

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Minutes - Draft

Tuesday, December 10, 2024

5:00 PM

Regular Meeting at 5:00 PM

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/s>
treams

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 December 10, 2024 Regular City Commission was called to order at 5:00 p.m. Interim City Clerk Alexis Givings, called the role, 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

Mayor Carney requested to pull Consent Item No. 6.K.2. for discussion, and it became Item No. 7.B.B. on the Regular Agenda.

He also requested Consent Item No. 5.A.4. be pulled and placed on the Regular Agenda as Item No. 7.A.A to allow for public comment.

A motion was made by Commissioner Markert, seconded by Commissioner Burns, that this be approved as amended.

all were in favor

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. PRESENTING GINA CARTER WITH AN EXEMPLARY EMPLOYEE AWARD

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Exemplary Performance Award Carter-Gina Carter](#)
[Exemplary Employee Performance Award Policy](#)

Mr. Moore acknowledged Gina Carter, Director of Communications, for her efforts and involvement in successfully opening the Crest Theatre/Art School in the past months.

LeShay King, Employee Engagement Coordinator, presented Ms. Carter with a plaque.

Ms. Carter thanked all the departments for their hard work and

contributions.

4.B. SCHOOL BOARD OF PALM BEACH COUNTY EDUCATION UPDATE

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Edwin Ferguson, Esq., a School Board Member from District 7, shared a QR code that provides access to a presentation designed for District 7 schools. Mr. Ferguson emphasized the importance of preparing children for kindergarten to ensure their success in later grades.

Mayor Carney voiced his concerns regarding the relationship between student test scores and proficiency levels in the district. He mentioned that the Commission would be reviewing the educational components of the City's Comprehensive Plan as they relate to the Interlocal Agreement regarding the City's schools.

The Commission expressed their eagerness for a more detailed conversation about improving Delray's schools in the coming year via a workshop. Mr. Ferguson emphasized the need for a dual language school, as many children in the community primarily speak Creole.

Mayor Carney mentioned receiving a letter concerning the mitigation agreement with the State designating one building of Carver High School as a Technical Center.

The Commission thanked Mr. Ferguson for his time.

4.C. BONA FIDE RESTAURANT REQUIREMENTS

Sponsors: City Attorney Department, Development Services Department and Fire Rescue Department

Lynn Gelin, City Attorney, explained that this item was presented to the Commission to decide whether they want to keep the definition distinguishing a bona fide restaurant from a stand-alone bar, or if they would like to modify that definition.

Anthea Gianniotis, Development Services Director, and Travis Franco, Assistant Fire Chief, were present to deliver a staff presentation on this item.

Assistant Fire Chief Franco stated that the Commission had three (3) choices:

1. Maintain the definition of a restaurant:

Count each seat and identify the maximum number of customers. The fire occupants (including the staff) would be different.

2. Adjust the definition of restaurants:
Count each seat and allow for an additional 10% for waiting customers. Allow for standing congregation areas around bars that are within restaurants.
3. Create a "Hybrid" use that allows more intensity at night (Requires an Ordinance change)
Two separate life safety plans, (maximum number of occupancy and table/chair storage).

Assistant Fire Chief Franco stated that his department would collaborate with Code Enforcement to ensure an establishment complies with its occupancy regulations.

The Commission engaged in a discussion to determine the best option to ensure customer safety while supporting local restaurants and bars. They remarked that the Downtown Development Authority (DDA) should be involved in enforcing the chosen measures.

There was a consensus to refine the definition of a restaurant and allow a conditional use for occupancy over 15% for the time being.

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

5.A.1. INTRODUCTION OF HENRY M. DACHOWITZ, CHIEF FINANCIAL OFFICER

Sponsors: City Manager Department

Mr. Moore introduced Mr. Henry M. Dachowitz, the City's new Financial Officer, and briefly summarized Mr. Dachowitz's extensive professional background.

5.A.2. UPDATE ON THE TREE TRUST FUND AND TREE PLANTING PROGRAM

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Kent Edwards, Sustainability Officer, provided a status update on the City's 5-year Tree Planting Program, which is currently in its 4th year. He stated that the Tree Trust Fund is the sole source of funding for the program, with a current balance of \$311,107. He noted that additional deposits to the Tree Trust Fund would be necessary to maintain annual program funding.

