

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD ON TUESDAY
JANUARY 3, 2017, AT 6:30 P.M. IN COMMISSION CHAMBERS, CITY HALL
100 E. BOYNTON BEACH BOULEVARD, BOYNTON BEACH, FLORIDA**

PRESENT:

Steven B. Grant, Mayor
Mack McCray, Vice Mayor
Joe Casello, Commissioner
Justin Katz, Commissioner
Christina Romelus, Commissioner

Lori LaVerriere, City Manager
James Cherof, City Attorney
Judith A. Pyle, City Clerk

1. OPENINGS

A. Call to Order - Mayor Steven B. Grant

Mayor Grant called the meeting to order at 6:30 p.m.

Invocation

Mayor Grant gave the invocation.

Pledge of Allegiance to the Flag

Vice Mayor McCray led the Pledge of Allegiance to the Flag.

ROLL CALL

Judith Pyle, City Clerk, called the roll. A quorum was present.

Agenda Approval:

1. Additions, Deletions, Corrections

Mayor Grant requested hearing items 11.A. regarding the Community Caring Center, and 13.D. regarding "Conversion Therapy" before Consent Agenda, and hearing Item 13. A. regarding the MU-4 Zoning District after Code Compliance and Legal Settlements.

2. Adoption

Motion

Vice Mayor McCray moved to approve the agenda as amended. The motion was duly seconded and unanimously passed.

2. OTHER

A. Informational items by Members of the City Commission

Commissioner Romelus wished all a Happy New Year. She thanked Bradley Miller for his time during the holiday season reviewing land development items with her. She congratulated Josie's restaurant for placing seventh in the top 20 restaurants in Palm Beach County. She disclosed she had met with representatives of Isram Realty regarding the Riverwalk project.

Commissioner Casello attended a Coalition of West Boynton Residential Associations meeting and a Sober Home Task Force meeting, noting their efforts are starting to come to fruition. He advised there will be more improvements with sober homes in the future. He announced he is up for re-election and his campaign kick-off will be held January 18th at Copper Point from 5:30 to 7:30 p.m. He invited all to attend.

Commissioner Katz wished all a happy holiday and New Year, but had no disclosures.

Vice Mayor McCray wished all a Happy New Year. He requested the City Commission look at the closing of the Wilson Pool in December and January. He received several calls why the pool is closed and residents cannot swim. He thought the issue could be heard at next City Commission meeting, noting students are off from school. He also attended the service for Officer Joe Crowder and requested the Police Chief provide information about the memorial service scheduled for January 5th.

On the 20th Mayor Grant attended Opening Day in Boca Raton with Representative Bill Hager and a lobbying session with Lobbyist Matt Forrest. He attended the Planning and Development Board meeting and had a great New Year's Day as his grandfather celebrated his 90th Birthday and his family was in town. He attended the funeral service for Officer Crowder. The Memorial Service will be held at Christ Fellowship Church at the Boynton Beach Mall at 2 p.m. on January 5th.

3. ANNOUNCEMENTS, COMMUNITY & SPECIAL EVENTS & PRESENTATIONS

- A. Announce Farm Share Free Food Distribution in partnership with State Representative Lori Berman and City of Boynton Beach Commissioner Joe Casello on Saturday, January 28, 2017, from 9 am - 12 pm at St John Missionary Baptist Church.

Commissioner Casello announced on January 28th from 9 a.m. to 1 p.m. a Farm Share Food Giveaway would take place on the vacant lot next to St. John Missionary Baptist Church between NE 7th and 8th Avenues. He had been working with State Representative Lori Berman on the event, which has been held in the past, but need volunteers to distribute the food. He noted the Police and Fire Departments are

participating and Mike Byrd volunteered some of the Wild Cats. Volunteers will set up tents at 7 a.m. and bag foods.

B. Proclaim Monday, January 16th, 2017 as Martin Luther King Jr. Day

Mayor Grant read a proclamation declaring January 16th as Martin Luther King Day. Present to accept the award was Gregory Murphy.

C. Announcement by Gregory Murphy, Chair of MLK Committee, of the Martin Luther King Jr. events to be held in January 2017.

Greg Murphy, Co-chair with Deputy Fire Chief Latosha Clemons for the MLK Committee, explained this weekend the MLK Parade will take place at 2 p.m. from the amphitheater to MLK Jr. Boulevard followed by a Celebration of Unity Festival at 3 p.m. at Sara Sims Park. Bands, vendors, and children's activities will be available. He invited all to support the Celebration Gala at Benevenuto on January 15th. Ticket information was included on the flyer. The Day of Service activity will take place on the 16th and four different homes will be painted and landscaped. January 20th is the Music on the Rocks Celebration at the Amphitheater. He looked forward to all attending.

Vice Mayor McCray requested in regard to the events at Sara Sims, they make sure they have security with the Police Department because events not advertised properly at Sara Sims have resulted in an influx of over 1,500 people and the crowd was unruly. Mr. Murphy explained representatives from the Police and Fire Departments are on the team, and fencing and lighting has already been budgeted and in place for the event.

Mayor Grant noted the CRA was also featuring a movie on Friday at Ocean Avenue Amphitheater

D. Presentation to the Commission from GBDC Entrepreneurship Institute introducing the new Youth Division called Just Think Yes by Annette Gray, President of GBDC Entrepreneurship Institute.

Annette Gray, a former team member in Boynton Beach and a former CRA staff member and business owner, presented her non-profit organization youth division called *Just Think Yes, Hire the Future Today*. The structure is designed to change their mission from entrepreneurial education to enterprise creation with youth. Young people are starting business incubated by the GBDC Incubator located at 3200 S. Congress Avenue, Suite 104 in Boynton Beach. Ms. Gray introduced the first group of youth enterprise students and explained each new group with *Just Think Yes*, which is a subsidiary of GBDC, was its own company they start, manage and run, creating their own jobs and making their own money. She introduced the first youth enterprise.

Five students were present, who were seniors at Atlantic High School and Juniors at Boynton Beach Community High School and they each mentioned their short and long term goals.

Plays on Planners and Sitters, LLC, is a youth enterprise, incubated by the GBDC Entrepreneurial Institute designed to assist families, individuals and event managers with three service sites, the plays on manage event site, event assistance for children's parties, and babysitting at events. The company provides activities for three different age groups which are 3 to 6, 7 to 10, and 11 to 13 years old. Event planning assistance is a service the company provides to assist customers with children's parties, selecting a theme, decorations, activities before, during and after the event. The company also provides babysitting services and specializes in taking care of children ages 3 to 11 for busy families and professionals. The youth participates reminded all not to forget to hire the Future Today as they are available to provide extra hands at one's home, event or party.

Mayor Grant thought it was wonderful. He asked if they have a website and learned it was under construction. Commissioner Casello was proud to serve on the Board of Directors and witness what they do with young future leaders. He commended Ms. Gray. Ms. Gray thanked the City and City Commission for their support. She noted the City Commission will be invited to a Shark Tank investment presentation in a few weeks. Commissioner Romelus gave kudos to the students and Ms. Gray.

4. PUBLIC AUDIENCE INDIVIDUAL SPEAKERS WILL BE LIMITED TO 3 MINUTE PRESENTATIONS (at the discretion of the Chair, this 3 minute allowance may need to be adjusted depending on the level of business coming before the City Commission)

Susan Oyer, 140 SE 27th Way, on behalf of the Arts Commission invited all to the AIPP reception for the Women's Individual Arts Exhibit at the City Library, on Wednesday, January 11th from 5:30 p.m. to 7:00 p.m. The exhibit will be displayed January 5th through May 2nd, and consists of 37 artworks by 20 artists. It will be judged by Jeff Jacobs, an award winning artist and awards will be presented during the reception. Refreshments will be served. For more information visit BoyntonBeachArts.org, the AIPP on Facebook and follow Boynton Arts on twitter.

She wished all a happy holiday and thanked Commissioner Romelus for serving as a judge for the Seacrest Estates Holiday Decorating Contest and she announced the winner. She distributed a handout regarding rooftop gardening to counteract the new structures in the City. She thought it should be mandatory for all buildings over 45 feet to help with carbon emissions.

Mayor Grant had spoken with staff about business exemptions for farms so people can grow crops on their land and sell them without needing a Business Tax Receipt.

Floyd Zonenstein, 2620 NE 1st Court, explained Village Royale on the Green wished the City Commission a Happy and Healthy New Year. On behalf of their residents, he presented two checks for \$1,000 each to the Police Department and the Fire Department as their annual gift to thank them for all they do throughout the year. Police Chief Katz and Fire Chief Joseph were present to accept the donation.

Lashkey Dennis, 121 E. Gateway Boulevard, lives with her mother Colleen Taylor, and explained she went to Planning and Development on November 21st and asked how to get an application to be able to open an adult family care home. She got a one sheet application and was told there was a \$30 application fee. She dropped off the completed application on November 28th, paid the fee and was told staff would follow up with her. On December 2nd, she got a phone call saying the application was approved. She thought it should not take more than a day or two to get a letter, but did not receive it so she returned to Planning and Development and they told her on December 6th, the Board agreed there will be no more applications and a freeze was imposed on approving these homes. She asked that her application be grandfathered in. When she went to Planning and Development on December 8th there was a new form which she never saw before. She was upset because she paid her money for her classes and all that is missing was the form she was not given. She requested she be grandfathered in. The home would service elderly in the home and would sleep at the premises. Mayor Grant explained the moratorium would not allow it.

Attorney Cherof agreed to review the matter with staff in the morning and contact her.

Shirley Cassa, 217 SW 14th Street, distributed photos of the Holiday Inn Express Hotel depicting the view from the condo directly east of the hotel. The hedge was removed and was supposed to be replaced with landscaping. She commented there are dead plants and no grading of the land. She was not sure if the irrigation worked and the foundation by the bowling alley had no grading, a dead plant and a chain link fence. She requested the City Commission not issue a temporary Certificate of Occupancy until the hotel fulfilled their obligations to provide a more pleasant view from Palm Beach Leisureville. Commissioner Casello noted the project is not complete but understood, the wall was supposed to be trees. Ms. Cassa explained a wax myrtle and 319 plants were supposed to be planted on the east side and trees on the west side. There may have been plants on the east side. They are supposed to have three inches of mulch. She contended the developer is not following the rules and he is not a good neighbor.

