

City of Delray Beach

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Minutes - Draft

Tuesday, August 18, 2020

4:00 PM

Regular Meeting at 4:00 PM

Virtual Meeting

City Commission

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

1. ROLL CALL

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

The roll call was taken by City Clerk Katerri Johnson. The following were present:

Present: 5 - Mayor Shelly Petrolia, Deputy Vice Mayor Shirley Ervin Johnson, Commissioner Adam Frankel, Vice-Mayor Ryan Boylston, and Commissioner Juli Casale

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Others present:

Interim City Manager, Jennifer Alvarez

City Attorney, Lynn Gelin

City Clerk, Katerri Johnson

Deputy Vice Mayor Johnson requested that items 6.C. and 6.B. be pulled from the Consent Agenda. Item 6.C. became 7.A.A. and item 6.B. became item 7.B.B. on the Regular Agenda.

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

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

4. PRESENTATIONS:

4.A. MARINE WAY SEAWALL AND DOCK IMPROVEMENTS CONCEPTUAL DESIGN AND ENGINEERING PRESENTATION

Body: **Recommended Action:**

Recommendation: Motion to approve the Conceptual Design and Engineering Plans

presented by the Wantman Group, Inc. for the Marine Way Seawall and Dock Improvements (P/N 17-021) for consensus to move forward with engineering design, permitting and grant application to the Florida Inland Navigation District (FIND) Waterways Assistance Program.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Marine Way Presentation City Commission 072320](#)

Missie Barletto, Director of Public Works, presented the Marine Way Improvement Project. In 2017, in Phase I, the Conceptual Design was created to prevent flooding from rainfall events in the following three areas of the City:

- Veterans Park: Completed
- The City Marina: Scheduled to be completed within the next few months
- Marine Way: Proven to be the most challenging

Ms. Barletto requested direction from the Commission to proceed with the Phase I, Conceptual Design for Marine Way, which entails:

- Engineering Design - three years: Raising the height of the seawall to 3.9. feet and creating a pathway connecting Veterans Park to the City Marina.
- Grants: Applying for funding from Florida Inland Navigation District and other grant opportunities.
- Permitting - one year: Coordination with the United States Army Corps, Florida Department of Environmental Protection, Florida Inland Navigation District, South Florida Water Management District, Florida Department of transportation, City of Delray Beach.

A website is available for residents to keep up with the Marine Way project.

www.resilientdelray.com

Ms. Barletto highlighted the Stormwater Pump Station specifications and proposed the following improvements:

- Protecting Mangroves
- Drainage
- Signage
- Landscaping
- Seawall

She informed the Commissioners that the City met with the Florida Inland Navigation District (FIND) to discuss their grant opportunities. Ms. Barletto said that with the permission of the Commission, the City could apply for the (FIND) grant.

Mayor Petrolia commended the Public Works Department for their hard work. She asked Ms. Barletto how the dock owners would get over the seawall.

Ms. Barletto explained they are allowed to remove the marginal dock because the property is privately owned and permitted. Therefore, the City is not required to have an ADA compliant design. Dock owners are aware that they will need to create their own access points from the seawall to their properties.

Vice Mayor Boylston was interested in adding benches and relaxation areas to the project. Ms. Barletto commented that Public Works planned to make the path aesthetically pleasing and minimize traffic on the roadway.

Deputy Vice Mayor Johnson believed that the dock owners should be accountable for any damage to the seawall when building their access points. Mayor Petrolia stated the City would most likely have a Hold Harmless Agreement in place. City Attorney Gelin confirmed that they would implement the agreement.

Ms. Barletto requested a consensus from the Commission to decide whether to permit the City's request to apply for grant funding for the Marine Way Improvement Project and allow the City to start acquiring permits and start the design.

There was consensus to move forward.

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

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

None:

B. *From the Public*

Michael Muha, 622 SE 4th Avenue, Delray Beach, asked the Commission to create an ordinance to regulate parking in the Osceola Park area.

Ross Bankler, 14686 Lucy Drive, Delray Beach, (Unincorporated Delray Beach), requested the Commission to recognize August 31st as International Drug Overdose Awareness Day.

Rocco Mangel, the owner of Rocco's Tacos 110 E. Atlantic Ave, Delray Beach, asked permission for restaurant owners to expand their outdoor seating during the pandemic.

Gayle Clark, 124 NE 7th Avenue, Delray Beach, requested the Commission to vote no on Item No. 8.C. (Ordinance No. 33-20)

Ellen Issacs, a Former Resident of 475 SW 27th Avenue, Delray Beach, commented that she hopes that the City will recognize August 31st as International Drug Overdose Awareness Day.

Katerri Johnson, City Clerk, stated that there were no more public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Frankel motioned to approve the agenda as amended. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

6.A. APPROVAL OF RESOLUTION NO. 142-20 REPEALING RESOLUTION NO. 77-20, APPROVING AN AGREEMENT WITH THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT TO OBTAIN FEDERAL DISASTER RECOVERY FUNDS AUTHORIZING THE CITY

MANAGER TO EXECUTE ANY AMENDMENTS AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: Recommended Action:

Recommendation: It is recommended that City Commission adopt Resolution No. 142-20, which will repeal the prior Resolution, which approved the prior Agreement, and will approve the Federally-Funded Subaward and Grant Agreements with Florida Department of Emergency Management with an updated Exhibit "C" and an updated Exhibit "I".

