

# City of Delray Beach

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[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Minutes - Final

Tuesday, February 2, 2021

4:00 PM

Regular Meeting at 4:00 PM

Virtual Meeting - [https://youtu.be/\\_VXpM0AgtC0](https://youtu.be/_VXpM0AgtC0)

## 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 City Commission Meeting was called to order at 4:00 p.m.

The roll call was taken by Katerri Johnson, City Clerk, and 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 were:

Jennifer Alvarez, Interim City Manager  
Lynn Gelin, City Attorney  
Katerri Johnson, City Clerk

Commissioner Frankel made a motion to approve the agenda. It was seconded by Commissioner Casale. 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. PRESENTING DITMAR INGRAM, DIGITAL/SOCIAL MEDIA COORDINATOR, WITH EMPLOYEE OF THE MONTH FOR DECEMBER 2020.

**Body:** **Recommended Action:**

**Recommendation:** Motion to present Ditmar Ingram, Digital/Social Media Coordinator with Employee of the Month for December 2020.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Ditmar Ingram Nomination Form](#)

LeShay Ferguson, Human Resources Generalist, recognized Ditmar Ingram, Digital/Social Media Coordinator, as Employee of the Month for December 2020.

Gina Carter, Public Information Officer, commended Mr. Ingram for his tremendous work ethic and for all the videos he created for the City.  
Mr. Ingram accepted his award and received eight hours off with pay.

**4.B. PRESENTATION BY MS. ERICA WHITFIELD, PALM BEACH COUNTY SCHOOL BOARD MEMBER, TO DISCUSS THE STATE OF EDUCATION IN THE FOURTH DISTRICT.**

**Body: Recommended Action:**

**Recommendation:** Presentation only.

**Sponsors:** City Clerk Department

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

Erica Whitfield, Palm Beach County School Board Member, gave a presentation to the Commissioners about how the students in the City are adapting due to COVID-19 with digital technology. Due to referendum dollars the School District was able to provide a chrome book for every student. She reported the struggles students are facing and complimented the city on their hunger and homeless programs.

The Commissioners and School Board Member Whitfield engaged in a discussion about the School District's efforts to help and reconnect with students who have fallen behind. The Commission commended the School Board for their efforts and offered their full support.

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

Mike Vancek, Owner of Surf District Surf Shop, 2020 NE 1st St, #900, Delray Beach, voiced his concern about an agenda proposal which would give out citations for retailers who keep up signs. He requested the Commission to reconsider and to let businesses continue to keep their signage.

Ned Wehler, representing the Beach Property Owners Association, residing at 1010 Ingraham Avenue, commented on agenda item 9.A. He complimented the Development Services Staff and recommended the Commission approve the ordinance on first reading because it addresses regulations for rooftop usage and height limitations.

Brian Rosen, owner of Oceanside Gardens Bar, residing at 106 NE 15th Street, Delray Beach, expressed his gratitude to the City of Delray Beach for permitting his business to keep outdoor space open until 9:00 p.m. He asked for a 15-week extension on the outdoor space with extended hours so his business can recover lost revenue and help transition his bar into a restaurant.

Daniel Zerneck, residing at 1301 SW 10th Avenue, Delray Beach, asked the Commission to address the conditions of the municipal golf course.

David Hopple DIP Supply LLC, residing at 1700 SW 57th Avenue, Miami, informed the Commissioners that his company did contract work for Ric Man Construction. Ric Man Construction company owes DIP Supply LLC \$38,561. Baxter Goodman advised Mr. Hopple to file a lawsuit. He asked the City of Delray Beach for assistance with getting the construction company to pay DIP Supply LLC.