Andrew Mack, Development Director, agreed the project was still under construction and he would review the matter, but pointed out the developer has to follow the plans before a Certificate of Occupancy can be issued. Commissioner Casello thought there were guidelines and dates for the project to be completed and commented Leisureville deserves better service.

Carmela Ann Powell, 1119 Lake Terrace, explained the photos were of her backyard and she had dirt and garbage all over from the workers during Christmas. One of the photos was a view from her window. With the hedge that was removed, anyone could look into her bedroom window from the parking lot or hotel. She is contemplating planting a tree closer to her house. She cannot open her windows. She requested there be some guidelines. The developer removed a 30-year old hedge and now there are dead hedges. She commented her property values went down again.

Kristine DeHaseth, Executive Director of the Florida Coalition for Preservation, was concerned over a substantial change to Ordinance 16-023. It was explained to Ms. DeHaseth the item is on the agenda and she could make her comments at that time.

Herb Suss, 1711 Woodfern Drive, advised report cards will be available in late January or early February and he wished all a Happy New Year. He complained about the utilities work ongoing on Woolbright and SW 26th and asked when it would be finished. It was months overdue and people were complaining and the traffic is impacted all the way to I-95. He thought it was a disgrace the project is taking so long and the community is up in arms. The wind blows the dirt all over.

He hoped the press would print audience comments as well as Commission comments. He further expressed his disappointment with the national election results and was concerned over the push to dissolve the Federal Ethics Commission.

Vice Chair McCray advised Colin Groff would speak with him regarding the water projects and he had brought the item to the City Commission before and to the City Manager. Citizens were disgusted with the situation and they were waiting for a major accident to take place. Mr. Suss agreed there would be an accident.

Alexandra Wilson, a recent graduate in Construction Engineering and a current project engineer from Miami, had many concerns about the redevelopment of District II. She noted at the last CRA meeting, Vice Mayor McCray indicated those with questions should get in touch with HOB initiative. She asked how to be a part of the committee as she wants to make changes and be a part of the change. Vice Mayor McCray referred her to Mr. Aikens. Vice Mayor McCray advised he had concerns as well.

Irwin Cineus, Palm Beach County resident, congratulated all on the referendum that recently passed and noted the sales tax was for infrastructure. He commented the HOB was looking forward to seeing items be touched up such as Sara Sims. He submitted a public records report and asked if the items listed were items that would be addressed this year.

Lori LaVerriere, City Manager, explained the items were from the Capital Improvements Plan. Vice Mayor McCray explained the items are on the to-do list, but if things do not fall in place, the Commission has discretion. The City would not do

anything at Sara Sims Park as long as there are dirt bikes and four wheelers there with individuals abusing the property. The Commission was open to suggestions how to stop that from occurring. Mayor Grant explained the budget meeting is in July and this year was already planned. Mr. Cineus was excited to be part of what was occurring in the City and the HOB and commented many people would like to be a part of how those decisions were made.

Steve Anton, 234 SE 2nd Avenue, asked if the Boynton Beach Mission Statement was an oxymoron and quoted a Palm Beach Post article indicating the City has an underfunded police and fire department and retirement fund. He contended the City cannot out build the issue because for each dollar it brings in, it cost \$1.25 for new development and the more they develop, the more the costs will rise. He wanted the mission statement to say the City will do the best it could, but it probably would not work as it did not work in Ft. Lauderdale. His friend just got his tax assessment which was higher than last year which he could not afford. He commented the City was in the same situation and it was the City Commission's fault because they were not addressing the matter. New development will require new fire trucks and police cars. He commented the average police car has \$2,000 in equipment and thought the City should make the developers pay for it as opposed to residents. He commented residents had an \$80 fire assessment a year for four years which was not supposed to be permanent and it was renewed four years later and was increased to \$100.

No one else coming forward, Public Audience was closed.

5. ADMINISTRATIVE

A. Appoint eligible members of the community to serve in vacant positions on City advisory boards. The following Regular (Reg) and Alternate (Alt) Student (Stu) and Nonvoting Stu (N/V Stu) openings exist:

Arts Commission: 2 Regs and 2 Alts

Building Board of Adjustments & Appeals: 2 Regs and 2 Alts

Education and Youth Advisory Bd: 1 Stu N/V

Motion

Commissioner Romelus nominated Kathleen Wilkinson, as a Student Non-Voting member of the Education and Youth Advisory Board. Commissioner Casello seconded the motion.

Vote

The motion unanimously passed.

Library Bd: 2 Regs and 2 Alts

Senior Advisory Bd: 3 Regs and 2 Alts

11. A. **PROPOSED RESOLUTION NO. R17-004** - Authorize the City Manager to sign an agreement with Community Caring Center of Greater Boynton Beach, Inc. for leasing of space at the Library to operating a Café. *(Heard out of order)*

Mr. Howard explained he was asked to bring back a draft lease and advised he had negotiated a draft one-year lease agreement. Rent is \$150 a month to cover proportional costs of electric and water. The lease would commence February 1st, is renewable and will be reviewed in a year. He contacted Sherri Johnson last week and some items would be worked out. The hours of operation are 7 a.m. to 3 p.m. but it may change. The City was in the process of preparing the space and maintenance was addressing the coolers and touching up paint. Ms. Johnson was dealing with the Health Department prior to opening. Mayor Grant was looking forward to the café opening as it was almost 18 months since it was last open.

Mr. Howard explained the City previously issued RFQ 034 2610-15, which is still open and requested a motion the RFQ be cancelled.

Motion

Vice Mayor McCray so moved. Commissioner Romelus seconded the motion.

Vote

The motion unanimously passed.

A motion to approve the Resolution was needed.

Motion

Commissioner Casello moved to approve. Vice Mayor McCray seconded the motion.

Vote

The motion unanimously passed.

13. D. Proposed Ordinance 17-003 - FIRST READING - Approve Ordinance prohibiting "Conversion Therapy" *(Heard out of order)*

Attorney Cherof read proposed Ordinance 17-003 by title only on first reading.

Motion

Commissioner Casello moved to approve. Vice Mayor McCray seconded the motion.

Mayor Grant opened public comments.

Dr. Rachel Needle, a licensed psychologist and certified sex therapist, advised she trains individuals around the world in this area, and explained minors can see a therapist, but the therapist cannot suggest they can convert them or change their attraction or sexual orientation. There is no proof it is possible, and claiming to do so causes psychological harm. Conversion therapy is based on false premises which are that being lesbian, gay, bisexual, transgender or queer (LGBTQ) is a mental disorder or defect that must be cured through therapy. She pointed out any technique claiming to cure, suppress or change it is invalid. She had abstracts from 12 articles that showed conversion therapy is ineffective and at worst, extremely harmful on minors. Ethical mental health practitioners should not attempt to cure or repair gender or sexual orientation issues and research found such efforts can lead to devastating mental health issues in a minor. A number of associations issued statements opposed to conversion therapy or reparative therapy including the American Psychiatric Association, American Psychological Association, American Academy of Pediatrics and others. Passage of this Ordinance will send an important message to the LGBTQ youth in the community that there is nothing wrong with their orientation or gender identity. The Ordinance is narrowly tailored to prevent a well-documented risk to minors and to address a threat to the well-being of these youth. Mayor Grant pointed out the Ordinance pertains to licensed professionals, not religious leaders or unlicensed individuals.

Arlene Torgan, 5157 Floria Way, explained she learned her son was gay when he was 34 years old and he had been afraid to tell them. Her granddaughter is a lesbian. Ms. Torgan wears the pin so people know that she is receptive, loving and she cares about them. She requested the City Commission pass the Ordinance as the individuals are normal, healthy and happy living human beings that are no different than anyone else. She noted it was important they learn to respect the rights of others.

Herb Suss supported the prior speaker's comments.

Commissioner Katz, as a City Commissioner, thought there were many reasons to support the Ordinance. It supports LGBTQ rights and it does not restrict parents from talking to their kids about sex or the clergy. Governments have the right to regulate licensed professionals and to protect individuals. He questioned how long it would take to convert someone to be a homosexual and thought it was an absurd idea to believe

one can change someone's orientation by chastising and berating them. He supported the Ordinance.

No one else coming forward, public comments was closed.

City Clerk Pyle called the roll.

Vote

The motion passed 5-0.

B. Commissioner Romelus has requested to attend "My Brother's Keeper Race to Equity Summit" at the Palm Beach County Convention Center , February 8-9, 2017.

Motion

Commissioner Katz moved to approve. Commissioner Casello seconded the motion.

Vote

The motion unanimously passed.

6. CONSENT AGENDA

Matters in this section of the Agenda are proposed and recommended by the City Manager for "Consent Agenda" approval of the action indicated in each item, with all of the accompanying material to become a part of the Public Record and subject to staff comments

A. **PROPOSED RESOLUTION NO. R17-001** - Authorize the City Manager to sign a contract with McTeague Construction Company of Stuart, FL for the Ezell Hester Community Center Improvements as the awarded vendor of Bid #006-2710-17/JMA in the amount of \$48,300 with a 10% contingency of \$4,830 for a total amount of \$53,130.

B. Approve a one-year extension to the Three Year Contract for TPA Services for Workers Compensation claims with Commercial Risk Management, Inc. and Adjuster Services for Property and Casualty claims with Gallagher Bassett Services.

C. **PROPOSED RESOLUTION NO. R17-002** - Approve contracts to the Community Development Block Grant (CDBG) Sub Recipients as adopted in the

One Year Action Plan as approved by City Commission on by July 19th, 2016; Resolution R16-087.

D. Authorize the Finance Department to reduce the Allowance for Uncollectible Accounts and the Accounts Receivable Accounts by \$392,663.41. This amount reflects unpaid ALS Transportation billings that have been in collections for 12 months or longer.

