

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.delraybeachfl.gov



Minutes - Draft

Tuesday, May 20, 2025

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 Rob Long

Deputy Vice Mayor Angela Burns

Commissioner Tom Markert

Commissioner Juli Casale

1. ROLL CALL

The May 20, 2025, Regular City Commission meeting was called to order at 5:05 p.m. Alexis Givings, City Clerk, called the roll, and the following were present:

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

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

3.A. Additions, Deletions, Substitutions

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

all were in favor

4. PRESENTATIONS:

4.A. CURRENT POINT IN TIME HOMELESSNESS CENSUS COUNT ESTIMATES

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Ezra Krieg, Chairperson of the Delray Beach Initiative to End Homelessness, Ariana Ciancio, Service Population Advocate Manager with the Delray Beach Police Department Community Outreach Team, and Laura Simon, Executive Director of the Downtown Development Authority (DDA), reported the results of this year's National Point in Time census, which tracks the numbers of unsheltered individuals in the United States and then provides a breakdown by county and city. Mr. Krieg noted that between 20 and 25 volunteers, along with Police Department staff and local organizations, assist in providing resources to the homeless in the City of Delray Beach. He stressed that no other city provides the same level of support to these individuals as Delray Beach does.

Ms. Ciancio highlighted the various resources the program offers, and the partnerships they maintain to help individuals rebuild their lives. This assistance includes helping them return to their home state after receiving treatment in Delray Beach.

Ms. Simon noted that the DDA works closely with the Homeless Outreach Team and has collaborated with business owners to ensure that unsheltered individuals are aware of the services available to them. As part of this effort, they established the Downtown Focused Unsheltered Task Force.

Ms. Ciancio reported a 33.9% decrease in the unsheltered population compared to the previous year. The number of individuals experiencing homelessness decreased from 106 last year to 70 this year.

Mr. Krieg shared resources on how individuals can educate themselves about homelessness-related issues and contribute to meaningful change within the City of Delray Beach.

The Commission recognized everyone who positively impacted this issue, making Delray Beach a model community for how it tackles its unsheltered population.

4.B. PRESENTATION OF THE SWINTON / ATLANTIC INTERSECTION IMPROVEMENTS

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

Missie Barletto, Public Works Director, was joined by Eric Requero and Stephanie Guerra, engineers from Kimley-Horn.

Ms. Barletto outlined the project's initial objectives that focused on enhancing bicycle and pedestrian safety at the intersection of Atlantic Avenue and Swinton Avenue. Additionally, she addressed the need to alleviate traffic congestion on Atlantic Avenue leading into downtown by promoting SW 1st Street and NW 1st Street as alternative bypass routes. Her presentation included crash data spanning from 2016 to 2018.

Mr. Requero presented the findings of the traffic analysis conducted and discussed modifications to the original design based on the analysis. He mentioned the safety improvements and enhancements that the new design would provide.

Ms. Guerra presented the findings from the 2024 Atlantic Avenue Retiming Analysis conducted by Palm Beach County. She also presented various scenarios based on different design options.

Ms. Barletto concluded by stating that the proposed design does not make

significant improvements in the downtown; however, it maintains the same level of service and considers the new developments and the traffic they will bring.

The Commission engaged in a discussion on the proposed diversion design and the potential impacts and considerations.

They recognized that redirecting truck traffic away from Atlantic Avenue was crucial for improving pedestrian safety and ensuring sufficient parking availability around the tennis center, especially in the winter months.

Ms. Barletto mentioned that the City was collaborating with the Florida Department of Transportation (FDOT) and the County to assess the safety of the entire Atlantic Avenue corridor, including additional areas east of the project site. She stated that, based on the Commissioner's remarks, she would look into the feasibility of adding a right-turn lane at Swinton and Atlantic Avenue, while ensuring that pedestrian safety is not compromised.

The Commission thanked Ms. Barletto and the representatives from Kimley-Horn for their efforts.

4.C. 2025 HISTORIC PRESERVATION BOARD AWARDS

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

Michelle Hoyland, Principal Planner, presented the 2025 Historic Preservation Award-winning projects, emphasizing this year's focus on residential and commercial rehabilitation. She acknowledged the City's commitment to restoring the Seaboard Airline Railway Station, which was originally built in 1927 and sustained significant fire damage in 2022. She also noted that the station was listed in both the National Register of Historic Places and the local register.

The Commission thanked Ms. Hoyland for her presentation.

