

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

[www.delraybeachfl.gov](http://www.delraybeachfl.gov)



## Minutes - Final

Tuesday, October 1, 2024

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/s>  
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## City Commission

*Mayor Thomas F. Carney, Jr.*

*Vice Mayor Juli Casale*

*Deputy Vice Mayor Rob Long*

*Commissioner Tom Markert*

*Commissioner Angela Burns*

## 1. ROLL CALL

The October 1, 2024, Regular City Commission Meeting was called to order at 6:00 p.m. Interim City Clerk, Alexis Givings, called the roll, and the following were present:

Terrence Moore - City Manager  
Lynn Gelin - City Attorney

**Present:** 5 - Deputy Vice Mayor Rob Long, Commissioner Angela Burns, Commissioner Tom Markert, Vice-Mayor Juli Casale, and Mayor Thomas F. Carney Jr.

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

Ms. Gelin requested that Item No. 8.B (Ordinance No. 02-24) be removed from the agenda and brought back at a later date.

**A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this be approved as amended.**

**All were in favor**

**Yes:** 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

3.A. Additions, Deletions, Substitutions

## 4. PRESENTATIONS:

4.A. None

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

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

Mr. Moore introduced the Human Resources Director, Duane D' Andrea, who provided an update on the City's Internal Auditor position. He suggested engaging an executive recruitment firm with expertise in finding and vetting candidates for this position.

The Commission engaged in a discussion of hiring an internal auditor versus utilizing an external auditor and the associated costs of each.

There was a consensus to engage an executive recruitment firm, and Plante Moran Audit Firm, previously considered for the position, would be contacted. Mr. Moore stated he would update the Commission on October

15, 2024, via the City Manager's Report.

Mr. Moore informed the residents that the vegetation updates made to Atlantic Avenue and Interstate I-95 were a function of the Florida Department of Transportation, as stated in his June update report to the Commission. He also mentioned that the final Marine Turtle Nest Excavation Education Event would take place in the coming weekend and would be live-streamed via the City's website.

5.B. From the Public

Montre Bennett, 323 NW 2 Avenue, Delray Beach

Mentioned various city topics that he was pleased about.

Sara Selznick, 1700 NW 2 Avenue, Delray Beach

Discussed "The Shared Future Foundation" and the "West Atlantic Redevelopment Collation."

Patrick McNamara, 718 SW 27 Avenue, Boynton Beach

Spoke about the work that the Palm Health Foundation provides through the "Healthier Delray Beach Initiative."

Pamela Williams, 245, NW 8 Avenue, Delray Beach

Requested an increased police presence on 24 NW 8 Avenue.

Veronica Bowleg, 710 SW 6 Avenue, Delray Beach

Discussed the positive impact "Healthier Delray Beach Initiative" has on the community.

Dupre Jackson, 30 SW 10 Avenue, Delray Beach

Was present to show support for "Healthier Delray Beach" and its partners.

Andrea Bruton, 703 Place Tavant, Delray Beach

Thanked "The Palm Health Foundation" for supporting a breast cancer awareness group for women of color.

Kenya Madison, 301 NW 7 Avenue, Delray Beach

Acknowledged that October 1, 2024, was Breast Cancer Awareness Day and Mental Health Awareness Month and thanked the Commission for their support.

Luke Hillman, 2200 Spring Harbor Drive, Delray Beach

Shared his thoughts on improving the City's infrastructure.

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

**6. CONSENT AGENDA: City Manager Recommends Approval**

A motion was made by Vice-Mayor Casale, seconded by Deputy Vice Mayor Long, that this be approved.

all were in favor

**Yes:** 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

**6.A. CITY COMMISSION MEETING MINUTES**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[September 16, 2024 Final Budget Public Hearing - Regular Meeting Minutes - DRAFT](#)

The Minutes were approved.

**6.B. REVIEW AND ADOPTION OF DELRAY BEACH CITY COMMISSION LOCAL RULES OF PROCEDURE AND QUASI-JUDICIAL RULES**

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Local Rules \(incl public comment during wksp\) 10-1-24 agenda](#)

This Request was approved.

**6.C. APPROVAL OF AMENDMENT NO. 3 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH DOWNTOWN DEVELOPMENT AUTHORITY**

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Amendment No. 3 to the Interlocal Agt. Between the City of Delray Beach and the Delray Beach Downtown Development Authority Amend No 3 to ILA with DDA](#)

This Request was approved.