The Commission engaged in a discussion on how to proceed with the current program due to insufficient funds for expanding the City's canopy, maintaining newly planted trees, and managing the removal of existing preservation trees for new developments.

Mr. Edwards stated there were preemptions in place through the Florida Statutes and the Land Development Regulations for what trees can be removed.

The Commission thanked Mr. Edwards for his efforts.

5.A.3. 2025 ALL-AMERICA CITY AWARD APPLICATION CONSIDERATION

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[AAC informational flyer](#)

Janai Bowens, Education and Workforce Development Coordinator, outlined the components necessary for this year's application, which focuses on Environmental Sustainability & Community Engagement. She stated that the Steering committee meetings would commence in January 2025, and external outreach would continue throughout the application process for community feedback and input. Ms. Bowens mentioned that a Commissioner was needed to join the Steering Committee.

Deputy Vice Mayor Long volunteered to serve on the Steering Committee.

The Commission thanked Ms. Bowens for her efforts.

5.A.4. DISCUSSION CONCERNING CLOSURE OF NE 7TH AVENUE

Sponsors: Public Works Department and City Manager Department

Attachments: [Agenda Cover Report](#)
[Adendum to Settlement Agreement](#)
[Check TX from Edwards 02-14-2022](#)
[Settlement Agreement](#)
[Site Plan Extracted \(2022-191 approved 2024\)](#)

Consent Item No. 5. A.4. was pulled and placed on the Regular Agenda as

Item No. 7.A.A to allow for public comment.

Mayor Carney stated that closing NE 7th Avenue was within the City's rights, as the street belonged to the City, and they were acting in accordance with the Atlantic Crossing Settlement Agreement reached in 2017.

Missie Barletto, Director of Public Works, summarized this item by stating that through numerous community charettes, the community overwhelmingly supported the permanent closure of this intersection. She provided the staff's input on this project.

The Commission engaged in a discussion on this item, and all agreed to close the intersection.

A motion was made by Commissioner Burns, seconded by Commissioner Markert, to have staff design a permanent closure and to utilize the money that was allocated for this purpose.

all were in favor

5.B. From the Public

Jim Knight, 84 SE 4 Avenue, Delray Beach

Discussed the private partnerships taking place in local schools and mentioned the restaurant issues that were discussed earlier.

Al Costello, 450 East Atlantic Avenue, Delray Beach

Stated the DDA would support whatever decision the Commission makes regarding the restaurants and bars. He mentioned the subject of in-lieu parking fees.

Cat Kelly, 1775 Lake Drive, Delray Beach

Discussed effective ways to utilize the funds from the City's opioid grant.

Cheyenne Murch, 4605 Frances Drive, Delray Beach

Discussed the code violation at Subculture Coffee Shop received.

Blake Ian Goldsmith, 332 SE 2 Avenue, Delray Beach

Spoke in support of Subculture Coffee Shop and the allocation of opioid-related funds.

Debra Walker, 1312 NW 2 Street, Delray Beach

Stated the price for an annual pool pass had increased by \$20 dollars, and an additional fee was now required for the water aerobics classes. She

pointed out the City was unnecessarily wasting money by leaving the lights on in city parks after closing.

Joy Howell, 25 NW 24 Court, Delray Beach
Discussed closing 7th Avenue.

Gail Clark, 125 NE 7 Avenue, Delray Beach
Stated Google Maps does not recognize 7th Avenue as a closed road.

Benita Goldstein, 302 NE 7 Avenue, Delray Beach
Discussed the traffic and speeding along 7th Avenue.

Laura Simon, Executive Director of the Downtown Development Authority
Stated the DDA wants to collaborate with the Commission on decisions impacting the downtown restaurants and bars.

Brian Rosen, 106 NE 16 Street, Delray Beach
Discussed the Bona Fide restaurant item.

Jack Indekeu, 419 NE 8 Avenue, Delray Beach
Discussed the closure of NE 7th Avenue.

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

6. CONSENT AGENDA: City Manager Recommends Approval

Meeting went into Recess

Meeting reconvened

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[November 19, 2024 Special Meeting Minutes - DRAFT](#)

This Minutes were approved.

