

City of Delray Beach

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Minutes - Draft

Tuesday, February 24, 2026

5:00 PM

Regular Meeting at 5:00 PM

Delray Beach City Hall or Watch on YouTube:
<https://www.youtube.com/@cityofdelraybeachfl/streams>

City Commission

Mayor Thomas F. Carney, Jr.
Deputy Vice Mayor Angela Burns
Commissioner Tom Markert
Commissioner Juli Casale

1. ROLL CALL

The February 24, 2026 Regular City Commission Meeting was called to order at 5:00 p.m. Alexis Givings, City Clerk called the roll, and the following were present:

Terrence Moore, City Manger
Lynn Gelin, City Attorney
Alexis Givings, City Clerk

Present: 4 - Commissioner Tom Markert , Mayor Thomas F. Carney Jr., Deputy Vice Mayor Angela Burns, and Commissioner Juli Casale

2. PLEDGE OF ALLEGIANCE TO THE FLAG

At this time, Mayor Carney reflected on attending a tennis tournament over the weekend, noting the respectful conduct there compared to interruptions and people speaking over one another in commission meetings. He emphasized the importance of mutual respect for colleagues and the public, and proposed that commissioners raise hands to be recognized, speak one at a time, and direct questions through the chair. He urged consistent adherence to these rules to maintain respectful, professional, and effective governance.

3. AGENDA APPROVAL

3.A. Additions, Deletions, Substitutions

Mr. Moore requested that Item No. 7.B. be postponed, allowing time for alignment and structure. He noted that the committee would be under the Finance Department's purview and not Internal Audit. There was discussion among the Commission regarding postponing the item and whether the committee involves a financial review or an audit review. Ms. Gelin stated it could be removed from the agenda. There was consensus to remove Item No. 7.B. from the agenda.

Mayor Carney requested that Consent Item Nos. 6.D., 6.E., and 6.I. be pulled for discussion. They became Item Nos. 7.A.A., 7.B.B., and 7.C.C. respectively.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve the agenda as amended.

all were in favor

4. PRESENTATIONS:

4.A. MILAGRO CENTER AND SOUTHTECH SCHOOLS COLLABORATION

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

SouthTech representatives: Carla Lovett, Executive Director; Tony Robinson, Board Member; and Joshua Wigelsworth, Principal, explained they are a career and technical education focused charter school serving middle and high school students, where all students participate in career academies and can earn industry certifications while completing academics. They highlighted strong outcomes, including a 100% graduation rate, high certification attainment, and college and career readiness, while emphasizing partnerships with local businesses to support workforce development.

Barbara Stark, President & CEO of Milagro Center, described their 29-year role serving underserved youth through afterschool, summer, academic, and enrichment programs, including mentoring and arts education. She emphasized their partnership with SouthTech, including transportation, summer academic programs, and measurable student improvement. Both organizations outlined their shared goal of expanding in Delray Beach by combining academic, technical, and enrichment programming to create a high-quality, career-focused educational model. They noted challenges in finding suitable facilities and expressed interest in future opportunities.

Commissioners expressed appreciation for the presentation, highlighting the value of technical education, strong outcomes, and workforce readiness. Questions were raised about capacity, with SouthTech confirming they are currently full, and informal discussions with the school district about expansion were noted. The presentation concluded with general support and interest in continuing the conversation.

4.B. FEDERAL LEGISLATIVE UPDATE PRESENTATION FROM MICHAEL WILLIS OF THE COLOR NINE GROUP

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Mr. Willis provided an overview of accomplishments, including securing \$57.5 million in set-aside funding for water, wastewater, and storm water projects, \$1.45 million for the Tropic Isles transportation project, and coordination with the Army Corps of Engineers on a stormwater master plan. He noted challenges with federal agencies changing project qualification rules, but explained those issues were resolved, restoring eligibility for funding. Mr. Willis outlined next steps, including pursuing the previously secured funding in the upcoming cycle, continuing work on the storm water master plan, and beginning the FY 2027 appropriations

process to identify future projects. He also highlighted expanded efforts to assist the City with federal and state grant opportunities.

Commissioners expressed appreciation for the funding secured and ongoing support. Clarification was provided that the storm water effort involves updating the existing plan rather than creating a new one, and ensuring alignment with federal funding requirements. The Commission and Jeff Oris, Assistant City Manager, emphasized the value of Mr. Willis' work, including assistance with federal agencies, and thanked him for helping the City access funding and navigate federal processes.

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

5.A. City Manager's response to inquiries and highlights

None.

5.B. From the Public

Albert Richwagon, 33444

Spoke about ongoing nuisance and parking issues related to Club Subculture, citing a severe lack of parking, alleged flaws in the original approval process, misrepresentation of use as a "grab and go" coffee shop, and later approval for liquor and live entertainment. He claimed impacts to neighboring businesses, safety hazards from parking behavior, lack of enforcement, and personal and business harm, including negative online reviews and threats. He also referenced interactions with police regarding enforcement and said no report had been provided regarding parking complaints.

Ronnie Dugenra, 33445

Thanked the Commission for efforts related to preserving the banyan tree at the golf course. Spoke about progress on the Pride Monument project. She emphasized that Compass, a 501(c)(3) organization, would sponsor and fund the project, with no cost to the city, and noted the organization's community service background.

Debra Walker, 33444

Gave a "shout out" to the Pompey Park team for supporting a successful church event held at the facility. She highlighted community recognition efforts honoring individuals for service and thanked staff for their continued support.

Andrea Bruton, 33445

Raised concerns about receiving a \$1,100 invoice months after hosting a breast cancer awareness walk. She stated she was previously told no

costs would apply if the event remained on sidewalks without road closures. She said the invoice lacked explanation or itemization and requested clarification, documentation, and review of the charge.

Cynthia Ridley, 33444

Echoed concerns about unexpected city invoices related to community events, stating she received multiple bills (including for cookouts) without explanation or understanding of services provided. She requested clarity on why charges were issued for events she believed were free and asked that the issue be addressed.

Marjorie Waldo, Arts Garage, 33444

Thanked staff and commissioners, referenced attending a domestic violence awareness luncheon, and noted law enforcement participation. She also pointed out an administrative correction needed for the Arts Garage lease amendment in agenda documentation. She then spoke about a new residency program supporting theater companies without a home base and invited attendance at upcoming performances.

Alex Burns, 33445

Reminded the Commission that the city charter places citizens first, followed by elected officials, and expressed concern about commissioners speaking in terms of "I" rather than representing the public.

Lucika Suarez, 33444

Thanked the city for infrastructure and safety improvements such as sidewalks, lighting, and speed control near schools. Commented on SouthTech and Milagro Center discussions, noting her background in education. She cautioned that charter schools often perform similarly or worse than traditional public schools and raised concerns about funding diversion. She suggested prioritizing investment in public schools to improve competitiveness with other cities.