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

None

B. From the Public

## 6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Frankel made a motion to approve the consent agenda. 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.A. CITY COMMISSION MEETING MINUTES

**Body: Recommended Action:**

**Recommendation:** Motion to approve meeting minutes as listed below:

July 12, 2016, Regular Meeting Minutes  
October 4, 2016, Regular Meeting Minutes

December 8, 2020, Regular Meeting Minutes  
January 5, 2021, Regular Meeting Minutes  
January 12, 2021 Workshop Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[July 12, 2016, Regular Meeting Minutes - DRAFT](#)  
[October 4, 2016, Regular Meeting Minutes - DRAFT](#)  
[December 8, 2020 Regular Commission Meeting Minutes - Draft](#)  
[January 5, 2021 Regular Meeting Minutes - DRAFT](#)  
[January 12, 2021 Workshop Meeting Minutes - DRAFT](#)

**6.B.** APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH INCIDENT RESPONSE TECHNOLOGIES, INC. FOR RHODIUM INCIDENT MANAGEMENT SYSTEM SERVICES, UTILIZING NORTH TEXAS SHARE PROGRAM CONTRACT #NCT 2017-36 - \$23,124

**Body: Recommended Action:**

**Recommendation:** Motion to approve Amendment No. 1 to the Agreement with Incident Response Technologies, Inc. for Rhodium incident management system services utilizing North Texas SHARE Program contract #NCT 2017-36 and authorize the City Manager to approve renewal options, in the amounts below, contingent on the appropriation of funds.

**Sponsors:** Police Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist IRT Rhodium Amend 1 lw](#)  
[Incident Response Agreement](#)  
[Delray Beach PD \(3yr\) 186 Motorola Radio GPS interface with North Texas Agreement Pricing V4](#)

**6.C.** ITEM(S) A1, A2 AND A3- ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION FOR 218 NW 9th St.; ACCEPTANCE OF TWO RIGHT-OF-WAY DEDICATIONS FOR 200 NE 7TH AVE.

**Body: Recommended Action:**

**Recommendation:** Consideration of the following items:

**RIGHT-OF-WAY DEED(S)**

**Items A**

**Item A1** - Motion to approve and accept a Right-of-Way dedication by the owner(s) of 218 NW 9th St. to the City of Delray Beach.

**Item A2** - Motion to approve and accept a Right-of-Way dedication by the owners of 200 NE 7th Ave. to the City of Delray Beach.

**Item A3** - Motion to approve and accept a Right-of-Way dedication by the owners of 200 NE 7th Ave. to the City of Delray Beach

**RIGHT OF WAY DEDICATION(S)**

**Item A1**

Consider acceptance of a Right-of-Way Dedication located at 218 NW 9th St.

The owner(s), Christopher J. Brown, submitted building permit #20-191250 on 8/10/20 for the subject property. The property is at the intersection of NW 9th Street and NW 3rd Avenue. In accordance with LDR 6.1.2 (C)(2) (e), there must be a 25' radius at the intersection of two road right-of-ways. There is currently only a 20' radius. As a result, a 25' radius Right-of-Way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

**Item A2**

Consider acceptance of a Right-of-Way Dedication located at 200 NE 7th Ave.

The owner(s), JD Realty Holdings, LLC, submitted building permits #18-179506, 18-179508 and 18-179510 for the subject property. The adjacent roadway has an ultimate right-of-way width of 50 feet. In accordance with LDR 5.3.1 (D), 5' would be required from this property. As a result, a 5' Right-of-Way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for these items.

**Item A3**

Consider acceptance of a Right-of-Way Dedication located at 200 NE 7th Ave.

The owner(s), JD Realty Holdings, LLC, submitted building permits #18-179506, 18-179508 and 18-179510 for the subject property. The adjacent alleyway has an ultimate right-of-way width of 20 feet. In accordance with LDR 5.3.1 (D), 2' would be required from this property. As a result, a 2' Right-of-Way dedication was requested to satisfy the requirement.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

NA

**Timing of Request:**

The timing of these requests is of high importance in order to process the project Certificates of Occupancy when completed.

**Sponsors:** Public Works Department

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

[Item \(1\) Legal Review ROW Deed for 218 NW 9th St](#)

[Item \(1a\) ROW - 218 NW 9th St](#)

[Item \(1b\) Exhibit A -Sketch - 218 NW 9th St.](#)

[Item \(A2\) ROW - 200 NE 7th Ave.](#)

[Item \(A3\) ROW - 200 NE 7th Ave.](#)

**6.D.**

APPROVE AMENDMENT 1 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FOR FISCAL YEAR 2019/20

**Body: Recommended Action:**

**Recommendation:** Approve Amendment 1 to the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2019/20 Capital Projects as described in Exhibit A of the attached agreement for Fiscal Year 2019/20. This amendment adjusts the ILA to reflect actual funding requirements for projects that were initiated or completed during FY19/20.