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

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

5.A.1. TRAJECTORY FOR VISION 2035 ENGAGEMENT & APPLICABLE CONTRACT SERVICES

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Delray Beach Strategic Plan Project Timeline DRAFT](#)

Mr. Moore presented the Vision 2035 strategic planning activities timeline, outlining the schedule for each focus area, which is set to commence in the fall.

5.B. From the Public

Albert Richwagon, 298 NE 6th Avenue, Delray Beach
Discussed the ongoing issues with Subculture Coffee Shop.

Daniel Rose, 323 NE 6th Avenue, Delray Beach
Provided the Commission (via the City Clerk) with printed images of unapproved parking and events associated with Subculture Coffee Shop. He stated that the parking situation was making it difficult for his clients to park their cars.

Paul Cannon, 1021 East Heritage Club, Delray Beach
Suggested exploring alternative routes for improving the Swinton and Atlantic intersection and urged the Commission to resolve the dispute with the Police Benevolent Association.

Judy Mollica, 122 NW 3rd Avenue, Delray Beach
Requested that the Commission settle the Police contract dispute to avoid losing valuable officers to other cities.

Kent Edwards, (former Sustainability Officer) 3137 Cardinal Drive, Delray Beach
Requested that the Commission advance the Climate Action Plan, which has been under development for several years. Additionally, he proposed rescheduling the Green Board Meetings from 9:00 a.m. to after business hours to allow more qualified individuals to participate. Mr. Edwards also urged the Commission to proceed with the Reef Institute grant.

The Commission conveyed their appreciation to Mr. Kent Edwards for his dedicated service to the City.

Marjorie Waldo, Arts Garage, Delray Beach
Discussed the significance of allocating funds for music and arts in the schools for our children and adults.

Pamela Williams, 245 NW 8th Avenue, Delray Beach
Discussed the lack of proper street markings and sod at the Bi-Low Market, despite its closure.

Additionally, she mentioned the significance of retaining trained police officers within the City.

She also recognized Kent Edwards for his contributions to the City's achievements as a finalist in the All-America City award, which this year focused on strengthening environmental sustainability through inclusive community engagement.

Dr. Ashley Ridley, 210 NW 2nd Avenue, Delray Beach (Drug Abuse Foundation for Palm Beach County)

She invited the Commission to attend the event, "Collaborating for Recovery and Mental Well Being," to be held at 400 South Swinton Avenue, Delray Beach, on May 30th from 8:30 a.m. - 10:30 a.m. She stated that attendees would include mental health partners, recovery professionals, and a discussion on how they could better serve the mental health needs of the community.

Jim Knight, 85 SE 4th Avenue, Delray Beach
Proposed implementing a temporary design at the Atlantic Avenue and Swinton Avenue intersection to evaluate its effectiveness before there is a complete project implementation.

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

6. CONSENT AGENDA: City Manager Recommends Approval

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

all were in favor

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[April 8, 2025 Regular Meeting Minutes - DRAFT](#)
[April 22, 2025 Budget Workshop Meeting Minutes - DRAFT](#)
[April 22, 2025 Regular Meeting Minutes - DRAFT](#)
[April 29, 2025 - Special Meeting Minutes - DRAFT](#)
[April 29, 2025 Workshop Meeting Minutes - DRAFT](#)
[May 6, 2025 Budget Workshop Meeting Minutes - DRAFT](#)

The Minutes were approved.

6.B. ACCEPTANCE OF A LIMITED ACCESS EASEMENT AGREEMENT
OVER THE SIDE OF NE 5TH TERRACE ADJACENT TO NE 2ND
AVENUE AS FURTHER DESCRIBED IN EXHIBIT "A".

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[202 NE 5th Ter Limited Access Easement v2 - 17 April 2025](#)
[Simple Legal Review Approval 202 Ne 5th Terrace](#)

This Request was approved.

6.C. AMENDMENT NO. 1 TO ITB 2023-071 AGREEMENT FOR PRESSURE
CLEANING SERVICES BLUE EDONIS LLC

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[ITB LR](#)
[ITB 2023-071 Amendment 1](#)

This Request was approved.

6.D. APPROVAL OF THE FLORIDA DEPARTMENT OF LAW
ENFORCEMENT FY 24/25 ONLINE STING OPERATIONS GRANT
AMENDMENT

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Form Case and Funding Request Online Sting
Operations Grant](#)
[FY24-25-FDLE-Online-Sting-Request-Form - supplemental request -
4-24-25 rev 2](#)

This Request was approved.

6.E. MAINTENANCE OF TRAFFIC PLAN/ROAD CLOSURE PLAN FOR
LAKEVIEW DRIVE.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[MOT - Full closure 4.0](#)

This Request was approved.