E. Approve release of surety (Letter of Credit #11768) in the amount of \$221,702.25 for the update of a traffic study and future improvements to High Ridge Road in association with the Lake Worth Christian School project.

F. Accept the FY2015/2016 Annual Grants Report

Commissioner Romelus pulled this item and commended Debbie Majors for an outstanding job, and for the USA swimming grant allowing 89 people to be saved from drowning.

G. **PROPOSED RESOLUTION NO. R17-003** - Authorize the City Manager to sign an agreement with Public Consulting Group for assistance with the Florida EMS Certified Public Expenditure Program.

H. Approve the minutes from the Regular City Commission meeting held on December 19, 2016.

Motion

Vice Mayor McCray moved to approve the Consent Agenda. Commissioner Romelus seconded the motion.

Vote

The motion unanimously passed.

7. BIDS AND PURCHASES OVER \$100,000

A. Approve Task Order No. U-1A-09 with Globaltech, Inc. for engineering services to conduct an assessment for replacing the nanofiltration membranes at the West Water Treatment Plant for an amount not to exceed \$120,787.55. This is in accordance with the approval of RFFQ 017-2821-14/DJL, General Consulting Services, Scope C, as approved by the City Commission on July 1, 2014.

Colin Groff, Assistant City Manager, explained the item was a task order for Globaltech to offer the engineering services for the City to design and replace membrane filters at

the West Water Treatment Plant. It is a required part of the plant and they reached the end of their life. He explained it was a budgeted project.

Vice Mayor McCray commented the project was approved July 1, 2014, and is just finishing. Mr. Groff explained the biggest problem was staffing. The City now has a full staff of engineers to move the projects forward.

Mr. Howard explained 2014 was when the City Commission approved the rotating series for the engineering firms for four or five different scopes of work. It allowed the City to use those firms instead of issuing individual RFQs. The year 2014 was the year the Commission approved contracts with those vendors. This task order comes up based on that approval and hourly rates.

Commissioner Katz noted utilities maintenance and construction was problematic, but the department was working at their fastest pace and they found unknown conditions. They were doing a good job and the City has one of the most efficient water programs in the County. Vice Mayor McCray noted there was also 30 days when nothing was done.

Commissioner Casello asked if the contractor was being fined for the work on Woolbright Road. Mr. Groff commented the contractor is 78 days behind the scheduled completion date. They have a contract, but the City is limited to what they can do. They provided a new schedule and indicated they would start paving next week, which he did not think would occur. Mr. Groff will meet with Attorney Cherof to review the City's options. He agreed it was frustrating, but the City was limited because of the way they bid and have to write contracts in Florida. It is difficult to force a contractor to work. The City has had multiple meetings with them expressing dissatisfaction. Staff was doing the best they can and is scheduled to meet with them Wednesday or Thursday. He thought there may be some legal positions the City could take, but the worst thing is to kick them off the project because then the City has to bid the work which would be another 90 days. Staff wants them to finish, but the City got a bad contractor this time.

Commissioner Casello asked about the lifespan of the membrane and learned it is 8 to 10 years. The plant uses strong chemicals that are dangerous to the employees and the City wanted to change the process to eliminate the chemicals and create a better quality of water. This engineering company will handle that and write specifications to replace them.

Motion

Vice Mayor McCray moved to approve the task order. Commissioner Katz seconded the motion.

Vote

The motion unanimously passed.

8. Code Compliance and Legal Settlements - None.

Item 13 A. Mixed Use - 4 (MU-4) Zoning District (CDRV 16-006) - Proposed Ordinance No. 16-023 - Second Reading - Approve amendments to the Land Development Regulations, Chapters 1, 3 and 4 to begin implementing the Community Redevelopment Plan with the establishment of the new MU-4 Zoning District including amendments or additions to definitions, site development standards, zoning uses, and urban design standards. City initiated. *(Heard out of Order)*

Attorney Cherof read proposed Ordinance 16-006 by title only on Second Reading.

Mike Rumpf, Planning and Zoning Director, explained this is a first step to implement the new CRA Redevelopment Plan which recommended the establishment of the zoning district for two reasons: one to bridge gaps between two existing mixed-use districts which have differences in densities and intensities to provide a more gradual district where appropriate in the CRA area, and allow for secondary nodes. A node is a higher than typical activity area within the scheme of a redevelopment area such as a mini downtown. At the last presentation, Mr. Rumpf referenced changes to the Ordinance itself and the regulations, but he did not point out each change. He distributed a revised handout and would point out the changes. Mr. Rumpf advised most changes were identified by the Planning Board members and some were missing cells in different tables in the Land Development Regulations (LDRs). Mr. Rumpf advised there were exhibits he corrected as he had previously referenced. Each page in the LDR was updated to establish the new MU 4 zoning district. Page one had no corrections, but changes were underlined as compared to the existing LDRs and were definitions and terms. Mr. Rumpf did not have copies readily available for the public, and did not create slides as they would be too small to read.

Mayor Grant favored listening to the changes, and then tabling the item. Mr. Rumpf explained the item required public notification in the paper. It announced the City had an Ordinance which indicated they were creating a zoning district and establishing the uses which was available in the Planning and Zoning Division. Mr. Rumpf advised he would go through each change verbally so the audience would understand. Mayor Grant disagreed and thought the public should see the document. Commissioner Katz thought a verbal review was fine, but someone who did not have expertise would have a hard time understanding the content. An expert could explain it, which would be helpful, and he wanted staff to explain each and every item.

The MU-4 zoning in the tables is an interim measure. The LDRs will undergo an audit which is a comprehensive review against the new recommendations in the CRA plan to ensure the vision is established. Similar to this request, before the audit occurs, are some of the overlay regulations. They are elements of the CRA plan that have immediate implementation and uses in the City to benefit development and control and restrict the design of the development. Mr. Rumpf explained that was why these were being done in advance of the overall audit and comprehensive implementation of the CRA plan. Mr. Rumpf explained this was done as a mirror for the MU Low 3 and MU high zoning districts and staff used them as a template to create MU 4 to get something on the books. The height is in between the MU Low 3 and the High. The density and intensity is between the MU Low 3 and High. There may be objections to MU 4 to begin with as it relates to the Riverwalk project, but it is a simple, basic template of the new Mixed Use zoning district for immediate application.

Mr. Rumpf explained staff has not added definitions, they have amended the existing ones which talk about the Mixed Use Low 1, 2, and 3, and High districts, inserting MU 4 into those definitions and terms. The second table is the relationship between the zoning districts and the Comprehensive Plan Land Use Classification (LUC). If the public looked at a zoning map and land use map, it would show how they relate. Certain zoning districts correspond with certain LUCs and this table adds MU 4 to it, which is an existing table in the LDR. Mr. Rumpf clarified the table is Chapter 1, Article 3, 5.b 1.1 Relationship to the Comprehensive Plan. Mayor Grant asked if it was table 25 as it was incorrectly labeled at the Planning and Development Board meeting and first hearing. Mr. Rumpf explained staff did not catch the error when the tables were created. Table 25 was placed there which corresponds with the MU Low 1 and 2 and 00 are mixed use low 3 and 5. Mr. Rumpf explained that was codified today. Mayor Grant understood previously there was a number seven footnote which means plus one additional foot for each foot of height over 35 feet, and now it is subject to permitting agency approval. Mr. Rumpf explained it is similar to what currently exists and staff would put a lot more thought into the issue over the year as the LDR audit takes place as part of the implementation of the new CRA plan.

Mayor Grant inquired why the action was taking place before the audit. Mr. Rumpf responded the immediate purpose/benefit of both MU 4, as well as the overlay regulations will come before the Commission. Comments made will help staff with the audit. Mr. Rumpf explained the MU 4 table cells for each standard topic relative to low and high.

Mr. Rumpf noted there were pages of zoning regulations that correspond or define each district. Another page contained a correction, which Mr. Rumpf had previously pointed out and explained bold text for paragraph D, under MU 4, and bolded text reads: "Transit core of the station" were inserted words. There was a discrepancy between the narrative and the table as to how the minimum density standard is applied as there is a transit area and a core.

Commissioner Katz asked Attorney Cherof for a recommendation regarding printed material that did not have accurate information prior to the meeting. Attorney Cherof explained there is a choice and the public is entitled to see the nuances as it will assist them in framing their public comments. He thought the choices were to allow Mr. Rumpf to continue to make the presentation, or abate the presentation, make the copies now, provide them to the public and address the item at end of the agenda, or take part of the presentation, table the matter, or publish the details on the City's website so the public can see and take it up at the next meeting.

Andrew Mack, Development Director, explained the items Mr. Rumpf corrected are minor. One was the Intracoastal setback and the title on the table was called MU L-4 which was MU 4. Those are the two corrections that are different than what is in the package. Mayor Grant agreed and commented it was the footnotes as well. If it were tabled, this would not stop legal proceedings to go forth for the plans regarding Riverwalk. It could be decided at the next meeting as the item would be heard again. There is another hearing regarding Riverwalk. Mayor Grant commented the Commission needs to approve MU 4 before they can approve Riverwalk. The two items could be approved at the same meeting.

Commissioner Casello commented this was already the second meeting and the City Commission has spoken about MU 4 since day one. This was nothing new and there are minor typographical errors that are simple to follow. He did not see the confusion. Commissioner Katz noted they were typographical errors and not a change to a Plan. Mr. Rumpf explained the last item he discussed was a clean-up relative to the existing Code.

Commissioner Romelus commented the City Commission heard the topic a few weeks ago and it was not as complicated then as it was now and wanted a clarification.