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

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

[CRA ILA year end 2020](#)

[Legal Review Checklist Amd #1 to ILA with CRA for Contruction Professional Services Funding](#)

**6.E. PROCLAMATIONS:**

**6.E.1.**

OBSERVANCE OF PRESIDENTS' DAY - FEBRUARY 15, 2021

**Body: Recommended Action:**

**Recommendation:** Motion to proclaim February 15, 2021 as President's Day in the City of Delray Beach.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[President's Day Proclamation - 2021](#)

**6.E.2.** 211 AWARENESS WEEK - FEBRUARY 17 - 21, 2021

**Body:** **Background:**

211 Palm Beach/Treasure Coast is a multi-program agency serving residents of Palm Beach County and the Treasure Coast. Throughout its history, it has been the agency's philosophy to seek a broad base of funding and to expand only into areas that are viewed as compatible with the overall mission of the organization.

Formerly known as Crisis Line Information & Referral Services and then as The Center for Information & Crisis Services, the agency was started in Palm Beach County by a noted area psychologist in 1971. Originally a drug hotline, the agency quickly expanded into crisis counseling and suicide prevention. In 1981, the agency was funded by the United Way to provide information and referral services to the residents of Palm Beach County. In 1988, the agency added its Elder Crisis Outreach and Teen Hotline components. In 1989, the agency was designated in the Palm Beach County Comprehensive Plan as the central access point into the county's human service system. In 1994, the agency also became the county's Elder Helpline, a contract which was extended until 2009.

In July 2000, the Federal Communications Commission designated the three digit number, 2-1-1, nationally to serve as the abbreviated dialing code for access to community information and referral services. Effective February 11, 2002, the Center for Information & Crisis Services implemented 2-1-1 service for Palm Beach County and by January 1, 2003 the residents of Indian River, Martin, Okeechobee and St. Lucie counties could also dial 2-1-1 and receive information, referral, telephone counseling and crisis intervention services.

**City Attorney Review:**

N/A

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A



**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[2-1-1AwarenessWeek 2021-DelrayBeach](#)

**6.E.3. BLACK HISTORY MONTH PROCLAMATION**

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve the proclamation declaring February as Black History Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Black History Month Proclamation 2019](#)

**6.F. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

6.F.1. None

**6.G. AWARD OF BIDS AND CONTRACTS:**

**6.G.1. APPROVAL OF RESOLUTION NO. 23-21 TO AWARD AGREEMENTS WITH ABSOLUTE CIVIL ENGINEERING SOLUTIONS, LLC, C.A.P. GOVERNMENT, INC., GFA INTERNATIONAL, M.T. CAUSLEY, LLC FOR INSPECTION PLAN REVIEW AND DEVELOPMENT REVIEW SERVICES FOR THE DEVELOPMENT SERVICES DEPARTMENT (ITB 2020-029) - \$250,000**

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve Resolution No. 23-21 to award Agreements with Absolute Civil Engineering Solutions, LLC., C.A.P. Government, Inc., GFA International and M.T. Causley LLC for Inspection Plan Review and Development Services for the Development Services Department (ITB 2020-029) - \$250,000 for the Agreement term and authorize the City Manager to exercise any and all renewal options in the amounts below, contingent upon appropriation of funds.