6.F. PROCLAMATIONS:

This was approved.

6.F.1. FAMILY ABDUCTION AWARENESS DAY PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Proclamation - Family Abduction Awareness Day 2025](#)

This Proclamation was approved.

6.F.2. OBSERVANCE OF MEMORIAL DAY

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Proclamation - Memorial Day 2025](#)

This Proclamation was approved.

6.F.3. PROCLAMATION: ROCK THE BLOCK

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[Proclamation - Rock the Block 2025](#)

This Proclamation was approved.

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

6.G.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM APRIL 28, 2025 THROUGH MAY 07, 2025.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PAAB \(04-28\) 1880 Dr Andres Way](#)
[PAAB \(04-28\) 1878 Dr Andres Way](#)
[HPB \(5-07\) 108 NW 4th Avenue](#)
[HPB \(5-07\) 403 N. Swinton Avenue](#)
[HPB \(5-07\) 2 N. Dixie Boulevard](#)
[HPB \(5-07\) 103 NW 5th Avenue](#)

This Request was approved.

6.H. AWARD OF BIDS AND CONTRACTS:

- 6.H.1.** APPROVAL OF RESOLUTION NO. 83-25 TO AWARD AN AGREEMENT WITH UNIFIRST CORPORATION; TO PROVIDE UNIFORMS WITH RELATED PRODUCTS AND SERVICES, UTILIZING SOURCEWELL, A STATE OF MINNESOTA LOCAL GOVERNMENT AGREEMENT NO. 011124 - \$320,726

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[P2025-018 Uniforms LR](#)
[Res P2025-018 Unifirst](#)
[P2025-018 uniforms with related products and services](#)
[UniFirst Contract 011124](#)
[RFP and Addendums-Uniforms 011124](#)

This Resolution was approved.

- 6.H.2.** APPROVAL OF RESOLUTIONS NO. 84-25 AND 85-25 TO AWARD AGREEMENTS WITH FLEETPRIDE, INC. AND SUMIG DISTRIBUTION, LLC FOR THE PURCHASE OF HEAVY EQUIPMENT PARTS AND SERVICES UTILIZING MARTIN COUNTY RFB 2023-3467 IN THE AMOUNT OF \$20,000 PER YEAR FOR A REVISED AGREEMENT TOTAL OF \$320,000.00

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Res 84-25 - Heavy Equipment Parts and Services - Martin County Piggyback - FleetPride Inc](#)
[Res 85-25 - Heavy Equipment Parts and Services - Martin County Piggyback - Sumig LLC](#)
[MSA - Heavy Equipment Parts and Services - Martin County Piggyback - FleetPride Inc](#)
[MSA - Heavy Equipment Parts and Services - Martin County Piggyback - Sumig Distribution LLC](#)
[Ex A MSA - Heavy Equipment Parts and Services - Martin County Piggyback - FleetPride Inc](#)
[Ex A MSA - Heavy Equipment Parts and Services - Martin County Piggyback - Sumig Distribution LLC](#)
[Legal Review MSA - Heavy Equipment Parts and Services - Martin County Piggyback - FleetPride Inc](#)
[Legal Review MSA - Heavy Equipment Parts and Services - Martin County Piggyback - Sumig Distribution LLC](#)
[Martin County Agreement No. RFB2023-3467](#)
[Solicitation RFB No. 2023-3467](#)

This Resolution was approved.

- 6.H.3.** APPROVAL OF RESOLUTION NO. 46-25 TO AWARD AN AGREEMENT WITH CORE CONSTRUCTION FOR CONSTRUCTION MANAGER AT RISK (CMAR) SERVICES FOR THE POMPEY PARK RECREATION CENTER PROJECT PURSUANT TO RFQ NO. 2024-031 IN THE AMOUNT OF \$212,371.00

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

- [1. Resolution 46-25](#)
- [2. 4B23319-Final CMAR AIA A201 DV Final](#)
- [3. 4B21013-Final CMAR Modified A133 - DV FINAL](#)
- [4.B. Ex B Attachments - AIA A312-2010 PP Bond Forms](#)
- [4.B.1. Ex B.1 to AIA A133-2019 2025.05.02 \(clean\)](#)
- [4.C. Ex. C - Sub Warranty of Work Form](#)
- [4.F. Exhibit F - Precon Services Proposal - Pompey Park](#)
- [4.G. Packet for Bid RFQ 2024-031 Advertised](#)
- [4.I. Ex. I - Lien Waiver and Release Forms 2025.05.02](#)
- [5. CMAR LR](#)
- [6. Tabulation Packet for RFQ 2024-031](#)

This Resolution was approved.