**6.D. APPROVAL OF A LETTER OF AGREEMENT (LOA) WITH THE FLORIDA AGENCY FOR HEALTHCARE ADMINISTRATION (AHCA) FOR PARTICIPATION IN THE MANAGED CARE ORGANIZATION (MCO) PORTION OF THE PUBLIC EMERGENCY MEDICAL TRANSPORTATION (PEMT) PROGRAM.**

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[PEMT SFY 24-25 LOA Delray Beach Fire Rescue clean](#)  
[Year 6 PEMT MCO Preliminary Model 8.20.24](#)  
[Legal Review Checklist Public Emergency Medical Transportation](#)  
[Letter of Agreement](#)

**This Request was approved.**

**6.E.** GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[disclosure 2024 with signature blocks](#)  
[local-jag-ce-certification 2024 with signature blocks](#)  
[certifications 2024](#)  
[standardassurances 2024](#)  
[Program Narrative - JAG 2024 - DBPD](#)  
[Legal Review Form JAG LW 24](#)

**This Request was approved.**

**6.F.** APPROVAL OF A TRI-PARTY AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY FOR SURFACE CROSSING WORK AT CROSSING NUMBER 628159H, ALSO IDENTIFIED AS 10TH STREET, ALONG THE SOUTH FLORIDA RAIL CORRIDOR

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[10th Street Lowson Blvd - City of Delray Beach Draft Agreement](#)  
[6-2024 clean copy](#)  
[OOM - SW 10th St - 628159H MP 988.63 4.11.24](#)  
[Simple Legal Review Approval 10TH Street and Lowson](#)

**This Request was approved.**

**6.G.** ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 603 ANDREWS AVE.

ITEM(S) A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 310 NE 1ST AVE.

ITEM(S) B1 - ACCEPTANCE OF AN UNDERGROUND EASEMENT BY CITY OF DELRAY BEACH

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)

[A1a - Right of Way Deed - 603 Andrews Ave - The Michael Provenzano Trust](#)

[A1b - Legal Review Right of Way Deed - 603 Andrews Ave - the Michael Provenzano Trust](#)

[A2a - Right of Way Deed - 310 NE 1st Ave - Joeseeph and Susan Wagman - re-executed](#)

[A2b - Legal Review Right of Way Deed - 310 NE 1st Avenue - Joseph and Susan Wagman](#)

[B1a - Easement Underground - FPL - unaddressed parcel at NW 8th Ave and Einfeild Rd](#)

[B1b - Legal Review FPL Underground Easement - unaddressed parcel at NW 8th Ave and Einfeild Rd](#)

**This Request was approved.**

**6.H. ITEM A1 - ACCEPTANCE OF A SEWER EASEMENT FOR 13029 BARWICK ROAD.**

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[Sewer Easement Bexley Park.pdf](#)

**This Request was approved.**

**6.I. PROCLAMATIONS:**

**6.I.1. PROCLAMATION FOR FLORIDA CLIMATE WEEK 2024**

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[CDB FCW 2024 proclamation II](#)

**This Proclamation was approved.**

**6.I.2. INDIGENOUS PEOPLES DAY - OCTOBER 14, 2024**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Indigenous People's Day Proclamation 2024](#)

**This Proclamation was approved.**

**6.I.3. PEDESTRIAN SAFETY MONTH PROCLAMATION**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Pedestrian Safety Month 2024](#)

**This Proclamation was approved.**

**6.I.4. PROCLAMATION FOR FIRE PREVENTION MONTH 2024**

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[2024 Fire Prevention Month Proclamation](#)

**This Proclamation was approved.**

**6.I.5. PROCLAMATION DESIGNATING THE MONTH OF OCTOBER AS NATIONAL COMMUNITY PLANNING MONTH**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[National Community Planning Month 2024](#)

**This Proclamation was approved.**

**6.J. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

6.J.1. None

**6.K. AWARD OF BIDS AND CONTRACTS:**

**6.K.1. APPROVAL OF RESOLUTION NO. 170-24 TO AWARD AN AGREEMENT TO DEV-LAND DEMOLITION & SITE, INC. FOR LIME SLUDGE REMOVAL AND DISPOSAL IN A TOTAL AMOUNT NOT TO EXCEED \$3,003,750 (\$600,750 RESPECTIVELY PER YEAR), VALID THROUGH SEPTEMBER 30, 2029.**

