

# City of Delray Beach

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



## Minutes - Draft

Tuesday, October 17, 2023

5:00 PM

Regular Meeting at 5:00 PM

Delray Beach City Hall or Watch on YouTube:

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

*Mayor Shelly Petrolia*

*Vice Mayor Ryan Boylston*

*Deputy Vice Mayor Rob Long*

*Commissioner Adam Frankel*

*Commissioner Angela Burns*

## 1. ROLL CALL

The October 17, 2023, Regular City Commission Meeting was called to order at 5:00 p.m. City Clerk, Katerri Johnson, called the roll, and the following were present:

Terrence Moore - City Manager  
Lynn Gelin - City Attorney

**Present:** 5 - Mayor Shelly Petrolia, Commissioner Adam Frankel, Vice-Mayor Ryan Boylston, Deputy Vice Mayor Rob Long, and Commissioner Angela Burns

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

Mayor Petrolia requested to move Item No. 8.H. from the regular agenda and have it become Item No. 6.I. on the consent agenda.

Commissioner Frankel requested consent Item No. 6. I. (Resolution No. 212-23) be moved to Item No. 4.B. so that he may read it into the record.

**A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, that this was approved as amended. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

### 3.A. Additions, Deletions, Substitutions

None.

## 4. PRESENTATIONS:

### 4.A. PRESENTING OFFICER ROUMY FLORVIL, POLICE OFFICER, WITH EMPLOYEE OF THE MONTH FOR AUGUST 2023.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Roumy Florvil Nomination form](#)

LeShay King, Human Resources Generalist, announced that Officer Roumy Florvil was the Employee of the Month for August 2023. He was presented with a plaque and a certificate for eight hours of paid time off.

## 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 stated he would be engaging with the public to provide updates on the new Water Treatment Plant beginning the first quarter of the new year.

Mr. Moore reported that the Marine Way Seawall Improvement Project, Roadway Improvements, and Stormwater Pumping Station would be the first significant projects to begin in the new fiscal year.

## 5.B. From the Public

Sheila Townsend, 200 NW 5th Avenue, Delray Beach

Request that the lights at Catherine Strong Park be made brighter on the pickleball courts and the parking lot.

Willie Adams, Boynton Beach

Requested better lighting at Catherine Strong Park parking lot.

Amanda Maxwell, 4017 Aloe Path, Boynton Beach

Requested better lighting and adding more wind guards at Catherine Strong Park.

Jay Halpern, 3130 Lawson Blvd, Delray Beach

Stated he was pleased the Commission was pursuing having the Delray Beach Golf Course become a Historic Property.

Carter Van Voris, 710 High Point Blvd, Delray Beach

Suggested the Commissioners build their vision of what they want to see between Atlantic Avenue and I-95.

Angie Gray, 3765 Riverside Way, Delray Beach

Requested installing LED lights and wind guards at Catherine Strong Park.

George Long, 46 N. Swinton Avenue, Delray Beach

Discussed various City topics.

Bernie and Yvonne Shapiro, 2456 NW 10th Street, Delray Beach

Requested to upgrade the lights and add wind guards at Catherine Strong Park.

Rabbi Boruch Shmuel, Chabad of Boca Raton,

Thanked the Commission for recognizing Israel through Resolution No. 212-23.

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

## 6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, that this was approved as amended. The motion carried by the following vote:

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

### 6.A. CITY COMMISSION MEETING MINUTES

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[September 18, 2023 Workshop Meeting - Golf Course Considerations - DRAFT](#)

**This Minutes were approved.**

### 6.B. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF CAROL NEEDLEMAN V. CITY OF DELRAY BEACH, ET. AL

**Sponsors:** City Attorney Department

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

**This Request was approved.**

### 6.C. AMENDMENT TO A MAJOR SUBDIVISION PLAT KNOWN AS "CASON COURT", GENERALLY LOCATED ON THE SOUTH SIDE OF LAKE IDA ROAD, BETWEEN NORTH SWINTON AVENUE AND NORTHWEST 3RD AVENUE, AMENDING THE DEDICATION OF THE INTERNAL SIDEWALK EASEMENTS FROM THE CITY OF DELRAY BEACH TO THE CASON COURT HOMEOWNERS ASSOCIATION, INC.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Cason Court Amended Final Plat](#)  
[Cason Court - PZ Staff Report](#)  
[Cason Court - Survey](#)