6.B. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF ALISON GENCO V. THE CITY OF DELRAY BEACH

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

This Request was approved.

6.C. ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION ALONG THE WEST

AND SOUTH SIDE OF THE PARCEL KNOWN AS 12 NE 5TH AVENUE.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Right of Way Deed - 12 NE 5th Avenue](#)
[Legal Review Right of Way Deed - 12 NE 5th Ave](#)
[Site Plan \(for reference\)](#)

This Request was approved.

6.D. ACCEPTANCE OF A GENERAL UTILITY EASEMENT AGREEMENT AT 12 NE 5TH AVENUE, TOTALING APPROXIMATELY TWO HUNDRED AND SIXTY-SIX SQUARE FEET (266.25), AS MORE PARTICULARLY DESCRIBED HEREIN.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[General Utility Easement - 12 NE 5th Avenue - 12 NE 5TH LLC](#)
[Legal Review General Utility Easement - 12 NE 5th Ave - 12 NE 5TH LLC](#)

This Request was approved.

6.E. APPROVAL OF RESOLUTION NUMBER 252-24 APPROVING A MEMORANDUM OF UNDERSTANDING UNIVERSAL PROTECTIVE SERVICE, LLC, DBA ALLIED UNIVERSAL SECURITY FOR THE PURPOSE FOR ESTABLISHING DISPATCH PROTOCOLS.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Dr. Halpern 2024 Contract](#)
[Dr. Halpern 2025 Contract](#)
[Legal Review Checklist Allied Universal Security](#)
[Notice of Termination - Cambridge Security Services 11.21.24](#)
[Delaire LETTER OF INTENT signed](#)
[Resolution No. 252-24_lw rev](#)
[MOU CDB Allied Universal](#)

This Request was approved.

6.F. RESOLUTION 241-24 TO ALLOW CITY MANAGER TO EXECUTE GRANT AWARD AGREEMENTS RELATED TO THE CITY'S HOUSING ASSISTANCE PROGRAMS.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[Legal Review Res 241-24 Authority for CM to sign rehab assistance grants for all programs](#)
[Resolution 241-24 - Authority for CM to sign rehab assistance grants for all programs](#)

This Resolution was approved.

6.G.

ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 220 S. SWINTON AVE.

ITEM(S) A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 357 NE 8TH AVE.

ITEM(S) A3 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 519 SE 4TH AVE.

ITEM(S) A4 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 521 SE 4TH AVE.

ITEM(S) B1 - ACCEPTANCE OF AN ACCESS EASEMENT AGREEMENT BY 308 SW 3RD ST.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[A1a - Right of Way Deed - 220 S. Swinton Ave - Nima Investments LLC](#)
[A1b - Legal Review Right of Way Deed - 220 S. Swinton Ave - Nima Investments LLC](#)
[A2a - Right of Way Deed - 357 NE 8th Ave - Latshaw Constance H Trust](#)
[A2b - Legal Review Right of Way Deed - 357 NE 8th Ave - Constance H Latshaw Jaffray Revocable Trust](#)
[A3a - Right of Way Deed - 519 SE 4th Ave - 519 SOUTHEAST LLC](#)
[A3b - Legal Review ROW Deed -519 SE 4th Ave - 519 SOUTHEAST LLC](#)
[A4a - Right of Way Deed - 521 SE 4th Ave - 521 SOUTHEAST LLC](#)
[A4b - Legal Review ROW Deed -521 SE 4th Ave - 519 SOUTHEAST LLC](#)
[B1a - Access Easement - 308 SW 3rd St - DBCLT](#)
[B1b - Legal Review Access Easement - 308 SW 3rd St - DBCLT](#)

This Request was approved.

6.H. APPROVAL OF AMENDMENT NO. 2 TO RFQ 2019-040 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL PROFESSIONAL ENGINEERING DESIGN SERVICES FOR PHASE II OF THE TROPIC ISLE ROADWAY UNDERGROUND UTILITY IMPROVEMENTS (PROJECT NO. 19-015) IN THE AMOUNT OF \$99,453 FOR A REVISED TOTAL OF \$3,318,014.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Amendment 2 RFQ 2019-040 11.5](#)
[Exhibit A - Amendment No. 2 to RFQ 2019-040](#)
[Simple Legal Review Approval Amendment 2 Phase II Tropic Isles](#)
[Amendment No. 1 - RFQ No. 2019-040 Design Svcs for Tropic Isle \(Phase II\)](#)
[Agreement RFQ 2019-040 \(Phase II, Tyler 2022-048\)](#)

This Request was approved.

