

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

Thursday, September 23, 2021

4:00 PM

2nd Budget Public Hearing/Regular Meeting at 4:00 PM

Delray Beach City Hall

https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live_view=501

City Commission

Mayor Shelly Petrolia

Vice Mayor Shirley Ervin Johnson

Deputy Vice Mayor Adam Frankel

Commissioner Juli Casale

Commissioner Ryan Boylston



City of Delray Beach

Regular Commission Meeting

City Commission

100 NW 1st Avenue -
Delray Beach, Florida
33444
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Thursday, September 23, 2021,

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2nd Budget Public Hearing/Regular Meeting at 4:00 PM

The Regular City Commission Meeting/ 2nd Budget Public Hearing was called to order at 4:00 p.m.

1.ROLL CALL

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

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

Others Present:

Terrence Moore, City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG LED BY THE ATLANTIC COMMUNITY HIGH SCHOOL'S JROTC BRIGADE

2.A. PRESENTATION OF COLORS BY THE ATLANTIC COMMUNITY HIGH SCHOOL'S JROTC BRIGADE

2.AGENDA APPROVAL

Commissioner Boylston made a motion to approve the agenda. It was seconded by Commissioner Casale. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.

A.Additions, Deletions, Substitutions

None.

3.PRESENTATIONS:

4.A. PRESENTING ALFA VERGARA, ADMINISTRATIVE ASSISTANT, WITH EMPLOYEE OF THE MONTH FOR AUGUST 2021

Recommendation: Motion to present Alfa Vergara, Administrative Assistant, with Employee of the Month for August 2021.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Alfa Vergara Nomination Form](#)

Missie Barletto, Director of Public Works, acknowledged Ms. Alfa Vergara for her dedication, organizational skills, and team spirit that she brings to her role. Ms. Barletto expressed how fortunate the city was to have such a hardworking, dedicated, and caring employee. Ms. Vergara said a few words of thanks and gratitude. Ms. La Shay King then presented Ms. Vergara with a plaque and a certificate for eight hours of paid time off. On behalf of the City Commission, Mayor Petrolia thanked Ms. Vergara.

4.B. PRESENTING LOGAN GAYNOR WITH A CITIZEN LIFESAVING AWARD FOR HIS HEROIC ACTION TAKEN IN DELRAY BEACH ON MAY 9, 2021

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

Fire Chief, Keith Tomey, explained how Logan Gaynor, a citizen working at the Seagate Club, selflessly saved a young girl and her mother from drowning while caught in an unguarded private beach. Chief Tomey presented Mr. Gaynor with the Citizens Lifesaving Award. Mayor Petrolia thanked Mr. Gaynor for his heroic deed.

4.C. PRESENTATION REGARDING THE ATLANTIC COMMUNITY HIGH SCHOOL'S JROTC BRIGADE'S EXECUTION OF THE VETERANS & HOMEFRONT VOICES (VHV) PROGRAM IN DELRAY BEACH

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Commissioner presentation deck v2](#)

Cadet Colonel Christell Asse, Atlantic CHS JROTC Brigade Commander, presented the Veterans & Homefront Voices Program to the Commission. She thanked the Commission for their support, especially Mayor Petrolia, Commissioner Casale, and Commissioner Boylston for their time on and off camera. Senior Army Instructor representing Atlantic Community High School

and Lieutenant Collective Retired James Rodriguez discussed the importance of the program and how it connects Veterans to people in their community. Cadet Colonel Asse requested the Commission's call to action by soliciting a donation from the City in the amount of \$3500.

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

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

None.

B. From the Public

Kristy Verzall, residing at 3007 SW 21st Terrance, Delray Beach, provided a handout expressing her concerns that impact the area near her community.

Christina Morrison, residing at 1000 Lowery Street, Delray Beach, expressed her support for the recommendation from the Director of Economic Development, Sara Maxfield, to expedite the permitting process and the need to develop more affordable housing on unused city land.

Don Lindsey, residing at 401 West Atlantic Avenue, spoke about the noise problem over the last seven months from Studio 404. Mayor Petrolia offered that the City Attorney would draft a noise ordinance.

Joey Catalano, residing at 401 West Atlantic Avenue, Delray Beach, spoke about the loud noise coming from Studio 404.

Alan Reigns, Attorney with Wasch Raines LLP, 2500 Military Trail, Boca Raton, advised the Commission that Studio 404 violates Ordinance 99.03, subsection number 3 (loud and unnecessary noise.) Lynn Gelin, City Attorney, commented that she had met with staff and is in the process of addressing the situation by issuing citations.