Mr. Rumpf explained transit was a cleanup item as there was a discrepancy where they required a minimum density of a project. One set of regulations required everything in the entire transit area to be subject to a minimum. The Transit Oriented Development (TOD) has a one-half mile radius. There is also a core area with a quarter-mile radius. Part of the regulations require application of the minimum density in the entire transit area and another regulation required it only in the core. There was an inconsistency and it was a clean-up that would only pertain to the core area. The most concentrated area is anticipated around the future transit station. It was another clean up item. Table 3-21 following the narrative text was identical to table 3-4. There are two identical tables in the LDR. The same change applied to the Intracoastal Waterway rear abutting setback standards. The use matrix lists all the districts and use categories/topics and the table showed insertion of a new MU 4 District. The original version was inadvertently titled MU Low 4 which was not in the new CRA plan labelling of them. One would compare MU 4 to MU high, low 3 and they are very similar.

Next were notes to correspond with the matrix which is line D Use Matrix Notes. The notes were simple insertions of the MU 4 District where appropriate in the footnotes where it referenced mixed use districts and as an example for hotels/motels, live/work units, hardware stores and others. It corresponds with the notes and each cell in the table indicates where the use is allowed, allowed conditionally, or not allowed within each of the mixed use districts. The Table 3-29 pertained to wireless communication facilities and there were three of them containing cell tower regulations. The City regulates cell towers based on zoning districts which was why they had to insert MU 4. Mr. Rumpf also pointed out this was where a correction was made, which was pointed out by the Planning and Development Board, which was on Table 3-30. Staff left out populating two cells for the MU 4 which was highlighted in the handout.

Mayor Grant requested confirmation there was the ability to get antennas on top of MU 4, and before there was no ability. Mr. Rumpf explained that table pertained to maximum heights. Footnotes six and seven were under two different topics which were co-location and mitigation, which is a modification to an existing tower. Based on what they did indicate and include was non-concealed or concealed free standings. Mayor Grant asked if it was over 100 feet, if the applicant would need to get a height exception to place an antenna. Mr. Rumpf explained there are cell tower standards and did not think it fell within a height exception, but it could be within a parapet and if there was a tower there, there would also be air conditioning units.

Mayor Grant asked if an applicant could place an antenna 20 feet on top of the roof without requesting a height exception. Mr. Rumpf agreed to research tower standards and provide him with the answer next time. He asked if that was something they can change in the audit if they do not want or want to have the antenna in the audit. Mayor Grant asked the Commission if they wanted the antenna included in the height exception. Mr. Rumpf suggested getting the information from each scenario whether it was concealed or not. The last section of the LDR affected design standards and there were basic edits where existing mixed use districts are referenced. Mixed Use 4 under applicability would undergo more scrutiny.

Mayor Grant opened up public comments.

Edward Tedtmann, 869 NW 8th Avenue, noticed there are three other nodes that are within the Woolbright and US 1 intersection where there is an opportunity to apply this in addition to the Riverwalk site. He looks at quality of life and thought if increasing business, they increase the types of businesses that would be useful within a three-mile radius for the benefit of the local people, not an 11-mile radius type of business like Home Depot or Walmart. He explained residents have limited access to U.S. 1 with Woolbright and Boynton Beach Boulevard. I-95 and the railroad will be impacted by Bright Line which could increase freight traffic and limited access to US 1. He proposed the City look at the current traffic count and what they can anticipate to provide a

reasonable amount of traffic flow into the area. When increasing density and bringing in tower opportunities, he noted renters are not stakeholders, and will not improve the quality of life in the town. He noted High Ridge Road development increased which was approved and the Winchester development just outside of the City will have an impact on Boynton Beach Boulevard and other roads. He thought the City should look at these developments and determine how it will affect the quality of life in the City.

Nancy Hogan, 37 Hibiscus Way, Ocean Ridge, clarified she owns property in Snug Harbor off Woolbright Road and has lived in the area for 40 years. She has a Master's in Public Administration, she served on a Planning Board in Upstate New York and was shocked at the City's presentation. She commented staff did not provide basic information for the community to know what they are doing. She believes in investments in Boynton Beach to get the City moving, and she cares what occurs in Boynton Beach.

Clovis Moodine, 3638 SE 2nd Street, lived in the City since 1980. She attended the meeting to learn what was occurring and was confused. She asked if the City would have a downtown or a little village by the sea. As a retired teacher, she advised it is important to ensure the subject matter was something the audience understands. She asked if there was a vision of what a village by the sea should look like, and if so, who was monitoring it to ensure the City was moving towards it. She asked how MU 4 fit into the vision, how it would impact the City, and what it would look like when it is done.

Brian Edwards, 629 NE 9th Avenue wished all a happy new year. He commented this had everything to do with Riverwalk. He thought it was shameful the City and CRA crammed and put staff in an embarrassing situation to review the information in such detail. He commented there are intelligent people present and many do not want Riverwalk or the height. Residents are confronted with trying to understand the issue so it could likely be voted on, on the 17th, but the public does not know what is going on. He thought it was an awkward situation for City Staff to be in after knowing it was coming for nearly two years.

Lori Porgess, 450 N. Federal Highway, moved here from suburban Parkland to live in a vibrant busy, retail atmosphere with a pedestrian and cycling friendly environment. She was the first person to move into Casa Costa six and a half years ago, and she was promised and shown a schematic about what the City expected to do in Downtown Boynton Beach. It was not supposed to be a little town by the sea. It was supposed to be a busy community more like Delray Beach. She was told there would be a \$10 million redo of the area to have parks, bike paths, outdoor cafes, places to walk and sit and things to do. She understands many people live in smaller low-rise buildings, but that was not what she was expecting. She was told it would be developed into many high rise buildings and thought most people who live in Marina Village and Casa Costa are expecting the same thing. She feels development should occur properly, but to make it sound if the "unmentionable" is built, the town will fall apart is ridiculous. The more development in the area, the more taxes are paid, more people will come, the more

stores and activities. It will create a fuller life and it requires continuing to develop. She hoped that is what the City would do.

Steve Anton, 324, SE 2nd Avenue, asked if the City wants to be like Ft. Lauderdale and Miami and noted the City had the same problems. Traffic in Ft. Lauderdale at 4:30 or 5 p.m. to try to go home was terrible and he felt that is what will happen with the proposed Code changes. The City and County Commission just changed the ordinances, called them nodes and changed things, but it did not improve the situation. Mr. Anton contended residents live here to have a lifestyle without those types of problems. If developing, the City is increasing taxes and people cannot afford to live here. He understood the average income in Boynton Beach was \$32,000. He thought the City could not do much with that or develop like Ft Lauderdale or Miami. He recommended slowing down and developing smarter. He wanted to see the City building something the people like.

Steve Wherry, counsel for Isram Realty and the Riverwalk Project, pointed out this is not something that came out of the blue. The text amendment was in the works through a number of public stakeholder meetings with the CRA since at least November 2015. The issue evolved. The two very small issues that were a point of concern were ministerial scrivener errors in the text amendment language and were not inconsistent with the ideas that were discussed at length by the CRA and adopted by the CRA and City Commission. The CRA brings in urban design principals in certain areas of the City. One principal was a reduced setback, which is along the Intracoastal which is a right of way. He commented this should not come as a surprise, and going through tables discussing every detail would cause people's eyes to glass over. The subject matter pertains to land development regulations and it would be confusing for people who are not familiar with them with or without the materials. What was presented was put together by staff and reflects the process and the sum of the discussions held during the CRA Plan consolidation process. The ideas that are beneficial to the City in terms of adopting the MU 4 district allows an increase in densities and intensities in certain areas of the City. In this specific location, as contained in the CRA Plan, the effect would be to activate the four corners of Woolbright and Federal to help make the existing street front and ground level retail that is already in place, such as with Las Ventanas, thrive better so people can walk around. Riverwalk is the implementation of that kind of development and something this body, its advisory board, the CRA and others feel should be a part of the future of the City. He urged all to continue with the proceedings and adopt the text amendment.

Brian Kelley, Traffic Engineer with Simmons and White for the Riverwalk project, spoke about density. For many planning agencies and jurisdictions the state of the art practice is to increase density at appropriate locations and most of the time it is at urbanized locations. There could be a real benefit to that such as it increases opportunities for TODs and access to I-95, which the Comprehensive Plan encourages. There is the potential for more opportunities for growth for transit. People are closer to employment,

shopping and entertainment which decreases the number of miles travelled. If implemented incorrectly, the City is increasing urban sprawl and creating situations where residents have to drive further, into town and to major roadways. He commented there is a benefit to good planning practices to locate density opportunities in urban areas.

Susan Oyer, 140 SE 27th Way, commented it was wrong not to display the information. Mr. Rumpf had indicated some items were very similar to other items, but there was no explanation given. She thought most people would want to hear the differences. Her objection was the 1% green space allocation. She noted with increased global warming, the City needs to drastically increase the green space allocation. She reminded all the voters mandated a 45-foot height limit and residents begged for months to address the attorney's comments. Residents never voted for 100 foot plus buildings. She commented residents do not want the height, but they do not pad campaign accounts like developers who do not live or pay taxes in the City and invited all to view the campaign reports. She commented the City wants smart development and needs a smart process, but the process was confusing. Commissioners represent the people not developers. She requested they do their job and represent the people as they were fighting this for months, but they were not listening. Ms. Oyer pointed out the taxes go to the CRA not the City and it will not solve the City's budget problem.

Henry Flanigan, 5556 N. Ocean Boulevard, agreed with Ms. Oyer's comments as far as the wording of the changes was over his head. In terms of the issue, he trusts the Commission clearly understands no one opposes development, only how it takes place. The height of the proposed structure was the issue. He agreed individuals who rent property do not have a long term stake in their communities. He thought good judgment and wisdom will prevail. When looking at things clearly and objectively, rushing to judgment can have profound consequences with the timeframe in place. He hoped all would consider the matter carefully for the long-term benefit of the community.