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 142-20](#)

[Updated Legal Review Checklist for Dorian Agreement with updated exhibits](#)

[FEMA Subaward and Grant Agreement for Hurricane Dorian](#)

[Attachment I - Mandatory Contract Provisions Template](#)

[Resolution No. 77-20](#)

6.B.

*INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY
DROWNING PREVENTION COALITION LEARN TO SWIM
REIMBURSEMENT PROGRAM*

Body: Recommended Action:

Recommendation: Motion to enter into an Interlocal Agreement with the Palm Beach County Drowning Prevention Coalition (DPC) Learn to Swim Program for reimbursement of swimming classes/lessons to the City of Delray Beach, FL (City), for the provision of swimming classes/lessons to individuals who present vouchers issued by the DPC Learn to Swim Program.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[DPC Delray Beach Interlocal Agreement 2020 \(revised 06-12-2020\)](#)

[Delray Exhibit A](#)

[Legal Review Checklist DPC](#)

[Pompey Park - Pool Inspection](#)

[COI Palm Beach County Learn to Swim](#)

Deputy Vice Mayor Johnson stressed the importance of the Drowning Prevention Coalition (DPC) Learn to Swim Program. She recognized that COVID-19 prevented classes in 2020. However, she wanted clarification as to why classes did not take place the previous year.

Samuel Metott, Director of Parks and Recreation explained that the City did not participate in the voucher system during that time. However, they did offer free swimming lessons through the state program.

The Commissioners discussed ideas to encourage families to utilize the facilities in Pompey Park. Mr. Metott thanked the Commissioners for their input and support.

Vice Mayor Boylston motioned to approve entering an Interlocal Agreement with the Palm Beach County Drowning Prevention Coalition (DPC) Learn to Swim Program, seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

6.C. RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT & DISPOSAL BOARD ACTION OF JULY 27, 2020 AND APPROVAL OF THEIR 2020/2021 PROPOSED BUDGET.

Body: Recommended Action:

Recommendation: Motion to ratify actions approved by the South Central Regional Wastewater Treatment and Disposal Board (Board) at their meeting of July 27, 2020.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[Ratification of South Central Regional Water Treatment](#)

Deputy Vice Mayor Johnson pulled this item to recognize Mr. Douglas Levine for his outstanding efforts at the South-Central Regional Wastewater Treatment Plant. She stated for the record that Mr. Levine is a blessing and a gift to the South-Central Regional Wastewater Treatment Plant. Mayor Petrolia echoed Deputy Vice Mayor Johnson's sentiments.

Vice Mayor Boylston motioned to approve the ratification by the South-Central Regional Wastewater Treatment and Disposal Board of Action. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

6.D. PROCLAMATIONS:

6.D.1. OBSERVANCE OF LABOR DAY PROCLAMATION

Body: Recommended Action:

Recommendation: Motion to observe September 7, 2020 as National Labor Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Labor Day Proclamation](#)**6.E. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

6.E.1. None

6.F. AWARD OF BIDS AND CONTRACTS:

6.F.1. None

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 99-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF RIGHT-OF-WAY ADJACENT TO LOTS 1, 2, AND 3, BLOCK E, LA HACIENDA AS RECORDED IN PLAT BOOK 15, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOTALING APPROXIMATELY ONE THOUSAND ONE (1,001) SQUARE FEET LOCATED AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 99-20, a privately initiated abandonment of right-of-way for a portion of an alley located between 1319 and 1325 North Federal Highway.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 99-20](#)

[Exhibit A- Sketch and Legal Description.pdf](#)

[Exhibit B GUE Sketch and Legal Description.pdf](#)

[PZB Staff Report 1319-1325 N Federal Hwy](#)

[Survey](#)

[Legal Review Reso 99-20 abandonment 1319 1325 N Federal Hwy.docx](#)

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

City Clerk Katerri Johnson swore in Mr. Louis Carbone, who wished to give testimony on this item.

Mayor Petrolia asked her fellow Commissioners for ex-parte communications, and the following was disclosed:

Vice Mayor Boylston: None

Deputy Vice Mayor Johnson: Believed that she spoke with someone and most likely had emails on the City Server.

Commissioner Frankel: Stated that he could not recall any conversations about the matter, but he may have emails on the City Server.

Commissioner Casale: None

Mayor Petrolia: Did not recall any conversations related to the project, but she may have emails on the City Server.

Anthea Gianniotis, Development Services Director, entered File No. 2020-051 into the record. Mr. Louis Carbone, 90 SE 4th Avenue, (applicant's agent), presented on behalf of Delray Park Plaza (applicant). Ms. Gianniotis informed the Commission that on July 20, 2020, the Planning and Zoning Board voted 4-0 in support of approving the right-of-way abandonment.

There was a recess from 5:07 - 5:12 p.m. to allow public comments. When the Commissioners reconvened, City Clerk, Katerri Johnson, concluded no public comments were submitted. There was no cross-examination or rebuttal pertaining to the presentation.

Commissioner Casale motioned to approve Resolution No. 99-20. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

7.B. RESOLUTION NO. 95-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF RIGHT-OF-WAY LYING EAST OF AND ADJACENT TO LOTS 28 AND 29 (828 NE 1ST COURT) SEESTEDT-STEVENS SUBDIVISION, AS RECORDED IN THE PLAT BOOK 18, PAGES 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOTALING APPROXIMATELY FIVE THOUSAND FOUR HUNDRED AND FIVE SQUARE FEET (5,405 SQ. FT.)

