

City of Delray Beach

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Minutes - Draft

Tuesday, October 6, 2020

4:00 PM

Regular Meeting at 4:00 PM

Virtual Meeting

City Commission

Mayor Shelly Petrolia
Vice Mayor Ryan Boylston
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Adam Frankel
Commissioner Juli Casale

1. ROLL CALL

The Regular City Commission Meeting was called to order at 4:55 p.m.
The roll call was taken by Katerri Johnson City Clerk and the following were present:

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

Others present:

Jennifer Alvarez, Interim City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Vice Mayor Boylston motioned to approve the agenda as amended. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Vice Mayor Boylston, Commissioner Frankel, and Commissioner Casale

4. PRESENTATIONS:

4.A. SCHOOL DISTRICT OF PALM BEACH COUNTY - DIGITAL INCLUSION PRESENTATION

Body: Recommended Action:

Recommendation: No action required.

Sponsors: City Manager Department - Intergovernmental Affairs

Attachments: [Agenda Cover Report](#)

[DelrayBeachFRM Density Map](#)

[Digital Inclusion Initiative - County-Wide Issues Forum Presentation](#)

Adam Miller, the Director of Educational Technology for the Palm Beach County School District, and James Gavrilos, President and CEO of the Education Foundation of Palm Beach County, gave a presentation about the digital inclusion initiative. The project would provide students access to the internet from home, during the pandemic.

4.B. GREEN IMPLEMENTATION ADVANCEMENT BOARD 2019 ANNUAL REPORT

Body: Recommended Action:

Recommendation: Motion to Accept Report.

Sponsors: City Manager Department - Intergovernmental Affairs

Attachments: [Agenda Cover Report](#)
[GIAB Annual 2020 Presentation](#)

Hal Stern gave a presentation on the Green Implementation Advancement Board. Mr. Stern informed the Commission about the board's environmental advocacy plans, legislative actions, and recycling initiatives.

The Commissioners discussed the status of the Tree Implementation Board.

Interim City Manager Alvarez informed the Commissioners that she would find out and would get back to them regarding the matter.

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

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

None

B. From the Public

Ronald Godfrey, residing at 1035 Lewis Cove, expressed his concern regarding the amount of his utility bill. He was charged \$600 dollars when he generally pays \$50 - \$100 each month. Mr. Godfrey requested an explanation from the City and a list of everyone who received a bill of this magnitude.

Bastian Raams, General Manager of the Sail Inn Tavern in Delray Beach, located at 657 George Bush Blvd. Requested the Commissioners to allow outdoor seating in the bar's backyard area to help keep his business alive during the pandemic.

Maura Hopkins, residing at 1041 Lewis Cove, voiced concern about her recent inflated water utility bill of \$600. She had reached out to the City and they informed her that they are charging her for usage dating back to 2018. Ms. Hopkins does not believe this is legal and will be sending documentation to the Commission.

Deborah Schwartz, residing at 115 NE 12th Street, requested that the Commissioners vote no on rezoning Doc's All American restaurant. She requested the Commissioners to keep the building as a historic structure.

Jeff Mustard, writer and filmmaker residing in Pineapple Grove, asked the Commissioners to recognize October 18 as Cory Jones Memorial Day and to place a memorial statue in the City in his honor.

Sean Englehart, residing at 710 Southwest 27th Terrace, Boynton Beach, requested the Commissioners to allow outdoor seating for bars and restaurants in Delray Beach.

Amanda Scott, a frequent visitor of Delray Beach, expressed her support for allowing outdoor usage for bars and restaurants during COVID-19.

Clinton Jones, asked the Commissioners to commemorate a statue in honor of his son Cory Jones on October 18, 2020. Cory was a beloved member of the Delray Beach community and was senselessly killed by a police officer five years ago. Mr. Jones believed that the statue would serve as a powerful symbol in the City for racial justice and keep Cory's legacy alive.

Ingrid Lee, residing at 1441 E Bexley Park Dr, recommended the Commissioners vote no on rezoning the Dunkin Donuts and Doc's All American restaurant to a commercial core area.

