

City of Delray Beach

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Minutes - Final

Thursday, September 7, 2017

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

1. ROLL CALL

The meeting was called to order at 6:00 p.m. The Mayor then read a message to the public regarding Hurricane Irma.

Present: 5 - Mayor Cary Glickstein, Vice-Mayor James Chard, Deputy Vice Mayor Shirley Ervin Johnson, Commissioner Shelly Petrolia, and Commissioner Mitchell Katz

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

Mr. de Jesus informed the Commission that the applicant requested to postpone item No. 7.A. to be heard at the next available meeting.

Staff also requested that item 7.B. be pulled from the agenda to be brought back at the next available meeting.

Mr. de Jesus asked the Commission to consider postponing item 7.C.

4. PRESENTATIONS:

- 4.A.** [17-573](#) PRESENTATION BY ERICA WHITFIELD, DISTRICT 4 SCHOOL BOARD MEMBER, REGARDING DELRAY BEACH SCHOOLS

Sponsors: City Clerk Department

This item was requested to be postponed until a future date.

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

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

Mr. de Jesus informed the Commission that comments made by Mr. Blum at the last meeting were answered and he is satisfied.

- 5.B.** From the Public

Public comments were opened. None being present, public comment was closed.

6. CONSENT AGENDA: City Manager Recommends Approval

Mr. Lohman asked that item 6.I. be pulled from the agenda. He explained that Assistant City Attorney Lawanda Warren prevailed in her motion for

summary judgement, so the case was resolved in the City's favor.

Commissioner Petrolia requested that item 6.A. be pulled for a brief discussion. It became 7.A.A. on the regular agenda.

Commissioner Petrolia requested that Item 6.G. be pulled for discussion. It became 7.B.B. on the regular agenda.

Commissioner Katz asked that item 8A, 8B, and 8C be moved to a more impromptu time to allow the public the opportunity to come to the meetings based on the Executive Order 17-235.

There was not a consensus of the Commission to postpone Public Hearing Items 8A, 8B and 8C as Commissioner Katz requested. Commissioner Petrolia was in favor of postponing these items. Vice Mayor Chard, Deputy Vice Mayor Johnson and Mayor Glickstein was not in favor of postponing. The vote passed 3-2 to continue hearing those items as scheduled.

Ms. Petrolia made a motion to approve the consent agenda as amended. It was seconded by Deputy Vice Mayor Johnson. The vote carried 5-0.

6.A. [17-698](#) APPROVAL OF MINUTES

Recommendation: Motion to Approve various sets of minutes as listed below.

Sponsors: City Clerk Department

Attachments: [June 21, 2016 Regular Meeting Minutes - Draft](#)
 [July 5, 2016 Regular Meeting Minutes - Draft](#)
 [October 18, 2016 Regular Meeting Minutes - Draft](#)
 [November 9, 2016 Workshop Meeting & Goal Setting Session](#)
 [Minutes - Draft](#)

This item was pulled for discussion. It became 7.A.A. on the regular agenda.

Commissioner Petrolia made a motion of postponement on the meeting minutes until they are corrected. It was seconded by Deputy Vice Mayor Chard. The vote carried 5-0.

6.B. [17-686](#) WALLACE FORD (AUTONATION) FINAL SUBDIVISION PLAT

Recommendation: Motion to Approve the Final Subdivision Plat for **Wallace Ford Replat**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(K) (Minor Subdivisions), Section

3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications), and Section 2.4.5(K)(5) of the Land Development Regulations.

Sponsors: Planning & Zoning Department

Attachments: [Location Map](#)
[Wallace Ford Replat Set](#)
[Autonation Class V Staff Report_201702141150](#)

approved

- 6.C. [17-509](#) APPROVE SERVICE AUTHORIZATION NO. 12-03.3 IN THE AMOUNT OF \$13,443.63 TO CALVIN, GIORDANO AND ASSOCIATIONS, INC. FOR ADDITIONAL SERVICES REQUIRED TO COMPLETE THE NE 3RD STREET STREETScape PROJECT, P/N 11-024.

Recommendation: By motion, approve Service Authorization (SA) No. 12-03.3, as Amendment No. 3, with Calvin, Giordano and Associates, Inc in the amount of \$13,443.63 for additional professional design services related to the NE 3rd Street Streetscape Project, P/N 11-024.

