

**MINUTES
PLANNING AND ZONING BOARD
CITY OF DELRAY BEACH
REGULAR MEETING**

MEETING DATE: January 25, 2016

MEETING PLACE: City Commission Chambers

MEMBERS PRESENT: Robin Bird, Jay Jacobson, Steve Mackey, Mark Krall, Louis Smith, Joycelyn Patrick.

MEMBERS ABSENT: Joe Pike.

STAFF PRESENT: Tim Stillings, Director of Planning and Zoning, Mark Stivers, Principal Planner, Janice Rustin, Assistant City Attorney and Diane Miller Board Secretary

CALL TO ORDER

The meeting was called to order by Chair Robin Bird at 6:05 P.M.

ROLL CALL

Upon roll call it was determined that a quorum was present. Chair Robin Bird read the Quasi-Judicial Rules for the City of Delray Beach.

MINUTES

Motion to approve the Minutes from December 21, 2015 was made by Mark Krall and seconded by Jay Jacobson. ***ALL IN FAVOR***

APPROVAL OF AGENDA

Item VII.A will not be heard tonight at this meeting.

ALL IN FAVOR

SWEARING IN OF THE PUBLIC

Ms. Miller did not swear in anyone as there was no Quasi-Judicial items.

COMMENTS FROM THE PUBLIC

(Comments on items that are NOT on the Agenda will be taken immediately prior to Public Hearing Items.)

Patricia Wright, 255 NW 14th Avenue

My concern is Regulation #465 regarding the fencing that has been allowed to come into my neighborhood. I was not aware that a 6' fence was allowed in the front of properties. I am looking to see if you can change the ordinance back to 4' in the front of houses. When you put these high fences in front of homes you take away from the beauty of the home and security.

Robin Bird

I agree. Please have staff look at it as crime prevention through Environmental Design and report back to this board.

Bob Kubn – 300 SE 7th Avenue

I am here to talk about a subject that was brought up about a year ago last September. There has been a series of armed assaults and crime in the streets in the Marina District. In order to help the community, we have gotten together and took a walk with Mayor Glickstein and discussed the lighting situation. At that time the presiding City Manager, Terry Stewart, had asked for a CPTED study to determine the lighting on 7th Avenue and some of the street in that area. The test came back and it FAILED. Mr. Stewart also recommended to have a maintenance agreement with FPL and nothing had happened in 10-15 years and still to this day some of those lights are still out. It was also conveyed to us that there is no cost for these lights to be fixed. FPL came back to us and told us that trees needed to be trimmed and we have made an effort to take care of that. Also Chief Goldman has stepped up and increased the police patrol. We also have had residents step up and buy lighting out of their own pocket to help when people are walking at night.

Jay Jacobson

There is the same issue in my neighborhood which is a couple of blocks away from where Mr. Kubn is speaking about. We had FPL come out, and it is an easy fix. All the poles have a tag on them.

Bob Kubn

Does the City hold a maintenance contract for City lighting with FPL?

Jay Jacobson

I do not know

Robin Bird

We will come back to this during the Infrastructure Hearing.

Jeannie DePonte – 24 Marine Way (I own property at 219 3rd Avenue.)

Further comment on the lady that spoke on the fencing. We need to hold to the regulations on fencing as I see numerous fencing that does not have hedging in front of them. The height is fine but I believe the regulation calls for a black fence or green fence and I do not see this.

Robin Bird

I want to talk about fencing on vacant lots.

Jake Kopola – Topic Harbor, 800 Tropic Isle Drive

For a number of years we have made requests in writing regarding the ‘S’ curve on Spanish Trail. We have seven drives going out onto this ‘S’ curve. Very dangerous and there has been no response from the City.

Mark Stivers

This is an infrastructure question and we will address it at that part of the agenda.

PLANNING AND IMPLEMENTATION ITEMS

Annual Infrastructure Hearing

Mark Stivers, Principal Planner

We are working to implement some changes into our capital improvement process. One of the changes is to increase the timing on these meetings. Last year we held this Infrastructure Hearing in March and we were wrapping things up by July and August, and the budget already set by then. So the goal is to take input from the public, City staff and other departments and build our list of projects ahead of the budget process.