Carol Anderson, residing at 4812 W Bexley Park Drive, urged the Commissioners to preserve the City's unique and historic buildings in the downtown area. Ms. Anderson opposed rezoning Dunkin Donuts and Doc's All American restaurant as a commercial core area.

Max Weinberg, residing at 1041 Seaspray Avenue, commented on item 9.A. He advised the Commissioners to review the proposal closely. He believed the proposed building would be out of place in the area due to its mass and size and that Doc's All American restaurant should continue to be a standalone building.

Kweku Darfoor, Attorney Darfoor Law Firm, residing at 715 NE 2nd Ave, Fort Lauderdale, requested the Commissioners to observe October 18 as Cory Jones Memorial Day and dedicate a statue in his honor.

Lauren Gorney, residing at 825 Egret Circle, asked the Commissioners to vote no on item 9.A. and to let Doc's All American restaurant keep its original 1950's charm.

Adam Goldman, Attorney of Compass Law Group, 400 N. Andrews Ave Fort Lauderdale, called to express concerns on behalf of his client Silver Cups Incorporated. He stressed that the City has no right to use Doc's All American's name or trademark.

City Clerk Katerri Johnson concluded public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Vice Mayor Boylston requested that item 6.D.2. be pulled from the Consent Agenda for discussion. Item 6.D.2. became item 7.A.A. on the Regular Agenda.

Deputy Vice Mayor Johnson motioned to approve the consent agenda as amended. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Vice Mayor Boylston, Commissioner Frankel, and Commissioner Casale

6.A. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF ASHTON PAVLIK v. CITY OF DELRAY BEACH

Body: Recommended Action:

Recommendation: Motion to deny settlement proposed by Ashton Pavlik for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.B. LETTER OF SUPPORT FOR DELRAY BEACH HOUSING AUTHORITY FOR ISLAND COVE APARTMENTS

Body: Recommended Action:

Recommendation: Motion to approve letter of support with Housing Authority for Island Cove Apartments.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Request Letter from Delray Beach Housing Authority](#)
[Attachment 16 Local Government Contribution Form - Grant \(002\)](#)

6.C. RESOLUTION NO. 183-20: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, ENCOURAGING LOCAL RETAIL STORES, RESTAURANTS, AND ALL CITY BUSINESSES TO REDUCE USE OF POLYSTYRENE PRODUCTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 184-20: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, ENCOURAGING CITY STAFF TO NEGOTIATE "NO POLYSTYRENE" CLAUSES INTO CITY CONTRACTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: Recommended Action:

Recommendation: Motion to approve Resolution 183-20 encouraging local retail stores, restaurant, and all city businesses to reduce the use of polystyrene products and Resolution 184-20 encouraging City staff to negotiate "no polystyrene clauses" into City contracts

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Res 183-20 Encouraging Businesses to Stop Using Polystyrene Delray](#)
[Res 184-20 Encouraging City Staff to Negotiate No Polystyrene Clauses into City Agreements](#)

6.D. PROCLAMATIONS:**6.D.1. PROCLAMATION FOR FIRE PREVENTION MONTH 2020**

Body: Recommended Action:

Recommendation: Motion to proclaim October 2020 as Fire Prevention Month.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Fire Prevention Month](#)

6.D.2. PROCLAMATION IN OBSERVANCE OF COLUMBUS DAY

Body: Recommended Action:

Recommendation: Motion to declare Monday, October 12, 2020 as Columbus Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Columbus Day Observance](#)

This item was pulled for discussion. It became item 7.A.A. on the regular agenda. Vice Mayor Boylston proposed changing the name of the observance to Indigenous People's Day as other cities have across the country.

Further discussion ensued among the Commissioners about this day. Since they did not have much information about this day, there was consensus to keep the Columbus Day proclamation and revisit Indigenous People's Day in the future.