Esther Rose, 33496

Spoke on behalf of her son regarding severe impacts from a nearby coffee shop on his law office and business operations. She cited parking conflicts, alleged harassment, vandalism, threatening messages, and safety incidents. She described personal injury and significant disruption to business operations, and requested Commission attention and action to prevent further harm.

Yvonne Odom, 33445

Read an editorial from the Palm Beach Post regarding the City Commission's decision not to appoint her to a vacant seat, quoting criticism of that decision and referencing prior nominations and votes. She

urged voters to consider integrity in the upcoming election and emphasized the importance of civic participation.

Arlen Dominek, 33483

Spoke about noise issues on Atlantic Avenue, criticizing what he described as ineffective enforcement of noise ordinances. He cited repeated disturbances from loud vehicles, motorcycles, and music at various times of day and called for more effective solutions than periodic police presence.

Chuck Ridley, 33444

Attempted to speak about Item No. 8.B., but was informed he would have the opportunity to speak on that item later in the meeting.

Seeing no else present, Mayor Carney closed public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Commission Casale, seconded by Deputy Vice Mayor Burns, to approve the Consent Agenda.

all were in favor

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[January 20, 2026 Workshop Meeting Minutes - DRAFT.pdf](#)

The Minutes were approved.

6.B. AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF DELRAY BEACH.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[2026 Uniform Municipal Election and Runoff Election Agreement - Reviewed.pdf](#)
[Simple Legal Review Approval Municipal Election Agreement.pdf](#)

This Request was approved.

6.C. RESOLUTION 49-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH AMENDING RESOLUTION 79-18 PROVIDING SETTLEMENT AUTHORITY LIMITS FOR ALL CLAIMS AND LITIGATION INVOLVING THE CITY; REMOVING AUTHORITY TO SETTLE

CLAIMS AND LITIGATION FROM THE RISK MANAGEMENT DIVISION; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Res 49-26 amend settlement authority](#)
[Res No. 79-18](#)
[Simple Legal Review Reso 49-26](#)

This Resolution was approved.

6.D.

RESOLUTION 46-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN ANNUAL SPECIAL EVENT PERMIT FOR A SERIES OF IMPACT EVENTS KNOWN AS “ART & JAZZ ON THE AVENUE 2026” TO BE HELD ON FEBRUARY 25, 2026, MAY 27, 2026 AND JULY 22, 2026; AUTHORIZING THE CLOSURE OF ATLANTIC AVENUE AND NE 2ND AVENUE AS MORE SPECIFICALLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Art & Jazz Signed App](#)
[Beachside](#)
[PG 1](#)
[PG 2](#)
[PG 3](#)
[West Atlantic](#)
[Simple Legal Review Approval- Dani](#)
[Impact Event Resolution 46-26 Jazz on the Avenue 2026 Series](#)

Mayor Carney requested to pull Consent Item No. 6.D. for discussion. It became Item No. 7.A.A. on the Regular Agenda.

Mayor Carney noted his support for the “Jazz on the Avenue” event but raised concern that the approval was coming just one day before the event, despite prior discussion that event approvals should be reviewed at least 30 days in advance. He asked staff to explain the delay.

Allie Behrman, Special Events Manager, explained that the application was submitted at the end of November and had to proceed through the required review process, including the Special Events Technical Advisory

Committee (SETAC) in December and the Development Services Management Group (DSMG) in January. Because DSMG meets only once a month and timing did not allow for an earlier review, this was the earliest the item could be brought forward. She acknowledged that applicants are aware of the required timelines, but stated that in this case the application was not submitted within the expected timeframe.

Commissioners sought clarification on whether the delay was due to processing or late submission. It was confirmed that the application should have been submitted six months prior to the event date and was therefore not timely. Commissioners noted that, as an annual event, earlier submission should be expected. Despite concerns about timing, commissioners expressed support for the event and agreed to move forward.

A motion was made by Commissioner Casale, seconded by Commissioner Markert, to approve Resolution No. 46-26.

all were in favor

6.E. APPROVAL OF FY24-25 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[CAPER 24-25 Final](#)

Mayor Carney requested to pull Consent Item No. 6.E. for discussion. It became Item No. 7.B.B. on the Regular Agenda.

Mayor Carney questioned why it appeared late, asking whether the delay was due to the City or the federal government. Tavarous Parks, Neighborhood Services Administrator, and Jeri Pryor, Neighborhood & Community Services Director, explained that the report reflects funding and activities from the previous fiscal year, rather than current allocations. Mayor Carney also asked how the funding amount, approximately \$71,000, was determined. Ms. Pryor confirmed it was based on prior fiscal year data and reporting requirements.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve the item.

all were in favor

6.F. APPROVAL TO GRANT AN UNDERGROUND EASEMENT FROM THE CITY OF DELRAY BEACH IN FAVOR OF FLORIDA POWER & LIGHT FOR POMPEY PARK COMMUNITY CENTER AND CAMPUS, LOCATED AT 1101 NW 2ND STREET

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[FPL Underground Easement Agreement - 1101 NW 2nd Street](#)

[Easement - Legal Sketch & Description \(Exhibit "A"\)](#)

[Legal Review FPL Easement - Pompey Park](#)

This Request was approved.

6.G.

ITEM(S) 1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 1304 GWENZELL AVE.

ITEM(S) 2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 1424 GWENZELL AVE.

ITEM(S) 3 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 127 SW 7TH AVE.

ITEM(S) 4 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 121 SE 7TH ST.

ITEM(S) 5 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 35 NW 14TH AVE.

ITEM(S) 6 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 205 SW 11TH AVE.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[1a - Right of Way - 1304 Gwenzell Ave - Hirsch Properties LLC](#)

[1b - Legal Review Right of Way Deed - 1304 Gwenzell Ave - Hirsch Properties LLC](#)

[2a - Right of Way -1424 Gwenzell Avenue - 1424 Gwenzell Avenue LLC](#)

[2b - Legal Review Right of Way Deed - 1424 Gwenzell Ave - 1424 Gwenzell Avenue LLC](#)

[3a - Right of Way Deed - 127 SW 7th Ave - Rudean Cartwright-Williams](#)

[3b - Legal Review Right of Way Deed - 127 SW 7th Ave - Rudean Cartwright-Williams](#)

[4a - Right of Way Deed - 121 SE 7th ST - Michael and Lisa Lockwood](#)

[4b - Legal Review Right of Way Deed - 121 SE 7th Street - Michael and Lisa Lockwood](#)

[5a - Right of Way Deed - 35 NW 14TH AVE - Thrive Collective Foundation](#)

[5b - Legal Review Right of Way Deed - 35 NW 14th Ave - Thrive Collective Foundation](#)

[6a - Right of Way - 205 SW 11th Ave - Shared Future Foundation INC.](#)

[6b - Legal Review Right of Way Deed - 205 SW 11th Ave - Shared Future Foundation Inc](#)

This Request was approved.