Sponsors: Environmental Services Department

Attachments: [wpbscan@calvin-giordano.com_20170526_083902.pdf](#)
[Letter - Extension request Calvin, Giordano and Associates_11-22-16.pdf](#)

approved

- 6.D. [17-670](#) UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF UTILITY RELOCATIONS RELATED TO FLORIDA DEPARTMENT OF TRANSPORTATION'S I-95 AT STATE ROAD 806 / ATLANTIC AVENUE INTERCHANGE ENHANCEMENT PROJECT (CITY PROJECT NO. 14-075).

Recommendation: Motion to Approve a Utility Work by Highway Contractor Agreement with the Florida Department of Transportation for performing construction services relocating water utilities relating to the Florida Department of Transportation's (FDOT) I-95 at State Road 806 / Atlantic Avenue Interchange enhancements project, FDOT Financial Project ID No. 434722-1-56-02 (City Project No. 2014-075).

Sponsors: Environmental Services Department

Attachments: [Utility Work by Highway Contractor Agreement \(FDOT\)](#)
[Legal Review Checklist FDOT Utility Work Agreement](#)

- 6.E. [17-673](#) APPROVAL OF AMENDMENT 1 TO THE CONTRACT WITH MOWREY ELEVATOR COMPANY OF FLORIDA, INC. AND TO INCREASE APPROVED SPENDING LIMIT WITH MOWREY ELEVATOR COMPANY OF FLORIDA, INC. IN AN AMOUNT NOT-TO-EXCEED \$418,000 FOR FISCAL YEAR 2018

Recommendation: Motion to approve Amendment 1 to the contract with Mowrey Elevator Company of Florida, Inc. (Mowrey) and to increase the spending limit with Mowrey to a not-to-exceed amount of \$418,000 for multiple acquisitions of elevator parts, repairs, and services for the period of October 1, 2017 through December 30, 2018.

Sponsors: Environmental Services Department

Attachments: [12-02-14 Agenda Results Regular Meeting - Mowrey Elevator Agreement with Mowrey Elevator Company of Florida](#)
[2014-35 Amendment No. 1 Mowrey elevator services - City Atty Rev](#)
[Exhibit A Amendment #1 to Elevator Maintenance Services](#)

approved

- 6.F. [17-699](#) RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT & DISPOSAL BOARD ACTION OF 8/3/17 AND APPROVAL OF THEIR 2017/2018 PROPOSED BUDGET

Recommendation: Motion to Ratify actions approved by the South Central Regional Wastewater Treatment and Disposal Board (SCRWTDB) at their Meeting of August 3, 2017.

Sponsors: City Clerk Department

Attachments: [South Central WWT & Disp Board Action & Proposed Budget](#)

approved

- 6.G. [17-671](#) POLICE COMMUNICATIONS AGREEMENT

Recommendation: Motion to Approve the Police Communications Agreement, which will provide police communication services to the Town of Gulf Stream.

Sponsors: Police Department

Attachments: [Legal Review Checklist form v. 3 NEW](#)
[Gulfstream police-fire DB 2017 - city atty rev 8 7 17](#)

This item was pulled for discussion. It became item 7.B.B. on the Regular Agenda.

Chief Goldman gave a brief explanation of the services the City of Delray

Beach Police Department provides to the Gulfstream Police Department.

Commissioner Petrolia made a motion to approve the Police Communication Agreement. It was seconded by Vice Mayor Chard. The vote carried 5-0.

approved

6.H. [17-674](#) GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Recommendation: Motion to Approve application for the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$32,603.

Sponsors: Police Department

Attachments: [JAG 2017 PROJECT ABSTRACT](#)
[JAG 2017 PROGRAM NARRATIVE](#)
[JAG 2017 BUDGET DETAIL WORKSHEET AND BUDGET NARRATIVE](#)
[JAG 2017 REVIEW NARRATIVE](#)
[JAG 2017 APPLICANT DISCLOSURE](#)

approved

6.I. [17-725](#) SETTLEMENT OFFER IN THE CASE OF GERALD NAICO V. CITY OF DELRAY BEACH

Recommendation: Motion to deny settlement in the case of Gerald Naico v. City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Item 6.I. was requested to be removed from the Agenda.