Vice Mayor Boylston motioned to approve the observance of Columbus Day. It was seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 3 - Mayor Petrolia, Commissioner Frankel, and Commissioner Casale

No: 2 - Deputy Vice Mayor Ervin Johnson and Vice Mayor Boylston

6.D.3. PROCLAMATION FOR MEDIATION WEEK - OCTOBER 19-23, 2020

Body: Recommended Action:

Recommendation: Motion to proclaim October 19-23, 2020 as Mediation Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Mediation Week 2020](#)

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

6.E.1. *REPORT OF APPEALABLE LAND USE ITEMS FROM AUGUST 31, THROUGH SEPTEMBER 11, 2020.*

Body: Recommended Action:

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

- Attachments:** [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - Appealable Report -223 NE 1st Ave](#)
[B - Appealable Report - 131 SE 7th Ave](#)

6.F. AWARD OF BIDS AND CONTRACTS:

6.F.1. *APPROVAL OF RESOLUTION NO. 148-20 TO APPROVE AN AGREEMENT WITH PLANNING/DESIGN, INC. D/B/A SANFORD GOLF DESIGN FOR RAW WATER TRANSMISSION MAIN REPLACEMENT AND GOLF COURSE RENOVATION DESIGN SERVICES PURSUANT TO RFQ NO. 2020-002 (PROJECT NO. 19-032); IN AN AMOUNT NOT TO EXCEED \$2,199,700*

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 148-20 to award an Agreement with Planning/Design, Inc. d/b/a Sanford Golf Design for Raw Water Transmission Main Replacement and Golf Course Renovation Design Services pursuant to RFQ No. 2020-002 (Project No. 19-032, in an amount not to exceed \$2,199,700.

Sponsors: Public Works Department, Parks & Recreation Department and Purchasing Department

- Attachments:** [Agenda Cover Report](#)
[Agreement - Raw Water Main & Golf Course Reno - 9.10.20](#)
[Certificate of Insurance-Professional Liability](#)
[Certificate of Insurance-General Auto and Workers](#)
[Exhibit A - Scope of Services Combined](#)
[Exhibit B - Fee Summary Combined](#)
[Legal Review Checklist RFQ 2020-002 9.8.20](#)
[Resolution No. 148-20 Raw Water Transmission Golf Course - Sanford](#)
[Sanford Golf Design RFQ Submittal](#)
[2020-002 Scoring Summary after Technical Evals Golf Course final ranking 5.8.20](#)

7. REGULAR AGENDA:

7.A. *RESOLUTION NO. 82-20: A RESOLUTION OF THE CITY*

COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION 4.4.13(E)(4)(f)1.f; APPROVING A THREE-STORY ARCADE OVER THE PUBLIC RIGHT-OF-WAY FOR THE PIERRE DELRAY II BUILDING LOCATED AT 298 EAST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

RESOLUTION NO. 83-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION 4.4.13, (D)(1)(b)2.b APPROVING SIDE INTERIOR SETBACKS OF 2'-2³/₈" FOR THE WEST SIDE OF THE PROPERTY FOR THE PIERRE DELRAY II BUILDING LOCATED AT 298 EAST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

RESOLUTION NO. 84-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION

4.4.13(D)(2)(a) AND TABLE 4.4.13(C); APPROVING A TEN-INCH FRONT SETBACK FOR THE SECOND AND THIRD STORIES FOR THE NORTHEAST CORNER OF THE PROPERTY FOR THE PIERRE DELRAY II BUILDING LOCATED AT 298 EAST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution Nos. 82-20, 83-20, and 84-20.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Pierre Delray II - Waiver \(1\) - Res. 82-20 - Arcade](#)

[Pierre Delray II - Waiver \(2\) - Res. 83-30 - Side Interior Setback](#)

[Pierre Delray II - Waiver \(3\) - Res. 84-20 - Front Setback Corner Clip](#)

[Pierre Delray II - Waivers - Exhibit A for Res. 82-20, 83-20, 84-20](#)

[Pierre Delray II - Waivers - Location Map](#)

[Pierre Delray II - Waivers - SPRAB Staff Report](#)

[Pierre Delray II - Waiver \(1\) - Justification Statement](#)

[Pierre Delray II - Waiver \(2\) - Justification Statement](#)

[Pierre Delray II - Waiver \(3\) - Justification Statement](#)