Robert Lewis, 350 N. Federal Highway, Apt 510, subscribes to both leading newspapers and noted each week there are thousands of listings for unincorporated Boynton. The City has 70,000 residents and is the third largest City in the County, but there are no listings for the City because it is a blighted area. When travelling along Federal Highway, there are empty lots, abandoned businesses and empty storefronts. There are those opposed to development and he asked why retain what exists. He thought it was terrible residents are afraid to venture out of their homes after sundown. He noted sober homes are throughout the area, and when patient insurance is exhausted, they throw the residents out on the streets. He commented there are homeless on the street and no realtor would bring clients into a blighted area. He commented the City has to have development and progress. He understood there were those wanting development to proceed slowly, but it is going too slowly. He thought the proposed project, 500 Ocean, was a wonderful building. He could not believe there were people saying it was a monstrosity, and thought all they want to do is reject what is

different from where they live. He wants new development coming in to the area to get rid of blight, and have his wife go out at night as he thought this was what residents were entitled to. He wanted the City Commission to give it to them. He requested they liberalize their thinking and not try to hold back progress.

Ron Hirsh, 450 N. Federal Highway, commented young ladies were talking about economic development and all applauded them. He requested the City Commission provide the same privilege for economic development and a place for young entrepreneurs to start up and be part of the business. Without it, the City will stagnate. Empty stores do not produce income or employment. He understood people voted for a height of 45 feet and times have changed. He did not know when the height was voted on, but noted there are now cell towers and higher buildings and higher heights. He commented everyone uses technology and he believed developers were looking to step forward. He believes change is good.

Commissioner Casello noted the vote was held in 1982.

Lisa Hanley, 175 SW 2nd Street, requested confirmation for herself and the Sierra Club, the rear setbacks for on the Intracoastal Waterway were zero. Mr. Rumpf explained it was not a change and generally that is the way the three highest mixed use districts are currently written. This will be continued with MU 4 until all five of the mixed use districts can be evaluated more thoroughly in the upcoming CRA Plan. The current mixed use districts have a zero setback.

Kristine DeHaseth, commented this was ridiculous and differed with Mr. Wherry's statements as the application is not out of the blue and was vetted in public stakeholder meetings. She commented the City Commission was given backup of radical changes and they were not two small changes and they were not existing before. She asserted she had documents in the City's Ordinances and own LDRs that MU High never had a zero setback and MU Low 3 had a zero setback on the Intracoastal Waterways. She explained all three of them are changes and all three are unexplained changes for a forthcoming project for the City Commission to vote on. She thought to do so without any public vetting is the lowest level she has seen in decision making and transparency. She asked about the differences between the first reading and second reading and if changes could be legally made and commented it is done all of the time, but she thought it should not be done under the pretext it was a clerical error. She commented the City cannot make *substantial* changes between a first and second reading. Ms. DeHaseth commented she has all the documentation as the project was submitted and went through each staff review. It was always a 25-foot setback and one foot for every foot above 35 feet of building height. Riverwalk would need a 90-foot setback and the City Commission is being asked to approve a zero setback which she thought was unacceptable. She did not think the public has much more tolerance left. They attended meetings, wrote letters, made announcements and tried to be nice about it. Her objection was considering passing Ordinance 16-023 on the second reading and they

should not vote on Ordinance 17-002 which is the accompanying Ordinance because it had substantial changes. The objection is supported by the Florida Attorney General opinion and a Florida Supreme Court case. Given the strong public attendance and the City is on the wrong side of the law, she thought the Commission should be careful with its decision making.

Richard Tufano, Director, High Point Section 4, and representing other sections of High Point and a member of the Boynton Coalition for Responsible Development, advised he asked a court recorder to take notes of the meeting. He agreed it is probably illegal to make the changes without posting them. He thought the density on MU 4 nodes was too high and the height was too high. It not only affected Riverwalk, but also the four corners of Woolbright Road. His development is right in back Sunshine Plaza and they would be directly affected by high density in the node. He thought there should be a transition, and 105 feet is too high. His group wants it at 75 feet. He also spoke about the appearance of impropriety noting the CRA proposed a 75 foot MU 4 District and commented the hearings by the Planning and Development Board were between Christmas and New Year's. The first reading of the Ordinance is the day after a legal holiday. He questioned if someone was trying to hide something and why the City was in such a hurry.

Lulu DeCamera, 836 East Drive, explained residents that referred to the 45 height referendum approved in the past have lived in Boynton Beach for decades and were not passing through. After the referendum was passed, there were some developments who wanted to surpass the height and density regulations and a former City Manager announced at a City Commission meeting the City did not have to adhere to the 45 foot height anymore because Boynton Beach was a home rule City and did not having to abide by what the citizens wanted. She did not recall citizens voting for home rule and did not think it occurred. She asked if the City Commission at some point voted for it unbeknownst to the residents. She commented planners' concepts were wedding cake concepts that revolve around activity nodes and MU 4 would not only affect Federal Highway and Woolbright Road, it will also be on Ocean Avenue and Federal Highway and maybe another on Boynton Beach Boulevard or another place. Residents do not know what the future planned concept will be, but as far as the current activity node concept it seems to involve the theory that people will be walking, biking and shopping at certain locations. Not everyone likes to walk and taking away the parking spaces will cause a situation like down in Delray, using taxpayer funds to build parking garages. She hoped the City Commission would reconsider their position as she thought it was wrong.

Ed Bresnahan, 5552 A N. Ocean Boulevard in Ocean Ridge, is President of the Ocean Ridge Yacht Club directly across the Intracoastal Waterway from Riverwalk Plaza and the MU 4 area. He commented all 50 homeowners of the yacht club were noticed about the hearings as an affected party being 400 feet or less from the proposed MU 4 District. They are not against development and they need to see development. They do

not like to see blight or stores going out of business and want responsible development, but thought what was occurring at the meeting was irresponsible. He asked about the logic in MU 4, walling off the Intracoastal Waterway with 100-foot high, zero setback buildings, rushing to judgment, and trying to make decisions on the go without putting paper in front of the public on which to make a decision. He commented the public has not had a public hearing which he believed is a violation of due process. The City Commission has the opportunity to vote on the establishment of a new MU 4 District, which was adopted as an Ordinance in October, but does not have a legal obligation to vote in favor of MU 4. He requested they amend it to have a 75 foot or less height. They did not have to approve the proposed plan and cannot ignore the overwhelming opposition of the citizens opposed to the height or ignore the quality of life the zoning will impose. Citizens west of I-95 will be affected, as the increased density of people and vehicles will clog roads, shops and restaurants on both sides of I-95. He commented votes will always follow the Commissioners. The town they all cherish as a beautiful coastal town deserves a height limit compatible with the surrounding areas, not a walled off Intracoastal Waterway with zero setbacks.

Herb Suss, Boynton Beach resident, explained he lived on Woolbright Road and Congress Avenue years ago and a building that exceeded the 45 feet height limit was constructed. The buildings disturbed their quality of life and views. He did not trust going from 45 feet to 105 feet. He thought it would be higher later on and 75 feet was reasonable. He acknowledged the City needed the tax money, but did not trust the 75 foot. Now it would be 105 feet. Developers would build big buildings in the future and have a quality of life issue. It would become a concrete jungle and developers would con the Commission.

Harry Woodworth, 685 NE 15th Place, favored development and thought the height was subjective as was the density. He thought the project was not the smartest thing the Commission has done in Boynton Beach and many people do not know about the setback change. He had the documents and commented up until the meeting, the setback was 25 feet plus which made it 90 feet. Now it was suddenly zero, when nothing was handed out or discussed and it would be changed on second reading. Mixed use zoning was changed in the 90s because it did not work well. There were many studies about mixed use since then as it pertained to urbanism, walking and biking. Hopefully it would be so successful people would drive to those places. They are wonderful, but he pointed out it works great on dense massive urban areas when cars are not an option. Citizens walk and there is mass transit. He commented study after study in North America shows mixed use has failed in outer edges in big urban areas in many states. Easy access makes retail and commercial space work. There needs to be convenient parking and strong co-tenants in retail/commercial environments and proximity to high density urban areas. When those components do not exist, mixed use fails and staff knows it, but will not point it out because that is what the planners learned at their last convention. He questioned how mixed use did on Boynton Beach and Federal and by Las Ventanas and the Marina. He commented top

line restaurants avoid these places and realtors cannot rent the spaces and the City was going to approve it again. He understood people do not want to drive, but the people who move there will still drive and a key component is having jobs nearby. The buses take them where they want to go and a train station will eventually be located there. He favored common sense development, noting Wendy's will remain, but the project will shut down four restaurants. No one that lives there will work there. He thought Boynton Beach deserved better and a more open forum as items were hidden and moved around. He commented the City should return to first reading of the Ordinance as it is a substantial change.

Ron Sheldon, 646 Snug Harbor Drive, commented he had previously appeared and spoke against the changes, noting it has been a year and a half. During that time, residents were told there will be a 75 foot height, certain setbacks and he asserted the City Commission was snowballing residents. He wanted the City Commission to take the time to do it right. He requested they hear the public and recognize there are height and setback restrictions.

Butch Buoni, Sterling Village, 450 Horizons East, Apt 304, President of the Condo Association, advised they have 840 residents at the epicenter of Ocean and Woolbright and they are impacted. Their highest building is three stories and the proposed project is incompatible with their development. He is not technically trained, but he is a retired military test pilot and a retired real estate broker and he can understand the issue. He walks out onto his balcony and sees 500 Ocean under construction and it affects his view. They have not discussed 501 S. Federal, another multi-storied building above 45 feet which will be constructed, and now Riverwalk at 75 feet is bad enough. He asserted residents were misdirected and the issues were obscured. He thought MU 4 was great if limited to 75 feet, but not 100 feet plus allowances for towers and zero setbacks.

No one else coming forward, Public Comment was closed.

Commissioner Katz disagreed with the belief things are being crammed down their throats. This project has been endorsed for two years and they have been working with the City, in conjunction with the Consolidated Plan pushed by the City and CRA, and disagreed this is being rushed, as it was in the works for a long time. Since three new members were seated last March, they have had many meetings regarding the changes. He categorically disagreed that staff purposely omitted information and slipped it back in at the meeting. He understood those who oppose the project will use it to cast doubt on the process. He invited, if anyone had evidence that anyone colluded with anyone to deceive the public, they should bring it forward as that person has no right to hijack the process. He submitted it was not true. He understood people felt information was out there they were unaware of, but the information was out there for a while, and a typographical error made by mistake will not derail votes they have taken for months. The City Commission voted twice in favor of the Consolidated Plan which outlined what MU 4 was going to be. The total vote was 9-1 on the overall Consolidated

Plan which included MU 4. The CRA voted 5-0 for the plan. The CRA Advisory Board vote on the Consolidated Plan with MU 4 was 7-0. The Planning and Development Board vote on this specific project also voted for the project. He announced he intended to vote in the affirmative. For as long as he has lived in the City, there were plans for development of the downtown. He understood plans for the downtown can change, noting these plans were in existence for decades and long before he moved into the City. He thought decisions made in 1982 may need to evolve 35 years later.

