of the contributing structure on the property located at 38 South Swinton Avenue, OSSHAD to be relocated back to its current location 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 Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-060 (Building 'F'), a.k.a. Peach House for the relocation of the contributing structure on the property located at 40 South Swinton Avenue, OSSHAD to property located on the Sundry Block, OSSHAD (address to be determined) 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 Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

**Demolitions:**

Move approval of COA 2016-064 (Building 'E-1') for the demolition of a contributing structure located at 38½ South Swinton Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of the COA 2016-061 (Building 'G-ACC') for the demolition of a (contributing structure/accessory structure secondary building to Building 'G' a contributing structure) located at 44½ South Swinton Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with

LDR Sections 4.5.1 (E)(5) and 4.5.1(F).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)

[Class V with demo and relo reports](#)

[Building A.pdf](#)

[building B.pdf](#)

[building C.pdf](#)

[building E.pdf](#)

[building F.pdf](#)

[building E1.pdf](#)

[building G-ACC.pdf](#)

[revised site plan cc order on appeal of HPB denial revised](#)

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

Mr. Lohman, City Attorney, read the Board Order as amended.

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

**approved**

**7.H.     [18-129](#)     RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD**

**Recommendation:** Motion to recommend for appointment one (1) regular member to serve on the Delray Beach Housing Authority Board for a four (4) year term ending March 6, 2022.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Memo](#)

[Delray Beach Housing Authority Board Member List](#)

[Delray Beach Housing Authority Attendance List](#)

Mayor Glickstein recommended the appointment of Gaum Sims to the Delray Beach Housing Authority. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

approved

## **8. PUBLIC HEARINGS:**

8.A. None

## **9. FIRST READINGS:**

9.A. None

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

### **10.A. City Manager**

Mr. Lauzier, City Manager, requested that the Commission change their meeting from March 15 to March 20 so the Superintendent of Elections to certify the election results.

Commissioner Katz 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.

### **10.B. City Attorney**

None at this time.

### **10.C. City Commission**

Deputy Vice Mayor Johnson thanked all the Commission members and Mayor. She requested the Commission dissolve the Community Redevelopment Board. A discussion ensued.

There being no further business to discuss, Mayor Glickstein adjourned at the Regular Commission Meeting at 2:24 a.m.