[Pierre Delray II - Waivers - Site Plan Exhibit](#)

[Pierre Delray II - Waivers - REFERENCE ONLY - CLV Site Plans](#)

[Pierre Delray II - Waivers - Legal Review](#)

City Attorney Gelin informed the Commissioners about an email from suspended City Manager George Gretsas. The message contained an allegation that Mayor Petrolia provided him a list of 29 properties in an attempt to obtain additional tax revenue. City Attorney Gelin expressed her concern because the list of properties was never provided to her. Additionally, some of these properties have been voted on by the Commission over the past six months. Ms. Gelin recommended all previously denied proposals related to the properties would be invited to represent their projects before the Commission to avoid prejudice or bias. She reviewed the Quasi Judicial rules and conflict of interest policy with the Commission.

Further discussion ensued about the list of properties and how it ended up in Mayor Petrolia's possession.

Commissioner Frankel asked Interim City Manager Alvarez to review the City's mail procedures.

Mayor Petrolia read the Quasi Judicial rules into the record.

City Clerk Katerri Johnson swore in Bonnie Miskel who gave testimony on this item.

Mayor Petrolia asked for ex-parte disclosures from her colleagues, and the following was disclosed:

Deputy Vice Mayor Johnson: Communicated with Bonnie Miskel

Commissioner Frankel: Communicated with Bonnie Miskel

Commissioner Casale: None

Vice Mayor Boylston: None

Mayor Petrolia: None

Anthea Giannotes, Development Services Director, entered File No. 2019-266 into the record.

Ms. Miskel gave a presentation on the two proposed waiver applications for Pierre Delray. The project would redevelop the vacant SunTrust Bank parking lot into two retail office buildings and a parking garage.

Anthea Giannotes provided a staff analysis and informed the Commissioners that the Site Plan and Review Board voted unanimously to support the interior side setback waiver and the front setback waiver. Still, there was some concern related to the arcade waiver.

A recess was called from 7:18 - 7:23 p.m. to allow public comments. When the Commission reconvened, City Clerk Katerri Johnson reported that no public comments were submitted. There was no cross-examination or rebuttal pertaining to the presentation.

The Commissioners asked Ms. Miskel questions and shared their thoughts regarding the project.

Commissioner Frankel motioned to approve Resolution No. 82-20. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Commissioner Frankel motioned to approve Resolution No. 83-20. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Commissioner Frankel motioned to approve Resolution No. 84-20. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

City Attorney Gelin asked Mayor Petrolia to disclose that this was a property mentioned on the previously mentioned list.

Mayor Petrolia complied with City Attorney Gelin's request.

7.B. *RESOLUTION NO. 168-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING TWO WAIVER REQUESTS TO SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," SUBSECTION 4(F)(3)(d), "VALET PARKING," OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE DIMENSIONS OF VALET AND TANDEM PARKING SPACES TO BE EIGHT FEET WIDE BY SIXTEEN FEET DEEP AND APPROVING DRIVE AISLE TO BE FIFTEEN FEET WIDE FOR THE DEVELOPMENT LOCATED AT 233 NE 2ND AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).*

APPROVING A VALET PARKING AGREEMENT

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 168-20 and a Valet Parking Agreement associated with The Ray Hotel located at 233 NE 2nd Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 168-20- Ray Waiver for Valet Parking](#)

[Res. No. 168-20 Exhibit A](#)

[The Ray Valet Parking and Waiver Justification Statement](#)

[The Ray Valet Restrictive Covenant Grove Rosebud Final.docx](#)

[Legal Review Resolution -168-20 - Valet Parking and Waiver.docx](#)

Mayor Petrolia asked for ex-parte communications from the Commission. The following was disclosed:

Vice Mayor Boylston: Communicated with Ms. Jarjura and Mr. Menin about the project.

Deputy Vice Mayor Johnson: Spoke with Ms. Jarjura about the project.

Commissioner Frankel: Discussed the project with Ms. Jarjura.

Commissioner Casale: Met with Mr. Menin and Ms. Jarjura.