- 6.H.** APPROVAL OF THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES - FISCAL YEAR 2024-2025

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Second Amendment to City CRA ILA for FY24-25 CIP](#)
[Simple Legal Review Approval ILA 2nd Amendment](#)

This Request was approved.

- 6.I.** APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF DELRAY BEACH PROVIDING FOR CERTAIN TRAFFIC CONTROL AUTHORITY WITHIN THE CITY OF DELRAY BEACH BY PALM BEACH COUNTY

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[PBC Delray ILA Traffic Control Authority \(new\)](#)
[Simple Legal Review Approval Traffic ILA with County](#)
[Amend. No. 1 PBC Delray ILA - Traffic Control Authority \(1992\)](#)
[PBC Delray ILA Traffic Control Authority \(1987\)](#)

Mayor Carney requested to pull Consent Item No. 6.I. for discussion. It became Item No. 7.C.C. on the Regular Agenda.

Mayor Carney wanted to discuss the interlocal agreement between Palm Beach County and the City of Delray Beach for traffic control authority, noting he had previously discussed concerns with staff about the City having limited input under the agreement. He asked whether there were opportunities to negotiate greater involvement, as some other cities appear to have more influence over traffic control decisions.

Missie Barletto, Public Works Director, explained that she had only recently received the Mayor's question and had not yet had sufficient time to fully explore options. She clarified that while some cities, such as Boca Raton, operate their own traffic control divisions with dedicated staff and equipment, Delray Beach relies on the County, which maintains control over traffic devices and decision-making. She added that this agreement had been negotiated with the County over approximately a year and a half, and attempts to modify terms were largely not accepted. The current agreement is an update to the original 1992 agreement, and one notable

concession gained was allowing public art wraps on County-owned traffic control boxes, which had been a longstanding request.

Commissioner Casale emphasized that while traffic control is often a public concern, taking over responsibility from the County would require significant staffing, equipment, and long-term financial commitment. She noted that such a transition would be costly and may not yield substantial improvements given existing constraints like traffic volume and infrastructure limitations.

Mayor Carney clarified that he was not advocating for the City to assume full control, but rather exploring whether adjustments-such as improved signal timing-could be negotiated within the existing framework. Ms. Barletto confirmed that coordination with the County and FDOT on traffic timing is ongoing.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve this item.

all were in favor

6.J. PROCLAMATIONS:

6.J.1. None

6.K. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.K.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM JANUARY 28, 2026, THROUGH FEBRUARY 10, 2026.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[SPRAB \(1-28\) - Plaza at Delray](#)

[SPRAB \(1-28\) - Wells Fargo Linton](#)

[SPRAB \(1-28\) - Wells Fargo Military](#)

[HPB \(2-4\)-53 Palm Square](#)

[HPB \(2-4\) -Magnolia Place Lot 1-170-176 SE 1st Ave](#)

[HPB \(2-4\)-Magnolia Place Lot 2-160-166 SE 1st Ave](#)

[HPB \(2-4\)-Magnolia Place Lot 3-150-156 SE 1st Ave](#)

[HPB \(2-4\)-Magnolia Place Lot 4-140-146 SE 1st Ave](#)

[HPB \(2-4\)-Magnolia Place Lot 5-13-136 SE 1st Ave](#)

This Request was approved.

6.L. AWARD OF BIDS AND CONTRACTS:

- 6.L.1.** APPROVAL OF RESOLUTION NO. 38-26, TO AWARD AN AGREEMENT WITH HOG TECHNOLOGIES FOR HYDROBLASTING SERVICES PURSUANT TO ITB NO. 2026-015, IN A 5 YEAR TOTAL CONTRACT VALUE NOT TO EXCEED \$750,000 (\$150,000 YEAR) RESPECTIVELY.

Sponsors: Purchasing Department and Utilities Department

Attachments: [Agenda Cover Report](#)

[Res 38-26](#)

[Legal Review Checklist - ITB 2026-015 - Hyrdoblasting - Hog Technologies](#)

[ITB 2026-015 - Hyrdoblasting - Hog Technologies](#)

[Ex A - ITB 2026-015 Hydroblasting Hog Technologies](#)

[ITB 2026-015 Hydroblasting Advertised](#)

[Hog Technologies Submittal](#)

This Resolution was approved.

- 6.L.2.** APPROVAL OF RESOLUTION NO. 33-26 TO AWARD AN AGREEMENT WITH SOUTHLAND CONTROLS, INC., FOR PROVIDING SYSTEM REPAIR AND MAINTENANCE SERVICES ON AN AS-NEEDED BASIS FOR THE CITY OF DELRAY BEACH WATER TREATMENT PLANT (WTP) LIME STORAGE SILO SYSTEMS, LIME SLAKERS UNITS AND FEEDERS, AND CO2 STORAGE TANK AND FEEDER PUMPS SYSTEM PURSUANT TO INVITATION TO BID (ITB) NO. 2026-006 FOR A FIVE (5) YEAR TERM NOT TO EXCEED \$315,000 (\$63,000 YEARLY).

Sponsors: Purchasing Department and Utilities Department

Attachments: [Agenda Cover Report](#)

[Res No. 33-26 - ITB2026-017 - Southland Controls - Lime and CO2 System Services](#)

[Exhibit A. Agreement](#)

[Legal Review](#)

[ITB2026-017_Lime and CO2 System Services_ct_Final](#)

[Submittal](#)

This Resolution was approved.

- 6.L.3.** APPROVAL OF RESOLUTION NO. 51-26 TO AWARD AN AGREEMENT WITH GREAT LAKES DREDGE & DOCK COMPANY, LLC PURSUANT TO A BID WAIVER FOR BEACH RENOURISHMENT (SAND PLACEMENT) SERVICES IN THE AMOUNT OF \$1,312,700.00

Sponsors: Purchasing Department and Public Works Department

Attachments: [Agenda Cover Report](#)
[Res No. 51-26 BW 2026-003 Beach renourishment Services](#)
[Ex A Bid Waiver Memo](#)
[Ex. B Agreement](#)
[Legal Review Checklist](#)

This Resolution was approved.

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 39-26 AMENDING THE FISCAL YEAR 2025-26 BUDGET ADOPTED BY RESOLUTION NO.198-25 ON SEPTEMBER 15, 2025.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 39-26](#)
[Exhibit A 39-26 with backup](#)
[Legal Review Res 39-26 Budget Amendment FY 2026](#)

Ms. Gelin read Resolution No. 39-26 into the record.