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Agreement with Dev-Land Demolition & Site Inc - ITB 2024-036 - Dry Lime Sludge Removal.pdf](#)  
[Agreement with Dev-Land Demolition & Site Inc - ITB 2024-036 - Dry Lime Sludge Removal.docx](#)  
[Res 170-24 - Agreement with Dev-Land Demolition & Site Inc - ITB 2024-036 - Dry Lime Sludge Removal.docx](#)

**This Resolution was approved.**

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**7. REGULAR AGENDA:**

- 7.A.** RESOLUTION NO. 176-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST TO UTILIZE THE ART DECO ARCHITECTURAL STYLE FOR THE PROJECT LOCATED AT 306 NE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 176-24 Architectural Style](#)  
[The Maxwell: Staff Report - Architectural Style](#)  
[The Maxwell: Architectural Style Narrative](#)  
[The Maxwell: Architectural Style Detail Justification](#)  
[The Maxwell: Site Plans and Architectural Elevations](#)  
[Legal Review Resolution No. 176-24 Architectural Style](#)

Anthea Gianniotis, Development Services Director, entered File No. 2023-196 into the record. She stated this item and Item 7.B. were considered together.

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

Mayor Carney: Spoke with Mr. Van Arnman.  
Vice Mayor Casale: Spoke with Mr. Van Arnman  
Deputy Vice Mayor Long: Spoke with Mr. Van Arnman.  
Commissioner Burns: Spoke with Mr. Van Arnman.  
Commissioner Markert: Spoke with Mr. Van Arnman.

Ms. Gelin entered Resolutions No. 176-24, 177-24, and 179-24 into the record.

Interim City Clerk, Alexis Givings, swore in those individuals who wished to provide testimony on any quasi-judicial item.

Jon Kinsman, with Van Arnman Group, provided a brief presentation on the project's (The Maxwell) site plan.

Christina Bilenki, the attorney for the project, presented the waiver request to reduce the remaining setback area from 5 feet to 1 foot 2 inches along Railroad Street. She stated that the project met the minimum 10' setback



along the frontage. She also presented the second waiver request to reduce the civic open space from 841 square feet to 778 square feet.

Ms. Gianniotis presented a staff report for the project, stating that the current use was "Commercial", and the proposed use was "Mixed-use, Commercial, and Multi-family Residential." She mentioned that five (5) waivers were being requested, but only three (3) needed to be acted upon now, and the other two would be handled by the lower boards.

Mayor Carney asked if there were any public comments.

Luke Hillman, 2200 Spring Harbor Drive, Delray Beach  
Stated he was in favor of moving this project forward.

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

Mayor Carney asked if there was any cross-examination or rebuttal from either side.

Christina Bilenki

Discussed the configuration of the steps and confirmed they comply with the Land Development Regulations for this project.

Peggy Fitzgerald

Stated that modifications were implemented to this project to meet City Staff's recommendations.

There was no rebuttal from City Staff.

The Commission engaged in a discussion regarding the Civic Open Space and the requested relief area. They mentioned the Downtown Development Authority supported the Site Plan and Waivers and recommended its approval with a 5-0 vote on July 10, 2024.

Mayor Carney commented that this site had languished for some time due to its complex configurations.

Carter Van Morris with the Arnam Group stated that her client would be amenable to modifying the setback.

**A motion was made by Deputy Vice Mayor Long, seconded by Vice-Mayor Casale, that this Resolution be approved.**

**all were in favor**

**Yes:** 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

7.B. RESOLUTION NO. 177-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(E)(2)(a) OF THE LAND DEVELOPMENT REGULATIONS ALLOWING A STREETScape WIDTH OF 11 FEET 2 INCHES FOR THE PROJECT LOCATED AT 306 NE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

RESOLUTION NO. 178-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(D)(2)(a)1. OF THE LAND DEVELOPMENT REGULATIONS ALLOWING NO FRONT SETBACK FOR A PORTION OF THE PROJECT LOCATED AT 306 NE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

RESOLUTION NO. 179-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(G)(1)(b) OF THE LAND DEVELOPMENT REGULATIONS REDUCING THE REQUIRED CIVIC OPEN SPACE FROM 841 SQUARE FEET TO 778 SQUARE FEET FOR THE PROJECT LOCATED AT 306 NE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)

[Res. No. 177-24 Streetscape Width Waiver](#)

[Res. No. 178-24 Setback Waiver](#)

[Res. No. 179-24 Civic Open Space Waiver](#)

[The Maxwell: Staff Report - CBD Waivers](#)

[The Maxwell: Waiver Justification - Streetscape](#)

[The Maxwell: Waiver Justification - Corner Front Setback](#)

[The Maxwell: Waiver Justification - Civic Space Setback](#)

[The Maxwell: Site Plans and Architectural Elevations](#)

[The Maxwell: DDA Recommendation](#)

[Legal Review Resolution No. 177-24 Streetscape Width Waiver](#)

[Legal Review Resolution No. 178-24 Setback Waiver](#)

[Legal Review Resolution No. 179-24 Civic Open Space Waiver](#)

This item was presented with Item 7.A.