Body: Recommended Action:

Recommendation: Review and consider the Resolution No. 95-20 for an Abandonment of interest from the City in a portion of the Canal Street right-of-way.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 95-20- Canal Street ROW abandonment](#)

[Easement Agreement - 828 NE 1st Court](#)

[Hold Harmless Agreement - 828 NE 1st Court](#)

[Canal Street ROW abandonment - Applicant's Request](#)

[Canal Street ROW abandonment - Planning and Zoning Board Report](#)

[Canal Street ROW abandonment - City Engineer Statement](#)

[Legal Review Reso 95-20 Abandonment 828 NE 1st Court](#)

[Legal Review Easement Agreement - 828 NE 1st Court](#)

[Legal Review Hold Harmless for 828 NE 1st Court](#)

Mayor Petrolia asked for ex-parte disclosures from her colleagues.

Vice Mayor Boylston: Only knew of what was mentioned at the last Commission Meeting.

Deputy Vice Mayor Johnson: Discussed the project with the applicant and their attorney.

Commissioner Frankel: None

Commissioner Casale: Had conversed with the representative and the property owner about the project.

Mayor Petrolia: Spoke with the property owner and the two gentlemen that wished to provide testimony on the issue. She may also have emails that pertain to the project on the City Server.

Anthea Gianniotis, Development Services Director, read File No. 2020-109, Resolution No. 95-20 into the record and informed the Commission that the applicant was present.

Mr. Neil Schiller, Attorney of Saul Ewing Arnstein & Lehr, 501 N Flagler Drive, presented on behalf of the (applicants) Mr. and Mrs. Waldon.

Ms. Gianniotis provided a staff analysis to the Commissioners. During her presentation, she informed the Commissioners that the project would need to be reviewed and approved by the Army Corps of Engineers. She stated for the record that the district thoroughway and the end of Canal street are not included territories in this project. She also mentioned that there was a scrivener's error on the agenda cover memo. Ms. Gianniotis concluded her presentation and explained that the Planning and Zoning Board had voted 4-2 to deny the applicant's request.

There was a five-minute recess from 5:37 p.m.- 5:42 p.m. to allow public comments. When the Commission reconvened, City Clerk, Katerri Johnson, concluded no public comments were submitted. There was no cross-examination of rebuttal pertaining to the presentation.

Deputy Vice Mayor Johnson motioned to approve Resolution No. 95-20. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

7.C. NOMINATIONS FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Body: Recommended Action:

Recommendation: Motion to approve nominations for appointment for four (4) regular members to serve on the Planning and Zoning Board for a two (2) year term ending August 30, 2022 and one (1) regular member to serve an unexpired term ending August 30, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Planning & Zoning Board](#)
[PZ Quarterly Attendance 1st 2nd](#)
[Adler](#)
[Berenberg](#)
[Blankenship](#)
[Cabana](#)
[Candia](#)
[Cherelus](#)
[Cope](#)
[Davey](#)
[Dickson](#)
[Evans](#)
[Fredericks](#)
[Long](#)
[Morrison](#)
[Stepner](#)
[Stewart](#)
[Sylvestre](#)
[Van Arnem](#)
[Warner](#)
[Youngblood](#)
[Zeller](#)
[Burns](#)
[Cortez](#)
[Gray](#)
[Lieberman](#)
[Nesi](#)
[Umbdendtock](#)
[Weinberg](#)

Mayor Petrolia expressed her concern that her nomination for this board would only serve an unexpired term versus a regular term due to how COVID-19 impacted the rotation system.

There was consensus to allow Mayor Petrolia to select the appointment for the longest vacant position.

Commissioner Frankel motioned to reappoint Jillian Blankenship to the Planning and Zoning Board. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Commissioner Casale motioned to nominate Matt Weinberg to the Planning and Zoning Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston motioned to reappoint Rob Long to the Planning and Zoning Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Deputy Vice Mayor Johnson nominated Allen Zeller to the Planning and Zoning Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Mayor Petrolia deferred her nomination.

7.D. NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

Body: Recommended Action:

Recommendation: Motion to approve the nominations for appointment for one (1) regular member to serve on the Board of Adjustment for a two (2) year term ending August 30, 2022 and one (1) alternate member to serve an unexpired term ending August 30, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Board of Adjustment](#)
[2020 BOA QUARTERLY ATTENDANCE-1st 2nd](#)
[Davey](#)
[Evans](#)

Vice Mayor Boylston deferred his nomination until the next meeting.

Deputy Vice Mayor Johnson motioned to nominate Ronald Evans as an alternate member to the Board of Adjustment. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Deputy Vice Mayor Johnson requested clarification on the ten-day rule. Mayor Petrolia explained that the rule was put in place because of too many last-minute entries. City Attorney Gelin requested direction from the Commission to provide staff clear guidelines for the board application process. She suggested that the Commissioners should reopen the position to serve on the Board of Adjustment. Vice Mayor, Boylston, hoped that this effort would inspire more applicants to join the board. Commissioner Casale and Deputy Vice Mayor Johnson disagreed with opening the process past the ten-day window.

City Clerk Katerri Johnson requested clarification if the application process should be within ten calendar days or ten business days.

Deputy Vice Mayor Johnson preferred ten business days to provide staff additional time. She suggested that the Commissioners have a workshop on this issue to figure out a better process.