**This Request was approved.**

### 6.D. RESOLUTION NO.197-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA DECLARING ITS OFFICIAL INTENT TO REIMBURSE THE CENTRAL GARAGE FUND - TRANSPORTATION SERVICES, WITH THE PROCEEDS DERIVED FROM THE EXECUTION AND DELIVERY OF ONE OR MORE FUTURE LEASE PURCHASE AGREEMENT(S) BETWEEN THE CITY, AS LESSEE, AND A THIRD PARTY VENDOR AS LESSOR, IN AN

AGGREGATE PRINCIPAL AMOUNT IN AN ESTIMATED NOT TO EXCEED AMOUNT OF \$3,956,096 FOR CERTAIN CAPITAL EXPENDITURES APPROVED IN THE FISCAL YEAR 2023-2024 BUDGET; EXPRESSING THE INTENT FOR PURPOSES OF COMPLIANCE WITH UNITED STATES TREASURY REGULATION 1.150-2(E); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 197-23- Capital Lease Reimbursement lg rev](#)  
[2024 Heavy Equipment Replacement Vehicles Lease List FY 2023-24](#)  
[Simple Legal Review Approval 197-23](#)

**This Resolution was approved.**

- 6.E.** RESOLUTION NO. 203-23, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE EXEMPTION OF CONSULTANT SERVICES AS SPECIFIED HEREIN FROM THE COMPETITIVE PROCESS OUTLINED IN THE CITY'S PURCHASING POLICIES AND PROCEDURES MANUAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 203-23 Change to PPM definition of consultant services](#)  
[Simple Legal Review Approval 203-23](#)

**This Resolution was approved.**

- 6.F.** INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN CITY OF DELRAY BEACH AND PALM BEACH COUNTY FOR PARTICIPATION IN THE MANATEE PROGRAM

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Manatee Law Enforcement Agreement-DELRAY BEACH FINAL for signature\\_lw rev](#)  
[Legal Review Checklist\\_Manatee LE Interlocal 2023](#)

**This Request was approved.**

- 6.G.** RESOLUTION NO. 192-23 OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, FOR DESIGN AND

CONSTRUCTION SERVICES FOR THE RELOCATION OF CITY UTILITY INFRASTRUCTURE TO BE PERFORMED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION CONTRACTORS; FOR PROJECT A1A FROM LINTON BLVD, TO EAST OF ATLANTIC AVENUE, STATE ROAD NO. A1A; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND/OR RENEWALS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES OF UTILITY RELOCATIONS

**Sponsors:** Utilities Department

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

[Legal Review Utility Work by Highway Contractor Agreement with FDOT UWHCA - A1A between Linton and Atlantic.docx Res. 192-23.docx](#)

[Utility Work by Highway Contract Agreement 447662-1-52-02.pdf](#)

**This Resolution was approved.**

- 6.H.** REQUEST APPROVAL FOR ISSUANCE OF PURCHASE ORDERS WITH GENERIC CHEMICAL, UNDER AN APPROVED CITY STANDARD, FOR THE SUPPLY AND DELIVERY OF GP-143 POLYMER, IN AN ANNUAL AMOUNT NOT TO EXCEED TOTAL OF \$60,000.

**Sponsors:** Utilities Department

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

[20-0110 Approved GenericChemical CityStdMemo exp 1-26-24.pdf](#)

[22-0119 Generic Chemical Delray 80Bag Price Agree till 2024.pdf](#)

**This Request was approved.**

- 6.I.** **RESOLUTION 212-23:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, EXPRESSING SUPPORT FOR THE STATE OF ISRAEL.

**Sponsors:** City Attorney Department

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

[Reso 212-23 supporting the State of Israel](#)

**This Resolution was approved.**

- 6.J.** APPROVAL OF AMENDMENT NO. 2 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 2 to ILA with DDA 9-26-23 draft lg rev](#)  
[Exhibit A](#)

This Request was approved.