Henry Dachowitz, Chief Financial Officer, outlined three budget adjustments included in the resolution. First, Parks and Recreation requested \$50,000 to cover a pool safety grant funded by the U.S. Consumer Product Safety Commission; this would increase both revenues and expenditures equally, offsetting one another. Second, a \$210,000 expense-to-expense transfer was proposed from the Crest Theatre Auditorium project to the Delray Beach Historical Society improvements project to support expanded scope related to land disposal compliance. Third, a \$4,600 transfer within the Central Garage Fund was requested to move funds from contractual services to equipment maintenance for required fuel tank testing.

Discussion focused primarily on the \$210,000 transfer. Deputy Vice Mayor Burns asked whether the funding was part of the previously discussed \$6.5 million allocation. It was clarified that the Historical Society project is funded through a phased approach, with \$3.5 million currently in the Capital Improvement Plan, and that the previously discussed \$6.5 million would be allocated over time. Staff explained that the funding had originally been included in earlier budget discussions but needed to be formally reallocated, consistent with prior commitments made to the Commission.

Mr. Moore confirmed that this transfer aligns with prior discussions and commitments, including those made at a previous Commission meeting, and ensures the project can proceed.

A motion was made by Commissioner Casale, seconded by Commissioner Markert, to approve Resolution No. 39-26.

all were in favor

7.B. DISCUSSION REGARDING FINANCIAL REVIEW COMMITTEE STRUCTURE

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

This item was removed from the agenda.

7.C. CITY ATTORNEY'S MERIT INCREASE

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[City Attorney Performance Evaluation 2026](#)

Duane D'Andrea, Human Resources Director, explained that the City Attorney received a cumulative performance score of 4.9 based on commissioners' evaluations. He noted that, under policy, the Commission could approve a merit increase based on that score, with a range from 0 to 5 percent, or adjust it at their discretion.

Mayor Carney asked for clarification on how the increase is determined and whether it is strictly tied to the evaluation score or subject to Commission input. It was confirmed that while the score provides a basis, the Commission may choose the final percentage.

Commissioner Casale proposed a 6% increase, explaining that the City Attorney is highly accessible, responsive to both commissioners and residents, and consistently available even outside normal working hours. She emphasized the value of her work and dedication, stating the increase was reasonable and consistent with prior adjustments.

Deputy Vice Mayor Burns asked whether this matched the previous year's increase and agreed with the 6% recommendation. Commissioner Markert also expressed support.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve a 6% merit increase for the City Attorney.

all were in favor

- 7.D. RESOLUTION NO. 47-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF A WATER EASEMENT LOCATED AT 3900 SHERWOOD BOULEVARD, TOTALING APPROXIMATELY ONE THOUSAND EIGHT HUNDRED AND TWELVE SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 47-26 Abandonment of Water Easement](#)
[3900 Sherwood Blvd. Engineer's Recommendation](#)
[Recorded Plat, Layton Pointe](#)
[Certified Site Plan, Layton Pointe](#)
[Legal Review, Resolution No. 47-26](#)

Ms. Gelin read Resolution No. 47-26 and Resolution No. 48-26 into the record. It was noted that these items are associated with the Layton Pointe development and that alternative utility easements had already been secured.

A motion was made by Deputy Vice Mayor Burns, seconded by Commissioner Casale, to approve Resolution No. 47-26.

all were in favor

- 7.E. RESOLUTION NO. 48-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF A SEWER EASEMENT LOCATED AT 3900 SHERWOOD BOULEVARD, TOTALING APPROXIMATELY TWO THOUSAND SIXTEEN SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[3900 Sherwood Blvd. Engineer's Recommendation](#)
[Resolution No. 48-26 Abandonment of Sewer Easement](#)
[Recorded Plat, Layton Pointe](#)
[Certified Site Plan, Layton Pointe](#)
[Legal Review, Resolution No. 48-26](#)

Ms. Gelin read Resolution No. 48-26 into the record under Item No. 7.D.

A motion was made by Deputy Vice Mayor Burns, seconded by Commissioner

Casale, to approve Resolution No. 48-26.

all were in favor

7.F.

RESOLUTION NO. 53-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE RECONSIDERATION OF RESOLUTION NO. 62-23 APPROVING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROPERTY LOCATED AT 302 NE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; SCHEDULING A QUASI- JUDICIAL HEARING TO RECONSIDER THE PARKING REQUIREMENT FOR THE PROPERTY ON MARCH 9, 2026 AT 5:00 PM OR ANYTIME THEREAFTER; DIRECTING CITY STAFF TO NOTICE THE PROPERTY OWNER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Meeting Excerpt - April 18, 2023](#)
[CAD](#)
[Res. No. 53-26](#)
[Reso 53-26 LRC](#)

Ms. Gelin read Resolution 53-26 into the record and explained that the purpose was to reopen the matter for further review and schedule a quasi-judicial hearing on March 9, 2026.

Ms. Gelin stated that complaints had been received from both the public and staff, and referenced the original quasi-judicial transcript, noting the applicant had initially presented the business as a “grab and go” establishment. She indicated that the current operation may differ from that representation and that the Commission has the discretion to reassess parking requirements if the use has changed. She emphasized that reopening the case would allow for proper notice to the property owner and an opportunity for all parties to be heard.

A motion was made by Deputy Vice Mayor Burns, seconded by Commissioner Casale, to approve Resolution No. 53-26.

all were in favor

7.G.

RESOLUTION NO. 57-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO SECTION 4.4.3(F)(1)(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A FLOOR AREA RATIO OF 0.85 FOR THE PROPERTY LOCATED AT 1006 BROOKS LANE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res No. 57-26 1006 Brooks Lane FAR Waiver](#)

[1006 Brooks Ln - Plan Set](#)

[1006 Brooks Ln - Adjacent Property Photos](#)

[Simple Legal Review Approval 1006 Brooks Lane FAR waiver](#)

[1006 Brooks Ln - SDG Justification](#)

Mayor Carney read the quasi-judicial rules into the record.

Ms. Givings swore in those individuals who wished to provide testimony on this item.

Anthea Gianniotis, Development Services Director, entered Building Permit File No. 22-00204096 and Planning and Zoning File PZ000448-2026 into the record.

Mayor Carney asked his colleagues to disclose any ex-parte communications for this item.

Mayor Carney: Disclosed that he had spoken with members of the Beach Property Owners Association (BPOA), City staff, and the City Attorney several times regarding the permit process. He clarified that he had not had any direct communication with the applicant. He also noted that there was extensive correspondence received by the Commission, including numerous letters and supporting materials, all of which would be entered into the record as part of the ex parte communications. Acknowledged that, in addition to prior discussions, any emails or materials already included in the public record would also be considered as part of the record for this item.

Deputy Vice Mayor Burns: Stated that she had not spoken with anyone recently regarding the item. She then clarified that any prior discussions occurred earlier when the matter first arose, but no recent communication had taken place.

Commissioner Casale: Spoke to the owners representative, and members of the community. Spoke to the former representative, Ms. Andrea Keiser on this at some point.