Commissioner Frankel agreed and mentioned for the record that he was unfairly not reappointed to a board in 2014.

7.E. NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Body: Recommended Action:

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board for a two (2) year term ending August 30, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[2020 QUARTERLY ATTENDANCE-1st 2nd qtr](#)

[Site Plan Review and Appearance](#)

[Adler](#)

[Cabana](#)

[Cherelus](#)

[Jones](#)

[Warner](#)

[Youngblood](#)

Deputy Vice Mayor Johnson motioned to nominate Dana Adler to the Site Plan and Review and Appearance Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

7.F. NOMINATION FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Body: Recommended Action:

Recommendation: Motion to approve nomination for appointment for one (1) regular member

to serve on the Historic Preservation Board for a two (2) year term ending August 30, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Historic Preservation Board 2020](#)

[2020 HPB QUARTERLY ATTENDANCE-1st 2nd](#)

[Berenberg](#)

[Cooper 1](#)

[Evans](#)

[Fredericks](#)

[Osinoff](#)

[Pitts](#)

[Savell](#)

[Sylvestre](#)

[Trupia](#)

[Vasiliou 1](#)

Commissioner Casale motioned to nominate Robert Osinoff to the Historic Preservation Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

7.G. ACTION ITEMS FROM THE DELRAY BEACH RE-OPEN TASK FORCE**Body: Recommended Action:**

Recommendation: Motion to approve Action Items from the Delray Beach Re-open Task Force.

Sponsors: Economic Development Department

Attachments: [Agenda Cover Report](#)

[Delray Beach Re Open Task Force.Requests.updated.August.2020](#)

Interim City Manager Alvarez informed the Commission that Ms. Laura Simon, Director of the Downtown Development Authority (DDA), was present.

Ms. Simon requested the Commissioner's approval for the Re-Open Task Force to act on the following recovery items:

- Distance dining in Old School Square
- Lobbyists to advocate on behalf of the restaurants

- Advocate at the state and county level for rent assistance for the City's commercial and residential properties.
- Create pop-up parklets to extend the sidewalks for dining and assist with business retention.
- Develop vacant storefronts and windows to make the streets more appealing.

Ms. Simon believed that acting on these items would be essential to provide aid to the City. Deputy Vice Mayor Johnson favored the task force's ideas, and she wanted to discuss them further during a workshop. Her only concern was the responsibility of sanitizing the outdoor dining locations. Ms. Simon explained the safety plan for outdoor dining. She mentioned that the project would be funded and operated by the DDA.

Commissioner Casale asked about the Community Redevelopment Agency's (CRA) involvement in the project. Ms. Simon believed that the CRA would help obtain a consultant that can create the businesses' parameters and guidelines.

Vice Mayor Boylston thanked Ms. Simon for her diligence. He favored the plan and hoped that City Staff would receive the directive to implement these plans right away. He wanted to provide opportunities to the businesses to keep parklets open post-COVID-19.

Commissioner Frankel favored all the ideas discussed. He asked staff to review Former Commissioner Jarjura's ideas in the correspondence he had sent them.

Ms. Renee Jadusingh from the CRA said they are invested in moving forward with these plans and scheduled a September meeting.

City Attorney Gelin said that Mr. England requested the Commissioners to extend the valet parking program. Vice Mayor Boylston asked to discuss this item further at another time. Ms. Gelin informed the Commissioners that the valet pilot program would end tomorrow.

There was consensus to grant the task force permission to act on all 6 items.

7.H. DISCUSSION AND DIRECTION REGARDING THE HANDLING OF REQUEST RECEIVED FOR EXCUSAL OF PAYMENTS BASED ON INVOCATION OF FORCE MAJEURE CONTRACTUAL PROVISIONS

Body: Recommended Action:

Recommendation: Staff seeks direction regarding the handling of request received for excusal of payments based on invocation of force majeure contractual provisions.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Caffe Luna Rosa 7.22.20](#)

[CAFFE LUNA ROSA 10-2019](#)

[Caffe Luna Rosa, Inc. Amendment No. 1 to the Parking License Agreement](#)

Maria Kalka, Finance Director, informed the Commission that Café Luna Rosa was the last vendor to request excusal of payments based on the invocation of force majeure contractual provisions. The restaurant asked for excusal of valet parking payments for March, April, and May. Ms. Kalka requested direction from the Commissioners because the emergency order lasted longer than the City initially predicted. She added that Ocean Services had paid their bills since they have been operational.

Ms. Kalka also requested direction on the two letters received from the Grove Restaurant and Taverna Opa, who wished for excusal payments until the end of the year. Commissioner Frankel was hesitant about waiving fees until the end of the year. There was consensus to deny their excusal requests at this time.

Mayor Petrolia favored the excusal of payments for Café Luna Rosa for March, April, and May since they did not have business operations during that time.