John Morgan – Director of Environmental Services

Not too long ago, the City Commission got together for goal setting session and talked about the approach for this year's budget and they were clear with staff that they wanted us to focus on the level of service. Priorities they wanted us to focus on were with Public Works, Parks and Recreation, Public Safety and Planning and Building. And all this is provided that funding is available. A lot of things here in the City are working but are worn out and needs to be replaced. Based on all these priorities, the current financial impact of all the current projects and priorities is \$240,064,500.

Robin Bird

Do these items come back to be on the CIP (*Capital Improvement Plan*) list?

John Morgan

Yes, and we will bring back the plan for you to review. It will be a plan of needs that will go back to the budget office and they will figure out how to fund it.

Joyce Patrick

I understand there was a meeting today with Community Improvement regarding the lighting.

Steve Mackey

In regards to the lighting with FPL, when I have had to call them they have come and fixed the lighting. I am not sure what the problem is in the Marina District.

I am not sure who needs to make the phone call. I also think that you should look into the LED lightning and the savings is substantial.

John Morgan

We are looking at all the models of lighting and how to get it done and what the return on investment will be.

Robin Bird

I have done an entire floor and I have not had to call my public works in a year and a half to replace a light bulb.

PUBLIC COMMENTS

Jake Parola – Spanish Circle

We have formally submitted to the Commission through the engineers the turnover of Spanish Circle. We got a favorable response. We are negotiating right now with a contractor that Mr. Mackey has suggested that will do the lighting.

Allen Zeller – 126 Marina Way

President of the Marina Historic District

This has been an underserved, under invested area for many years. I have a letter with a list of request and I am submitting it in the record. A lot of our area has no lights and some with no sidewalks. Some of the important things at the moment are:

Sewers – cleaning

Seawalls

Marine Way – Rebuild

Street Lighting

Traffic Calming

Sidewalks

Abbey Weiss – 809 NE 1st Street

I have some suggestions and some have a common thread which is lighting and sidewalks.

-NE 1st Street and NE 5th Avenue intersection, no east/west crosswalk.

-Very low east bound visibility from NE 1st Street.

-Tight turning radius westbound NE 1st Avenue onto NE 1st Street

-Poor lighting on east side of NE 5th Street and NE 1st Street

-Mid-block roadway pedestrian traffic on NE 1st & 5th Avenue near Mellow Mushroom

-Swinton across from the Crest Theater.

-Blocking the intersection at Atlantic Avenue and NE 7th Avenue.

Jay Jacobson

I understand the problems and have had numerous meetings with Chief Goldman and he just does not have the manpower to position officers at these locations.

Steve Mackey

I agree that all the intersections need to be looked at. One thing that needs to be done are signs that just say ‘Cross at crosswalks’

Charlie Bonfield – 220 MacFarlane Drive

We are going down Venetian Drive to walk to dinner and there are no street lights and very little sidewalks. Also, people during season are parking on the side of the road. I was informed that there is 8’ clearance where they cannot ticket cars. I am concerned with this code.

Robin Bird

Another idea for the parking on the swale: maybe they could meter the area.

Don Slone – 106 SE 7th Avenue - Local architect

We would like to integrate all the plans in the City and create a phase plan and make it cost effective.

Fran Marincola

I have lived on Andrews Avenue for 25 years and in the last 4 years I have walked my dogs up and down the street with no sidewalks. Mr. Smith of SAFE has proposed sidewalks on the right of way and to have it paid for by the CRA. The bottom line is that the proposal will destroy beautiful trees that have been there for 50 years. We don't want sidewalk, we don't need them.

Jay Jacobson

Sidewalks are always a topic in the public facilities discussions.

Jeannie DePonte – 24 Marine Way (I own property at 219 3rd Avenue.)

I have lived on Marine Way for 28 years and street is falling into the intercostal. It is the most neglected street in the City. Mr. Morgan has been receptive in listening to us, but the people that walk down the street always ask how the City can leave this street to look like this. When are they going to fix this?