Commissioner Markert: Spoke to both gentlemen.

Ms. Gelin read Resolution No. 57-26 into the record.

The applicant was represented by Michael Stamm and Sean McAllister of Stamm Development, who explained that a building permit had originally been approved in 2023 under prior regulations allowing a larger structure. They stated that substantial costs were incurred in reliance on that permit. After new regulations reduced the allowable FAR, they redesigned the project to reduce the size from approximately 9,112 square feet (1.06 FAR) to 7,330 square feet (0.85 FAR), arguing this was a reasonable compromise. They also cited a belief that the original permit remained valid and emphasized their effort to meet updated building codes and FEMA requirements while seeking an equitable resolution.

Anthea Gianniotis, Development Services Director, clarified that the original permit was issued as an owner-builder permit, which became invalid when the property ownership changed to an LLC without notification to the City. She explained that such permits cannot transfer to a corporate entity and that a new permit would be required under current regulations. She also provided context on FAR standards, noting that the surrounding neighborhood consists of homes with significantly lower FARs, generally at or below 0.65, and that the proposed 0.85 FAR would exceed the established neighborhood character.

Mayor Carney opened the floor to anyone who wished to speak on this item.

Hal Stern, 622 Seasage Drive, 33483

Spoke as President of the BPOA, in opposition of the item and submitted a letter into the record. He stated that the BPOA supports the intent of the FAR ordinance adopted in March 2024 to preserve neighborhood scale and prevent oversized homes. He argued the requested 0.85 FAR represents approximately a 30% increase above the adopted 0.65 standard and would materially alter neighborhood character. He further stated that granting the waiver would set a precedent encouraging similar requests, weakening the ordinance, and that no hardship exists because a compliant home of approximately 5,500-6,000 square feet could still be built.

Joe Schlow, 1005 Brooks Lane, 33483

Spoke representing himself and multiple nearby residents, including homeowners on Brooks Lane and White Drive who yielded their time. He stated that residents are full-time Delray Beach residents and strongly oppose the waiver due to its scale and inconsistency with the FAR ordinance. He argued the proposal represents a significant deviation that undermines the intent of the regulations adopted to preserve neighborhood compatibility. He reiterated that no hardship exists and that approval would set a precedent affecting surrounding properties.

Ned Wehler, 1010 Ingraham Avenue, 33483

Spoke as the Vice President of the BPOA, and testified in opposition of the item. He recalled prior involvement in the drafting of the FAR ordinance, stating it was developed over several years in collaboration with staff, residents, and developers to reflect existing neighborhood character. He emphasized that the adopted FAR standards were based on measured existing conditions across barrier island neighborhoods and were not arbitrary. He stated the proposed FAR exceeds neighborhood norms and is inconsistent with the intent of the adopted regulations.

Tom Kustura, 1010 Brooks Lane, 33483

Stated that he lives directly next to the subject property and expressed concern that granting the waiver would create precedent for similar requests, including for his own property. He cited state law requirements that waivers be justified and argued no legal hardship exists. He also raised concerns about construction impacts and code compliance issues at the site and stated the applicant is a speculative developer rather than a full-time resident.

Seeing no one else present, Mayor Carney closed public comment.

In rebuttal, Mr. Stamm reiterated that their situation was unique due to reliance on a previously issued permit and argued that granting the waiver would not create a harmful precedent. Ms. Gelin responded that the validity of the original permit was not relevant to the waiver decision and confirmed that the permit was no longer valid due to the ownership change. She emphasized that the Commission must evaluate the request solely based on the waiver criteria.

During Commission discussion, Commissioner Markert, Deputy Vice Mayor Burns, and Commissioner Casale all expressed that, despite sympathy for the applicant, they could not support the waiver because it conflicted with the ordinance they had adopted to protect neighborhood character. Mayor Carney focused on the legal implications of the ownership change and agreed that the original permit no longer conferred rights.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to deny Resolution No. 57-26. The motion carried by the following vote:

Yes: 4 - Commissioner Markert, Mayor Carney Jr., Deputy Vice Mayor Burns, and Commissioner Casale

7.H.

NOMINATION FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD. BASED ON THE ROTATION SYSTEM, THE NOMINATION FOR ONE (1) **QUALIFIED MEMBER** TO SERVE AN UNEXPIRED TERM ENDING AUGUST 31, 2026, WILL BE MADE BY COMMISSIONER MARKERT (SEAT #1).

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Board Member List](#)

[HPB Attendance 2025](#)

[HPB Attendance 2026](#)

[Amani, Sandra](#)

[DeLacio, John](#)

[Eliopolous, Jake](#)

[Fredericks, Carol](#)

[Martino, Daniel](#)

Commissioner Markert nominated Jake Eliopoulos.

all were in favor

7.I. **REQUEST FOR RECONSIDERATION**

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Tree Risk Assessment Form Baker Landscaping.pdf](#)

[The International Society of Arboriculture.pdf](#)

[Request for Reconsideration.pdf](#)

[updated - DB Municipal GC Banyan Tree Risk Assessment report.pdf](#)

Mayor Carney explained that the City had not initially received a full presentation and that the purpose of the item was to formally request reconsideration in light of additional work and information now available. Ms. Gelin confirmed this understanding, and Mr. Moore provided an update explaining that, following direction from a prior special meeting, the City secured a new contractor, Baker Landscape Services, to prepare a technical report regarding the banyan tree and related conditions. This report, along with other supporting documentation, had been distributed to the Commission and would be included in the reconsideration request. He stated that the goal was to obtain Commission approval to submit a formal letter to the Lake Worth Drainage District requesting reconsideration, accompanied by the new technical findings.

Ms. Gelin added that she had prepared a justification statement included in the agenda backup, citing the newly developed report and a risk assessment as the basis for reconsideration. She explained that any member of the Drainage District board who was on the prevailing side of the original vote could bring forward the reconsideration request. Mayor Carney expressed support and noted that the submission would include the

City Attorney's supporting narrative.

A motion was made by Deputy Vice Mayor Burns, seconded by Commissioner Casale, for Mr. Moore to deliver a formal letter to the Lake Worth Drainage District requesting reconsideration based on newly discovered evidence.

all were in favor

City Manager Moore concluded by noting that the Lake Worth Drainage District holds meetings twice monthly, a workshop on the first Tuesday and a regular meeting on the second Wednesday. He stated his intent to deliver the request tomorrow and will advise the Commission accordingly.

This Request was approved.