**Sponsors:** Development Services Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Absolute Civil Engineering](#)  
[Legal Review Checklist CAP Government Inc.](#)  
[Legal Review Checklist GFA International](#)  
[Legal Review Checklist M.T. Causley](#)  
[Resolution No. 23-21 Inspection Plan Review and Development Review Services - Final](#)  
[ITB 2020-029 Inspection Plan Review and Development Review Services - Absolute Civil Engineering Solutions LLC vendor execute](#)  
[ITB 2020-029 Inspection Plan Review and Development Review Services - C.A.P. Government Inc \(Rev. KWB 1.12\) vendor executed](#)  
[ITB 2020-029 Inspection Plan Review and Development Review Services - GFA International Inc \(rev. KWB 1.12\) vendor executed](#)  
[ITB 2020-029 Inspection Plan Review and Development Review Services - M.T. Causley LLC \(rev. KWB 1.12\) vendor executed](#)

**6.G.2.** APPROVAL OF RESOLUTION NO. 27-21 TO APPROVE AN AGREEMENT WITH THE TRANSIT GROUP, INC. D/B/A ECOLOGICAL ASSOCIATES, INC. FOR MARINE TURTLE CONSERVATION PROGRAM SERVICES PURSUANT TO RFP NO. 2021-003 IN THE TOTAL ESTIMATED FIVE-YEAR AMOUNT OF \$479,635

**Body:** **Recommended Action:**

**Recommendation:** Motion to Approve Resolution No. 27-21 to award an Agreement with The Transit Group, Inc. d/b/a Ecological Associates, Inc. (ECI) for Marine Turtle Conservation Program Services pursuant to RFP No. 2021-003, in the initial one-year amount of \$95,927 budgeted in Fiscal Year 2021, and the total estimated five-year amount of \$479,635.

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Agreement RFP 2021-003\\_EAI Signed](#)  
[Exhibit A - 2021 Delray Beach Sea Turtle Monitoring Cost Proposal\\_EAI](#)  
[Exhibit B - EAI Fee Schedule 2020](#)  
[Resolution No. 27-21 Marine Turtle - EAI](#)  
[Legal Review Checklist Marine Turtle \(1\)](#)  
[2021-003\\_Sea Turtle Services\\_EAI Response\\_11.20.2020](#)

**6.G.3.** APPROVAL OF RESOLUTION NO. 31-21 TO APPROVE AN AGREEMENT WITH CONSTRUCT CO, INC. FOR ATLANTIC DUNES PARK SEAWALL REPLACEMENT PURSUANT TO ITBC NO. 2021-004 (PROJECT NO. 17-096) - \$747,843

**Body:** **Recommended Action:**

**Recommendation:** Motion to Approve Resolution No. 31-21 to award an Agreement with Construct Co, Inc. for Atlantic Dunes Park Seawall Replacement pursuant

to ITBC No. 2021-004 (Project No. 17-096) - \$747,843

**Sponsors:** Public Works Department and Purchasing Department

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

[Resolution 31-21](#)

[Legal Review Checklist Atlantic Dunes Seawall Construction Co](#)

[RFA - ITBC 2021-004 Atlantic Dunes Park Seawall Replacement](#)

[Atlantic Dunes Seawall Agreement SIGNED](#)

[Construct Co Submittal](#)

[bid ITBC\\_NO. 2021-004 - ATLANTIC DUNES PARK SEAWALL\\_R  
EPLACEMENT Line Item Tab Report](#)

## 7. REGULAR AGENDA:

**7.A.** RESOLUTION NO. 37-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(4)(f) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A PLANTER WALL FIVE-FEET SIX-INCHES IN HEIGHT TO BE ERECTED IN REQUIRED SETBACKS FOR THE PROPERTY LOCATED AT 1114 VISTA DEL MAR DRIVE NORTH, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 38-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(4)(I) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING STEPS AND A PLATFORM FOR THE PRINCIPAL BUILDING FIVE-FEET SIX-INCHES IN HEIGHT TO BE ERECTED IN REQUIRED SETBACKS FOR THE EXISTING BUILDING LOCATED AT 1114 VISTA DEL MAR DRIVE NORTH, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

**Body:** **Recommended Action:**

**Recommendation:** Review and consider Resolution No. 37-21 for a waiver to the Land Development Regulations (LDR) Section 4.3.4(H)(4)(f) to allow for the construction of a planter wall five-feet six-inches in height to be erected in the required setbacks for the property located at 1114 North Vista Del Mar Drive.

