

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000 - Fax: (561) 243-3774

www.mydelraybeach.com



Minutes - Final

Tuesday, February 6, 2018

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

1. ROLL CALL

Mayor Glickstein called to order the Regular Commission Meeting at 6:00 p.m. Those in attendance were:

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

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG**3. AGENDA APPROVAL****4. PRESENTATIONS:**

4.A. [18-043](#) RESOLUTION NO. 03-18 RECOGNIZING JAMES W. WINTEMUTE FOR 30 YEARS OF SERVICE

Recommendation: Motion to Approve Resolution No. 03-18 honoring James W. Wintemute for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Cover Memo - James W. Wintemute Resolution](#)
[James Wintemute 30 year resolution](#)

Mayor Glickstein read the proclamation honoring James W. Wintemute with thirty years of service to the city.

Chief Goldman commended Mr. Wintemute on his years of dedicated service to the City.

Sharon Liebowitz, Human Resource Director, presented Mr. Wintemute with a plaque on behalf of the Mayor and City Commissioners.
approved

4.B. [18-045](#) PRESENTING CURTIS DUNCAN, BUILDING MAINTENANCE WORKER II, WITH EMPLOYEE OF THE MONTH FOR FEBRUARY 2018.

Recommendation: Motion to approve Curtis Duncan as Employee of the Month for February 2018.

Sponsors: Human Resources Department

Attachments: [Cover Memo- Employee of the Month Curtis Duncan](#)
[Curtis Duncan Nomination form](#)

Sharon Liebowitz, Human Resource Director, presented Curtis Duncan, Building Maintenance Worker II, with "The Employee of the Month Award" for February and eight hours paid time off.

Mr. Frantz, Deputy Director of Public Works commended Mr. Duncan on his can do attitude. He stated that Curtis goes above and beyond his duties and is well liked by his fellow employees and the community.

approved

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

Mayor Glickstein reported to the public that the Commission will not be voting on Brightline this evening, they will be getting a construction update only. The Commission will be discussing the Brightline train at a later date.

Mark Lauzier, City Manager, gave an update on the safety measures that are being installed and have been funded by the Metropolitan Planning Organization and the Transportation Planning Agency. The Executive Director, Nick Uhren, is present for any questions.

Mr. Lauzier reported that the pedestrian gates and the Americans With Disabilities Act improvements at eight of the eleven crossings are being installed. He reported that additional safety precautions will be installed on the exit gates. He also reported on an application that will be submitted for Quiet Zones, however, it is not ready for implementation until all safety grade improvements are completed.

The Commissioners had several questions regarding the safety features of the Brightline train. Mr. Uhren answered the questions, he stated that all pedestrian gates are fully operational at this time. He said that there would be funding available if the city wanted to install fencing along the railroad tracks.

Mr. Lauzier, City Manager, reported on the Drum Circle permit, the group meets twice per month at Veterans Park. The City has received sixteen complaints and ten of the complaints involved the Drum Circle, officers were called out, either the crowd was being dispersed or the noise levels were fine.

Ms. Fisher from the Recreation Department gave her report on noise complaints.

The Commissioners were in favor of the Drum Circle using Old School Square as opposed to Veterans Park.

5.B. From the Public

Pauline Moody expressed concerns about train related safety.

Marjorie Waldo reported on upcoming events coordinated by the Arts Garage.

Edward Mars of 309 S.W. 9th Street requested assistance with traffic safety due to people speeding down his street. He suggested installing another speed bump or lowering the speed limit. Mayor Glickstein requested that the City Manager investigate the situation.

Kimmy Mills gave an update on recent programs held by the KOP Mentoring Networks.

Therese Tavano of the Pines of Delray North, N.W. 13th Street off of Congress Avenue requested a entry sign be erected welcoming people into Delray Beach. She also requested street lights be installed after several fatal motor vehicle accidents happened on the corner of Lake Ida and Congress Avenue.