Mayor Petrolia motioned to approve the excusal payment for Café Luna Rosa. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

8. PUBLIC HEARINGS:

8.A. *ORDINANCE NO. 08-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE FROM LOW DENSITY (LD) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6TH AVENUE, 32 NORTHWEST 6TH AVENUE, 34 NORTHWEST 6TH AVENUE, 27 NORTHWEST 7TH AVENUE, AND 31 NORTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING / PUBLIC HEARING)*

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 08-20 on Second Reading, a Future Land Use Map amendment to redesignate approximately 0.752 acres of land from Low Density to Commercial Core, for the properties located at 26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No. 08-20 600 Block W Atlantic Ave FLUM](#)

[Ord No. 08-20 PZB Staff Report](#)

[Ord No. 08-20 Location Map](#)

[Ord No. 08-20 FLUM Maps \(Existing & Proposed\)](#)

[Ord No. 08-20 Applicant Justification Statement](#)

[Legal Review Ord 08-20 FLUM Amendment](#)

City Attorney Gelin read Ordinance No. 08-20 and Ordinance No. 09-20 Items 8.A. and 8.B. into the record.

Anthea Gianniotis, Development Services Director, stated that Tara Toto, Delray Beach CRA Redevelopment Manager was present.

Ms. Toto presented the Community Redevelopment Agency's (CRA) plan to redevelop the NW 600 block. She highlighted the vacant lot's current conditions and its potential to become a financial asset to the City.

Ms. Gianniotis informed the Commissioners that there was an adjustment to the regulating plan, limiting the height area on the proposed properties. She requested to have this change documented on the record.

There was a recess from 7:25 p.m. - 7:30 p.m. to allow public comments. When the Commission reconvened, City Clerk Katerri Johnson concluded that there were no public comments submitted.

Commissioner Frankel motioned to approve Ordinance No. 08-20. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

8.B.

ORDINANCE NO. 09-20: 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 REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE PRESENTLY ZONED SINGLE-FAMILY RESIDENTIAL (R-1-A) TO CENTRAL BUSINESS DISTRICT (CBD), WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT; FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6TH AVENUE, 32 NORTHWEST 6TH AVENUE, 34 NORTHWEST 6TH AVENUE, 27 NORTHWEST 7TH AVENUE, AND 31 NORTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY

BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN" AND REGULATING MAP IN SECTION 4.4.13,

LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING / PUBLIC HEARING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 09-20 on Second Reading, to change the zoning designation of approximately 0.752 acres of land from Single-family Residential (R-1-A) to Central Business District (CBD), for the properties located at 26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No. 09-20 NW 600 Block Redevelopment Rezoning](#)

[Ord No. 09-20 Location Map](#)

[Ord No. 09-20 PZB Staff Report](#)

[Ord No. 09-20 Justification Statements](#)

[Ord No. 09-20 Zoning Maps \(Existing & Proposed\)](#)

[Legal Review Ord 09-20 Zoning Classification Amendment](#)

Commissioner Frankel made a motion to approve Ordinance No. 09-20 on Second Reading. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

8.C.

ORDINANCE NO. 33-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER FOUR, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," BY AMENDING SUBSECTION 4.3.3(V), "USES INVOLVING ALCOHOLIC BEVERAGES," AND ADDING SUBSECTION (5), "RESTAURANT-BAR HYBRIDS," TO SPECIFY A PROCESS AND PROVIDE REGULATIONS FOR RESTAURANT-BAR HYBRIDS; AMENDING ARTICLE 4.4., "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT," SUBSECTION 4.4.13(C), "ALLOWABLE USES," TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS"; AMENDING SECTION

4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)," SUBSECTION 4.4.24(D), "CONDITIONAL USES AND STRUCTURES ALLOWED," TO LIST RESTAURANT-BAR HYBRID AS

A CONDITIONAL USE; AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.6, "COMMERCIAL AND INDUSTRIAL USES TO OPERATE WITHIN A BUILDING," TO CLARIFY OUTDOOR DINING AREAS ASSOCIATED WITH A RESTAURANT, AND TO LIST RESTAURANT-BAR HYBRIDS; AMENDING ARTICLE 6.3, "USE AND WORK IN THE PUBLIC RIGHT-OF-WAY," SECTION 6.3.3, "SIDEWALK CAFÉ" TO INCLUDE RESTAURANT-BAR HYBRIDS IN THE LIST OF PLACES WHERE SIDEWALK CAFES MAY BE PERMITTED; AND AMENDING APPENDIX A, "DEFINITIONS," TO AMEND THE DEFINITION OF RESTAURANT AND ADD A DEFINITION FOR RESTAURANT-BAR HYBRID; AND PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING/PUBLIC HEARING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 33-20 on First Reading, privately-initiated amendments to the Land Development Regulations to add "Restaurant-Bar Hybrid" as a new Conditional use within the Central Business District and Old School Square Historic Arts District and establish a process, criteria, and regulations for the establishment of a Restaurant-Bar Hybrid.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 33-20](#)

[Ordinance No. 33-20: CBD Central Core Sub-district Map](#)

[Ordinance No. 33-20: Planning and Zoning Board Staff Report](#)

[Ordinance NO. 33-20: DDA Review Letter](#)

[Ordinance No. 33-20: Legal Review](#)

City Attorney Gelin read Ordinance No. 33-20 into the record. Ms. Gianniotis notified the Commission that the applicant was present.

Mr. Matthew Scott, Attorney Dunay, Miskel, and Backman, 14 SE 4th Street, Boca Raton, gave a presentation on behalf of the (applicant) Tin Roof Acquisition Company. He highlighted the proposed rise to text amendment. Mr. Scott explained that the City's current code requires the number of seats to accommodate the restaurant's maximum occupant load, which is an issue, especially during COVID-19.