A motion was made by Deputy Vice Mayor Long, seconded by Commissioner Burns, to approve Resolution No. 177-24. The motion carried by the following vote:

**Yes: 4** - Mayor Carney, Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert

**No: 1** - Vice Mayor Casale

**approved**

A motion was made by Deputy Vice Mayor Long, seconded by Commissioner Burns, to approve Resolution No. 178-24. The motion carried by the following vote:

**Yes: 4** - Mayor Carney, Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert

**No: 1** - Vice Mayor Casale

**approved**

A motion was made by Deputy Vice Mayor Long, seconded by Commissioner Markert, to approve Resolution No. 179-24. The motion carried by the following vote:

**Yes: 4** - Mayor Carney, Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert

**No: 1** - Vice Mayor Casale

**approved**

**7.C.**

RESOLUTION NO. 192-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN APPEAL PURSUANT SECTION 5.3.1(A)(7) OF THE LAND DEVELOPMENT REGULATIONS; GRANTING A REDUCTION IN RIGHT OF WAY WIDTH FOR SE 8TH STREET AND ELIMINATING THE REQUIRED RIGHT-OF-WAY DEDICATION FOR THE PROPERTY LOCATED AT 731 SE 4TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 192-24: 731 SE 4th Avenue ROW Reduction Appeal](#)  
[731 SE 4th Avenue: DSMG Staff Report](#)  
[731 SE 4th Avenue: Applicant Appeal Letter](#)  
[731 SE 4th Avenue: Applicant Justification](#)  
[731 SE 4th Avenue: Location Map](#)  
[731 SE 4th Avenue: Osceola Park Plat](#)  
[731 SE 4th Avenue: Survey](#)  
[Simple Legal Review Approval Resolution 192-24](#)

Ms. Gianniotis entered File No. 2024-178 into the record.

Mayor Carney asked his colleagues for any ex-parte communications.

Mayor Carney: Spoke with Mr. Bennardo and emails on the server.  
Vice Mayor Casale: Spoke with Mr. Bennardo, Ms. Gianniotis and emails on the server.  
Deputy Vice Mayor Long: None.  
Commissioner Burns: Spoke with Mr. Bennardo and emails on the server.  
Commissioner Markert: None.

Ms. Gelin entered Resolution No. 192-24 into the record.

Christopher Bennardo, the attorney for the applicant, Avenue Investments, LLC, gave a presentation for an appeal to grant a reduction in the Land Development Regulations for the property located at 731 SE 4th Avenue, Delray Beach. The request was for a reduction in the right-of-way width dedication required on the southern property line of the Lot on SE 8th Street from 5 feet to 0 feet, which would allow the improvements of a single-family home within the same building footprint and dimensions, as all of the other situated lots in the Oceaola Park Neighborhood.

Ms. Gianniotis provided a staff presentation on this request and mentioned alternative options for relief if it was not approved. She also emphasized the City's need for the 5 ft right-of-way.

Missie Barletto, Director of Public Works, summarized the recent improvements made in the Osceola Park Neighborhood. She stated that any future improvements would require widening the available right-of-way.

Hassan Hadajimiry, Director of Utilities, discussed the challenges of working in a narrow space when dealing with water issues.

Mayor Carney asked if there were any public comments.

John Mendoza, 801 SE 4 Avenue, Delray Beach

Stated he prefers to have the ability to build larger homes in the community.

Luke Hillman,

Stated homeowners in the community were reluctant to demolish their homes for expansion due to bureaucratic hurdles.

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

Mayor Carney asked if there was any cross-examination or rebuttal from either side.

Mr. Bennardo discussed the alternative options for advancing this project.

The Commission engaged in a discussion on how to proceed with the request without hindering the City's ability to make necessary repairs on home lots with this configuration.