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 03-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", SECTION 32.64, "QUALIFICATIONS", TO CLARIFY THE CRITERIA FOR APPOINTMENT OF BOARD MEMBERS TO THE POLICE ADVISORY BOARD; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES(SECOND READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Ord 03-26 Amend to Police Advisory Board lg enclosure FINAL 2nd reading](#)

[Equal Protection Concerns - Police Advisory Board Appointments Process](#)

[Letter Regarding Correspondence Dated November 13, 2025](#)

[Business Impact Estimate Ord 03-26](#)

Ms. Gelin read Ordinance No. 03-26 into the record. She stated that she made changes to the language based on a complaint that had been filed concerning potential equal protection concerns.

Mayor Carney opened the floor to who wished to speak on this item.

Paul Cannon, Chair of the Police Advisory Board, 33483

Spoke in opposition of the ordinance. He stated that he believes the proposal represents "Tallahassee overreach" and expressed concern about outside influence affecting local decision making. He explained that the Police Advisory Board was originally created to ensure representation from the city's diverse communities and argued that its current structure and wording should be preserved. He concluded by urging the

Commission to resist the proposed change and maintain the existing language.

Seeing no one else present, Mayor Carney closed public comment.

Deputy Vice Mayor Burns sought clarification from the City Attorney regarding the revised ordinance language, confirming that the updated wording was intended to be inclusive of all members of the community. Ms. Gelin explained that the previously objectionable language, which stated that the City Commission shall endeavor to include as many racial and ethnic minority members as possible had been amended. The revised language now provides that the Police Advisory Board membership shall include a diverse cross section of the community representing a variety of perspectives and experiences across all demographic groups.

Deputy Vice Mayor Burns stated that she supported the revised language and indicated it aligned with what stakeholders wanted. Commissioner Casale indicated support for the change, noting that it maintained the intended meaning. Deputy Vice Mayor Burns reiterated that the revised language was inclusive of everyone. Commissioner Markert also expressed agreement with the amendment. Mayor Carney stated his support, emphasizing that the City Commission retains responsibility for ensuring the board reflects an appropriate and balanced representation of community interests.

A motion was made by Deputy Vice Mayor Burns, seconded by Commissioner Casale, to approve Ordinance No. 03-26.

all were in favor

8.B.

ORDINANCE NO. 13-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, TITLE III, "ADMINISTRATION," CHAPTER 36, "ACQUISITION OF GOODS AND SERVICES AND DISPOSAL OF CITY PROPERTY", SECTION 36.02, "COMMISSION APPROVAL REQUIRED", TO INCREASE THE THRESHOLD FOR CITY COMMISSION APPROVAL OF ACQUISITIONS FROM \$65,000 TO \$100,000; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ord 13-26 purchasing authority for CM](#)
[BIE ord 13-26 amending purchasing code](#)
[Legal Review Ordinance Amending Ch. 36](#)

Ms. Gelin read Ordinance No. 13-26 into the record.

There was no presentation by staff.

Mayor Carney opened the floor to anyone who wished to speak on this item.

Seeing no one present, Mayor Carney closed public comment.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Ordinance No. 13-26.

all were in favor

8.C.

ORDINANCE 35-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, CHAPTER 99, "NOISE CONTROL," BY REPEALING THE ADOPTED CHAPTER 99 IN ITS ENTIRETY AND READOPTING SAME, AS REVISED, IN ORDER TO AMEND AND UPDATE THE CITY'S REGULATIONS FOR THE APPROPRIATE LEVEL OF NOISE OUTPUT ORIGINATING WITHIN THE LIMITS OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE (SECOND READING).

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 35-25 Chapter 99 lg rev 11-20-25](#)
[Ex A to Noise Ordinance 11-20-2025](#)
[Ex B to Noise Ordinance for 2nd reading FINAL 2-24-26 lg rev](#)
[Ordinance 35-25 BIE reviewed by Finance - 01.20.26](#)
[Delray Beach -2024 Sound Study](#)

Ms. Gelin read Ordinance No. 35-25 into the record. She explained that the ordinance updates and modernizes the City's noise regulations to establish clearer and more objective standards for measuring and enforcing allowable noise levels within the City. She noted that the City previously held a town hall meeting on February 5, 2026, with staff participation to gather community input. If adopted, staff would proceed with purchasing noise meters and begin training with a consultant, followed by community outreach. Implementation was anticipated for April-May

2026. Ms. Gelin addressed several misconceptions raised by the public. She clarified that the City does have an existing noise ordinance that has been in place since approximately 2012, with a prior update in 2013. She explained that the current standard, plainly audible at 100 feet, is subjective, and the proposed ordinance introduces objective decibel-based measurements to improve consistency and fairness in enforcement, while still retaining the plainly audible standard when meters are unavailable. She further clarified that noise is measured at the property boundary (generally near the sidewalk) rather than inside private property, in accordance with Florida law, and that the ordinance accounts for properties with boundaries close to buildings, particularly in downtown areas. She explained that different zoning districts, including entertainment districts, are assigned varying allowable decibel levels, with higher allowances for industrial and entertainment areas. Ms. Gelin also addressed concerns about how the decibel standards were developed, explaining they were based on a professional sound study conducted over approximately two weeks. The study included both objective measurements using noise meters placed throughout the City and community volunteer input. She stated that the standards were developed by an acoustic consultant experienced in other municipalities, including Miami Beach, and were further reviewed by additional consultants and legal counsel. She emphasized that the ordinance is not intended as a revenue generator and that Code Enforcement prioritizes compliance over fines. She noted that enforcement will likely begin with warnings and that fines are established by state law rather than the City Commission. She also explained that enforcement may ultimately involve the Special Magistrate if compliance is not achieved.

Regarding vehicular noise, Ms. Gelin explained that enforcement is governed by Florida Statutes and involves coordination with state agencies. She noted that the City will rely on decibel measurement tools and law enforcement training to address complaints, particularly regarding loud mufflers and vehicle noise. She clarified that the ordinance defers to state law for vehicle related noise enforcement.

Ms. Gelin concluded by recommending adoption of the ordinance, emphasizing the extensive work of staff and consultants to develop balanced standards that support both residents and businesses. She recommended a follow-up report to the Commission in 120 days to evaluate implementation, assess effectiveness, and determine whether adjustments are necessary based on real world enforcement data. Mayor Carney affirmed support and acknowledged the work involved.

Mayor Carney opened the floor to anyone who wished to speak on this item.

Alex Burns, 33445

Shared that the noise ordinance issue is personal to him as a business owner, noting that noise is an expected part of downtown life. He expressed concern that regulating noise too strictly could negatively impact businesses and the vibrancy of downtown. He also discussed broader issues of economic inequity, stating that historically undeserved communities have been left behind and suggesting that expanding opportunity and economic development across all areas of the city would benefit Delray Beach as a whole.

Angela Hill, 33445

Spoke about the historical context of segregation in Delray Beach, referencing past policies that separated communities along racial lines. She stated that these historical boundaries continue to influence present day expectations around neighborhoods and entertainment. Ms. Hill argued that extending the entertainment district west of Swinton would be a step toward correcting historical inequities and ensuring equal opportunity for cultural and business activity across the city.