They collaborated with the Downtown Development Authority (DDA) and restaurant owners in the community to create a solution. Ordinance No.30-20 would allow restaurant owners to use their establishments as a restaurant-bar hybrid after 10:00 p.m. under certain conditions. Restaurants would also be required to go through an application process.

Anthea Gianniotis, Development Services Director, provided a staff analysis. The ordinance would establish a new conditional use for restaurants in specific zones. City Boards have had mixed feelings on the issue.

- On July 1, 2020, the Historic Preservation Board recommended denying the request by a vote of 7-0.
- On July 13, 2020, the DDA recommended supporting the initiative by a vote of 7-0.
- On July 20, 2020, the Planning and Zoning Board voted 4-0 to approve the recommendation.

There was a recess from 7:58 p.m. - 8:03 p.m. to allow public comments. When the Commission reconvened, City Clerk Katerri Johnson concluded that there were no public comments submitted.

Further discussion ensued between the Commission and Ms. Gianniotis.

The Commission agreed that this was not the right time to make this decision. They decided to revisit the item in 120 days. The item would be classified under the first reading on the agenda.

Vice Mayor Boylston made a motion to deny the request and revisit the issue in 120 days. It was seconded by Deputy Vice Mayor Johnson. The motion carried with the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

8.D.

Attachments: [Agenda Cover Report](#)
[Ordinance 42-20](#)

City Attorney Gelin read Ordinance No. 42-20 into the record. Commissioner Casale requested clarification if the Commissioners can change their minds about the salary increase after the election if they so desire. Mayor Petrolia stated that if the Commissioners have a majority, they can alter the decision.

Vice Mayor Boylston expressed that it is not the right time to discuss salary increases when people have been laid off and furloughed due to the pandemic. He stated for the record that this is a timing issue and hoped that his colleagues would reconsider.

Commissioner Casale requested clarification that there were no salary freezes to the City's employees. Interim City Manager Alvarez confirmed that salaries were not frozen.

Mayor Petrolia stated that although it was not the best timing, the issue was long overdue. Deputy Vice Mayor Johnson believed that leaders should be valued and compensated for their hard work. However, she was not on the Commission because of pay.

City Attorney Gelin reminded the Commission that they needed to open public comments.

There was a recess from 8:21 p.m. - 8:26 p.m. to allow public comments.

City Attorney Gelin notified the Commission that Ms. Yvonne Odom called earlier about several items and would like to have them played back in their entirety.

Yvonne Odom, 3905 Lowson Blvd, Delray Beach, expressed the following concerns:

- Commented that she was in favor of raising Commissioners' salaries.
- Suggested that the Commission conduct a study to ensure essential workers are paid a living wage.
- Recommended the Commission return the CRA to an independent status.
- Expressed her support for the Commission to utilize reserve funds to balance the budget if necessary.
- Stated that she was not in favor of anyone losing their jobs.

City Clerk Katerri Johnson concluded there were no more public comments.

Deputy Vice Mayor Johnson made a motion to raise the salaries of Commissioners. It was seconded by Commissioner Casale. The motion carried by the following vote:

Yes: 3 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, and Commissioner Casale

No: 2 - Commissioner Frankel, and Vice-Mayor Boylston

8.E. *AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 95, "EMERGENCY MANAGEMENT", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 95.99, "PENALTY"; BY RENAMING "PENALTY" TO "ENFORCEMENT" TO PROVIDE ENFORCEMENT PROCEDURES FOR VIOLATIONS OF CHAPTER 95; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.*

Body: **Recommended Action:**

Recommendation: Motion to approve Ordinance 49-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Ord 49-20 amending sec 95.99 enforcement thru civil citation REVISED](#)

City Attorney Gelin read Ordinance No. 40-20 into the record. This Ordinance would permit law enforcement to provide civil citations to those who are not following pandemic procedures.

There was a recess for public comments from 8:33 p.m.- 8:39 p.m. City Clerk Katerri Johnson concluded that there were no public comments submitted.

Deputy Vice Mayor Johnson motioned to approve Ordinance No. 40-20. It was seconded by Commissioner Frankel the motion carried with the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

9. FIRST READINGS:

9.A.

ORDINANCE NO. 23-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER ONE, "GENERAL PROVISIONS", ARTICLE 1.1, "ADOPTION OF CODE," SECTION 1.1.2, "AUTHORITY," AND ARTICLE 1.2, "EFFECT ON EXISTING LAW AND PREVIOUS DEVELOPMENT APPROVALS," SECTION 1.2.2, "PREVIOUS DEVELOPMENT APPLICATION APPROVALS"; CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.1, "THE DEVELOPMENT SERVICES MANAGEMENT GROUP," SECTION 2.1.2, "ADMINISTRATIVE ORGANIZATION AND RESPONSIBILITIES," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.2, "THE PLANNING AND ZONING BOARD," SECTION 2.2.6, "THE HISTORIC

PRESERVATION BOARD", ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS," SECTION 2.4.6, "PROCEDURES FOR OBTAINING PERMITS AND APPROVALS;" CHAPTER 3, "PERFORMANCE STANDARDS," ARTICLE 3.1, "REQUIRED FINDINGS FOR LAND USE AND LAND DEVELOPMENT APPLICATIONS," SECTION 3.1.1, "REQUIRED FINDINGS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.1, "BASIS FOR DETERMINING CONSISTENCY", SECTION 3.2.2, STANDARDS FOR REZONING ACTIONS," SECTION 3.2.3, "STANDARDS FOR SITE PLAN AND/OR PLAT ACTIONS," AND SECTION 3.2.4, "STANDARDS FOR SPECIFIC AREAS OR PURPOSES," CHAPTER 4, "ZONING REGULATIONS," ARTICLE, 4.2, "ANNEXATION AND INITIAL ZONING," SECTION 4.2.1, "AUTHORITY FOR ANNEXATIONS," SECTION 4.2.3, "ZONING," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.1, "AGRICULTURE ZONE DISTRICT (A)", SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS", SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT", SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT", SECTION 4.4.10,