Mr. Lohman explained that Assistant City Attorney Lawanda Warren prevailed in her motion for summary judgement, so the case was resolved in the City's favor.

6.J. PROCLAMATIONS:

6.J.1. None

6.K. [17-691](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JULY 31, 2017 THROUGH AUGUST 11, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[Ocean City Lofts](#)
[The Elk's Lodge](#)
[The Grove Side Bar](#)

approved

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. None

7. REGULAR AGENDA:

Commissioner Petrolia made a motion to approve the Regular Agenda. It was seconded by Vice Mayor Chard. The vote passed 5-0.

- 7.A. [17-664](#) A WAIVER REQUEST TO LDR SECTION 4.3.4(K) DEVELOPMENT STANDARD MATRIX TO REDUCE THE SIDE INTERIOR FOR THE THIRD FLOOR FROM 30' TO 20' IN THE RM (MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT FOR 917 BUCIDA ROAD. (QUASI-JUDICIAL HEARING)

Recommended Action:

Recommendation: Motion to Approve the waiver request to LDR Section 4.3.4(K) Development Standard Matrix to reduce the third floor side interior setback from 30' to 20' in the RM (Multiple Family Residential) zoning district for 917 Bucida Road.

Sponsors: Planning & Zoning Department

Attachments: [Justification letter - 917 Bucida Rd](#)
[Site plan - 917 Bucida Rd](#)
[Third Floor - 917 Bucida Rd](#)
[917 Bucida Rd](#)
[917 Bucida Rd Board Order](#)

The applicant requested this item to be postponed to the next available meeting.

- 7.B. [17-676](#) A WAIVER REQUEST TO LDR SECTION 4.6.7(H)(10)(a)(3), TEMPORARY NON-COMMERCIAL SIGNS, TO ALLOW SIGNAGE TO BE PLACED ON THE SCREENING FENCE ON THE NORTHWEST

CORNER OF ATLANTIC AVENUE AND NW 8TH AVENUE, AT 805 W. ATLANTIC AVENUE. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the waiver request to LDR Section 4.6.7(H)(10)(a)(3), Temporary Non-Commercial Signs, to allow signage to be placed on the screening fence on the corner of Atlantic and NW 8th Avenue, at 805 W. Atlantic Avenue.

Sponsors: Planning & Zoning Department

Attachments: [Waiver Justification Statement](#)
[The Set - Proposed Signs at 805 W. Atlantic](#)
[The Set Signage Presentation - 805 W. Atlantic](#)
[805 W. Atlantic Ave Board Order \(The Set Sign Waiver\)](#)

This item was post poned to be presented again at the next available meeting.

7.C. [17-723](#) PARKING MANAGEMENT PRESENTATION ON EXPECTED RETURN ON INVESTMENT AS REQUESTED BY COMMISSION DURING AUGUST 15, 2017 MEETING.

Recommendation: Receive information provided by staff concerning the details and expected Return on Investment resulting from the parking plan receiving consensus of the Commission during the August 15, 2017 City of Delray Beach (City) City Commission meeting.

Sponsors: Environmental Services Department

Attachments: [Commission 8-15 ROI.pdf](#)
[Beach-Barrier Island ROI.pdf](#)

This item was post poned.

7.D. [17-694](#) 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 an unexpired term ending July 14, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Delray Beach Housing Authority Board Member List](#)
[Delray Beach Housing Authority Board Attendance List](#)

Deputy Vice Mayor Johnson deferred her nomination.

7.E. [17-695](#) RATIFICATIONS OF APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

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

Sponsors: City Clerk Department

Commissioner Katz made a motion to ratify the nominations of appointment to the Parking Advisory Board. It was seconded by Commissioner Petrolia. The vote carried 5-0.

7.F. [17-745](#) REQUEST BY DELRAY BEACH COMMUNITY LAND TRUST (DBCLT) REGARDING 133 SW 12TH AVENUE

Recommendation: Discuss the request made by the Delray Beach Community Land Trust (DBCLT).