Lucika Suarez, 33444

Spoke as a realtor and raised concerns about the financial viability of businesses operating under stricter noise regulations. She explained the high cost of commercial space in the downtown area and warned that additional restrictions could make it difficult for tenants and business owners to succeed. She emphasized the importance of balancing regulation with economic sustainability and noted that downtown convenience comes with expected trade-offs, including noise.

Michael Tyche, 33444

Stated that the ordinance appears more restrictive and may not align with residents' original concerns, which he believes were primarily focused on vehicle noise, especially motorcycles. He expressed concern about reduced quiet hours and increased enforcement affecting neighborhood gatherings and community life. He also warned that the ordinance could negatively impact downtown vibrancy and create a perception of overregulation.

Chuck Ridley, 33444

Provided historical context on the Community Redevelopment Agency (CRA) and the development of downtown Delray Beach. He stated that past revitalization efforts focused on bringing life to a previously inactive downtown. He also described the historical presence of Black-owned entertainment venues east of Swinton Avenue and argued that redevelopment efforts contributed to the decline of those spaces. Mr.

Ridley urged consideration of how current policies affect the survival of businesses and called for renewed support of a vibrant entertainment district.

George Long, 33444

Stated that discussion of expanding the entertainment district is separate from the noise ordinance itself. He acknowledged concerns about noise levels but said he personally has not been impacted. He suggested that some venues may be using excessively large sound systems and recommended exploring technical solutions such as improved speaker placement or acoustic engineering. He concluded that the ordinance is unlikely to harm the city but encouraged thoughtful enforcement and data-driven evaluation.

Laura Simon, 33483

Representing the Downtown Development Authority, expressed concern about the potential impact of the ordinance on the nighttime economy. She noted that the entertainment district is currently limited in scope and that changes to hours and noise levels could affect multiple areas of downtown. She supported evaluating expansion of the entertainment district and encouraged further testing and review of the proposed standards before final implementation.

Ellen Beyda, 33483

Stated that vehicular noise, particularly motorcycles and cars on Atlantic Avenue, is her primary concern. She described the noise as frightening for pedestrians, especially children. She expressed appreciation for the discussion and stated she was previously unaware of the broader components of the ordinance.

Rhonda Miller, 33444

Questioned who is defining the complaints about noise and expressed concern that newcomers may be driving increased regulation. She raised skepticism about enforcement tools such as noise meters and suggested that noise enforcement could be uneven or targeted. She argued that noise is a natural part of community life and that enforcement should focus specifically on problem sources rather than broader restrictions affecting the entire city.

Seeing no one else present, Mayor Carney closed public comment.

Ms. Gelin explained that the proposed 120-day period is not a true pilot program, because we can't do a pilot program unless there's something in the code, and the city has to have regulations in order to test it out. She stated that the choice is to either maintain the current subjective approach,

which doesn't work, or adopt the proposed ordinance and implement it in phases. She added that, similar to our red speed cameras, the city is still in a phased approach and may extend the period if needed. She also noted that the goal is to move away from a standard where what's noise to you may not be noise to me. She explained that the 120-day period is necessary because the city must purchase the noise meters, schedule the trainings, and do our education at the outset. This would be followed by a structured implementation period where staff are trained, the equipment is tested, and enforcement begins gradually, starting with a warning period similar to other traffic citation programs. She emphasized that the meters require technical use, including adjustments for ambient noise and proper positioning, and staff must be fully trained to ensure accurate readings. After this period, staff will return to the Commission with an update on whether the numbers are where they should be and whether the ordinance is being applied fairly. Ms. Gelin further stated that our goal is compliance, and Code Enforcement works to achieve compliance through education and coordination with businesses. She referenced prior issues with noise impacts and explained that staff previously held meetings with businesses to address concerns, noting that once people understand what the requirements are and why they're in violation, it leads to a much better relationship between the city and the business. She added that Code Enforcement and Development Services often work with businesses on mitigation measures, including operational adjustments and site-based solutions. She also explained that enforcement requires proper legal standards and cannot rely on hearsay. If there is a noise complaint, the city has to have personal observation to issue a citation. She described how other jurisdictions, including Miami Beach, used a task force approach where officers were trained on noise meters and stationed in known problem areas, similar to speed traps, allowing them to issue citations based on observed violations.

A motion was made by Commissioner Casale, seconded by Commission Markert, to approve Ordinance No. 35-25.

all were in favor

8.D.

ORDINANCE NO. 10-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES CHAPTER 1, "GENERAL PROVISIONS," ARTICLE 1.3, "NONCONFORMING USES, LOTS, AND STRUCTURES," SECTION 1.3.2, "NONCONFORMING LOTS OF RECORD," TO REMOVE THE DEFINITION OF A NONCONFORMING LOT OF RECORD; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.1, "ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP," SECTION 4.1.4, "USE OF LOTS OF RECORD," TO ALLOW THE REDEVELOPMENT OF PREVIOUSLY DEVELOPED

NONCONFORMING LOTS OF RECORD AND TO ELIMINATE RELIEF PROCEDURES, AMENDING ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.1, "APPLICATION OF DISTRICT REGULATIONS," TO ELIMINATE RELIEF PROCEDURES AND TO ADD ALLOWANCES FOR LOTS OF RECORDS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.3, "SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICTS;" AMENDING ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING," SECTION 4.7.8, "OTHER INCENTIVES," TO ADD DESIGN REQUIREMENTS AND SETBACK RELIEF FOR WORKFORCE HOUSING UNITS; AND AMENDING APPENDIX A, "DEFINITIONS," TO AMEND THE DEFINITION OF "LOT OF RECORD" AND ADOPT A DEFINITION FOR A LEGACY PROPERTY, NONCONFORMING LOT, AND NONCONFORMING LOT OF RECORD;" PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING / PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 10-26 Proposed Changes from First Reading](#)

[PZB Staff Report, Lots of Record](#)

[Ordinance No. 10-26, Lots of Record First Reading](#)

[Legal Review, Ordinance No. 10-26](#)

[BIE, Ordinance No. 10-26](#)

[Proof of Legal Advertisement, Ordinance No. 10-26](#)

Ms. Gelin read Ordinance No. 10-26 into the record.

Anthea Gianniotis, Development Services Director, explained that the changes address inconsistencies created by a 1990 citywide rezoning, where many existing lots, particularly in older neighborhoods, do not meet current dimensional standards but remain legally established. The ordinance recognizes properties defined by metes and bounds, especially in the northwest and southwest areas, and aims to correct long-standing inequities by allowing these parcels to be more easily developed. A new legacy property designation applies to parcels owned by the same family for at least 30 years, allowing redevelopment for family members without workforce housing restrictions, while still requiring workforce housing if the property is sold outside the family. Additional amendments clarify development standards and simplify previously confusing code language. A provision that would have required workforce housing when subdividing certain lots is removed due to concerns about unintended impacts on property owners and neighborhood character. The ordinance also introduces adjustments such as reduced setbacks, height limits for

workforce housing, allowances for porches and driveways, and clearer rules for alley access. Ms. Gianniotis noted that these updates are intended to reaffirm property rights, support infill development, and expand workforce housing opportunities while maintaining neighborhood compatibility, and recommends approval of the ordinance as amended.