"AUTOMOTIVE COMMERCIAL (AC) DISTRICT", SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT"; SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SECTION 4.4.16, "PROFESSIONAL AND OFFICE DISTRICT (POD), SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT", SECTION 4.4.21, "COMMUNITY FACILITIES (CF) DISTRICT", SECTION 4.4.22, "OPEN SPACE DISTRICT", SECTION 4.4.23 "CONSERVATION DISTRICT", SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT", SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT", SECTION 4.4.27 "OPEN SPACE AND RECREATION (OSR) DISTRICT", ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," SECTION 4.5.6, "THE WEST ATLANTIC AVENUE OVERLAY DISTRICT," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.16, "LANDSCAPE REGULATIONS," SECTION 4.6.20, "TRANSFER OF DEVELOPMENT RIGHTS," CHAPTER 5, "SUBDIVISION REGULATIONS," ARTICLE 5.1, "GENERAL PROVISIONS," SECTION 5.1.5, "COMPLIANCE WITH THE COMPREHENSIVE PLAN," CHAPTER 8, "SPECIAL IMPLEMENTATION PROGRAMS," ARTICLE 8.3, "WEST ATLANTIC AVENUE NEIGHBORHOOD IMPROVEMENT DISTRICT," SECTION 8.3.5, "AUTHORITY TO APPLY FOR AND RECEIVE GRANTS," TO PROVIDE UPDATED REFERENCES TO AND CLARIFICATIONS RESULTING FROM THE ADOPTION OF THE ALWAYS DELRAY COMPREHENSIVE PLAN, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 23-20 on First Reading, City-initiated amendments to the Land Development Regulations to provide updated references to and clarifications resulting from the adoption of the Always Delray Comprehensive Plan adopted by Ordinance No. 19-19 on February 4, 2020.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No 23-20 Always Delray LDR Amendments.docx](#)

[Legal Review Ord 23-20 Amend LDR re Comp Plan.docx](#)

Anthea Gianniotis, Development Services Director, gave a presentation on Ordinance No. 23-20, Always Delray Comprehensive Plan, and highlighted the Land Development Regulation Amendments.

Deputy Vice Mayor Johnson commended everyone who worked on this item.

Deputy Vice Mayor Johnson made a motion to approve Ordinance No. 23-20. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

9.B.

ORDINANCE NO. 31-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION 4.3.4(J), "HEIGHT," TO ADD THE PROPERTIES WITHIN THE AURA DELRAY BEACH SAD TO THE LIST OF PROPERTIES ELIGIBLE FOR AN INCREASED HEIGHT OF 60 FEET; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING", SUBSECTIONS 4.7, "FINDINGS," 4.7.1, "DEFINITIONS," 4.7.2, "APPLICABILITY," AND

4.7.5,

"DENSITY BONUS PROGRAM FOR THE SOUTHWEST 10TH STREET, I-95/CSX RAILROAD CORRIDOR, AND SILVER TERRACE COURTYARDS OVERLAY DISTRICTS," TO ESTABLISH THE AURA DELRAY BEACH OVERLAY DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO

CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 31-20 on First Reading, privately-initiated amendments to the Land Development Regulations (LDR), specifically Section 4.3.4(J)(4), Increases to height regulations, to list the Aura Delray Beach SAD properties as eligible to increase the height up to 60 feet, subject to conditional use approval; and to amend Article 4.7, Family/Workforce Housing, to establish the Aura Delray

Beach

of

Overlay District as a workforce housing overlay and requiring a minimum

25 percent of the units in the development to be provided on-site as workforce housing units.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 31-20](#)
[Ordinance No. 31-20: Request and Justification](#)
[Ordinance No. 31-20: Applicant Analysis](#)
[Ordinance No. 31-20: Planning and Zoning Board Staff Report](#)
[Ordinance No. 31-20: Legal Review](#)

City Attorney Gelin read Ordinance No. 31-20 into the record. Ms. Bonnie Miskel, Attorney, 14 SE 4th Street, Boca Raton, was present.

Ms. Miskel presented the project and explained that the proposed amendment would establish a workforce housing area.

Anthea Gianniotis, Development Services, Director, presented the following ordinances: Ordinance No. 31-20 (Agenda Item No. 9.B.) Aura Delray Beach LDR Amendment Ordinance No. 32-20 (Agenda Item No. 9.C) Aura Delray Beach SAD

Further discussion ensued with the Commission.

Commissioner Frankel made a motion to approve Ordinance No 31-20 on the first reading, seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 3 - Deputy Vice Mayor Ervin Johnson, and Vice Mayor Boylston

No: 2 - Mayor Petrolia, and Commissioner Casale

9.C.