Mayor Petrolia: Had a meeting with Mr. Menin and Ms. Jarjura.

City Clerk Katerri Johnson swore in the applicant Ms. Jordana Jarjura who wished to provide testimony on this item.

Anthea Giannotes, Development Services Director, read Resolution No. 168-20 and File No. 2020-054 into the record.

Former Commissioner Jordana Jarjura of Menin Development located at 101 SE 4th Ave, Delray Beach, delivered a presentation highlighting the project.

Ms. Giannotes presented her staff report regarding the project to the Commissioners.

A recess was called from 8:06 - 8:11 p.m. to allow public comments. When the Commission reconvened, City Clerk Katerri Johnson reported that no public comments were submitted. There was no cross-examination or rebuttal pertaining to the presentation.

Commissioner Frankel made a motion to approve Resolution No. 168-20. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Commissioner Frankel made a motion to approve the valet parking agreement. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

**7.C. *RATIFICATION OF EMERGENCY REGULATIONS RELATED TO
COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY
BEACH CODE OF ORDINANCES***

Body: Recommended Action:

Recommendation: Motion to Ratify the 27th, and 28th Extensions of the State of Emergency for COVID -19 and Resolution Number 175-20 and Resolution Number 176-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 175-20 - COVID -19 Clarifying the reopening of certain businesses](#)

[Resolution 176-20 - COVID -19 Adopting PBC-EO26 Extending Facial Coverings Directive thru 10-22-20](#)

[27th Extension Emergency Declaration - COVID-19](#)

[28th Extension Emergency Declaration - COVID-19](#)

Vice Mayor Boylston motioned to approve the ratification of the 27th, and 28th Extensions of the State of Emergency for COVID-19. It was seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Vice Mayor Boylston, Commissioner Frankel, and Commissioner Casale

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

Body: **Recommended Action:**

Recommendation: Motion to approve the nomination for appointment for six (6) regular members to serve on the Affordable Housing Advisory Committee for a two (2) year term ending July 31, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Burns](#)

[Byrns](#)

[Cherelus](#)

[Jones](#)

[Kougoucheff](#)

[McGinnis](#)

[Nesi](#)

[Parsons](#)

[Pasquale](#)

[Sefer](#)

[Spates](#)

Walker

Commissioner Frankel nominated Angela Burns to the Affordable Housing Advisory Committee. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Commissioner Casale nominated Serena Spates to the Affordable Housing Advisory Committee. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston nominated Jennifer Jones to the Affordable Housing Advisory Committee. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Deputy Vice Mayor Johnson nominated Debra Davis Walker to the Affordable Housing Advisory Committee. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Mayor Petrolia nominated Edmee Morin-Kougoucheff to the Affordable Housing Advisory Committee. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Commissioner Frankel deferred his nomination.

8. PUBLIC HEARINGS:

8.A. None

9. FIRST READINGS:

9.A. *ORDINANCE NO. 34-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL SCALE LAND USE MAP AMENDMENT RE-DESIGNATING LAND APPROXIMATELY 0.57± ACRES IN SIZE FROM HISTORIC MIXED USE (HMU) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 37 WEST ATLANTIC AVENUE AND AN ABUTTING UNADDRESSED PARCEL TO THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)*

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 34-20 on First Reading, a privately initiated land use map amendment redesignating the property located at 37 West Atlantic Avenue and an abutting unaddressed parcel to the east

from Historic Mixed Use (HMU) to Commercial Core (CC).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 34-20: Land Use Designation](#)

[Ord. No. 34-20: PZB Staff Report](#)

[Ord. No. 34-20: Location Map](#)

[Ord. No. 34-20: Land Use justification](#)

[Ord. No. 34-20: Traffic Study](#)

[Ord. No. 34-20: Docs Place Renderings](#)

[Ord. No. 34-20: DDA Review](#)

[Ord. No. 34-20: Legal Review](#)

City Attorney Gelin informed the Commissioners that items 9.A. and 9.B. were interrelated. She read Ordinance No. 34-20 and Ordinance No. 35-20 into the record.