Mayor Carney opened the floor to anyone who wished to speak on this item.

Yvonne Odom, 33445

Spoke as a resident and president of the Delray Beach Community Development Corporation, and in support of the ordinance, stating it will correct long-standing issues that have prevented families from building homes on legally existing nonconforming lots. She shared that two (2) housing opportunities for young men and families were previously blocked due to lot configuration issues and expressed that the ordinance will help advance homeownership opportunities. She emphasizes the importance of homeownership as part of the American Dream and argues that current residents should not be penalized for historical platting practices. She urged approval of the ordinance and thanked staff, specifically acknowledging Barbara Pinkston.

Chuck Ridley, 33444

Supports the ordinance and commends staff and leadership for addressing what he describes as a historical inequity tied to past segregation-era land development patterns. He states that the changes represent corrective action and encourages continued leadership on similar issues to benefit future generations.

Jeff Costello, 33444

Spoke as a planning consultant, and in support of the ordinance and noted his involvement in assisting with its development. He expressed support for provisions allowing redevelopment of metes and bounds lots without replatting, as well as changes that support workforce housing adjustments and the removal of certain restrictive provisions affecting R1A properties. He stated that the amendments provide broader flexibility for property owners.

Seeing no one else present, Mayor Carney closed public comment.

Deputy Vice Mayor Burns stated that she was initially pleased with the ordinance but now feels uncertain due to the changes, saying she believes it may be more appropriate to return to first reading. She requested a simplified explanation of what removing "number four" does.

Ms. Gianniotis explained that under current rules in the R1A district, lots that are under the standard 60-foot requirement (often 50-foot lots from historic plats) can be developed, and in R1A those lots can already be split and developed as market-rate homes. The removed provision would have required that, when those lots are divided, a portion be designated as workforce housing instead of all being market rate. She explained that this proposal was intended to increase workforce housing but created a major policy shift and conflicted with other parts of the ordinance. She added that it also risked unintended impacts in other zoning districts by increasing nonconformities in neighborhoods with larger lots. She concluded that eliminating number four restores consistency with the rest of the ordinance and avoids introducing broader density changes at this time.

Deputy Vice Mayor Burns confirmed her understanding, noting that the change removes a requirement that would have affected larger or higher-value lots by requiring workforce housing.

Commissioner Casale asked whether the revisions were based on county practices regarding parcels not originally platted, and staff confirmed that the intent was consistent with how legally described properties are treated, particularly those conveyed through metes and bounds rather than subdivision plats. She clarified that the changes are relatively limited, mainly adjusting setbacks and clarifying rules for legacy properties and lot definitions. She also asked whether allowing redevelopment of legacy properties could expose owners to potential exploitation or pressure, and staff responded that the changes primarily streamline the permitting process by recognizing legal property descriptions and reducing procedural barriers such as plat exemptions. Commissioner Casale stated she is generally supportive and believes the changes are long overdue, referencing prior small-scale amendments that frequently came before the Commission.

Mayor Carney expressed support for the amended version, stating it is an improvement. He acknowledged concerns about potential exploitation but emphasized that the ordinance helps legacy families, primarily in northwest and southwest neighborhoods, build wealth and benefit from increased property values. He concluded that he supports the amended ordinance and believes it provides meaningful opportunity for long-standing property owners.

A motion was made by Deputy Vice Mayor Burns, seconded by Commissioner Markert, to approve Ordinance No. 10-26 as amended.

all were in favor

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

None.

C. City Commission

Commissioner Casale:

Congratulated Marjorie Waldo for being named Boca Magazine's 2026 Best Woman in Business. She announced that Delray Reads will take place Thursday morning, noting there are about 146 readers participating and limited spots may still be available. She thanked organizers and contributors to the Delray Open, including the Baron family, city staff, sponsors, volunteers, the Parks and Recreation Department, and Hassan Hadjimiry for providing a generator that allowed the event to continue after a disruption. She also highlighted an upcoming event on February 28 from 3:30 to 6:30 p.m. at Lily Pulitzer, hosted by the Frances J. Bright Women's Club, to support a mentoring program for 12th-grade girls in the debutante program. Lastly, she requested an update on the hiring process for the Purchasing Director. Mr. Moore responded that he will provide an update in the coming weeks regarding the overall approach and hiring process. Commissioner Casale thanked him.

Deputy Vice Mayor Burns:

Stated that the Delray Open continues to improve each year and congratulated Marjorie Waldo on her recognition.

Commissioner Markert:

Gave a shoutout to the staff and volunteers who worked at the Delray Open, noting that many put in long hours, especially the Parks and Recreation team, and expressed appreciation for their efforts in making the event successful.

Mayor Carney:

Discussed upcoming organizational changes, including a new commissioner joining within the next month and the need for a future goal-setting session to reset priorities after two years. Mr. Moore clarified that the 2025 goal setting session was not held due to the Vision 2035 process and explained that a new session could be scheduled after the

March 26th organizational meeting, with participation from the incoming commissioner.

Mayor Carney asked for an update on the compensation study and implementation of recommendations. Duane D'Andrea, Human Resources Director, explained that portions of the study have been implemented through departmental budgets, with approximately 30% of general employees receiving pay adjustments. Additional benchmarking and recommendations will be presented in the coming months in preparation for the FY 2026-2027 budget process.

Mr. Moore confirmed that the budget workshop schedule has been distributed, with the first workshop planned for early April.

Mayor Carney also raised the idea of reviewing the city's entertainment district boundaries due to changes in development patterns, and staff confirmed this discussion would return during future planning efforts.

Discussion also took place regarding the Pride replacement interchange project. Mr. Moore stated that only one informal proposal has been received so far and that the process remains open for additional community input.

Mayor Carney raised concerns about residents receiving bills months after applying for special events permits. Mr. Moore stated staff would review the issue and provide clarification at an upcoming meeting after consulting with special events personnel.

Commissioner Casale:

Added an announcement encouraging participation in a community "Run with the Chief" event scheduled for Saturday at 9 a.m. at Barwick Park.

11. ADJOURNMENT

There being no further business to discuss, Mayor Carney adjourned the meeting at 9:18 p.m.

The City shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Please contact the Human Resources Department at (561) 243-7125 at least 24 hours prior to the program or activity for the City to reasonably accommodate your request. Adaptive listening devices are available for meetings in the Commission Chambers.