Sponsors: Planning & Zoning Department

Attachments: [133 SW 12th Avenue - DBCLT Request - Memo 09.05.17](#)
 [Contract for Sale and Purchase for 133 SW 12th Ave](#)
 [ILA with the CRA for 133 SW 12th Avenue](#)
 [RECORDED - Resolution-ILA-Purchase Agreement - City-CRA -10-24-11](#)

Ms. Dobson, Executive Director for the Delray Beach Land Trust gave a brief explanation on this item. Further discussion ensued.

Commissioner Katz made a motion to approve the request. It was seconded by Vice Mayor Chard. The motion carried 5-0.
approved

8. PUBLIC HEARINGS:

8.A. [17-681](#) RESOLUTION NO. 57-17: TENTATIVE MILLAGE LEVY

Recommendation: Motion to Approve Resolution No. 57-17 Tentative Millage Levy for FY 2018.

Sponsors: Finance Department

Attachments: [Res 57-17 Tentative Millage Levy FY 2018](#)

A motion was made by Commissioner Petrolia to come back to this item as well as 8.B. and 8.C. since they were advertised to be heard at a time certain of 7:00 p.m. It was seconded by Vice Mayor Chard.

The vote carried 4-1 with Commissioner Katz dissenting.

At 7:00 p.m., this item was heard.

Mr. Lohman read the title into the record making clear what the tentative

millage levy was set at.

Laura Thezine, Acting Finance Director gave a brief budget presentation.

Public comment was open. None was present, therefore, public comment was closed.

Commissioner Petrolia made a motion to approve Resolution No. 57-17 on first reading. It was seconded by Vice Mayor Chard. The motion carried 5-0.

approved

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

8.B. [17-682](#) RESOLUTION NO. 58-17 TENTATIVE MILLAGE LEVY/DDA

Recommendation: Motion to Approve Resolution No. 58-17 Tentative DDA Millage Rate for FY 2018.

Sponsors: Finance Department

Attachments: [Res 58-17 Tentative Tax Levy DDA FY 2018](#)
[DDA 2017 18 Approved Budget for City Commission 9.7.17 \(002\)](#)
[Topline FY 17-18 Initiative Memo](#)
[Delray Beach DDA FY17-18 Millage Approval Memo 9.7.17](#)
[Prioritizing Initiatives DDA V2 SUMMARY 170602 \(3\)](#)

The title of this resolution was read into record by Mr. Lohman.

A motion to approve the Tentative Millage Levy DDA on first reading was made by Vice Mayor Chard. It was seconded by Commissioner Petrolia. The motion carried 5-0.

approved

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

8.C. [17-683](#) RESOLUTION NO. 59-17 TENTATIVE BUDGET ADOPTION FOR FY 2018

Recommendation: Motion to Approve Resolution No. 59-17 Tentative Budget Adoption for FY 2018.

Sponsors: Finance Department

Attachments: [Resolution No 59-17](#)

Mr. Lohman read the title into the record. A motion was made by Commissioner Katz to approve the Tentative Budget Adoption for FY 2018 on first reading. It was seconded by Commissioner Petrolia. The motion carried 5-0.

approved

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

8.D. [17-714](#) RESOLUTION NO. 66-17, CONTRACT FOR SALE AND PURCHASE BETWEEN MICHAEL MELE AND THE CITY

Recommendation: Motion to Approve Resolution No. 66-17.

Sponsors: City Attorney Department

Attachments: [Resolution 66-17](#)
[Property Appraiser's Map](#)

Paul Smithkin, Broker gave a brief explanation of the subject property. Public hearing was opened. With onclosed. Deputy Vice Mayor Chard had questions regarding the properties zoning and Right-of-Way. Commissioner Petrolia had concerns about access issues. Deputy Vice Mayor Johnson asked if there were additional expenditures that may come about. It was explained that once the property is sold, it is not the city's responsibility.

A motion was made by Vice Mayor Chard to approve Resolution No. 66-17. It was seconded by Deputy Vice Mayor Johnson. The vote carried 5-0.

approved

8.E. [17-713](#) RESOLUTION NO. 67-17, CONTRACT FOR SALE AND PURCHASE BETWEEN 1107 SW 7th LAND TRUST AND THE CITY

Recommendation: Motion to Approve Resolution No. 67-17.

Sponsors: City Attorney Department

Attachments: [Resolution 67-17](#)
[Property Appraiser Map](#)

Mr. Zack Rosetti gave a brief explanation of the subject property. Public hearing was closed.