- 6.H.4.** APPROVAL OF RESOLUTION NO. 105-25 TO AWARD AN AGREEMENT VALLEY COLLECTION SERVICE, LLC, FOR DEBT COLLECTION SERVICES REQUEST FOR PROPOSAL (RFP) NO. 2025-012 IN THE AMOUNT OF \$67,500.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

- [RFP2025-012 Debt Collection Services](#)
- [Exhibit A](#)
- [Resolution No. 105-25](#)
- [RFP 2025-012 Debt Collection Services - Advertised](#)
- [Vendor signed RFP2025-012 Debt Collection Services](#)
- [Legal Review Agmt with Valley Collection Services - RFP 2025-012 - Debt Collection Services](#)

This Resolution was approved.

7. REGULAR AGENDA:

- 7.A.** UPDATE REPORT TO THE CITY COMMISSION ON SUBCULTURE COFFEE LOCATED AT 302 NE 6TH AVENUE

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Report on Subculture AG](#)

Jeff Oris, Assistant City Manager, along with Anthea Gianniotis, Development Services Director, provided an updated report since the last Commission Meeting.

On Tuesday, May 6, 2025, staff visited the Subculture site to meet with the owner, Mr. Rodney Mayo, to address issues raised during the Commission Workshop Meeting on April 29, 2025. The attendees included representatives from the City Manager's Office, Neighborhood and Community Services, Development Services, and the Fire Rescue Department. During the meeting, Mr. Oris explained the specific areas where Mr. Mayo was found to be non-compliant. He highlighted parking concerns, noting that the business currently have 10 vehicles on-site, arranged in a tandem configuration for employees. He pointed out that the roadway is under the jurisdiction of the Florida Department of Transportation (FDOT), which has stringent space requirements for parking. Consequently, additional on-street parking is not feasible in the area without reducing either the size or the number of curb cuts. Mr. Oris noted that Mr. Mayo has attempted to stripe the parking lot, but had not applied for a permit to do so.

Ms. Gianniotis provided a staff report on the physical arrangement of the site. She noted that to date, Mr. Mayo has received 3 notices of violation, which provided him with 60 days to come into compliance. The violations were for the parking spaces not being demarcated, the absence of a handicapped space, and the lack of a life safety plan. She stated a Special Magistrate meeting has been scheduled for July 18, 2025, if these issues have not been resolved by then. She mentioned that when the previous Commission approved this item, they did not foresee significant events being held there, particularly since the venue was not located in the entertainment district. She added that once the owner provides a life safety plan, the entire operation will be reviewed and come back before the Commission.

Mr. Oris concluded by stating that the City will closely monitor the area, and the Police will issue tickets to cars parked illegally or on the property of other businesses.

A discussion ensued amongst the Commission regarding the parking issues and the type of special events that should be permissible at the location. It was noted that these matters should be addressed by Code Enforcement and not be discussed on the dais.

Mayor Carney emphasized the need for a clear definition distinguishing a coffee shop from a restaurant. He pointed out that when the original approval was granted, the owner mentioned having a parking agreement with the nearby business, Putting Around, but that agreement did not materialize. Ms. Gelin stated that she would investigate this issue further.

The Commission thanked Ms. Gianniotis and Mr. Oris for their work.

7.B.

CONSIDERATION OF THE FINAL PLAT, "LAYTON POINTE", A 9.34-ACRE RE-PLAT OF A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PRESENTLY ADDRESSED AS 3900 SHERWOOD BOULEVARD.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report, Layton Pointe](#)
[Proposed Plat, Layton Pointe](#)
[Survey](#)
[Landscape Plans \(Information Purposes Only\)](#)
[Site Plan \(Information Purposes Only\)](#)
[Traffic Statement](#)
[TPS Letter](#)

Ms. Gelin stated that although it wasn't indicated on the agenda, Item No's. 7.B, 7.C. and 7.D. were quasi-judicial items.

Mayor Carney read the quasi-judicial rules into the record for these items.

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

Ms. Gianniotis entered File No. 2024-109 into the record.

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

Mayor Carney: None.

Vice Mayor Long: None.

Deputy Vice Mayor Burns: Spoke with the applicant and attorney a long time ago.

Commissioner Markert: None.

Commissioner Casale: None.