Nick Uhren, Executive Director of the Palm Beach Transportation Agency presented to the Mayor and Commission the "Complete Streets Community Champion Award". He stated that one of the projects they had been recognized for was the Federal Highway corridor which now provides bicycling and pedestrian safety. He reported that Delray Beach has over forty million dollars of discretionary grant funding available.

Bruce Bastian thanked Vice Mayor Chard for all his help in getting grants.

Ann Walton of 5814 Doris Court and a member of the Pompey Park Senior Club thanked the Mayor and Commission for their support.

Commissioner Katz thanked Dr. Frank for all his help on the grant writing process as well.

Richard Taft of 1100 Mahogany Way complained of loud noises on

weekends, east of Congress and north of Lowson.

Allan Schlossberg is concerned with Brightline and the toxic freight trains sharing the same tracks.

Carol Anderson of 1441 East Bexley Park Drive is concerned with the dangerous intersection of Swinton Avenue and Atlantic Avenue.

Laura Simon of the Downtown Development Agency gave a recap of Fashion Week. She reported that the Visitors Bureau is now open after a year of remodeling. The Downtown Development Agency donated \$63,000 to the Achievement Center and \$7,500 went to the Arts Garage.

Jule Gulardi, owner and designer of Roxy Lu Lu in town and Amanda Perna owner and designer of House Of Perna were involved in Fashion Week. She thanked everyone, especially the Downtown Development Agency.

Sophia Trionfo of 207 S.W. 1st Avenue stated that the intersections of Swinton and Atlantic are very dangerous. She suggested not allowing a right hand turn on a red light which can may make the crosswalks safer for pedestrians.

Angie Gray of 219 S.W. 9th Street was concerned with the safety of S.W. 10th Street and the need for sidewalks there. She stated that a former Commissioner donated money for certain items for Pompey Park but they were never received. She thanked Commissioner Petrolia for bringing the children back to Pompey Park.

Erwin Nes of 561 N.W. 48th Avenue thanked Michael Coleman for his help with the problems at Rainberry Woods.

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

6. CONSENT AGENDA: City Manager Recommends Approval

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

- 6.A.** [18-061](#) ADDENDUM TO AGREEMENT WITH MT CAUSLEY, INC. TO INCREASE SPENDING LIMIT AND EXECUTE THE FIRST OF TWO ONE-YEAR EXTENSIONS TO EXTEND THE CONTRACT UNTIL AUGUST 17, 2019

Recommendation: Motion to authorize the Mayor to execute the addendum.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Memo](#)
 [Addendum signed by MT Causley](#)
 [Signed Agreement - With M.T. Causley Inc.](#)
 [Legal Review Checklist Amd No. 1 MT Causley Inc](#)

approved

- 6.B.** [18-008](#) CONTRACT RENEWAL WITH DB ECOLOGICAL SERVICES, INC. FOR MARINE TURTLE MONITORING SERVICES DURING THE 2018 SEA TURTLE NESTING SEASON

Recommendation: Motion to renew the marine turtle monitoring services contract with DB Ecological Services, Inc. in the amount of \$40,081 for the Marine Turtle Monitoring Services during the 2018 sea turtle nesting season; Project No. 2017-081.

Sponsors: Public Works Department

Attachments: [Agenda Cover Memo](#)
 [Sea Turtle Monitoring Contact](#)
 [Amendment 1_ 2017 season](#)
 [Amendment 2 - 2018 Season CAO rev](#)
 [Legal Review Checklist Amd No 2 with DB ecological for sea turtles.pdf](#)

approved

- 6.C.** [18-054](#) SERVICE AUTHORIZATION NO. 12-26.1 TO MATHEWS CONSULTING INC. DBA BAXTER AND WOODMAN COMPANY IN THE AMOUNT NOT-TO-EXCEED \$32,844 FOR PROFESSIONAL ENGINEERING CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES RELATED TO THE MASTER LIFT STATION NO.1 REHABILITATION (PROJECT NO. 16-030).

Recommendation: Motion to Approve Service Authorization No. 12-26.1 with Mathews Consulting, Inc. in the amount not-to-exceed \$32,844 for construction administration and inspection services related to the reconstruction of the Master Lift Station No.1 project (Project No. 16-030).