Andrea Bruton, residing at 703 Place Tavant, Delray Beach, informed the Commission that she would like a seat on the Affordable Housing Board.

Montraie Bennett, residing at 323 NW 2nd Avenue, Delray Beach, commented that the noise is loud at the Tin Roof.

Mayor Petrolia concluded public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Boylston made a motion to approve the consent agenda. It was seconded by Commissioner Casale. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.

APPROVED

6.A. FLORIDA MUNICIPAL INSURANCE TRUST (FMIT) FOR RENEWAL OF PROPERTY INSURANCE POLICY

Recommendation: Staff is requesting approval for renewal of Property, Excess Liability and Excess Workers' Compensation Insurance from the Florida Municipal Trust Fund (FMIT) for \$1,570,664 for the coverage period 10/1/2021 through 9/30/2022.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Res146-21 renewal with FMIT](#)
[Quote Comparison](#)
[Premium Summary](#)
[Market Summary](#)

6.B. RESOLUTION NO. 135-21: SANITATION RATES FY2022

Recommendation: Motion to approve Resolution No. 135-21 to implement a schedule of sanitation rates and fees in accordance with the City Code of Ordinances, Chapter 51, "Garbage and Trash", Section 51.70, "Regular Charges Levied; and to authorize the City of Delray Beach to collect the residential and commercial sanitation rates on the tax roll for Fiscal Year 2022.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[Legal Review Res 135-21 Solid Waste Collection rates and fees for FY21-22](#)
[RES 135-21 Sanitation Rate CPI Resolution](#)

6.C. STATE AND LOCAL TASK FORCE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA)

Recommendation: Motion to approve a State and Local Task Force Agreement with Drug Enforcement Administration (DEA).

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Program Funded State and Local Task Force Agreement New FY 2022 - DELRAY BEACH PD rev 2](#)
[Certification Form -OJP Form 4061-6 rev1](#)
[Legal Review Checklist LW 21 rev final - DEA Agreement 2021](#)

6.D. ITEM(S) A1-HOLD HARMLESS FOR 2095 W ATLANTIC AVE

Recommendation: Consideration of the following items:

HOLD HARMLESS AGREEMENT(S)

Item A1

Motion to approve and accept Hold Harmless Agreement in favor of the City, due to Owner's need to install a tap on existing water main within the State Right-of-Way on Atlantic Ave. As a result, a permit from the Florida

Department of Transportation (FDOT) is required as the city will be maintaining that part of the service within the FDOT right-of-way, FDOT requires that the city sign the permit application.

There is no City cost now or in the future for this item.

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 allow the project to continue construction.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Hold Harmless for State ROW for TRG Delray Beach Congress LLC](#)
[Item \(A1a\) Hold Harmless Agreement - 2095 W Atlantic Ave](#)
[Item \(A1b\) Exhibit A](#)
[Item \(A1c\) Exhibit Utility Permit work in State ROW 2095 W ATLANTIC](#)

6.E. PROCLAMATIONS:

6.E.1. DIAPER NEED AWARENESS WEEK PROCLAMATION - SEPTEMBER 27 - OCTOBER 3, 2021

Recommendation: Motion to declare September 27 - October 3, 2021 as Diaper Need

Awareness Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Diaper Need Awareness Week 2021](#)

6.E.2. PROCLAMATION FOR THE SUPPORT OF TROOPS STILL IN ACTIVE DUTY, VETERANS AND THOSE WHO SERVED AS THE HOMEFRONT FOR TROOPS WHO SERVED IN AFGHANISTAN

Recommendation: Motion to declare October 7, 2021 as Operation Enduring Freedom Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Operation Enduring Freedom](#)

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. 151-21 TO APPROVE AN AGREEMENT WITH BJCE, INC. FOR MANAGEMENT SERVICES FOR THE DELRAY BEACH GOLF CLUB AND LAKEVIEW GOLF CLUB FOR ONE-YEAR IN THE AMOUNT OF \$140,000

Recommendation: Motion to approve Resolution No. 151-21 to approve an Agreement with

BJCE, Inc. in the amount of \$140,000 for golf course management services for the Delray Beach Golf Club and Lakeview Golf Club for a term of one-year effective October 31, 2021.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Res 151-21 BJCE Golf Mgmt - FINAL](#)
[Legal Review Checklist form v. 6 Bid Waiver Golf Agreement](#)
[Executed Agreement BJCE 9.14.21](#)
[Exhibits - Agreement with BJCE](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 137-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, TO ALLOW A COMMERCIAL RECREATIONAL FACILITY AT 29 SE 2ND AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL HEARING)