Review and consider Resolution No. 38-21 for a waiver to the Land Development Regulations (LDR) Section 4.3.4(H)(4)(I) to allow for the construction of steps and a platform for the principal building five-feet six-inches in height to be erected in the required setbacks for the property

located at 1114 North Vista Del Mar Drive.

**Sponsors:** Development Services Department

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

[Resolution 37-21 - Planter Wall](#)

[Resolution 38-21 - Steps and Platform](#)

[Applicant Justification - Planter Wall](#)

[Applicant Justification - Steps and Platform](#)

[1114 Vista Del Mar Dr Waiver Plan](#)

[Legal Review Reso 37-21 Waiver for Planter Wall for 1114 Vista Del Mar North](#)

[Legal Review Reso 38-21 Waiver for Steps and Platform for 1114 Vista Del Mar North](#)

Mayor Petrolia read the Quasi-Judicial rules into the record and asked her colleagues if they had any ex-parte communications. The following was disclosed:

Vice Mayor Boylston: Reported that a resident who is not involved with the project reached out to him.

Deputy Vice Mayor Johnson: None

Commissioner Casale: Spoke with Anthea Gianniotis, Development Services Director, and a resident who is not involved with the proposal about the project.

Commissioner Frankel: None

Mayor Petrolia: None

Katerri Johnson, City Clerk, swore in Gary Eliopoulos and Aleksandra Hayes who provided testimony on this item.

Anthea Gianniotis, Development Services Director, read File No. 2021-041 into the record.

Gary Eliopoulos of GE Architecture, 1045 E. Atlantic Avenue, gave a presentation on behalf of the homeowners Mr. and Mrs. Hutchinson. The proposed project would elevate the historic home, repair its foundation, and protect it from sea level rise.

Ms. Gianniotis presented a staff report to the Commission.

There was a five-minute recess from 5:08 p.m. - 5:13 p.m. to allow public comments. When the Commission reconvened, Katerri Johnson, City

Clerk, reported there were no public comments submitted.

There was no cross-examination or rebuttal pertaining to the presentations.

Commissioner Casale made a motion to approve Resolution No. 37-21. It was seconded by Commissioner Frankel. The motion carried 5-0.

Commissioner Frankel made a motion to approve Resolution No. 38-21. It was seconded by Commissioner Casale. The motion carried 5-0.

## 7.B.

### RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES

**Body: Recommended Action:**

**Recommendation:** Motion to Ratify the 44th and 45th Extensions of the State of Emergency for COVID -19 and Resolution No. 41-21.

**Sponsors:** City Attorney Department

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

[44th extension of State of Emergency - COVID -19](#)

[45th Extension State of Emergency - COVID](#)

[Res. 41-21 - COVID Adopting PBC 2021-001 - Extending Facial Coverings Directives thru Feb 19 2021](#)

Vice Mayor Boylston made a motion to approve the ratification of the 44th and 45th State of Emergency Ratification for Covid-19. It was seconded by Commissioner Casale. 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. None

## 9. FIRST READINGS:

### 9.A.

ORDINANCE NO. 02-21: 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 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," TO ADD SUBSECTION 4.3.3(RR), "ROOFTOP USE," TO PROVIDE REGULATIONS FOR ROOFTOP USES; AMENDING SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION 4.3.4(J), "HEIGHT," TO UPDATE HEIGHT EXCEPTIONS; AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.18, "ARCHITECTURAL ELEVATIONS AND AESTHETICS," SUBSECTION 4.6.18(B), "BUILDING AND STRUCTURE REQUIREMENTS," TO PROVIDE REGULATIONS FOR THE SCREENING OF FLAT ROOFS AND APPURTENANCES; AMENDING APPENDIX A, "DEFINITIONS," TO AMEND THE DEFINITION OF ARCHITECTURAL FEATURES AND PARAPET AND TO ADD A DEFINITION FOR FREE-STANDING FEATURES, HABITABLE STRUCTURE, ROOFTOP APPURTENANCES AND ROOFTOP TERRACE; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