6.I. PROCLAMATIONS:

6.I.1. DELRAY IS GOING TO THE DOGS PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Delray Is Going To The Dogs Proclamation 2024](#)

This Proclamation was approved.

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

This was approved.

6.J.1. None

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. APPROVAL OF RESOLUTION 197-24, TO AWARD A MASTER CONTRACTOR / SERVICES AGREEMENT WITH BLACK & VEATCH CORPORATION FOR ASSET MANAGEMENT AND WORK ORDER SOLUTIONS FOR CITYWORKS AND GIS APPLICATIONS AND SUPPORT. TERM OF THREE (3) YEARS WITH RENEWAL OPTIONS FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS. COST OF \$100,000 PER YEAR

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)
[Black and Veatch LR](#)
[Resolution 197-24](#)
[CS2024-027 Agreement](#)
[Exhibit A](#)
[CS2024-027 City Standard Memo - signed](#)

This Resolution was approved.

6.K.2.

APPROVAL OF RESOLUTION NOS. 235-24, 236-24, 237-24, AND 238-24 TO AWARD AGREEMENTS WITH BODY SHOP BY MIKE & JOE, INC; CLASSIC COLLISION LLC DBA CLASSIC COLLISION BOCA NORTH; ED MORSE CADILLAC DELRAY; AND METAL SUPPLY AND MACHINING INC, PURSUANT TO RFQ 2024-047 FOR FLEET COLLISION REPAIR & PAINTING AND/OR WELDING SERVICES IN THE AMOUNT OF \$800,000

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Vendor Signed- RFQ2024-047 Body](#)
[Resolution No. 235-24 \(Mike and Joe\)](#)
[Legal Review Checklist Body Shop by Mike & Joe](#)
[Vendor Signed- RFQ2024-047 Classic](#)
[Resolution No. 236-24 \(Classic Collision\)](#)
[Legal Review Checklist Classic Collision](#)
[Vendor Signed- RFQ2024-047 Cadillac](#)
[Resolution No. 237-24 \(Ed Morse Cadillac\)](#)
[Legal Review Checklist Ed Morse](#)
[Vendor Signed- RFQ2024-047 Metal](#)
[Resolution No. 238-24 \(Metal Supply\)](#)
[Legal Review Checklist Metal Supply and Machining Inc.](#)
[RFQ 2024-047](#)

Mayor Carney requested to pull Consent Item No. 6.K.2. for discussion, and it became Item No. 7.B.B. on the Regular Agenda.

Mayor Carney recommended that the City perform due diligence by visiting facilities where City vehicles are repaired.

A motion was made by Vice Mayor Casale, seconded by Commissioner Markert, to defer this item until the January 7, 2025, meeting.

This item was deferred until the Commission Meeting on January 7, 2025.

This Resolution was approved.

7. REGULAR AGENDA:

- 7.A. RESOLUTION NO. 226-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTIONS 4.1.4(B) AND 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW CONSTRUCTION OF A NON-WORKFORCE HOUSING SINGLE-FAMILY RESIDENTIAL STRUCTURE ON LOT 2 OF THE PROPERTY LOCATED AT 302 SE 4th STREET, 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. 226-24, 302 SE 4th Street Waiver](#)
[Applicant Justification Statement, 302 SE 4th Street](#)
[Survey, 302 SE 4th Street](#)
[Osceola Park Plat](#)
[Legal Review, Resolution No. 226-24](#)

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

City Attorney, Lynn Gelin, entered Resolution No. 226-24 into the record.

Mayor Carney stepped away from the dias, so Vice Mayor Casale asked her colleagues to disclose any ex-parte communications for this item.

There were no ex-parte communications from the Commission.

Corey O’Gorman with Place Planning and Design was present on behalf of the applicant to provide a presentation for a waiver request to the Land Development Regulations (LDR) for the construction of a single-family, non-workforce housing unit located at 302 SE 4th Street. He stated this request meets all criteria for the waiver.