Ms. Gelin suggested that if the Commission approves this request, the homeowner must provide the City with an easement where appropriate. Alternatively, the Commission could deny the request, and the applicant must go before the Development Services Management Group Board.

Approved as amended with the conditional easement.

**A motion was made by Vice-Mayor Casale, seconded by Deputy Vice Mayor Long, that this Resolution be approved.**

**all were in favor**

**Yes:** 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

**7.D.**

RESOLUTION 194-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING A SPECIAL EVENT SPONSORSHIP IN AN AMOUNT NOT TO EXCEED \$8,000.00 FOR THE SPECIAL EVENT KNOWN AS MUSCLE ON THE BEACH TO BE HELD ON MARCH 1, 2025; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Muscle on the Beach Sponsorship Packet](#)  
[Sponsorship Resolution for Muscle on the Beach](#)  
[Special Events Sponsorship Resolution Muscles on the Beach LR](#)  
[Special Events Application 2025](#)  
[Muscle On the Beach Cost](#)

Jeff Oris, Assistant City Manager, gave a brief presentation on this item, noting a scrivener's error in the resolution. The City sponsored amount was not to exceed \$6900, not \$8000 as published. He stated that there had not been a significant change in this event from the previous year.

**A motion was made by Commissioner Burns, seconded by Vice-Mayor Casale, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

**7.E. CONSIDERATION OF CITY MANAGER'S MERIT INCREASE PURSUANT TO CONTRACT**

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[City Managers 2024 Eval Form](#)

Duane D' Andrea, Human Resources Director, stated that Mr. Moore received an average score of 3.5 percent from the Commission for his annual merit increase.

The Commission discussed their considerations for rating Mr. Moore as they did.

Mr. Moore thanked the Commission.

**A motion was made by Commissioner Markert, seconded by Commissioner Burns, that this Request be approved. The motion carried by the following vote:**

**Yes:** 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

**7.F. NOMINATION FOR APPOINTMENT TO THE GENERAL EMPLOYEES' RETIREMENT FUND COMMITTEE. BASED ON THE ROTATION SYSTEM, AN APPOINTMENT TO SERVE A TERM ENDING SEPTEMBER 30, 2028, WILL BE MADE BY DEPUTY VICE-MAYOR LONG (SEAT #2).**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[General Employees Retirement Fund Committee Current Members](#)  
[2024 Qtrly Retirement Committee Mtg Attendance - GE](#)  
[Exhibit A - General Employees 10.1.24](#)  
[Dickson, Henry](#)  
[Fannon, Luke](#)  
[MacManus, Thomas](#)

Thomas MacManus was appointed.

**A motion was made by Deputy Vice Mayor Long, seconded by Commissioner Markert, that this Appointment be approved.**

**all were in favor**

**Yes:** 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

#### 7.G.

NOMINATIONS FOR APPOINTMENTS TO THE BOARD OF TRUSTEES FOR THE POLICE RETIREMENT SYSTEMS BOARD. BASED ON THE ROTATION SYSTEM, APPOINTMENT TO SERVE AN INITIAL TERM OF THREE (3) YEARS ENDING OCTOBER 31, 2027, WILL BE MADE BY COMMISSIONER BURNS (SEAT #4). BASED ON THE ROTATION SYSTEM, APPOINTMENT TO SERVE AN INITIAL TERM OF FOUR (4) YEARS ENDING OCTOBER 31, 2028, WILL BE MADE BY MAYOR CARNEY (SEAT #5).

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Board of Trustees' Police Current Members](#)  
[2024 Qtrly Bd Mtg Attendance - POLICE](#)  
[Exhibit A - Police 10.1.24](#)  
[Alper, Gregg](#)  
[Crossan, Daniel](#)  
[Luke Fannon](#)  
[Finkel, Andrew](#)  
[Glanfield, Thomas](#)  
[Hoesley, James](#)  
[Kirschenbaum, Alan](#)  
[Privitera, Scott](#)  
[Weber, Paul - Redacted](#)

Mayor Carney deferred his appointment.

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

Casale, to nominate James Hosley.

**all were in favor**

James Hosley was appointed.