Sponsors: Utilities Department and Public Works Department - Programs & Project Management

Indexes: Capital Improvement Projects - City Wide

Attachments: [Cover Memo](#)

[SA 12-26.1 Delray MLS#1 12-19-17](#)

[SA 12-26 Master Lift Station No.1 Executed 12.22.2016](#)

[Mathews Engr Executed Agmt](#)

[Amendment No. 4 to General Consulting Services Agreement - Baxter
& Wood...](#)

[Letter - Extension request Mathews Consulting, 11-22-16](#)

approved

- 6.D. [18-062](#) ACCEPTANCE OF A HOLD HARMLESS AGREEMENT WITH EDWARDS ATLANTIC AVENUE, LLC FOR ATLANTIC CROSSING FOR WORK PERFORMED WITHIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY.

Recommendation: Motion to consider acceptance of a Hold Harmless Agreement for work performed by Atlantic Crossing in Florida Department of Transportation (FDOT) right-of-way.

Sponsors: Public Works Department

Attachments: [Agenda Cover Memo](#)

[Hold Harmless agt](#)

[FDOT Utility Permit Application](#)

[Location Map](#)

[1629-07 Elec Panel Relocation 1-17-18](#)

[Legal Review Checklist Hold harmless in state ROW Edwards Atlantic Ave](#)

approved

- 6.E. [18-022](#) CHENEY BROTHERS: FOOD PRODUCTS FOR RE-SALE AT THE DELRAY BEACH GOLF CLUB

Recommendation: Motion to approve a cumulative spending total in an amount not to exceed \$110,000.00 to Cheney Brothers for food products for re-sale at the Delray Beach Golf Club.

Sponsors: Parks & Recreation Department

Attachments: [Agenda COver - Cheney \(2\)](#)

[Cheney 5 Year spending history.pdf](#)

approved

- 6.F.** [18-059](#) RESOLUTION NO. 07-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING RESOLUTION NO. 50-12 AND APPROVING THE ATTACHED UPDATED RULES AND REGULATIONS FOR THE DELRAY BEACH MEMORIAL GARDENS MUNICIPAL CEMETERY.

Recommendation: Motion to approve Resolution No. 07-18 and the attached updated Rules and Regulations for the Delray Beach Memorial Gardens Municipal Cemetery.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Memo rev 02-06-18](#)
[Res 07-18 Adopting Updated Cemetery Rules Regulations and Fees](#)
[Administrative Policies & Procedures - Cemetery](#)
[Cemetery Rules and Regulations 2017-Draft lg rev](#)

approved

- 6.G.** [18-047](#) APPROVAL OF AMENDMENT NO. 2 WITH HART HALSEY LLC FOR ADMINISTRATION OF OFF DUTY POLICE DETAILS

Recommendation: Motion to approve Amendment No. 2 with Hart Halsey LLC to add a third rate type to the existing Agreement for administration of off duty police details. Existing Agreement runs from November 3, 2017 through November 2, 2018.

Sponsors: Police Department

Attachments: [Agenda Cover Memo](#)
[Form 6 Schedule of Pricing 1-2018](#)
[DRB Hart Halsey agreement](#)
[Legal Review Checklist Amendment 2 1-17-2018](#)
[Hart Halsey Original Agreement](#)

approved

- 6.H.** [18-055](#) SETTLEMENT IN THE CASE OF CURTIS JONES, III V. CITY OF DELRAY BEACH

Recommendation: Motion to settle the case of Curtis Jones, III v. and 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 2-06-18 Legal](#)

approved

6.I. PROCLAMATIONS:

6.I.1. None

6.J. AWARD OF BIDS AND CONTRACTS:

6.J.1. None

7. REGULAR AGENDA:

- 7.A. [17-633](#) 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](#)
[Resolution No 09-18 Block 69 Abandonment](#)
[Midtown Delray \(fka Swinton Commons\) block 69 Planning and Zoning Board Staff Report](#)
[BLOCK 69 APPLICATION AND ATTACHMENTS](#)
[BLOCK 69 SURVEY](#)

Katerri Johnson, City Clerk, swore in the applicants.