**6.K. PROCLAMATIONS:**

**6.K.1. DELRAY READS DAY - PROCLAMATION**

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Delray Reads Day Proclamation 2023](#)

This Proclamation was approved.

**6.K.2. DELRAY IS GOING TO THE DOGS PROCLAMATION**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Delray Is Going To The Dogs Proclamation 2023](#)

This Proclamation was approved.

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

**6.L.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM SEPTEMBER 25, 2023 THROUGH OCTOBER 6, 2023.**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[PZB \(9-26\) 8.B Delray Landing](#)  
[SPRAB \(9-27\) 8.A Stanley Building](#)  
[SPRAB \(9-27\) 9.C Delray Town Villas attach. 1 of 1](#)  
[SPRAB \(9-27\) 9.C Delray Town Villas attach. 2 of 2](#)  
[SPRAB \(9-27\) 9.C Delray Town Villas attach. 3 of 3](#)

This Request was approved.

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

**6.M.1. APPROVAL OF RESOLUTION NO. 194-23 APPROVING AN AGREEMENT WITH THE PUBLIC CONSULTING GROUP (PCG), FOR PUBLIC EMERGENCY MEDICAL TRANSPORT (PEMT) REPORTING SERVICES IN THE ESTIMATED AMOUNT OF \$ 94,458.95.**

**Sponsors:** Fire Rescue Department and Purchasing Department

- Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist P2023-059 Piggyback Leon County PEMT.pdf](#)  
[Res 194-23 PEMT Leon County Piggyback.pdf](#)  
[Vendor Signed P2023-059 contract.pdf](#)  
[Ex A - P2023-059 Piggyback Leon County PEMT EX A.pdf](#)

**This Resolution was approved.**

**7. REGULAR AGENDA:**

**7.A.** MOTION TO AUTHORIZE A WAIVER FROM SECTION 8.C. OF THE CITY'S SPECIAL EVENT POLICY TO REDUCE THE NOTIFICATION PERIOD OF A SPECIAL EVENT FROM 30 DAYS TO 10 DAYS FOR THE SPECIAL EVENT KNOWN AS TRUNK-OR-TREAT PRODUCED BY THE KEITH STRAGHN MEMORIAL FOUNDATION, INC.

**Sponsors:** City Manager Department

- Attachments:** [Agenda Cover Report](#)  
[Straghn Fdn Trunk or Treat Application](#)

Jeff Oris, Assistant City Manager, was present to request an exception to the City's Special Event Policy of a 30 day notice to a 10 day notice for the Special Event known as Trunk or Treat to be held on October 27th and October 31st.

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

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**7.B.** RESOLUTION NO. 164-23: A RESOLUTION OF THE CITY COMMISSION OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF RIGHT-OF-WAY LOCATED ALONG THE WESTERN PROPERTY LINE OF 2410 NORTH FEDERAL HIGHWAY, TOTALING APPROXIMATELY 4,049.6 SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN; RETAINING A GENERAL UTILITY EASEMENT; REQUIRING THE SUBMITTAL OF A GENERAL UTILITY EASEMENT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

**Sponsors:** Development Services Department



**Attachments:** [Agenda Cover Report](#)  
[Reso 164-23 ROW Abandonment 2410 N Fed Hwy](#)  
[2410 N Fed Hwy - Old Dixie Abandonment Applicant Justification Statement](#)  
[Old Dixie Abandonment City Engineer's Recommendation](#)  
[Sketch and Legal Description of Abandonment, 2410 N. Federal Highway](#)  
[ATT Provider Letter](#)  
[Delray Beach Estates Plat- PB 21 PG 13](#)  
[Legal Review, Resolution No.164-23](#)

Anthea Gianniotis stated if Item No. 7.B were approved, Item No. 7.B.1 would automatically be approved, and there would not be a presentation.

Mayor Petrolia read the quasi-judicial rules into the record, and Katerri Johnson, City Clerk, swore in those individuals who wished to provide testimony on any quasi-judicial item.

Mayor Petrolia asked her colleagues if they had ex-parte communications to disclose:

Mayor Petrolia: Spoke with the property owner.