Vice Mayor McCray, commented he was born in 1949 and moved to Boynton Beach in 1954. No one was sold a bunch of hodge-podge as were the citizens that live in District II, when they talk about the HOB. He watched them tear down night clubs, restaurants, beauty shops and promised it would be rebuilt. The community is still waiting 23 years later and he was disgusted. Vice Chair McCray commented he will vote for MU 4. Although he is up for reelection he favored this. It has been on the plate a long time and it needs to move forward.

Commissioner Casello commented this was vetted thoroughly and there were many meetings on it. He agreed to disagree. Commissioner Casello was at the Planning and Development meeting and they talked about the minor changes coming up before the City Commission tonight. He commented the changes are not substantial and he was in favor of it.

Mayor Grant had a question on footnote five on Table 3.4. It indicated the maximum height on the Intracoastal Waterway was 35 feet and it was there before as well. Mr. Rumpf looked to see what footnote five corresponded with. Mr. Rumpf read the footnote as "The maximum height on any street frontage, is 45 feet. The maximum height on the Intracoastal Waterway is 35 feet. Heights may require reduction where adjacent to a single family zoning district where necessary to achieve compatibility requirements of these regulations." Mayor Grant asked if this needed to be changed and how it applied to a zero setback or any setback. Mr. Rumpf explained one cannot look at that portion of the table alone.

Mr. Rumpf also pointed out the public has access to the LDRs online and can look up what the existing regulations are. The Commission has been handed a copy of the existing regulations. He welcomed meeting with anyone wanting to review the regulations or who had questions. He preferred it rather than having misunderstandings about the regulations and the process. Mr. Rumpf explained there are two categories for rear abutting setback provisions which are for residential and the Intracoastal Waterway. The current Intracoastal Waterway regulations under Low 3 and High have zero feet. People are fixating on certain things which seemed to prove certain arguments or positions. The proposed project that would be heard later has setbacks on the Intracoastal Waterway which range between 15 and 50 feet, not zero. These are intended to be flexible zoning districts. In order for a project to go through these regulations and to the City Commission, the project goes through weeks and weeks of

staff review and zero is intended to provide something that is flexible. It is not a build to line. They can build greater and staff reviews it and it may be appropriate to have more than 50 feet in certain instances. Mr. Rumpf explained in this case where it abuts the water and single family zoning districts, what staff reviewed was appropriate.

Mayor Grant read footnote five, the maximum height on the Intracoastal Waterway is 35 feet and he asked Mr. Rumpf to explain how it affects the MU 4 zoning district. Mr. Rumpf explained that is superseded by height standards and others such as the setbacks and more. Chair Grant asked if it was a zero setback if it was 35 feet or if it is 10 feet if it is subject to the 35 feet maximum height. Mayor Grant noted the sentence indicates the maximum height on the Intracoastal is 35 feet and he asked if it was with a zero setback, or if there is a setback of one foot, the setback is not required. Mr. Rumpf responded it was probably how staff would review it, although it was not very clear. Mayor Grant requested confirmation as long as there is at least a foot setback it does not have to have a 35 foot maximum height. Mr. Rumpf explained when staff reviews the project there will be much more than a one-foot setback, especially on a 100-foot high building. Mayor Grant commented Mr. Rumpf had mentioned it was zero feet.

Mayor Grant commented under mixed use urban, lot area minimum acres, public part all other uses, lot frontage minimums, structure height minimum feet (45) on table 3.4 is the same as MU High under lot area minimum acres on the table on the handout. He asked if that meant there was a minimum feet on all properties in MU 4. Mr. Rumpf responded it was probably looking for the average height of the building or the project. It was not undersized which was why they have minimums in the TOD for greater intensities and densities. He asked if MU 4 can have height structures less than 45 feet and learned they could. Mr. Rumpf explained staff does not review it literally like that.

Mayor Grant explained there are other tables that say the MU High is 30 feet and others that say 45. He asked if it could be fixed and learned staff would clarify it.

Motion

Mayor Grant passed the gavel to table the item for two weeks to get clarification on all that happened and so they understand what is average height instead of minimum height. Commissioner Romelus seconded the motion.

Vote

The motion failed 2-3 (*Commissioner Katz, Vice Mayor McCray and Mr. Casello dissenting.*)

Mayor Grant announced they would move on, but he had questions he would like answered later as he thought the point of regulations was that they are strictly enforced so developers know what they can and cannot do. Mayor Grant noted footnote nine

was subject to permitting agency approval, had to do with the Intracoastal waterway (ICW) and asked if it pertained to dock plans on the ICW. He asked if they are reviewed at the building site or if they could come in afterwards and are not subject to City Commission approval. Mr. Rumpf explained number nine applies to, if at zero if things are overhanging into it, it will be subject to whatever the jurisdiction has with the right of way. Mayor Grant asked about open space and minimum mixed uses. He read a lot of retail is closing throughout the country, but economic development still requires commercial space. He was aware that open space has economic development opportunities. He wants to know if the audit could include a minimum commercial space open space requirement for mixed use. Mr. Rumpf responded staff would look at it. Currently it is 1% of usable open space. Mayor Grant asked if it was the square footage of the lot and not the building and learned it was the lot. Mayor Grant asked for the definition of open space, plazas or other open public space. Mr. Rumpf explained usable open space would not count for private recreation areas that are generally open to the public. It would not be general walkways. It would be intended meeting spaces, urban spaces, green areas and open areas and park settings. A 10-foot wide walkway is for connectivity and is not necessarily usable open space, but a widened plaza with art features could count towards it.

Mayor Grant explained Boynton Beach is not a village; it is a City and the people who moved to Casa Costa were not necessarily told what would occur in the City. He wanted to see 2% usable open space because the City does not have a minimum requirement for commercial development. He thought the Riverwalk project would address it, but it would pertain to any other developments moving forward in the MU 4.

Motion

Mayor Grant passed the gavel to have a 2% open space minimum requirement.

Mr. Katz asked if this was researched or 2% was what Mayor Grant wanted and learned that was for MU High and the future land use core used to have the 2% requirement, but changed it to 1% for MU 4 as contained in the strikethrough on footnote 13. None of the other mixed uses require open space and Mayor Grant proposed it would be reviewed in the audit.

Commissioner Casello asked why it changed from 2% to 1% in the MU 4. Mr. Rumpf explained it was relative to the height. They were lower, smaller projects with slightly smaller areas so it was less a percent. Mr. Rumpf explained there was not a lot of thought going into the standards relative to the low 3 and high, knowing staff would put more time into it later and open space was not a deficiency as this is the first project this was being applied to. Mayor Grant asked when the audit would be completed and learned it would be addressed in the next eight to 12 months. Any other development occurring would not be subject to the new restrictions prior to the audit. He asked the provisions would apply when the plans are submitted. It is reviewed against regulations

in place at the time. Mayor Grant commented he could not support the application and would like to approve it after an audit. The immediate use is subject to changes in the future that will not be required of any development that comes in.

Mr. Rumpf explained MU 4 is not planned for subsequent development activity. There is uniqueness of the zoning district and locations where it is programmed. Mayor Grant understood, but commented it was for the future.

Commissioner Romelus commented on first reading she voted for the zoning as it is the will of the majority of the City Commission. After the information was presented, she found it confounding and she was not comfortable with the changes or how it was presented. She questioned why the City Commission was hearing about the changes now and advised she will not vote for the new zoning and wished it could have been handled differently.

Vice Mayor McCray asked when the CRA sunsets and Mr. Simon, Interim Director, responded it sunsets in 2032.

Mayor Grant asked for a roll call.

Attorney Cherof explained two motions were needed; one, to incorporate the revised amendments provided at the meeting and a motion to adopt the Ordinance with those revisions.

Motion

Vice Mayor McCray moved to accept the revised addition with amendments that were given to the City Commission. Commissioner Casello seconded the motion.

Vote

The motion unanimously passed.

Mayor Grant requested a motion to approve the new zoning district of MU 4.

Motion

Commissioner Katz moved to approve Ordinance 16-023. Vice Mayor McCray seconded the motion.

Vote

City Clerk Pyle called the roll. The motion passed 3-2, (*Mayor Grant and Commissioner Romelus dissenting.*)

Mayor Grant recessed the meeting for a 10 minute break at 9:33 p.m. and reconvened the meeting at 9:45 p.m.

8. CODE COMPLIANCE and LEGAL SETTLEMENTS - None

9. PUBLIC HEARING

7 P.M. OR AS SOON THEREAFTER AS THE AGENDA PERMITS

The City Commission will conduct these public hearings in its dual capacity as Local Planning Agency and City Commission.

- A. PROPOSED ORDINANCE NO. 17-001 - FIRST READING** - Approve Riverwalk Future Land Use Map amendment (LUAR 16-003) from Local Retail Commercial (LRC) to Mixed Use Core (MX-C). Agent: Steven S. Wherry of Greenspoon Marder, P.A. for Shaul Rikman of Isram Riverwalk, LLC, property owner.

Motion

Vice Mayor McCray moved to table items C, D and E to January 17th.

Vote

The motion unanimously passed.

Attorney Cherof explained Ordinance 17-001 is legislative and not a quasi-judicial matter. He asked if the applicant wanted to make a presentation based on items A and B together. He noted the items that were tabled and commented it may be difficult to unbundle them. Mayor Grant agreed and commented they want the full presentation and if there are questions, they would be answered on the 17th. Steve Wherry, Counsel for the project, had no objection.