Christina Bilenki, attorney representing the applicant, presented a request

for approval of a 9.34-acre replat, which previously served as Christ the King Monastery, and is now seeking approval for a Major Subdivision Plat for a 26-unit single-family neighborhood. She stated that the parcel complied with the City's performance standards and Land Development Regulations. The Planning and Zoning Board voted 6-0 to approve the preliminary plan and had recommended approval of the final plat during their meeting on April 21, 2025.

Ms. Gianniotis presented a brief staff report on this item. She confirmed that the item met or exceeded all requirements set by the City and noted that the zoning was consistent with the designated land use. She mentioned that each new unit would incur a parks fee of \$500, totaling \$13,000, which would contribute to the City's Parks Plan Fund.

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 staff or the applicant.

There was no discussion among the Commission, as everyone favored approving this item.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Item No. 7.B. The motion carried by the following vote:

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

7.C.

RESOLUTION NO. 58-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT KNOWN AS SWINTON SOCIAL, LOCATED AT 27 S. SWINTON AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 58-25 In-Lieu of Parking Request- Swinton Social](#)
[SR HPB- In-Lieu Parking-Swinton Social-2025-04-29](#)
[Certified plans-Swinton Social](#)
[Justification Statements](#)
[Approved color renderings](#)
[Simple Legal Review Approval Swinton Social](#)
[Memo - May 20, 2025 Agenda - Item 7.C. - Res. No. 58-25 \(Quasi Judicial\) Ex Parte Communications](#)

Ms. Gelin entered Resolution No. 58-25 into the record.

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

Mayor Carney: None.

Vice Mayor Long: None.

Deputy Vice Mayor Burns: Provided in the backup.

Commissioner Markert: None.

Commissioner Casale: None.

Ms. Gianniotis entered File No. 2025-134 into the record.

Jennifer Mattiello-Ferrara, representing the applicant, presented a request for an in-lieu-of-parking fee of \$263,600 for 20 of the 53 required parking spaces. The project, known as Swinton Social, has 33 parking spaces on-site; however, an additional 20 parking spaces are needed. She stated that there would not be any demolition and that the property would be adaptively reused as a pool club with a restaurant and spa. She noted that on April 29, 2025, the Parking Management Advisory Board (PMAB) reviewed the parking in lieu fee request for 20 parking spaces and recommended approval and on May 7, 2025, the Historic Preservation Board (HPB) reviewed the in-lieu request for 20 parking spaces and recommended approval by a 4-0 vote.

Ms. Gianniotis provided a brief staff report on this item. She stated that the application supports the adaptive reuse of historic structures. She noted that a new owner is involved, unlike the previous owner, who had allowed the cottages to languish over the years.

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

George Long, 46 N. Swinton Avenue, Delray Beach
Stated that he supported moving forward with this project and that it would

be an excellent fit for the area.

Mitch Katz, 1618 Classical Blvd, Delray Beach

Expressed his support for restoring these homes and approving the request for in-lieu parking.

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

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

A brief discussion ensued amongst the Commission on this item, and everyone favored its approval.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Resolution No. 58-25. The motion carried by the following vote:

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

7.D.

RESOLUTION NO. 60-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT LOCATED AT 50 SE 4TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 60-25 In-Lieu of Parking Request- 50 SE 4th Ave](#)

[50 SE 4th Avenue - Project Description](#)

[50 SE 4th Avenue - Site Plan](#)

[50 SE 4th Ave - Parking Map](#)

[Tri-Party Off-site Parking Easement Agreement - 50 SE 4th Ave LLC - The Coastal Group Inc and City of DB](#)

[Tri-Party Off-site Parking Easement Agreement - 50 SE 4th Ave - Plaza 85 Inc and City of DB](#)

[Legal Review Res 60-25 In-Lieu of Parking Request - 50 SE 4th Ave](#)

[Memo - May 20, 2025 Agenda - Item 7.D. - Res. No. 60-25 \(Quasi Judicial\) Ex Parte Communications](#)

"To correct a scrivener's error, Resolution No. 60-25, adopted at the May 20, 2025 meeting, was amended at the June 3, 2025 Regular City Commission Meeting, ensuring its accurate designation as Resolution No. 64-25 in the official record."

Ms. Gelin entered Resolution No. 60-25 into the record.

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

Mayor Carney: Spoke with the applicant and surrounding businesses.

Vice Mayor Long: Spoke with the applicant.

Deputy Vice Mayor Burns: Spoke with the applicant.

Commissioner Markert: Spoke with the applicant.

Commissioner Casale: None.

Ms. Gianniotis entered File No. 2025-115 into the record.