Recommendation: Review and consider Resolution No. 137-21, to allow a commercial recreational facility at 29 SE 2nd Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 137-21 Conditional Use Throw Social](#)
[PZB Staff Report - Throw Social](#)
[DDA Memo - 29 SE 2nd Ave \(Throw Social\)](#)
[Justification Statement - Throw Social](#)
[Axe Cage Fencing Detail](#)
[Axe Throwing Safety Specs](#)
[Survey - 29 SE 2nd Ave Throw Social](#)
[Site Plan - 29 SE 2nd Ave - Throw Social](#)
[Life Safety Plan -29 SE 2nd Ave - Throw Social](#)
[Plan Area - SE 2nd Ave - Throw Social](#)
[Simple Legal Review Approval Resolution 137-21 - Throw Social](#)

Katerri Johnson, City Clerk, swore in the below individuals who wished to provide testimony on this item:

- Anthea Gianniotis, Development Services Director
- Ginger Flesher, Owner of Throw Social
- Abhi Kanthan, Attorney with Kanthan Design located at 631 Potter Road, Boynton Beach
- Laura Simon, Executive Director of the Downtown Development Authority

Mayor Petrolia asked if any of her colleagues had any ex-parte communications to disclose:

- Vice Mayor Johnson: Any communication would be on the City Server
- Deputy Vice Mayor Frankel: Received an email which is on the City Server
- Commission Boylston: None
- Commissioner Casale: None
- Mayor Petrolia: Any communication is on the City Server

Ms. Gianniotis entered File No. 2021-185 into the record.

Mr. Kanthan provided the Commission with a video of the “Throw Social” experience. He reported he is seeking permission to add “Throw Social” to the back of Il Bacio Restaurant.

Mr. Flesher reported that “Throw Social” is located in other states and follows stringent safety precautions.

Ms. Gianniotis, Director of Development Services, noted that “Throw Social” was consistent with the Comprehensive Plan Policies. She verified that granting conditional use would not affect neighborhood stability or hinder the development of nearby properties. Ms. Gianniotis advised the Commission that the Downtown Development Authority and the Planning and Zoning Board voted to support the Conditional Use for the Commercial Recreational Facility.

Laura Simon, Executive Director of the Downtown Development Authority, recognized that the Downtown Development Authority approved bringing “Throw Social” to Delray Beach.

Mayor Petrolia closed public comments pertaining to this item.

There was no cross- examination or rebuttal from the applicant.

Further discussion ensued by the Commission.

Ms. Gianniotis stated for the record that “Throw Social” was a full-service restaurant and bar and must function as one at all times for zoning purposes.

Commissioner Casale made a motion to approve Resolution No. 137-21 with the provision that children will not be allowed at the facility past 9:00 p.m. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.
NO: 1 Vice Mayor Johnson.

APPROVED

The motion was carried by a 4-1 vote with Vice Mayor Johnson dissenting.

7.B. RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19

ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES

Recommendation: Motion to Ratify the 78th and 79th Extensions of the State of Emergency for

COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[78th Extension of State of Emergency 09-09-21](#)

[79th Extension of State of Emergency 9-15-21](#)

Commissioner Casale made a motion to approve the 78th and 79th Extensions of the State of Emergency. It was seconded by Commissioner Boylston.

The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

7.C. NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Recommendation: Motion to approve the nomination for an appointment for two (2) regular members to serve on the Affordable Housing Advisory Committee for a two (2) year term ending July 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[AHAC Category List 9212021](#)

[Affordable Housing Advisory Committee 2021](#)

[Res 05-12](#)

[Bruton](#)

[Byrns](#)

[Catania](#)

[Levin](#)

[morrison 2](#)

[Redding](#)

[Torres](#)

[Zeller](#)

Vice Mayor Johnson nominated Andrea Bruton to serve on the Affordable Housing Advisory Committee. It was seconded by Deputy Vice Mayor Frankel. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.

APPROVED

Mayor Petrolia nominated Allen Zeller to serve on the Planning and Zoning Board. It was seconded by Commissioner Boylston for discussion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.

APPROVED

7.D. APPROVAL OF 2022 THROUGH 2026 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation: Motion to approve Capital Improvement Program (CIP) Budget for 2022 through 2026.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[FY 22-26 CIP Presentation 9.23.21](#)

Mr. Moore, City Manager, verified that no changes were made to the five-year Capital Improvement Program/Budget (2022-2026) except for what Commission requested at the Workshop Meeting held on Tuesday, August 24, 2021.

Missie Barletto, Director of Public Works, communicated the only change that was made to the CIP budget. She then gave a brief recap of the five-year CIP and acknowledged a minimum increase in the overall budget.