Anthea Gianniotis, Director of Development Services, provided a staff report on this item, highlighting the City’s need for workforce housing. She noted that if Lot 2 had not been developed, it would be limited to workforce housing without the approval of a waiver. She explained that granting this

waiver would not confer a special privilege because the same waiver could be granted under similar circumstances to other properties for different applicants or owners.

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

James Quinlin, 925 SE 2 Avenue, Delray Beach

Stated his neighborhood supports this request as long as the applicant complies with the City's setback rules.

Mr. O'Gorman provided a rebuttal stating the intention was to demolish the entire structure and to build two separate homes that would comply with all zoning regulations.

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

Discussion ensued amongst the Commission and they supported approving this item.

A motion was made by Deputy Vice Mayor Long, seconded by Commissioner Markert, that this Resolution be approved. The motion carried by the following vote:

- Yes:** 4 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, and Mayor Carney Jr.
No: 1 - Vice-Mayor Casale

7.B.

RESOLUTION NO. 240-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.19(H)(3) OF THE LAND DEVELOPMENT REGULATIONS APPROVING OVERHEAD DOORS FACING A PUBLIC RIGHT-OF-WAY FOR THE PROPERTY LOCATED AT 1215 MILFRED STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[1215 Milfred St. Justification Statement](#)
[1215 Milfred St. Site Plan](#)
[1215 Milfred St. Resolution No. 240-24](#)
[Legal Approval Resolution No. 240-24](#)

Ms. Gelin entered Resolution No. 240-24 into the record.

Ms. Gianniotis entered File No. 2023-093 into the record.

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

There were no ex-parte communications from Commission.

Kristen Nowicki, with WTI, was present on behalf of the applicant requesting a waiver to allow overhead doors facing a public right-of-way for the property located at 1215 Milfred Street. She stated that the overhead doors were essential for the daily operations of loading and unloading materials into the new building. Ms. Norwicki also noted other large warehouses in the surrounding area had received similar waivers, including one situated across Gwenzell Avenue.

Anthea Gianniotis provided a staff report on this item, noting a number of the same allowances had previously been granted.

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

Seeing no one present, Mayor Carney closed public comments.

There was no cross-examination or rebuttal from either side.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, 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.

8. PUBLIC HEARINGS/SECOND READINGS:

8.A.

ORDINANCE NO. 14-24: 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 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "DEVELOPMENT APPLICATION REQUIREMENTS," SECTION 2.4.11, "RELIEF," TO ELIMINATE THE PUBLIC PARKING FEE PROVISIONS AND TO MODIFY THE REQUIRED FINDINGS AND PROCEDURES FOR APPROVING AN IN-LIEU OF PARKING FEE REQUEST; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," TO CORRECT CROSS-REFERENCES AND IMPROVE READABILITY; AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," TO ELIMINATE THE PUBLIC PARKING FEE

PROVISIONS, MODIFY PROVISIONS ALLOWING FOR ALTERNATE METHODS OF PROVIDING OFF-STREET PARKING, AND ADOPTING STANDARDS FOR AN IN-LIEU OF PARKING FEE PROGRAM; 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](#)
[PZB Staff Report, In-Lieu of Parking Fee](#)
[Ordinance No. 14-24](#)
[Business Impact Estimate, Ordinance No. 14-24](#)
[Legal Review, Ordinance No. 14-24](#)
[Proof of Legal Advertisement, Ordinance No. 14-24](#)

Ms. Gelin entered Ordinance No. 14-24 into the record.

Ms. Gianniotis provided a summary of this item, stating this Ordinance served as a tool for the redevelopment and revitalization of the downtown, offering an alternative to building parking spaces on individual parcels. She also provided the in-lieu Parking Land Development Regulation (LDR) modifications that followed a parking workshop held on October 15, 2024.

Ms. Gianniotis moved on to discuss Item No. 8.A.1. (Resolution No. 80-24).

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.A.1.