Neil Schiller Attorney of Saul Ewing Arnstein & Lehr, 501 N Flagler Drive, presented on behalf of the applicant. Mr. Schiller stressed that the proposed properties related to this project did not include the rezoning of Doc's All American restaurant. The proposed project would impact the Dunkin Donuts and the Dunkin Donuts Parking lot. He informed the Commissioners that the Planning and Zoning Board voted on August 17, 2020 in support of the project with a vote of 5-1 with the understanding that Doc's all American would be designated as a contributing structure.

Anthea Gianniotis, Development Services Director presented a staff report to the Commission.

Further discussion ensued among the Commissioners, Mr. Schiller, and Ms. Gianniotis regarding the application process, the project, its relation to Doc's All American restaurant, and protecting the historic district.

City Attorney Gelin recommended the Commissioners to schedule the Second Reading after the historic designation of Doc's All American is finalized.

Mr. Schiller commented that his client would agree to limiting the building height to three stories.

Vice Mayor Boylston made a motion to approve Ordinance No. 34-20 on First Reading. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 3 - *Deputy Vice Mayor Ervin Johnson, Vice Mayor Boylston, and Commissioner Frankel*

No: 2 - *Mayor Petrolia and Commissioner Casale*

9.B. *ORDINANCE NO. 35-20: AN ORDINANCE OF THE CITY COMMISSION*

OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.57± ACRES IN SIZE PRESENTLY ZONED OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD) TO CENTRAL BUSINESS DISTRICT (CBD), WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT, FOR THE PROPERTIES LOCATED AT 37 WEST ATLANTIC AVENUE AND AN ABUTTING UNADDRESSED PARCEL TO THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (B), "REGULATING PLANS," AND FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN;" BY AMENDING SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)," SUBSECTIONS 4.4.24(B), "PRINCIPAL USES AND STRUCTURES," 4.4.24(C), "ACCESSORY USES AND STRUCTURES PERMITTED," 4.4.24(E), "REVIEW AND APPROVAL PROCESS," AND 4.4.24(F), "DEVELOPMENT STANDARDS," TO REFLECT THE REZONING AND RE-DESIGNATION, AND IDENTIFY THE FLOOR AREA RATIO LIMITATION; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 35-20 on First Reading, a privately initiated rezoning from Old School Square Historic Arts District (OSSHAD) to Central Business District (CBD) within the West Atlantic Neighborhood Sub-district, and associated amendments to the Land Development Regulations (LDR).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 35-20: Rezoning](#)
[Ord. No. 35-20: PZB Staff Report](#)
[Ord. No. 35-20: Location Map](#)
[Ord. No. 35-20: Rezoning justification](#)
[Ord. No. 35-20: Traffic Study](#)
[Ord. No. 35-20: Docs Place Renderings](#)
[Ord. No. 35-20: DDA Review](#)
[Ord. No. 35-20: Legal Review](#)

Vice Mayor Boylston made a motion to approve Ordinance No. 35-20 with the condition of a building height limit of three story and a 2.0. far for all parcels included in the project. It was seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 3 - Deputy Vice Mayor Ervin Johnson, Vice Mayor Boylston, and Commissioner Frankel

No: 2 - Mayor Petrolia and Commissioner Casale

9.C. *ORDINANCE NO. 37-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CORRECTING A SCRIVENER'S ERROR BY ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR SIXTY-ONE PARCELS OF LAND, WHICH MEASURES approximately 9.94± ACRES, AND RE-DESIGNATING SAID LAND FROM LOW DENSITY (LD) TO GENERAL COMMERCIAL (GC), TRANSITIONAL (TRN), AND MEDIUM DENSITY (MD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; said land GENERALLY located at the southeast corner of the intersection of old dixie highway and se 10th street, as more particularly described herein; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)*

Body: Recommended Action:

Recommendation: Review and consider a request to approve Ordinance No. 37-20, a City-initiated amendment to the Land Use Map from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use to correct a scrivener's error.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 37-20 Silver Terrace Land Use](#)
[Silver Terrace Land Use: Staff Report](#)
[Silver Terrace: Location Map](#)
[Silver Terrace Land Use: History](#)
[Ord. No. 37-20 Legal Review](#)

City Attorney Gelin read Ordinance No. 37-20 into the record.