Additionally, Ms. Barletto reported on the additions/changes that the Commission state they would like to see added since the August 24, 2021 Workshop.

The additions were:

- Addition of 115 Tree Fund for Tree Planting - added to the General Fund
- Locker Room Renovation – Delray Beach Tennis Center
- Recording System (Verint) Upgrade – Police Department
- Automated Fingerprint Identification System Upgrade – Police Department
- CRA – Seacrest Sports Fields Sod Replacement
- TPA Barwick Road Pedestrian/ Bike Improvements

Mayor Petrolia brought forward her concerns about safety and having a Sidewalk Fund. Ms. Barletto reported that Mr. Moore, City Manager, and Mr. Lege, Finance Director, had separated the Gas Tax from the Regular General Fund and dedicated it to the Sidewalk Program to address any safety issues.

Commissioner Casale made a motion to approve the Capital Improvement Budget from 2022 through 2026. It was seconded by Commissioner Boylston. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.

APPROVED

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. RESOLUTION NO. 139-21: GENERAL FUND AND DEBT SERVICE MILLAGE

Recommendation: Motion to adopt Resolution No. 139-21 - Certifying to the Property

Appraiser and the Tax Collector of Palm Beach County, the rates of millage to be levied by the City of Delray Beach for the fiscal year beginning October 1, 2021.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 139-21 - Final](#)

[Simple Legal Review Approval 139-21](#)

Ms. Lynn Gelin, City Attorney, read Resolution No. 139-21 into the record.

Mr. John Lege, Finance Director, reported that staff recommended setting the millage rate at 6.6611 mills.

There were no public comments pertaining to this item.

Commissioner Casale made a motion to adopt Resolution No. 139-21 (Setting the millage rate at 6.6611 percent). It was seconded by Commissioner Boylston. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

NO: 1 Deputy Vice Mayor Frankel.

APPROVED

The motion was carried by a 4-1 vote with Deputy Vice Mayor Frankel dissenting.

8.B. RESOLUTION NO. 140-21: DOWNTOWN DEVELOPMENT AUTHORITY MILLAGE

Recommendation: Motion to adopt Resolution No. 140-21 - Certifying to the Property

Appraiser and the Tax Collector of Palm Beach County, the rates of millage to be levied by the Downtown Development Authority for the fiscal year beginning October 1, 2021.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 140-21 - Final](#)

[Simple Legal Review Approval 140-21](#)

Ms. Lynn Gelin, City Attorney, read Resolution No. 140-21 into the record.

Ms. Laura Simon, Executive Director of the Downtown Development Authority was available to answer any questions. Ms. Simon noted that the CRA would be offering grant programs for Art and Activations.

There were no public comments pertaining to this item.

Commissioner Boylston made a motion to adopt the total millage rate of 1.0000 for the DDA. It was seconded by Vice Mayor Johnson. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.

APPROVED

8.C. RESOLUTION NO. 141-21: ADOPTION OF THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1, 2021

Recommendation: Motion to adopt Resolution No. 141-21 - Adopting the budget for the fiscal year beginning on October 1, 2021, and ending on September 30, 2022.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 141-21 -Final](#)
[Simple Legal Review Approval 141-21](#)
[2022 Exhibit A Budget Hearing 09.23.21](#)

Ms. Lynn Gelin, City Attorney, read Resolution No. 141-21 into the record.

Mr. John Lege, Finance Director, remarked that staff recommends approval of Resolution No. 141-21.

Mayor Petrolia opened public comment. No one was present, therefore, public comment was closed.

Commissioner Casale made a motion to adopt Resolution No. 141-21. It was seconded by Commissioner Boylston. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

NO: 1 Deputy Vice Mayor Frankel.

APPROVED

The motion was carried by a 4-1 vote with Deputy Vice Mayor Frankel dissenting.

9. FIRST READINGS:

9.A. ORDINANCE NO. 22-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 100, "NUISANCES," SECTION 100.04, "SEAWALLS," TO

ESTABLISH REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC AND PRIVATE SEAWALLS AND PROVIDE FOR GENERAL PENALTIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Consider Ordinance No. 22-21, a City initiated request to amend Chapter 100, *Nuisances*, Section 100.04, *Seawalls* of the Code of Ordinances procedures for enforcement of seawall maintenance standards and a procedure to remedy a violation.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 22-21-Amendment to the Code of Ordinances](#)

[Ordinance No. 22-21-PZB Staff Report](#)

[City of Delray Beach - Water Level Infrastructure Vulnerability Study](#)

[Ordinance No. 22-21 Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 22-21 into the record.

Deputy Vice Mayor Frankel made a motion to approve Ordinance No. 22-21 on First Reading. It was seconded by Commissioner Boylston. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.