**7.H.**

NOMINATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE FIREFIGHTERS RETIREMENT SYSTEM BOARD. BASED ON THE ROTATION SYSTEM, APPOINTMENT TO SERVE AN INITIAL TERM OF THREE (3) YEARS ENDING OCTOBER 31, 2027, WILL BE MADE BY COMMISSIONER BURNS (SEAT #4). BASED ON THE ROTATION SYSTEM, APPOINTMENT TO SERVE AN INITIAL TERM OF FOUR (4) YEARS ENDING OCTOBER 31, 2028, WILL BE MADE BY MAYOR CARNEY (SEAT #5).

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Board of Trustees' Firefighters Current Members](#)  
[2024 Qtrly Bd Mtg Attendance - FIRE](#)  
[Exhibit A - Fire 10.1.24](#)  
[Crossan, Daniel](#)  
[Fannon, Luke](#)  
[Finkel, Andrew](#)  
[Glanfield, Thomas](#)  
[Kirschenbaum, Alan](#)  
[Vedder, Jim 2](#)  
[Warner, Jack](#)

A motion was made by Mayor Carney to reappoint Jack Warner, seconded by Vice Mayor Casale.

**all were in favor**

Jack Warner was appointed.

Commissioner Burns deferred her nomination.

**8. PUBLIC HEARINGS/SECOND READINGS:**

**8.A.**

ORDINANCE NO. 26-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE CAPITAL IMPROVEMENT PLAN SCHEDULE IN THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH FOR FY 2024-25 TO FY 2028-29 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICIES CIE 1.2.1



AND CIE 1.2.6 OF THE CAPITAL IMPROVEMENT ELEMENT;  
PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY  
CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
PURPOSES. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[PZB Staff Report, FY 24-25 CIP](#)  
[Ordinance No. 26-24, FY 24-25 CIP](#)  
[Exhibit A: Ordinance No. 26-24](#)  
[Business Impact Estimate, Ordinance No. 26-24](#)  
[Legal Review, Ordinance No. 26-24](#)  
[Proof of Legal Ad, Ordinance No. 26-24](#)

Ms. Gelin entered Ordinance No. 26-24 into the record.

Mayor Carney asked if there were any public comments. Seeing no one,  
Mayor Carney closed public comments.

**A motion was made by Vice-Mayor Casale, seconded by Commissioner Markert,  
that this Ordinance be approved.**

**all were in favor**

**Yes:** 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor  
Casale, and Mayor Carney Jr.

**8.B.** ORDINANCE NO. 02-24: AN ORDINANCE OF THE CITY COMMISSION  
OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE  
OF ORDINANCES, TITLE 5, "PUBLIC WORKS," CHAPTER 52,  
"WATER". (SECOND READING)

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[BIE--Ordinance No. 02-24 Amending Public Works Chapter 52](#)  
[Water 12.22.23 hbd.pdf](#)  
[Legal Review Ord 02-24 Amd to Chapter 52 Water.docx](#)  
[Ord 02-24 Amending Code re Water\\_ Rev new sign.docx](#)

Ms. Gelin requested to remove Ordinance No. 8.B from the agenda.

## 9. FIRST READINGS:

**9.A.** ORDINANCE NO. 20-24: 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 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS" TO AMEND THE REQUIREMENTS FOR PARKING FOR GENERAL COMMERCIAL USES TO INCLUDE LIMITED INDOOR DINING ESTABLISHMENTS AND TO CLARIFY THE PARKING REQUIREMENT FOR RESTAURANTS AND STAND ALONE BARS; AMENDING APPENDIX A, "DEFINITIONS," TO INCLUDE A DEFINITION FOR LIMITED INDOOR DINING ESTABLISHMENT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.(FIRST READING)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)

[Ord. No. 20-24 Limited Indoor Dining Establishments](#)

[PZB Staff Report, Limited Indoor Dining](#)

[BIE Form Ord 20-24\\_SIGNED](#)

[Simple Legal Review Approval Ordinance 20-24](#)

Ms. Gelin entered Ordinance No. 20-24 into the record.