Lee Cohen was present on behalf of the applicant, Steven Cohen. Mr. Cohen presented an in-lieu-of parking fee request of \$390,000 for 13 of the 22 required parking spaces associated with the development located at 50 SE 4th Avenue. Mr. Cohen provided the background of the proposed project, dating back to 2017. He stated that this request was to allow for the termination of the existing off-site parking agreement at 350 SE 1st Street (25 spaces). He mentioned that the termination of this off-site parking agreement was contingent upon the Commission's approval of a replacement parking mechanism.

Ms. Gianniotis presented a brief staff report regarding this matter. She noted that on March 24, 2021, the Site Plan Review and Appearance Board (SPRAB) approved a Class III Site Plan modification. This modification reduced the structure to a single-story building with a total area of 3,625 square feet, which in turn decreased the required parking to 22 spaces. She mentioned that the Parking Management Advisory Board (PMAB) recommended approval, by a vote of 3-0, of the in-lieu parking request at their meeting on April 29, 2025.

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

Jim Knight, 84 SE 4th Avenue, Delray Beach

Stated that this area has plenty of parking, and using the in-lieu parking fees to invest in another parking facility would be a great idea.

George Long, 46 N. Swinton Avenue, Delray Beach

Approved the request to utilize in-lieu parking fees due to insufficient parking in other areas throughout the City.

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

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

A discussion ensued among the Commission regarding the City's Parking Study and the importance of the Commission being flexible in unique circumstances.

Ms. Gelin noted that there was a change to Resolution No. 60-25, stating that if this resolution were passed, the City Manager would be authorized to sign the new agreement.

A motion was made by Deputy Vice Mayor Burns, seconded by Vice Mayor Long, to approve Resolution No. 60-25. The motion carried by the following vote:

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

7.E.

RESOLUTION NO. 92-25 AMENDING THE FISCAL YEAR 2024-25 BUDGET ADOPTED BY RESOLUTION NO.175-24 ON SEPTEMBER 16, 2024.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 92-25 Budget Amendment FY 2025](#)
[Exhibit A - Resolution 92-25 Budget Amendment 05.20.25](#)
[Fire Concurrence Funding Request](#)
[Risk - Memo Legistar Budget Transfer](#)
[Simple Legal Review Approval Budget Amendment 92-25](#)

Ms. Gelin entered Resolution No. 92-25 into the record.

Henry Dachowitz, Chief Financial Officer, presented two budget transfer requests and explained their necessity. He stated that the first budget transfer of \$339,594.17 was needed to purchase four stretchers to replace the existing ones that had reached the end of their service life. He mentioned that the funds for this purchase were available in the deferred revenue account, so there would be no net effect, as the funds were already accessible for use.

Mr. Dachowitz explained that the second request was a line-item transfer of \$169,451 and was for the Insurance Fund. This transfer was necessary due to the new insurance carrier's method of allocating funds to different line items. The overall costs for the City remained unchanged.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Resolution No. 92-25.

**all were in favor
This Resolution was approved.**

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 15-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER," SECTION 52.34, "WATER RATES," TO INCREASE THE RATES FOR WATER FURNISHED BY THE CITY; AND AMENDING CHAPTER 53, "SANITARY SEWERS," SECTION 53.1.30, "USER CHARGES; WHOLESALE SEWER RATES; CALCULATION OF SEWER SURCHARGE, TO INCREASE THE SANITARY SEWER RATES FOR SERVICES PROVIDED BY THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE (SECOND READING).

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[Legal Review - Ord. No. 15-25 - Water and Sewer Rate Amd](#)

[Ordinance 15-25 - Amd Water and Sewer Rates - H - Willdan](#)

[Revisions v1](#)

[Rate Study March 2025](#)

[HMD signed Business Impact Estimate re Water Plant Change in Rates - May 6 2025](#)

Ms. Gelin entered Ordinance No. 15-25 into the record and reminded the Commission that they had received a presentation on this item during the meeting on May 6, 2025.

Mayor Carney inquired if the Commission had any questions. Seeing no response, he opened the floor for public comments regarding this item.

Mitch Katz, 1618 Classical Blvd, Delray Beach

Suggested that the Commission explore ways to slow down the rate increases and reconsider the fluoridation of water.

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

Mayor Carney addressed Hassan Hadjimiry, Utilities Director, regarding the proposed water rate increase in comparison to rates in surrounding municipalities.

Mr. Hadjimiry stated that before 2022, the City had not increased its water rates in fifteen years, whereas other municipalities had an average annual increase of 3 to 4%. He noted that initiating water service in surrounding areas is considerably more expensive than in Delray Beach. He emphasized that if the City of Delray Beach had raised its rates each year,

the Water Treatment Plant could have already been completed. He pointed out that the underground infrastructure still requires improvements.