APPROVED

9.B. ORDINANCE NO. 23-21: 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 7, "BUILDING REGULATIONS," ARTICLE 7.1, "BUILDING REGULATIONS," SECTION 7.1.7, "SEAWALLS" AND AMENDING ARTICLE 7.9, "DOCKS, DOLPHINS, FINGER PIERS, AND BOAT LIFTS," SECTION 7.9.5, "STANDARDS FOR APPROVAL," TO ESTABLISH REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC AND PRIVATE SEAWALLS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Consider Ordinance No. 23-21, a City initiated request to amend Section 7.1.7 and Section 7.9.5 of the Land Development Regulations (LDR) to adopt specific regulations for seawall construction and maintenance and related dock elevations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 23-21 Amendment to the Land Development Regulations](#)

[Ordinance No. 23-21-PZB Staff Report](#)

[City of Delray Beach - Water Level Infrastructure Vulnerability Study](#)

[Ordinance No. 23-21 Legal Review](#)

Deputy Vice Mayor Frankel made a motion to approve Ordinance No. 23-21 on First Reading. It was seconded by Commissioner Boylston. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.

APPROVED

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager : None

B. City Attorney:

Ms. Lynn Gelin, City Attorney, stated that she was asking for a consensus for a time change regarding the scheduled Shade Meeting on September 28, 2021, for the city vs. Foster Marine.

Ms. Lynn Gelin offered the following schedule:

- Executive Session to be held at 2:30 p.m. to discuss the Collective Bargaining Agreement with the Service Employees International Union (SEIU).
- Shade Meeting with Foster Marine vs. the City of Delray Beach to be held at 3:00 p.m.

The CRA Meeting would be held at 4:00 p.m.

Deputy Vice Mayor Frankel motioned to approve the updated schedule for September 28, 2021. It was seconded by Commissioner Boylston.

The motion was carried by the following vote:

YES: 5 - Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

C. City Commission:

Deputy Vice Mayor Frankel inquired when the construction on Swinton Avenue improvements would be completed.

Missie Barletto, Director of Public Works, stated that the Swinton Avenue Improvements would be wrapping up the next day. She remarked that construction would then begin at the two intersections between Swinton and Atlantic Avenue. She also advised that each intersections' improvements would require 2 ½ weeks, depending on the weather.

Vice Mayor Johnson expressed her concern that the street closings were not made public enough for the residents. She suggested using the City Commission Meetings to discuss strategies.

Mr. Moore supported using the Commission Meetings as a vehicle to

communicate with the residents what was happening around the city.

Commissioner Casale thanked Mr. Moore, Mr. Lege, and Missie Barletto, and Anthea Gianniotos for their hard work.

Commissioner Boylston thanked the staff for all of their hard work on the budget.

Vice Mayor Johnson discussed inviting Mr. Nick Uhren from the Palm Beach Transportation Planning Authority (TPA) to speak at a Commission Meeting about the city's upcoming projects and its funding.

She announced that in 2024, something would be done on A1A. There was consensus to invite Mr. Nick Uhren to speak at a Commission Meeting about the city's upcoming projects and their funding.

Vice Mayor Johnson reported that she attended the public meeting for the Pompey Park Project. She commended Mr. Metott from Parks and Recreation and informed everyone that they had hired a new architectural firm. Ms. Rene Jadusingh, Executive Director of the CRA, reassured the public that there is secure funding and that the Pompey Park Project would be completed by 2024.

Vice Mayor Johnson further emphasized her gratitude for all of the staff's hard work in preparing the budget.

Mr. Samuel Metott, Director of Parks and Recreation mentioned a website would be dedicated to Pompey Park named, Pompey Park Project.com where residents can submit their thoughts and ideas.

Mayor Petrolia thanked the Finance Department and Mr. Moore for putting together the budget. She mentioned that there was talk and editorials about the golf course. Mr. Moore assured everyone that he would have an update very soon. Mayor Petrolia commented that it had been a pleasure working with Mr. Moore.

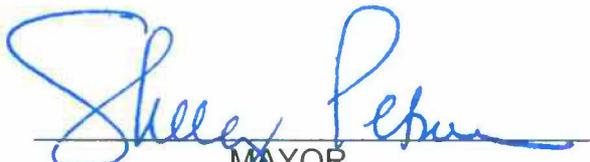
11. ADJOURNMENT

There being no further business to discuss, the 2nd Budget/Regular City Commission Meeting was adjourned at 5:49 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 September 23, 2021 City Commission Regular Meeting held on September 23, 2021, which minutes were formally approved and adopted by the City on January 4, 2022.



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.