ORDINANCE NO. 32-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 12.20 ACRES IN SIZE PRESENTLY ZONED MIXED INDUSTRIAL AND COMMERCIAL (MIC) TO SPECIAL ACTIVITIES DISTRICT (SAD), FOR THE PROPERTY AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS," SECTION 4.4, "BASE ZONING DISTRICT," SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)," SUBSECTION 4.4.25(H), "S.A.D.S", TO ADD "AURA DELRAY BEACH"; SAID LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF NORTH CONGRESS AVENUE AND WEST ATLANTIC AVENUE, AND CONSISTING OF APPROXIMATELY 12.20 ACRES, 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. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 32-20 on First Reading, a privately-initiated request for the rezoning of 12.20 acres from Mixed Industrial & Commercial (MIC) to Special Activities District (SAD) with an associated Master Development Plan (MDP) to allow a 292-unit multi-family residential development at 24 dwelling units per acre and a 2,000 square foot commercial building identified as the Aura Delray Beach SAD.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 32-20](#)

[Ordinance No. 32-20: Zoning Map \(Existing & Proposed\)](#)

[Ordinance No. 32-20: Master Plan](#)

[Ordinance No. 32-20: Rezoning Statement](#)

[Ordinance No. 32-20: Master Plan Statement](#)

[Ordinance No. 32-20: Planning and Zoning Board Staff Report](#)

[Ordinance No. 32-20: Traffic Study](#)

[Ordinance No. 32-20: Survey](#)

[Ordinance No. 32-20: Table NDC-1, Always Delray Comp. Plan](#)

[Ordinance No. 32-20: Legal Review](#)

City Attorney Gelin read Ordinance No. 32-20 into the record.

Commissioner Frankel made a motion to approve Ordinance 32-20. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 3 - Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, and Vice-Mayor Boylston

No: 2 - Mayor Petrolia, and Commissioner Casale

9.D. ORDINANCE NO. 44-20, TO INDIVIDUALLY DESIGNATE “THE WELLBROCK HOUSE” AT 20 & 22 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 44-20 on First Reading for the Individual Designation of “The Wellbrock House” at 20 & 22 North Swinton Avenue on the Local Register of Historic Places.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 44-20-The WellBrock House](#)

[HPB Staff Report-22 N Swinton Ave](#)

[Designation Report-22 N. Swinton Avenue](#)

[Historic Building Plans-22 N. Swinton Avenue](#)

[Survey-215 NE 7th Avenue-22 N. Swinton Avenue](#)

[Photographs-22 N. Swinton Avenue](#)

[Survey and Draft Site Plan-22 N. Swinton Avenue](#)

[Simple Legal Review Approval Wellbrock House](#)

City Attorney Gelin read Ordinance 44-20 into the record. Anthea Gianniotis, Development Services Director, stated that the Community Redevelopment Agency (CRA) requested this project.

Tara Toto, Redevelopment Manager with the CRA, presented an overview presentation of the project.

Ms. Gianniotis stated that on July 1, 2020, the Historic Preservation Board recommended approval by a unanimous vote of 7-0.

Vice Mayor Boylston made a motion to approve Ordinance 44-20. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 4 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, and Vice-Mayor Boylston

Excused: 1 - Commissioner Casale

Due to technical issues, Commissioner Casale's vote was inaudible.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None:

B. City Attorney

Provided an update that she is working with outside counsel to assist with the panhandling ordinance progression.

C. City Commission

Deputy Vice Mayor Johnson:

- Reported that someone informed her that there are no Ordinances at the South Beach Lot.
- Shared that Congress extended the deadline for the 2020 Census
- Announced that August is Wellness Month.
- Recommended that the Delray Tennis Center should showcase the Delray Beach Tennis Stars.
- Shared that she would like the City to go back to meeting in-person meetings.

Vice Mayor Boylston:

- Shared that former Mayor Jeff Perlman was released from the hospital after his battle COVID-19.
- He Hoped that the CRA Board would welcome the opportunity to acquire Historic Carver high school.

- Met with County Commissioner Mac Bernard and Tax Collector Anne Gannon regarding the project on Congress Avenue.
- Learned about the vast history of Delray Beaches, he would like the Tennis Center to honor Coach William Dennis Murray.
- Favors the Coastal Management Plan.
- Requested an update on the Set Transformation Plan.

Commissioner Frankel:

- Requested consensus to have staff move forward with the Beach
- Property Owners Association's recommendation to trim the Sea Grapes.
- Inquired Interim City Manager Alvarez as to why there is COVID-19
- testing in the parking lot where Greico used to park their cars.

Interim City Manager Alvarez promised to look into the situation. Additionally, she suggested rescheduling the Commission Meeting from Tuesday, November 3 to Thursday, November 5, due to Election Day. Mayor Petrolia was in favor of moving the meeting date.

Vice Mayor Boylston and Deputy Vice Mayor Johnson agreed with Commission Frankel's earlier statement regarding the Sea Grapes.

Commissioner Casale:

- Thanked everyone for getting through the long meeting.
- Apologized to the IT Department due to her home network losing connection.

Mayor Petrolia:

- Asked the Commission if there was still a quarantine protocol for people traveling from New York.
- Requested an update on the Downtown Overlay.
- Shared that Old School Square requested the ability to hold activities on their grounds while following the COVID-19 guidelines.
- Questioned if the City had planned to close the beaches for Labor Day Weekend.

Interim City Manager Alvarez responded that she had not heard of a decision regarding that issue.

With no further business to discuss, the meeting was adjourned at 10:06 p.m.