RESOLUTION NO. 80-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE SCHEDULE OF IN LIEU FEES FOR PARKING, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA SECTION 4.6.9, "OFF STREET PARKING REGULATIONS", SUBSECTION 4.6.9(G), "FEE IN-LIEU OF PARKING;" PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 80-24, In-Lieu of Parking Fee Schedule](#)
[PZB Staff Report, In-Lieu of Parking Fee](#)
[Legal Review, Resolution No. 80-24](#)
[Resolution No. 27-17, Current In-Lieu of Parking Fee Schedule](#)

Ms. Gelin entered Resolution No. 80-24 into the record.

Ms. Gianniotos outlined the goals of the proposed in-lieu fees that would be fulfilled for Resolution No. 80-24. She also compared parking fees from 2017 to current market value fees. She stated that the proposed fees aim to protect historic preservation, encourage moderate investment in the City, and maintain existing buildings.

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

Joseph Ruiz with Day Pitney Law Firm, Coral Gables, Florida
Thanked staff for crafting an important piece of legislation that will aid in the adaptive reuse of existing structures.

Raheim Jones, 123 Atlantic Avenue, Delray Beach
Requested information on the parking fee schedule for store owners.

Laura Simon, Executive Director of the Downtown Development Authority
Thanked the Commission for revisiting this issue and recommended a gradual increase in parking fees.

Jim Knight, 84 SE 4 Avenue, Delray Beach
Stated the Commission should maintain an open mind when levying parking fees.

George Long, 46 N. Swinton Avenue, Delray Beach
Discussed the importance of preserving Atlantic Avenue as a Historic District in relation to parking.

Steve Cohen, 1140 Bahia Drive, Delray Beach
Suggested that the Commission keep an open mind about setting parking fees. Additionally, he stated he had not heard from any store owners that there was a parking problem.

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

Discussion ensued amongst the Commission regarding the findings of the presentation. They agreed on the necessity for an annual review to address increasing construction costs.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, 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.

8.B.

ORDINANCE NO. 32-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A 1.07-ACRE PORTION OF A 9.34-ACRE PARCEL OF LAND LOCATED SOUTH OF SHERWOOD BOULEVARD AND EAST OF SOUTH MILITARY TRAIL AT 3900 SHERWOOD BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO LOW DENSITY RESIDENTIAL PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[3900 Sherwood Boulevard - PZB Report](#)

[3900 Sherwood Boulevard - Ord. No. 32-24](#)

[3900 Sherwood Boulevard - Justification Statement](#)

[3900 Sherwood Boulevard - Traffic Statement](#)

[3900 Sherwood Boulevard - TPS Letter](#)

[3900 Sherwood Boulevard - Existing and Proposed Land Use Map](#)

[3900 Sherwood Boulevard - Legal Review Form](#)

[Business Impact Estimate, Ordinance No. 32-24](#)

[Proof of Legal Advertisement](#)

Ms. Gelin entered Ordinance No. 32-24 and Ordinance No. 33-24 into the record.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Ordinance 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.

8.C.

ORDINANCE NO. 33-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND MEASURING APPROXIMATELY 9.34 ACRES LOCATED SOUTH OF SHERWOOD BOULEVARD AND EAST OF SOUTH MILITARY TRAIL AT 3900 SHERWOOD BOULEVARD, FROM SINGLE FAMILY

RESIDENTIAL (R-1-AA) AND COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL (R-1-A), AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL / SECOND READING / PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[3900 Sherwood Boulevard - PZB Report](#)

[3900 Sherwood Boulevard - Ord. No. 33-24](#)

[3900 Sherwood Boulevard - Justification Statement](#)

[3900 Sherwood Boulevard - Traffic Statement](#)

[3900 Sherwood Boulevard - TPS Letter](#)

[3900 Sherwood Boulevard - Existing and Proposed Zoning](#)

[3900 Sherwood Boulevard - Legal Review Form](#)

[Business Impact Estimate, Ordinance No. 33-24](#)

[Proof of Legal Advertisement](#)

Mayor Carney asked his colleagues to disclose any ex-parte communications for Ordinance No. 33-24.

Vice Mayor Casale - Spoke with the applicant's representative and emails on the server.

Mayor Carney - Spoke with the applicant and the attorney.

Commissioner Burns - Spoke with the applicant in the past and emails on the server.

Commissioner Markert - Spoke with the applicant and the attorney.