John Morgan

This is an interesting property ownership situation. The right of way is owned by the City of Delray Beach. We have had it for many years and it is a Federal Navigation Project that is maintained by the Corp. The Army Corp of Engineers holds an easement for the intercostal waterway over Marine Way and well into the front yards of the residents there. What we are looking at is a project from the north end of Veterans Park to the Marina incorporating Marine Way. We will be repairing the sea walls, replace the docks, midigate for the rising waters.

Jim Smith –SAFE

The good news is that a lot of the requirement is with the FDOT and Palm Beach County. So we are good that this is not all the City's. And all the information that I have given you, is to share this with the county for when they are making their budget. They don't know about all our things and we have to get the information to them.

Hugh McCaffrey – 4190 Palm Forest Drive

One thing is the re-paving of the roads. This is always important. Another problem is Military Trail north of Atlantic near the Post Office. This is one of the worse intersections in Delray Beach.

Mike Owen – 2150 S. Ocean Blvd.

I read in the Coastal Star that an Urban Appalachian Trail that is supposed to come down Federal Highway, cross over George Bush Blvd. and go south to Highland Beach. Has anyone heard of this?

The board replied that they never head of this.

Patricia Wright – 255 NW 14th Avenue

Thank the boards for coming out and cleaning up the trash in our area.

Claire Johnson – 46 Marine Way

I have my dining and living room flooded every time the tide comes in. I never expected the tides that we have today coming in to my home. My concern is when they come in to put a new seawall what is going to happen to our Mange Groves. And also, our docks that we pay taxes on, what we need is the valves that they are talking about to help out this flooding. And finally, we are trying to save our trees. What can we do about this?

Margaret Johnson -46 Marine Way

Just to let you know that my house does flood and comes from below. Hopefully the valves will work.

BOARD COMMENTS

Joyce Patrick

The concern in my neighborhood is the sidewalks and alleyways. For many years we have had overgrown and unimproved alleyways. Some of my neighbors have asked that I address this at this meeting.

Robin Bird

We are not giving direction tonight but allowing the public to speak.

Janice Rustin

One thing to clarify is that we will have all of these items on the Capital Improvement Budget listed and they will come back to this board.

Mark Stivers

Not everything presented tonight will make the Capital Improvement Budget, but we will document everything and we will keep the record open for a couple more weeks to collect it all. What does make the budget will come back to this board for approval.

Louis Smith

In regards to funding projects, sometimes when they get on the list and they sit there on the back burner for a while, what kind of studies are done to make sure that the need is still there. Specific example, in my neighborhood NW 12th Street a drainage study was done several years ago, and the drainage issue is not the issue when the study was done. Any follow up study being done.

Mark Stivers

From my experience, data is only good for so long and yes it might make a long term list but when we do the engineering, we go back and look at the data to make sure that it is accurate.

Jay Jacobson

Just to remember that people have specific issues, and though you feel they are an emergency, the final say is with the City Commission.

Steve Mackey

In regards to the future Capital Improvement, I am happy what you have done and have really gotten your hands around some problems for some of our large projects, where do they fit into the budget?

Mark Stivers

All the major projects go into the list and we break them down by different categories and different strategies, but in reality they all come out of the same budget.

Steve Mackey

I realize that we have to catch up to get back to even again, but not to neglect what we need 10 years down the road. One more thing about the Marina District, it sounds like the group needs to still work with the City to find some immediate fixes.

Mark Krall

I just sense hearing the presentation this time, and hearing for the first time in a long while, that you are taking a different approach in regards to looking at things. You are facing reality that certain things are going to be fixed and rectified and replaced in the next 10 years, and when you are looking at these things now you are going to make it known to the City Commission and try to get it fixed by other creative means.

Mark Stivers

And our new City Manager is cracking the whip a little harder to the departments and telling us to get in front of these things and try to catch up on the entire back log.

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 8:15 P.M.

The undersigned is the Secretary of the Site Plan Review and Appearance Board and the information provided herein is the Minutes of the meeting of said body for **January 25, 2016**, which were formally adopted and approved by the Board on **March 21, 2016**.

Diane Miller

Diane Miller

If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes. They will become so after review and approval, which may involve some changes.

(These notes are an abbreviated version of this meeting. The full audio dialog is available at City Hall for anyone that would like the full recording.)