Attorney Cherof read Ordinance 17-001, by title only on first reading. He explained if that passed, they would move to Ordinance 17-002, which Attorney Cherof read by title only on first reading. He clarified the second Ordinance was quasi-judicial. He administered an oath to all those intending to speak.

Michael Weiner, part of the Riverwalk team, explained plans were presented to the City on March 16, 2016. The City staff and residents worked hard to provide a vision for the redevelopment of the eastern area. There have been at least eight public meetings for this project and MU zoning. The Planning and Development Board conducted a thorough and independent review on December 27th. The matter is being heard at this meeting and scheduled to be heard on January 17, 2017. The applicant has attended each meeting. The process highlighted a number of issues that made for a better

project. Land use and zoning changes are filled with technical requirements and many technicalities were addressed earlier in the meeting.

Mr. Weiner noted there is a land use and zoning Ordinance, a height adjustment, a community design appeal and a site plan modification. Some will be tabled and only two will be considered tonight. Planning and Development prepared numerous reports. The height adjustments were a result of the staff review of the site plan submitted. Staff reached the conclusion the comprehensive plans and codes have been met on all counts. There is substantial competent evidence that is part of the record, and it means the applicant met the requirements for the second part of the Ordinance. The presentation will assist the City Commission in making its decision and show how this project leads to neighborhood stabilization and a contribution to the City's general welfare. The City is familiar with the layout of the project.

Mr. Weiner commented the grocery store would be demolished along with other outdated buildings. The drug store and other uses would remain along with newly positioned retail. The residential building would be in the southeast corner of the parcel and is more than 200 feet from homes to the north and 300 feet from the homes across the ICW in Ocean Ridge. The common area will have public vistas along the ICW and is almost a third of an acre and more than 2% of the property. There will be 778 parking spaces with opportunities for more, if necessary. There will be 328 residential units providing a density of 33 dwelling units (du) per acres which is slightly less than Las Ventanas. There will be an increase in pervious space by almost 80% of what currently exists, and they will remove blacktop and have more landscaping. The project will reduce traffic except for a minor amount of a.m. trips. The project will plant 252 trees and more than 11,000 shrubs. The ICW will now have a public use available for evening walks or local art shows, but it is an upgrade over a local truck delivery. Part of the site plan approval is for art zones within this and other areas within the project.

Mr. Weiner explained height is a tool used by land planners to create sustainable projects. He thought the greater good of the City, as a whole, is well served by placing higher buildings at focal points or nodes and this was why the CRA suggested and why the City Commission and CRA Advisory Board met so many times and finally approved the general proposition that was just voted on favorably. Mr. Weiner commented the site should be a node and Intracoastal views are best preserved by placing the building mass in the south corner. Upper floors give ocean views and establishes the residential project as an upscale destination as an exciting opportunity for residents and guests.

The applicant should not be misunderstood. They are a family-owned development company that owns and holds assets. The profit is after a lifetime of good management of an appreciating asset. Mr. Weiner commented the project was the best way to increase the tax base and attract those with discretionary income to the area. Mr. Rickman was only proposing 50% of the allowable density, but there is no other plan that delivers a sustainable asset that will be of great value to the owner and the

community. This is the heart of the adopted CRA plan and the reason it has been moving forward with successful votes. Sacrificing a floor or two will result in another average garden apartment. Additional height co-exists well with residential development. He noted Boca approved 12-story residential structure; Delray Beach has older buildings and has had side-by-side development for decades. City Scape is almost completed in Boca and there was no difficulties with single-family homes and mixed use with height. He referenced several others including Portofino, a low-rise development in Lake Worth, which failed to spur any substantial renovation. Riverwalk was the opposite and invites others in. It provides a mixed-use opportunity and gives an architectural flourish.

He noted there was a lot of discussion about mixed use places that supposedly failed. He commented there were many other projects that succeeded that were not in the center of a City such as Coconut Grove, Coral Gables, Wilton Manners, St. Armands Circle in Sarasota, Winter Park or Howard Street in Tampa. He commented he had explained and showed photographs how mixed use projects coexist with residential housing and can lead to the end of blight. Another item that was considered was compatibility which does not mean identical or uniform. Compatible means it compares two different items that are different. Even after installation and coexistence after decades and decades, the proposed project with its height would be compatible with single-family neighborhoods although it is not next to a single-family neighbor. There are other kinds of multi-family across the roadway. He asserted compatibility is proven by the facts and not speculation.

Mr. Weiner acknowledged concerns about traffic and commented the size of the building has no relationship to traffic, as the project would decrease traffic by 453 trips a day. The most traffic occurs during the 9 a.m. and 5 p.m. situations. The project is still less than the 5 p.m. trips. Morning trips increases by about 115 trips. He noted grocery store trips drew from the barrier island and the west, but the people leaving Riverwalk in the morning are going to work and will be using I-95 north and south, not going over to the barrier island. They have two major roadways to leave and three exits. Ocean Ridge is not part of the jurisdiction and the bridge is not clogged. The project was also reviewed by the County and they have issued a traffic concurrency letter and there is no impact of any nature on traffic. It was reviewed by traffic engineers, the City staff and county.

The design is innovating and classic with views and balconies that will keep each unit valuable and desirable. Common areas and walkways reflect the mixed use nature of the project and would be inviting, accessible and safe, creating a sense of community. Slides of some of the public areas were viewed. Views from major thoroughfares give a sense of arrival enhancing the other corners. The project is a great residential alternative to the staff at Bethesda Hospital. There would be additional construction and permanent jobs. The real estate tax valuation will increase nearly 800%. He commented the project will be traffic neutral. Mr. Rikman owns the property and strives to bring a

property to match the City's vision. Staff indicates it matches the vision and it is Code compliant and consistent with the Comprehensive Plan. Facts demonstrate the approach is compatible and staff indicates it meets all the requirements, both legislatively and with respect to substantial competent evidence.

Mr. Weiner explained there could be 25,000 more residents in the City before additional police are needed. The construction of the building allows for fire connections at every floor so they do not need new equipment. In March 2016, they had to approach the City to push the buildings back, because the requirement was to place the building closer to the street. The project setbacks were reviewed and considered. As for the rear setback, it varies from 15 to 50 feet and they never wanted a zero setback. There were many places that were successful that were great places to live. He did not think the planning for the City was wrong for the last two years and the public meetings with public votes were wrong. After the presentation, he did not think anyone could disagree all the requirements were met and the City Commission could move forward with the ordinances.

Mayor Grant noted this was the first reading of the Ordinance and the City Commission did not have to hear public comment.

Attorney Cherof recommended the public be allowed to speak on the second ordinance, which was quasi-judicial. Mayor Grant wanted to open it to the public for questions so they may be answered at the next meeting. Commissioner Casello suggested Mr. Wherry take notes.

Susan Oyer, 140 SE 27th Way, took the oath and commented palm trees do not provide shade and they are inefficient converters of carbon dioxide to oxygen. Additionally there is a palm tree disease killing all the palm trees. She requested considering shade trees and if so, pondered what trees will be used.

She asked if the City Commission would consider rooftop gardens. All the towers at City Place have roof top gardens, but she did not see it in any planning documents and thought the City should consider it. She asked if Walgreens, Joanne Fabrics and Wendy's were remodeling or re-facing and if they were on board with making the changes. She asked about the status of fire access in the back corner of the parcel. She had heard something about a problem with fire truck access and collapsible plantings would be used to provide access.

Mike Fitzpatrick, 175 SW 2nd Street, commented last February he had a meeting with the owners at Bonds and Smolder and he was in favor of the project if the three acres to the south behind McDonald, which is upland mangrove, were included because he was concerned about LDR that used to require six acres per 1,000 new residents and three acres would equal the proposed amount of new residents. It seemed like a good swap. There was some discussion about a walkway between there and Seagate with card

access. Anyone could walk the premises, but only Seagate residents could enter Seagate.

Brian Edwards, 629 NE 9th Avenue, congratulated the developers and thought it would be an awesome project, but commented it was too bad it was not going to be 75 feet. He thought the City Commission would regret it and thought it was ugly. He requested clarification a positive vote can come back and reverse their decision on second reading or after the second reading for development projects. Mayor Grant thought not because it would subject the City to lawsuits. Attorney Cherof explained Roberts Rules of Procedure specified anyone who votes in the affirmative can make a vote to reconsider and would need a majority support of the Commission on the motion to reconsider and if it passed, when the vote comes back around, could change their vote.

Mr. Edwards was concerned about the re-election of his district and the dollars spent by those opposing the project. He noted the comments about living here in the 40s, and thought the Commission should stop blaming the rest of the people the HOB was not developed to the District II Commissioner's satisfaction. He commented the opportunity was his as the longest sitting commissioner. He wished all a Happy New Year. Vice Mayor McCray clarified he was born in 1949 and lived in Boynton Beach since 1953.

Nancy Hogan, 35 Hibiscus Way, Ocean Ridge, commented the Intracoastal is not wide and the subject site was in one of the narrowest areas. There are incredible problems with the seawalls because of that who came to the meeting thinking there were zero setback lines and the City is talking about 15 to 50 foot.

Herb Suss asked if anyone checked the federal agencies such as the Coast Guard about docking boats and the waterway and ingress and egress. Mayor Grant explained the City changed the Comprehensive Plan that was approved by the Office of Economic Opportunity regarding the Consolidated CRA Plan. He commented they have not spoken with any federal agencies, only the State of Florida. Mr. Suss sought to learn if federal agencies have input and if the developer needs permission from them.

No one else coming forward, public comments was closed.