Deputy Vice Mayor Long - None.

Ms. Gianniotis entered File Nos. 2024-107 and 2024-108 into the record.

Christina Bilenki was present on behalf of the applicant, Toll Brothers, who provided the site history for Items 8.B. and 8.C., as well as the proposed land use amendment changes she was requesting. Ms. Bilenki noted her firm met with the residents of the Sherwood Park and Lakeview Civic Associations on October 16, 2024. During the meeting, the residents expressed their satisfaction with Toll Brother's plans to build single-family homes on the proposed property, featuring deeper lots that would provide more outdoor living space.

Anthea Gianniotis presented a staff report regarding both items and

stated that the requests aligned with the Land Development Regulations. She noted the Planning and Zoning Board recommended approval on October 21, 2024, with a unanimous vote of 5 to 0.

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

Karen Kizelenski, 3674 Lakeview Blvd, Delray Beach
Stated she favored approving this project.

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

There was no cross-examination or rebuttal from either side.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Ordinance 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.

8.D.

ORDINANCE NO. 35-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 122, "ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 YEARS AND OLDER", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, SECTION 122.01, "ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 YEARS OF AGE AND OLDER," TO INCREASE THE ADDITIONAL HOMESTEAD EXEMPTION FROM \$25,000 TO \$50,000 FOR CERTAIN PERSONS SIXTY-FIVE (65) YEARS OF AGE AND OLDER AND TO ESTABLISH A SECOND ADDITIONAL HOMESTEAD EXEMPTION IN THE AMOUNT OF THE ASSESSED VALUE OF PROPERTY FOR CERTAIN PERSONS SIXTY-FIVE YEARS OF AGE AND OLDER WHO MEET RESIDENCY, INCOME AND OTHER STATUTORY REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: Finance Department

- Attachments:** [Agenda Cover Report](#)
[35-24 Senior Homestead Exemptions Final 11-11-24](#)
[Business Impact Estimate Form - Ordinance 35-24](#)
[Affidavit](#)
[Household Income Sworn Statement](#)
[Ordinance No. 35-24 LR](#)

Ms. Gelin entered Ordinance No. 35-24 into the record.

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

Seeing no one present, Mayor Carney closed public comments.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, 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.

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Discussed the letter sent to the Commissioner regarding removing a derelict vessel in the Tropic Isle Development. He stated the removal falls under the jurisdiction of the Florida Fish and Wildlife Commission. He also stated the City would follow up on the matter.

B. City Attorney

None.

C. City Commission

Vice Mayor Casale

Asked the City Attorney about the Code Enforcement letter the Commission received. Ms. Gelin explained how the matter was being handled and suggested implementing a “finding of fact” policy. Vice Mayor Casale expressed her concern regarding how the City Manager’s Office addresses Code Enforcement violations/issues.

Deputy Vice Mayor Long

Discussed the findings of the Code Enforcement Policy Plan, which recommends that Code Enforcement Officers issue a quota of violations each day.

Suggested implementing transparent policies and procedures for Code Enforcement.

Proposed relocating Code Enforcement to the Police Department. Mayor Carney stated this item would be included on the December 19, 2024 agenda.

Suggested the Commission request the judge impose a stronger penalty for the individual who deliberately did a burnout on the Pride Crosswalk than simply paying fine.

Proposed the City pool fees remain unchanged, especially for senior citizens.

Requested reducing the fees for the Code Violation issued to the Subculture Coffee Shop.

Commissioner Markert

None.

Commissioner Burns

Discussed her concerns with the Code Enforcement. Mr. Moore mentioned that new department leadership and an external entity would soon be joining the department and would provide recommendations and identify potential areas for improvement.

Proposed establishing a Visions 2035 Program that actively engages citizens through an external facilitator. Mr. Moore suggested adding this item to the January 21, 2024, Regular City Commission Meeting.

Mayor Carney

Suggested the Delray Beach Marine Patrol work on the weekends.

Asked for an update on the water treatment plant. Mr. Moore stated it would be completed by the end of 2027 or early 2028.

Suggested scheduling a meeting to review "Roberts Rules."

11. ADJOURNMENT

There being no further business to discuss, Mayor Carney adjourned the

meeting at 9:45 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.