Planning Director Tim Stillings made staff's presentation. Bonnie Miskel,

the applicant's representative, said that her client had met with hundreds of people throughout the process. Ms. Miskel requested that the item be postponed to the March 6th City Commission meeting, to give staff time to review the applicant's plans. Mayor Glickstein asked for a more detailed explanation of the waivers. Ms. Miskel reviewed the five proposed waivers.

Mayor Glickstein inquired whether the applicant had a slide reflecting the various waivers. Neil Schiller reviewed the proposed waivers in detail. Commissioner Petrolia said that the changes had not been considered by the Historic Preservation Board. Mr. Lohman noted that the final decision would rest with the City Commission. Mr. Stillings said that staff would like more than a week to review the applicant's materials. Commissioner Petrolia said it was not right to postpone this item again. Commissioner Petrolia said that she favored moving ahead with this matter this evening. Mayor Glickstein said he believed that the City Commission would be voting to postpone to the March 6th City Commission meeting.

Mayor Glickstein entertained a motion to continue this item to a time certain on March 6, 2018.

Deputy Vice Mayor Johnson made a motion to continue this item. It was seconded by Commissioner Chard. 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.

continued

7.B. [17-638](#)

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

continued

- 7.C. [18-080](#) WAIVER REQUESTS TO LDR SECTION 4.4.24(F)(4) TO ALLOW BUILDING WIDTHS OF 164', 156' 4", 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) AND A WAIVER TO LDR SECTION 4.6.4(A)(1)(a)(ii) TO REDUCE THE REAR SETBACK FOR THE PORTION OF BUILDING #1 GREATER THAN THREE STORIES FROM 30' TO 19' . (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver to LDR Section 4.4.24(F)(4) to allow building widths of 164', 156' 4", 71' 4", and 81' 4", where a maximum width of 60' is permitted in the Old School Square Historic Arts District (OSSHAD), for three buildings associated with the Midtown Delray project, based on a positive finding with respect to LDR Section 2.4.7(B)(5).

Motion to approve the waiver to LDR Section 4.6.4(A)(1)(a)(ii) to reduce the rear setback for portion of Building #1 greater than three stories from 30' to 19' 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](#)
[Waiver Board Order](#)

continued

- 7.D. [17-632](#) CONDITIONAL USE REQUEST FOR 39 RESIDENTIAL-TYPE INN UNITS IN THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT FOR 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 39 units with one additional unit at the Sundy House, 24 new units on Block 61, and 14 new units on Block 70 for Swinton Commons 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 \(Dec 2017\)](#)
[City Commission conditional use board order - Midtown](#)

continued

- 7.E. [18-068](#) 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 Sundry 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 Sundry 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](#)

[cc order on appeal of HPB approval](#)

continued

- 7.F. [18-067](#) 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 site plan be revised to correctly note the required parking of

379 parking spaces prior to certification of the site plan.

3. That the waivers regarding building length and setback 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).

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](#)

[CC Board Order on appeal of HPB denial Midtown Delray](#)

[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](#)

continued

- 7.G. [18-038](#) LEASE AWARD TO ENTERPRISE FLEET MANAGEMENT, INC. FOR VOLUNTEER PROGRAM VEHICLES IN THE AMOUNT NOT TO EXCEED \$120,000

Recommendation: Motion to approve lease award to Enterprise Fleet Management, Inc. for Volunteer Program vehicles in the amount not to exceed \$120,000 for twelve (12) vehicles over the thirty-six (36) month lease term.
Motion to allow the City Manager to execute all necessary documents related to the lease award.