Discussion ensued amongst the Commission regarding the increase in water rates and the potential use of settlement funds from the PFAS (per- and polyfluoroalkyl substances) lawsuit to help offset the construction costs for the Water Treatment Plant. They acknowledged that the City was significantly behind in rate increases and that action needed to be taken.

A motion was made by Commissioner Casale, seconded by Commissioner Markert, to approve Ordinance No. 15-25.

**all were in favor
This Ordinance was approved.**

8.B.

ORDINANCE NO. 10-25: 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; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," BY AMENDING SUBSECTION (H), "SETBACKS," SUBSECTION (4), TO PERMIT OPEN-AIR PERGOLAS WITHIN THE REQUIRED BUILDING SETBACK AREA, AND SUBSECTION (5), TO CLARIFY THE REQUIREMENTS FOR REDUCED SETBACKS FOR SCREEN AND PORCH ENCLOSURES IN ZERO-LOT LINE PROPERTIES; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.15, "SWIMMING POOL, WHIRLPOOLS, AND SPAS," TO ALLOW A FIVE-FOOT INTERIOR SETBACK FOR SWIMMING POOLS IN DUPLEX AND TOWNHOME DEVELOPMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 10-25](#)
[Legal Review, Ordinance No. 10-25](#)
[Business Impact , Ordinance No. 10-25](#)
[Proof of Legal Advertisement, Ordinance No. 10-25](#)

Ms. Gelin entered Ordinance No. 10-25 into the record.

Ms. Gianniotis explained that this item aims to clarify regulations concerning building elements and site improvements permitted within

building setbacks. She mentioned that the Planning and Zoning Board voted 6-0 to recommend approval at their January 27, 2025, meeting.

Mayor Carney opened the floor to anyone who wished to provide public comments on this item.

Seeing no one present, Mayor Carney closed public comments.

There were no comments from the Commission.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Ordinance No. 10-25.

all were in favor

This Ordinance was approved.

8.C.

ORDINANCE NO. 09-25: 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 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT," SUBSECTION (H), "SPECIAL REGULATIONS," MODIFYING THE PROHIBITION OF OVERHEAD DOORS FROM FACING A PUBLIC RIGHT-OF-WAY TO PROHIBIT OVERHEAD DOORS FROM FACING A MINOR ARTERIAL RIGHT-OF-WAY, RESIDENTIAL ZONING DISTRICT, OR RESIDENTIAL USE; AMENDING SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT," SUBSECTION (H), "SPECIAL REGULATIONS," MODIFYING THE PROHIBITION OF OVERHEAD DOORS FROM FACING THE PUBLIC RIGHT-OF-WAY OF AN ARTERIAL OR COLLECTOR STREET TO PROHIBIT OVERHEAD DOORS FROM FACING A MINOR ARTERIAL RIGHT-OF-WAY, RESIDENTIAL ZONING DISTRICT, OR RESIDENTIAL USE; AND SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT," SUBSECTION (H), "SPECIAL REGULATIONS," MODIFYING THE PROHIBITION OF OVERHEAD DOORS FROM FACING A PUBLIC RIGHT-OF-WAY TO PROHIBIT OVERHEAD DOORS FROM FACING A MINOR ARTERIAL RIGHT-OF-WAY, RESIDENTIAL ZONING DISTRICT, OR RESIDENTIAL USE; 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](#)
[Staff Report, Overhead Doors](#)
[Ordinance No. 09-25, Overhead Doors](#)
[Legal Review, Ordinance No. 09-25](#)
[Business Impact Estimate, Ordinance No. 09-25](#)
[Proof of Legal Advertisement, Ordinance No. 09-25](#)

Ms. Gelin entered Ordinance No. 09-25 into the record.

Ms. Gianniotis stated that this amendment stems from a series of waivers that have been granted and seeks to reduce, rather than eliminate the requirements. These requirements are adjacent to a minor arterial right-of-way. She stated that the Planning and Zoning Board voted 6-0 to recommend approval, with the recommendation that language be added to encourage the use of decorative doors.

Mayor Carney opened the floor to anyone who wished to provide public comments on this item.

Seeing no one present, Mayor Carney closed public comments.

There were no comments from the Commission.

A motion was made by Commissioner Casale, seconded by Commissioner Markert, to approve Ordinance No. 09-25.

**all were in favor
This Ordinance was approved.**

8.D.