A motion was made by Commissioner Petrolia to approve Resolution No. 67-17. It was seconded by Vice Mayor Chard. The vote carried 5-0.

approved

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

8.F. [17-622](#)

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

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

Sponsors: Planning and Zoning Board

Attachments: [Ord 24-17](#)

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

Comments were made by Commissioner Katz regarding installation of a carport. Further discussion ensued.

A motion was made by Commissioner Katz to approve Ordinance No. 34-17. It was seconded by Commissioner Petrolia. The vote carried 5-0.
approved

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

8.G. [17-696](#)

ORDINANCE NO. 34-17: AMENDING THE LAND DEVELOPMENT REGULATIONS AT SECTION 4.3.3, SUBSECTION (G), PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER - DISPENSING FACILITIES IN ALL ZONING DISTRICTS IN THE CITY OF DELRAY

BEACH; AND AMENDING APPENDIX A "DEFINITIONS" TO PROVIDE DEFINITIONS FOR "MARIJUANA" AND "MEDICAL MARIJUANA TREATMENT CENTER - DISPENSING FACILITY". (FIRST READING/FIRST PUBLIC HEARING)

Recommendation: Motion to Approve Ordinance No. 34-17 amending Section 4.3.3(G) prohibiting Medical Marijuana Treatment Centers - Dispensing Facilities and Appendix A Definitions, by adopting the findings of fact and law contained in the Staff Report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Sponsors: Planning & Zoning Department

Attachments: [Ordinance 34-17 Medical Marijuana Treatment Center Prohibition 08.18.17 - Revised](#)
[PZB Staff Report - MMTC Prohibition 08.10.17 Final](#)
[SB8-A Medical Marijuana Treatment Centers](#)

Vice Mayor Chard read a few statistics that he researched on how this Resolution would affect Delray Beach citizens. Further statements were made regarding the medical marijuana dispensing ban.

A motion was made by Commissioner Katz to approve Ordinance No. 34-17. It was seconded by Commissioner Petrolia. The vote carried 3-2 with Vice Mayor Chard and Deputy Vice Mayor Johnson dissenting.
approved

Yes: 3 - Mayor Glickstein, Commissioner Petrolia, and Commissioner Katz

No: 2 - Vice-Mayor Chard, and Deputy Vice Mayor Ervin Johnson

8.H. [17-700](#) ADOPTION OF ORDINANCE NO. 31-17 AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS" AMENDING SECTION 32.15, "DEFINITIONS," SECTION 32.17, "GROUNDS FOR REMOVAL"; AND REPEALING SECTION 32.18, "PROCEDURE". (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 31-17 on second reading.

Sponsors: City Attorney Department

Attachments: [Ord 31-17 amending removal of municipal board etc](#)

City Attorney Lohman read the title into record.

Public hearing was opened. There were none present and public hearing was closed.

A motion was made by Commissioner Petrolia to adopt Ordinance No. 31-17. It was seconded by Deputy Vice Mayor Johnson. The vote carried 5-0.
approved

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

9. FIRST READINGS:

- 9.A. [17-692](#) ORDINANCE NO. 22-17: AMENDING CHAPTER 10 OF THE LAND DEVELOPMENT REGULATIONS TO UPDATE THE FLOOD INSURANCE STUDY DATE AND FLOOD INSURANCE RATE MAPS. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 22-17, amending Chapter 10 of the Land Development Regulations, "Flood Damage Control Districts and Coastal Construction" Section 10.1.2, "Applicability"; Paragraph (C), "Basis for Establishing Flood Hazard Areas", to update the Flood Insurance Study Date and Flood Insurance Rate Maps.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance No. 22-17 amending Flood Hazard Areas of the LDRs](#)
[PZ Staff Report Ord 22-17 Flood Hazard Areas](#)

City Attorney Lohman read the title into record. A motion was made by Vice Mayor Chard to approve Ordinance No. 22-17 on first reading. It was seconded by Deputy Vice Mayor Johnson. The vote carried 5-0.
approved

- 9.B. [17-654](#) ORDINANCE NO. 29-17: SANITATION RATES FOR FY2018 (FIRST READING)

Recommendation: Motion to consider an amendment to the City Code of Ordinances, Chapter 51, "GARBAGE AND TRASH", Section 51.70, "REGULAR CHARGES LEVIED", to provide for new residential and commercial collection service rates for fiscal year 2018.