**A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Ordinance be approved on first reading.**

**all were in favor**

**Yes:** 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

**9.B.**

ORDINANCE NO. 05-24: 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 10, "FLOOD DAMAGE CONTROL DISTRICTS AND COASTAL CONSTRUCTION," ARTICLE 10.1, "ADMINISTRATION," SECTION 10.1.2, "APPLICABILITY," TO REFERENCE THE MOST RECENTLY ADOPTED FLOOD INSURANCE STUDY; AMENDING SECTION 10.1.7, "VARIANCES AND APPEALS," TO REPLACE REFERENCES TO THE BOARD OF ADJUSTMENT WITH THE APPROPRIATE REVIEWING BODY TO BE CONSISTENT WITH CHAPTER 2 OF THE LAND DEVELOPMENT REGULATIONS AND UPDATING THE FLORIDA BUILDING CODE CHAPTER CITATION FOR HISTORIC STRUCTURES; AMENDING ARTICLE 10.2, "DEFINITIONS," SECTION 10.2.2, "DEFINITIONS," BY DELETING THE DEFINITIONS FOR "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION," "EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION," AND "NEW MANUFACTURED HOME PARK OR SUBDIVISION," TO CREATE A SINGLE CATEGORY FOR MANUFACTURED HOMES, AND BY AMENDING THE DEFINITIONS

FOR "COASTAL HIGH HAZARD AREA," "HISTORIC STRUCTURE," AND "MARKET VALUE," TO BE CONSISTENT WITH INDUSTRY STANDARDS; AND AMENDING ARTICLE 10.3, "FLOOD RESISTANT DEVELOPMENT," SECTION 10.3.4, "MANUFACTURED HOMES," TO CREATE A UNIFORM ELEVATION FOR ALL MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 05-24](#)  
[PZB Staff Report](#)  
[Community Rating System Overview and Participation](#)  
[Business Impact Estimate, Ordinance No. 05-24](#)  
[Legal Review, Ordinance No. 05-24](#)

Ms. Gelin entered Ordinance No. 05-24 into the record.

**A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Ordinance be approved on first reading.**

**all were in favor**

**Yes:** 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

### **A. City Manager**

Stated that the City's fund balance was an administrative function and its range was appropriate. He expressed his support for the range guidelines provided by the Government Finance Officers Association (GFOA) and was seeking direction that evening to finalize the rate.

A brief discussion ensued about what the appropriate fund balance range for the coming fiscal year should be. Vice Mayor Casale expressed her concern that these funds should not be used to balance the City's budget.

There was a consensus to keep the fund balance between 21 and 25 percent, as the Comprehensive Plan suggests.

Mr. Moore thanked the Commission.

### **B. City Attorney**

Stated Mr. Moore's merit increase was retroactive from August 2, 2024.

### **C. City Commission**

#### **Deputy Vice Mayor Long:**

Requested to move the Commission Meetings back to 5:00 p.m.

There was a consensus to move the meetings to 5:00 p.m.

#### **Commissioner Markert:**

Requested a proclamation be created for Roy Simon.

#### **Commissioner Burns:**

Stated when she requests a proclamation, she receives a letter of recognition, and requested clarification on the City's proclamation policy.

Mentioned that Dr. Andry's Way roads and streets were flooding and would like to know who is responsible for maintaining them.

#### **Vice Mayor Casale:**

Discussed the amendment of Citrin Cooperman Auditing Services scope of services letter for the City.

Mentioned having a discussion about the A-Guide Funding ( Achieving Using Impact Direct Evaluations) earlier than in previous years.

Mr. Moore suggested having a discussion in one of the Regular Commission Meetings in November.

Stated she attended the Literacy Coalition Luncheon.

Expressed her concern that the Palm Beach County Schools Superintendent wouldn't be present at the October 8, 2024, Workshop Meeting to facilitate a discussion on improving grades in the city's schools.

Discussed creating a summer school reading program at the City's library at no cost to the City. There was a consensus to allow Vice Mayor Casale to create the summer reading program.

Inquired about having an intern who was interested in politics for the summer to shadow her.

Mentioned that a store on Atlantic Avenue was selling marijuana

paraphernalia.

Discussed creating an artificial reef for beach renourishment in collaboration with the Sustainability Office and twenty volunteers were already involved in Palm Beach. There was a consensus to allow Vice Mayor Casale to work on this committee.

Requested that Mr. Moore notify the Mayor and Commissioners immediately if something goes wrong in the City.

**Mayor Carney:**

Discussed utilizing the kitchen at Old School Square.

Mentioned the Comprehensive Plan and how it relates to the Education Plan for a Resource Center.

Suggested The Palm Health Group help guide the City's funds from the Opioid Litigation Funds.

## **11. ADJOURNMENT**

There being no further business to discuss, Mayor Carney adjourned the meeting at 9:35 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.

  
Interim City Clerk

ATTEST:

  
Mayor

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the October 1, 2024 Regular Meeting held on October 1, 2024, which minutes were formally approved and adopted by the City on November 4, 2024.

  
Interim City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.