Anthea Giannotes, Development Services Director presented a staff analysis on the Silver Terrace Land Use Map Amendment to the Commissioners. She informed the Commissioners that the Planning and Zoning Board unanimously voted 7-0 in support of the project on August 17, 2020.

Vice Mayor Boylston motioned to approve Ordinance No. 37-20. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Vice Mayor Boylston, Commissioner Frankel, and Commissioner Casale

9.D. *ORDINANCE NO. 41-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.3, "SUBMISSION REQUIREMENTS," TO REMOVE THE DEVELOPMENT SERVICES FEE SCHEDULE FROM THE LAND DEVELOPMENT REGULATIONS AND TO UPDATE THE PROCEDURES FOR ESTABLISHING AND AMENDING DEVELOPMENT APPLICATION PROCESSING FEES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE (FIRST READING).*

Body: Recommended Action:

Recommendation: Review and consider a request to approve Ordinance No. 41-20, a City-initiated amendment to LDR Section 2.4.3(K), Fees, to remove the Delray Beach Development Services Fee Schedule from the Land Development Regulations (LDRs) and establish procedures for adopting Development Services Fees.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 41-20, Fees](#)

[P&Z Board Report Ordinance No. 41-20, Fees](#)

[Legal Review Ordinance No. 41-20, Fees](#)

City Attorney Gelin read Ordinance No. 41-20 into the record.

Anthea Gianniotis, Development Services Director gave a presentation on the City initiated changes.

Deputy Vice Mayor Johnson motioned to approve Ordinance No. 41-20. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Vice Mayor Boylston, Commissioner Frankel, and Commissioner Casale

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Interim City Manager Alvarez explained the earlier video streaming issues and how they were resolved. She thanked the IT Department for their assistance.

Ms. Alvarez informed the Commission that in person meetings would begin on October 20, 2020. She requested a consensus from the Commissioners to put discussions regarding standalone bars and COVID-19 on the Commission Workshop agenda next week.

There was consensus.

Interim City Manager Alvarez congratulated all staff members involved with planning the City's RISE Climate and Art weekend event. Additionally, she congratulated the Purchasing Department for winning an achievement in excellence in procurement award from the National Procurement Institute for the second year in a row.

B. City Attorney

City Attorney Gelin requested consensus from the Commission to stream Mr. Gretsas' public hearing live and in the Commission Chambers.

There was consensus to have the meeting live on October 23, 2020.

C. City Commission

Vice Mayor Boylston requested clarification on the status of temporary use for the City's eight bars now that Governor DeSantis allows establishments to reopen at 100% capacity.

Ms. Gianniotis provided clarification on specific scenarios related to the new rules. She believed some items pertaining to temporary use would need to be discussed and addressed.

Further discussion ensued. There was consensus to continue the conversation at the Commission Workshop meeting.

Vice Mayor Boylston inquired about the golf course letters of interest.

Interim City Manager Alvarez explained the letter of interest process.

The Commissioners then discussed the matter.

Vice Mayor Boylston asked for consensus for staff to create a packet for the legislative session.

There was consensus to allow staff to create the legislative packet.

Deputy Vice Mayor Johnson thanked the IT Department and Interim City Manager Alvarez. She then provided an update on the 2020 Census.

Mayor Petrolia and Deputy Vice Mayor Johnson asked for consensus to approve the Cory Jones proclamation.

There was consensus to observe October 18th, as Cory Jones Memorial Day. The Commissioners discussed the possibility of creating a mural instead of a statue.

Commissioner Casale addressed her colleagues and asked everyone to be respectful to one another during Commission meetings.

Mayor Petrolia reported that there have been issues of panhandlers in valet parking locations. She asked staff to work on addressing the issue. Additionally, Mayor Petrolia requested staff to look into resolving the water bill issues mentioned in the public comments.

With no further business to discuss, the meeting was adjourned at 10:30 p.m.