Sponsors: Finance Department

Attachments: [SWS Delray Franchise Agreement FINAL-2-20-15 \(3\)](#)
[Assignment of Exclusive Franchise Agreement 12-14-15](#)
[WM Acknowledgement Letter for Delray Beach 10-01-17 A](#)
[FINAL City of Delray Beach CPI Adj to Waste Collection Eff October 2017](#)
[Ord 29-17 Solid Waste Collection Fees - CityAtty Rev](#)
[Res 65-17 Solid Waste Charges and Fees](#)

City Attorney Lohman read the title into record. A brief discussion ensued. A motion was made by Vice Mayor Chard to approve Ordinance No. 29-17

on first reading. It was seconded by Commissioner Petrolia. The motion carried 5-0.
approved

9.C. [17-690](#)

ORDINANCE NO. 36-17: ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM WITHIN THE CITY OF DELRAY BEACH ON THE SUBMITTAL AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF ANY PERMITS PERTAINING TO COLLOCATION ON EXISTING OR THE CREATION OF NEW UTILITY POLES IN THE RIGHT-OF-WAY TO SUPPORT SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES UNTIL DECEMBER 31, 2017, TO ALLOW AN OPPORTUNITY TO DEVELOP REGULATIONS CONSISTENT WITH CHAPTER 2017-136, REGULATIONS LAWS OF FLORIDA. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 36-17, as presented on first reading.

Attachments: [HB 687 Wireless in ROW](#)

[Ord. 36-17 Wireless Infrastructure Deployment Ordinance.](#)
[MORATORIUM](#)

City Attorney Lohman read the title into record.

A motion was made by Commissioner Petrolia to approve Ordinance No. 36-17 on first reading. It was seconded by Vice Mayor Chard. The motion carried 5-0.
approved

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

A motion was made by Commissioner Katz to cancel the 9/12 Workshop, schedule a budget workshop for 9/19 thereby cancelling the second meeting and moving the second meeting to 9/26 which would be the Second Budget Hearing and the Second Regular Commission Meeting. It was seconded by Commissioner Petrolia. The vote carried 5-0.

Mr. de Jesus gave an update on Hurricane Irma as it presently stood. He urged all residents to take it seriously and seek shelter if need be. He explained that the City of Delray is prepared as a City to the best of its ability. He stated the shelter would be located at Atlantic High School and encouraged everyone to bring what they needed to make themselves comfortable. The timeframe for the storm would be from pre-dawn on Saturday morning until Monday afternoon.

10.B. City Attorney

None

10.C. City Commission

Commissioner Katz asked if someone is parked in garages or surface lots would they be towed.

Mr. de Jesus explained that parking would not be enforced anywhere.

Commissioner Petrolia asked if County garages would be available.

The answer from Mr. de Jesus was that he would try to get an answer from the County.

Commissioner Katz asked about the construction sites to see if they would be secured.

Mr. de Jesus explained that the Inspectors and Code Enforcement Officers had gone out for the last few days visiting the construction sites asking the contractors to secure their sites.

Further discussion ensued.

Deputy Vice Mayor Johnson thanked all the residents who has worked with the City. She wished everyone a safe endurance through the storm. She commented that a new City Hall is proposed.

Commissioner Petrolia extended a thank you to citizens of Delray that they follow the curfews and mandates that have been put in place for their safety.

Commissioner Petrolia commented about the inconvenience Mr. Don Hinly experienced while using the City's parking meter.

She mentioned a complaint received by Mr. Brecker about permitting related to renovations.

Vice Mayor Chard commented about a meeting that he sat in with Planning, Building and Community Improvement that they are repeatedly going to the sites and giving clear direction on what to do to prepare for the storm. As the storm gets closer, we have to get the word out to the community.

Mayor Glickstein echoed his colleagues comments and encouraged everyone to sign-up for Code Red. He wanted to give everyone a comfort level that City staff is doing everything possible to make sure Delray Beach is taken care of.

With no further business to discuss, the meeting stood adjourned at 9:56 p.m.