Sponsors: Police Department

Attachments: [Agenda Cover Memo](#)
[ITB 2018-019 Lease Agreement; PD Volunteers Final](#)
[City of Delray Beach RFP - Enterprise Fleet Management final](#)
[Cover letter and attachments - Enterprise Fleet Management](#)
[ITB 2018-019 Tabulation Sheet](#)
[2018-019 - Client Reference Check Summary](#)
[Legal Review Checklist LW \(3\) Volunteer vehicles bid 1-16-2018](#)
[2018-019 Vehicle Lease Police Department Volunteers 1-16-2018](#)
[Partially executed agreement between City and Enterprise Fleet](#)

Christina Maricic, Administrative Officer for the Police Department explained Item 7.G., the lease award to Enterprise Fleet Management, Inc.

Commissioner Katz made a motion to approve Item 7.G. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.
approved

- 7.H. [18-075](#) NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board for an unexpired term ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Memo](#)
[Exhibit A](#)
[Site Plan Review and Appearance Board Member List](#)
[Site Plan Review and Appearance Board Attendance List](#)

Commissioner Katz made a motion to nominate Annie Atkins-Roof to

serve on the Site Plan Review and Appearance Board. Commissioner Petrolia seconded the motion. A Roll Call vote was taken and all were in favor. The motion carried 5-0.
approved

8. PUBLIC HEARINGS:

- 8.A. [18-036](#) ORDINANCE NO. 01-18: 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 4.6.9 "OFF-STREET PARKING REGULATIONS", SUBSECTION 4.6.9(C)(2) "REQUIREMENTS FOR RESIDENTIAL USES", TO PERMIT ONE PARKING SPACE TO BE LOCATED IN EITHER THE FRONT SETBACK AREA OR SIDE STREET SETBACK AREA FOR LOTS LESS THAN 60 FEET WIDE AND DO NOT HAVE ALLEY ACCESS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to approve Ordinance No. 01-18 amending Land Development Regulations Section 4.6.9(c)(2), as presented.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Memo](#)
[PZB Report--ORD 40-17 Parking Setbacks Final](#)
[Ordinance No 01-18 Parking Setbacks REVISED 1.23.2018](#)

Tim Stillings, Planning Director, made staff's presentation and responded to questions by the Mayor and City Commission regarding the proposed ordinance.

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

9. FIRST READINGS:

- 9.A. [18-072](#)

Recommendation: Motion to approve Ordinance 03-18 amending Chapter 37 to conform to the requirements of Chapter 162, Fla. Stat. and allowing the City Manager to appoint a Code Enforcement Board attorney.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Memo](#)
[Ord 03-18 Revising Chapter 37 Code Enforcement.docx](#)
[Ord. 03-18 Exhibit A.docx](#)

Mr. Lohman made a brief presentation regarding the recommendation for hiring of legal staff for the Code Board and City Code staff.

Vice Mayor Chard made a motion to approve Ordinance No. 03-18 on first reading. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.
approved on first reading

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

No comments.

10.B. City Attorney

No comments.

City Attorney

10.C. City Commission

Commissioner Katz noted that he visited the opening of the Ben Carson Reading Room at Banyon Creek Elementary School. He noted that Ms. Carson had been on hand for the ribbon cutting.

Deputy Vice Mayor Johnson noted that one of the honorees at a recent recognition ceremony had thirty-five years of service as a city employee.

Commissioner Petrolia thank Mayor Glickstein for providing the City Commission with a number of articles about opioid addiction.

Vice Mayor Chard noted the reasonably high importance of lighting and signs for Old School Square. He noted that both the City Manager and City Attorney were working on these matters.

Vice Mayor Chard thanked Mr. Lohman office for serving as legal counsel for the Code Board. He also noted the importance of staying on top of receiveable management, through Lanier and the applicable collections agency.

Mayor Glickstein said he had spoken to biologist Rob Baron about weed beds at the entrances to the beach.

He stated that the solution to the problem was to plant sod. Mayor Glickstein provided a detailed overview of his recent visit to Cleveland to confer with legal, corporate, and other interested parties about potential remedies to address the major opioid and heroin addiction problems.

There being no further business to discuss, Mayor Glickstein adjourned the meeting at 8:57 p.m.