ORDINANCE NO. 37-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CITY OF DELRAY BEACH CODE OF ORDINANCES, CHAPTER 74, "CIVIL TRAFFIC ENFORCEMENT", BY REPEALING THE ADOPTED CHAPTER 74 IN ITS ENTIRETY AND READOPTING SAME, AS REVISED, WITH A NEW CHAPTER 74, "SPEED DETECTION SYSTEMS IN SCHOOL ZONES" TO PROVIDE FOR THE USE AND IMPLEMENTATION OF SCHOOL ZONES SPEED LIMIT DETECTION SYSTEMS; PROVIDING FOR A LOCAL HEARING OFFICER TO HEAR APPEALS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES (SECOND READING)

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Ord 37-24 Speed Detection Systems in School Zones 4.23.25](#)
[Ordinance 37-24 LRF](#)
[BIE for Ordinance 37-24](#)

Ms. Gelin entered Ordinance No. 37-24 into the record.

Russ Mager, Police Chief, stated that this item enables the City to install automatic speed measuring devices in school zones.

Matthew Naparstek, Lieutenant, noted that a traffic study revealed a heightened safety risk at 10 city schools where speeding was prevalent. He mentioned that once the system goes live, a 30-day grace period will be in effect before actual violations are issued. He also provided a breakdown of how the funds from the violation penalties would be allocated. He mentioned that any non-payment of a violation would result in the issuance of a uniform traffic citation (UTC).

Mayor Carney opened the floor to anyone who wished to provide public comments on this item. Seeing no one present, Mayor Carney closed public comments.

A discussion ensued amongst the Commission about starting a media campaign to inform residents about this program as soon as possible. Mayor Carney inquired about the hours that the devices would be operational.

A representative from Red Speed (the Camera Device Company) was present to answer any questions. He stated that the cameras would turn on half an hour before school starts and shut down half an hour after school ends. He mentioned that the only thing that changes between those time periods is the speed limit, which is being enforced. He stated that there wouldn't be enforcement on weekends or holidays.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Ordinance No. 37-24.

all were in favor
This Ordinance was approved.

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 04-25: 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 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS,"

SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," TO ADOPT SUBSECTION (DDD), "RETAIL TOBACCO AND NICOTINE PRODUCTS DEALER," TO ENACT REGULATIONS GOVERNING THE LOCATION AND OPERATIONS OF RETAIL TOBACCO AND NICOTINE PRODUCTS DEALERS; AND BY AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (C), "ALLOWABLE USES," TO ADOPT DISTANCING REQUIREMENTS FOR STANDALONE RETAIL TOBACCO OR NICOTINE PRODUCTS DEALERS, AND BY AMENDING APPENDIX A, "DEFINITIONS," TO ADOPT A DEFINITION FOR RETAIL TOBACCO OR NICOTINE PRODUCTS DEALERS; 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](#)

[PZB Staff Report, Standalone Retail Tobacco](#)

[Ordinance No. 04-25, Standalone Retail Tobacco](#)

[DDA Recommendation](#)

[Legal Review, Ordinance No. 04-25](#)

[Business Impact Estimate, Ordinance No. 04-25](#)

Ms. Gelin entered Ordinance No. 04-25 into the record.

As this was the first reading, no presentation was given.

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Burns, to approve Ordinance No. 04-25.

all were in favor

This Ordinance was approved on first reading.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Spoke about Senate Bill 700, which calls for water not to be fluoridated.

B. City Attorney

Mentioned that the American Legion has agreed to settle its case with the City.

C. City Commission

Vice Mayor Long:

None.

Commissioner Casale:

Requested that the City's website be updated to reflect the new auditor.

Congratulated Shirley Erazo with the Housing Authority for their recent recognition, (Housing Heroes) and the Downtown Development Authority for the Dave Matthews Tribute Concert.

Discussed the whistle blower investigation.

Deputy Vice Mayor Burns:

Suggested the Commission adopt a Cost of Living Allowance (COLA) for its employees as they prepare the upcoming budget.

Mentioned finalizing the Climate Action Plan and the Coastal Reef Program. Mr. Moore stated that departments were reviewing it, and it will return on a future agenda.

Commissioner Markert:

None.

Mayor Carney:

Mentioned that at the next meeting, he would ask Missie Barletto for an update on The Crest Theatre renovations.

Requested an update on the internal police investigation that occurred on Atlantic Avenue. Chief Mager reported that the report is nearly complete, but delays were caused due to everyone's schedules for interviews.

11. ADJOURNMENT

There being no further business to discuss, Mayor Carney adjourned the meeting at 9:17 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.