**Body: Recommended Action:**

**Recommendation:** Review and consider Ordinance No. 02-21 (formerly Ordinance No. 54-20) on First Reading, a City-initiated Land Development Regulations (LDR) amendment to update Section 4.3.3 "Special Requirements for Specific Uses" by establishing Subsection (RR) "Rooftop Use", to amend Section 4.3.4(J)(3) "Exceptions to district height limitations", to amend Section 4.6.18(B) "Building and Structure Requirements", and to amend to Appendix A "Definitions" to update the standards associated with appurtenances, establish new requirements for Rooftop uses, and to update and add definitions related to appurtenances and rooftop uses.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 02-21](#)  
[Ordinance No. 02-21 - Planning and Zoning Report](#)  
[Ordinance No. 02-21 - Historic Preservation Report](#)  
[Ordinance No. 02-21 - SPRAB Report](#)  
[Legal Review Ord 02-21 Roof Top Uses and Roof Top Appurtenances](#)

Lynn Gelin, City Attorney, read Ordinance No. 02-21 into the record.

Anthea Gianniotis, Development Services Director, gave a presentation about the rooftop uses proposal and reviewed the proposed adjustments to

the land development regulations. Ms. Gianniotis informed the Commission that the Historic Preservation Board and Planning and Zoning Boards voted unanimously in support of the project in November 2020.

Vice Mayor Boylston made a motion to approve Ordinance No. 02-21 on first reading. 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

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

### A. City Manager

Jennifer Alvarez, Interim City Manager, reported that she sent the Commission a brief update memorandum and suggestions for updating Commission meeting procedures.

### B. City Attorney

Lynn Gelin, City Attorney, explained the procedures for the second panhandling meeting. She provided an update on Board Member training sessions. Ms. Gelin reported that she would send the Commission the proposed local rules next week.

### C. City Commission

Commissioner Frankel commended Lynn Gelin, City Attorney, staff, and outside counsel for their execution of the panhandling meetings.

Deputy Vice Mayor Johnson complimented the Fire Department and Jennifer Alvarez, Interim City Manager, for getting the vaccine out to residents. She also provided a report on the Community Redevelopment Authority's services, efforts, and events. Deputy Vice Mayor Johnson announced a youth book reading on Racial Equity and Racial Discrimination on February 20, from 3:30 - 5:30 p.m. Additionally, she reported on her meeting with the South Central Regional Wastewater Treatment Plant informed the Commissioners of issues.

Vice Mayor Boylston requested a conversation about standalone bars

and providing food vendors' temporary outdoor space.

Commissioner Frankel and Deputy Vice Mayor Johnson were open to discussing the matter and recommended evaluating considerations for standalone bars on a case-by-case basis.

Interim City Manager Alvarez asked if the Commissioners would be willing to change the time of the affordable housing workshop. There was consensus to start the workshop at 2:30 p.m. She also informed the Commission that tent signage would also be discussed next week.

Mayor Petrolia received inquiries about the sidewalks along A1A not being connected and asked staff to investigate the issue. She informed her colleagues about the passing of Mr. Machek and requested a proclamation in his honor. Mayor Petrolia reported that Delores Rangel's item was taken from her office. Additionally, she asked about the status of Doc's All American Restaurant.

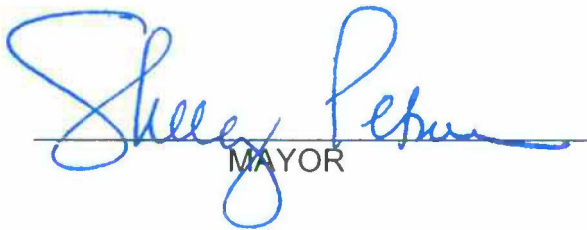
Vice Mayor Boylston and Mayor Petrolia engaged in a conversation about the status of Doc's All American Restaurant.

With no further business to discuss, the meeting was adjourned at 6:03 p.m.



  
\_\_\_\_\_  
City Clerk

ATTEST:

  
\_\_\_\_\_  
MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the February 2, 2021 City Commission Meeting held on February 2, 2021 which minutes were formally approved and adopted by the City Commission on March 2, 2021.

  
\_\_\_\_\_  
City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.