Mayor Grant asked if the project will be dog friendly, and if there will be plastic bag dispensers for them. He wanted to ensure there is an enhanced bus stop on the location with enough seating with seats that cannot be slept on. He inquired if the developer would charge for any of the public parking spaces. He noted the traffic study on December 15th indicates the project would reduce daily trips by 213 and generating 115 more morning peak trips. He wanted the difference between the two traffic studies clarified. He asked if there is an Uber, Lyft, or cab stop available for the hotel lobby and if 10 or 15 minute parking would be available and enforced for those picking or dropping off friends. He asked if there would be recycling enclosures for commercial as residential recycling is required. He asked if a dock will be available for a water taxi or

the public that wants to come to a restaurant. He did not know if it was currently required or if it would be a minor or major site plan modification. He asked about the current trees on the Intracoastal and requested trying to save the trees as they have been there for a long time. He commented as he walks, he can see the top of Casa Costa and Marina Village, but tall trees buffer the building. He is very wary of the traffic situation and noted there was ample motorcycle parking and bike racks. He hoped whatever could be done to alleviate traffic would be done. He offered to speak with the County to see if they could install a left turn lane from the west exit because all traffic has to go through Woolbright except people going over the bridge. He thought the situation would worsen when Bright Line and possibly Coastal Tri-Link would operate. He asked if the developer would sponsor any events.

Commissioner Casello inquired who would maintain the seawall and the daily security of the lot and building.

Vice Mayor McCray had no questions.

Commissioner Katz wanted information regarding access to the easement boardwalk, the hours and security for the waterfront property.

Richard Tufano, 205 A. N. High Point Boulevard, asked if a food store in the building was being considered. He was concerned about the crowding in the parking lot across the street and asked if there would be some type of transport for residents to shop. They could walk to other amenities, but shopping would require one to carry more.

Mayor Grant requested a motion to adopt Ordinance 17-001.

Motion

Commissioner Katz so moved. Vice Mayor McCray seconded the motion.

City Clerk Pyle called the roll.

Vote

The vote was 3-2 (*Commissioner Romelus and Mayor Grant dissenting.*)

B. PROPOSED ORDINANCE NO. 17-002 - FIRST READING - Approve Riverwalk Rezoning (LUAR 16-003) from C-3 (Community Commercial District) to MU-4 (Mixed Use 4 District) with a master plan for 326 apartments, 51,220 square feet of commercial space, public waterfront promenade, and related site improvements on 9.78 acres. Agent: Steven S. Wherry of Greenspoon Marder, P.A. for Shaul Rikman of Isram Riverwalk LLC., property owner.

Mayor Grant requested a motion to approve Ordinance 17-002.

Motion

Vice Mayor McCray moved to approve. Commissioner Katz seconded the motion.

City Clerk Pyle called the roll.

Vote

The vote was 3-2 (*Mayor Grant and Commissioner Romelus dissenting.*)

C. Approve request for Riverwalk Plaza (CDPA 16-002) Community Design Plan Appeal of Chapter 2, Article III, Section 4.B.3, "Build-to-line", requiring buildings along Woolbright Road to be constructed within a build-to-line of 0 to 15 feet to allow a setback of 139 feet. Applicant: Shaul Rikman, Isram Riverwalk, LLC. **THIS ITEM IS ADVERTISED FOR THIS MEETING BUT SHOULD BE TABLED TO JANUARY 17, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION TAKEN ON THE CORRESPONDING APPLICATION ITEMS.**

(This item was previously tabled.)

D. Approve request for Riverwalk Plaza (HTEX 16-002) Height Exception to allow the stair towers and decorative architectural features of the Riverwalk Plaza mixed use project to be constructed at 105 feet, 5 feet above the maximum allowable height of 100 feet in the MU-4 (Mixed Use-4) zoning district. Applicant: Shaul Rikman, Isram Riverwalk, LLC **THIS ITEM IS ADVERTISED FOR THIS MEETING BUT SHOULD BE TABLED TO JANUARY 17, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION IS TO BE TAKEN ON THE CORRESPONDING APPLICATION FOR LAND USE AMENDMENT AND REZONING.**

(This item was previously tabled.)

E. Approve request for Riverwalk Plaza Major Site Plan Modification (MSPM 16-002) for 326 multifamily units (rental apartments), 51,220 square feet of commercial space, public waterfront promenade and related site improvements on a 9.78-acre parcel located at the southeast corner of South Federal Highway and Woolbright Road. Applicant: Shaul Rikman, Isram Riverwalk, LLC **THIS ITEM IS ADVERTISED FOR THIS MEETING BUT SHOULD BE TABLED TO JANUARY 17, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION TAKEN ON THE CORRESPONDING REQUESTS FOR LAND USE AMENDMENT AND REZONING.**

(This item was previously tabled.)

10. CITY MANAGER'S REPORT - None

11. UNFINISHED BUSINESS

A. PROPOSED RESOLUTION NO. R17-004 - Authorize the City Manager to sign an agreement with Community Caring Center of Greater Boynton Beach, Inc. for leasing of space at the Library to operating a Café.

(This item was addressed earlier in the meeting.)

12. NEW BUSINESS - None

13. LEGAL

A. Mixed Use - 4 (MU-4) Zoning District (CDRV 16-006) - PROPOSED ORDINANCE NO.16-023 - SECOND READING - Approve amendments to the LAND DEVELOPMENT REGULATIONS, Chapters 1, 3, and 4 to begin implementing the Community Redevelopment Plan with the establishment of the new Mixed Use 4 (MU-4) Zoning District including amendments or additions to definitions, site development standards, zoning uses, and urban design standards. City initiated.

(This item was heard earlier in the meeting.)

B. Infill Planned Unit Development (IPUD) (CDRV 16-006) - PROPOSED ORDINANCE 16-024 - SECOND READING - Approve amendments to the LAND DEVELOPMENT REGULATIONS, Chapter 3, Article III, Section 2.G to eliminate the minimum and maximum lot area standards for the Infill Planned Unit Development Zoning District (IPUD). City initiated.

Attorney Cherof read proposed Ordinance16-024 by title only on second reading.

Motion

Vice Mayor McCray moved to approve. Commissioner Casello seconded the motion.

Mayor Grant opened the floor to public comments.

Nancy Hogan, 37 Hibiscus Way, Ocean Ridge was confused and announced she had comments about Riverwalk. Mayor Grant explained comments about Riverwalk will be heard on January 17th at the second hearing. Attorney Cherof explained this was the

first reading of the Ordinance. It is not final. Ms. Hogan advised the instructions were not helpful to her to express what she wanted to at this event.

Mayor Grant noted Infill Planned Unit Development (IPUD) was different than industrial. He inquired if any of those areas did not have minimum or maximum lot areas and have a better chance for development of the vacant area. Mr. Rumpf responded that was correct. Mayor Grant asked if the standards are strictly construed. Mr. Rumpf advised there was no uncertainty in the current regulations for IPUD. The only changes proposed were the minimum and maximum project areas not lot area.

No public comments.

City Clerk Pyle called the roll.

Vote

The vote was 5-0.

- C. **PROPOSED ORDINANCE NO. 16-025 - SECOND READING** - Adoption of an Ordinance establishing a Moratorium for a period from December 6, 2016, to June 4, 2017 regarding group homes.

Attorney Cherof read proposed Ordinance 16-025 on second reading. He noted the Ordinance is listed on second reading, which normally would be final, but the City advertised two public hearings on the Ordinance. After opening and closing this public hearing, another would occur on the 17th. He commented there should be a motion to table it after the public hearing at this meeting.

Mayor Grant opened public hearing,

Nancy Hogan, 37 Hibiscus Way, asked if the Ordinance pertained to sober homes or group homes and learned sober homes are a sub category of group homes. Ms. Hogan commented sober homes have been a serious problem. She commented Mr. Hager on the State level was working on the issue and learned there were ADA issues. Congresswoman Frankel is acting on the federal level so there is a dialogue to find relief. She owns at Snug Harbor which is four stories and there are sober homes two doors down. She commented it looks terrible and the City has to be very careful about all development.

No one else coming forward, Public Hearing was closed.

Motion

Vice Mayor McCray moved to table. Commissioner Romelus seconded the motion.

Vote

The motion unanimously passed.

- D. **PROPOSED ORDINANCE NO. 17-003 - FIRST READING** - Approve Ordinance prohibiting "Conversion Therapy".

(This item was addressed earlier in the meeting.)

14. FUTURE AGENDA ITEMS

Mayor Grant requested deferring the Library presentation. There were no objections to the request.

A. City Commission to review Legislative Priority List for upcoming Legislative Session - January 17, 2017.

B. Discuss an amendment of the City's Zoning Regulations (LDR Chapter 3, Section 3.D.) to allow medical offices as accessory uses to a residential development. - February 7, 2017.

C. Monthly Departmental Presentations:

Library - January 2017

Communications/Marketing - February 2017

D. The Commission meeting on Tuesday, March 7, 2017 has been rescheduled to Monday, March 6, 2017 at 6:30p.m. in the Commission Chambers due to members of the Commission travelling to Tallahassee on March 7, 2017.

E. Joint City Commission/CRA Workshop for six month update on 2016 strategic plan at the Intracoastal Park Clubhouse (IPC) at 3:30p.m. - March 28, 2017.

F. Discuss the creation of a citizen oversight committee as provided by Palm Beach County ordinance and Interlocal agreement - January 17, 2017.

G. Interlocal Agreement with CRA for Community Standards Outreach position - January 17, 2017.

H. Review and consider entering into a Solar Lease and Easement Agreement with FP&L to provide a Solar Tree at Oceanfront Park - January 17, 2017.

I. Consider adopting a Chronic Nuisance Ordinance - February 2017.

J. Pursuant to Section 286.011(8), Florida Statutes, the City has scheduled a private attorney-client session to discuss pending litigation - February 7, 2017, 6:00 pm.

K. Possible changes to cemetery policies - January 17, 2017.

15. ADJOURNMENT

Motion

Vice Mayor McCray moved to adjourn. Commissioner Katz seconded the motion.

Vote

The motion unanimously passed. The meeting was adjourned at 10:31 p.m.

CITY OF BOYNTON BEACH

Mayor - Steven B. Grant

Vice Mayor - Mack McCray

Commissioner - Justin Katz

Commissioner - Christina Romelus

Commissioner - Joe Casello

ATTEST

Judith A. Pyle, CMC
City Clerk

Catherine Cherry, Minutes Specialist