Vice Mayor Boylston: Spoke with Mr. Costello.

Deputy Vice Mayor Long: Spoke with Mr. Costello.

Commissioner Frankel: Spoke with Mr. Costello.

Commissioner Burns: Spoke with Mr. Costello.

Anthea Gianniotis, Development services Director, entered File No. 2023-161 into the record.

Jeff Costello, with JC Planning Solutions, was present on behalf of the applicant, who was requesting to abandon a portion of a City owned right-of-way totaling approximately 4,049.6 square feet along the western property line of 2410 N. Federal Highway and east of the Florida East Coast /railway right-of-way and Old Dixie Highway. He stated the City Engineer recommended approval of the abandonment contingent upon the dedication of an exclusive 20-foot wide General Utility Easement.

Anthea Gianniotis provided a staff report on this item and stated there would never be public land use for this property. She advised that the Planning and Zoning Board voted unanimously to recommend approval on August 21, 2023.

Mayor Petrolia opened the floor to public comments. Seeing no one present, Mayor Petrolia closed public comments.

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

**A motion was made by Vice-Mayor Boylston that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**7.B.1.**

ACCEPTING A GENERAL UTILITY EASEMENT AGREEMENT AT 2410 NORTH FEDERAL HIGHWAY TOTALING APPROXIMATELY 4,049.6 FEET, AS MORE PARTICULARLY DESCRIBED HEREIN.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[General Utility Easement](#)  
[Legal Review, General Utility Easement, 2410 N Federal Hwy](#)

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

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**7.C.**

RESOLUTION NO. 189-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.13(D)(2)(A)(1) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A FRONT SETBACK OF 3.3 FEET, FOR THE PROPERTY LOCATED AT 310 E ATLANTIC AVENUE, 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. 189-23](#)  
[SPRAB Staff Report](#)  
[310 E Atlantic Applicant Justification Narrative](#)  
[310 E Atlantic Site Plan and Elevation](#)  
[DDA Recommendation](#)  
[Legal Review Approval - 189-23](#)

Anthea Gianniotis entered File No. 2023-199 into the record.

Steven Myott, Architect, stated this item was a request to allow a front setback of 3.3 feet, whereas 10 feet was the requirement for the project located at 310 East Atlantic Avenue.

Anthea Gianniotis provided a staff report on this item. She stated the Downtown Development Authority (DDA) and the Site Plan Review and Appearance Board (SPRAB) recommended approval by a vote of 7-0.

Mayor Petrolia opened the floor to public comments. Seeing no one present, Mayor Petrolia closed public comments.

Vice Mayor Boylston motioned to approve Resolution No.189-23 with the condition that the doors will open and flush with the front of the storefront.

**A motion was made by Vice-Mayor Boylston, seconded by Deputy Vice Mayor Long, that this Resolution be approved as amended. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

#### 7.D.

**RESOLUTION NO. 196-23:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RECOGNIZING THAT THE CITY OF DELRAY BEACH IS CONSIDERING AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS WITH RESPECT TO IN LIEU OF PARKING REQUESTS; EXTENDING THE PENDING ORDINANCE DOCTRINE PERIOD PREVIOUSLY INVOKED BY THE CITY COMMISSION; RESTATING THAT THE CITY WILL DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR IN LIEU OF PARKING REQUESTS DURING THE PENDENCY OF THE CITY'S CONSIDERATION OF THESE AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Res. No. 102-23](#)  
[Res 196-23 Extending the Zoning in Progress Period for In Lieu of Parking](#)  
[Simple Legal Review Approval Reso 196-23](#)

Lynn Gelin requested a six-month extension to allow staff to continue its preparation of Resolution No.196-23.

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

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

7.E. NOMINATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Delray Beach Housing Authority](#)  
[DBHA Attendance](#)  
[Adelstein](#)  
[Campbell](#)  
[Cantwell](#)  
[Dockerty](#)  
[Land](#)  
[Petillo](#)  
[Stacey-Wright](#)  
[Thompson](#)

Catwell was appointed.

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

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

7.F. RESOLUTION 211-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING A SPECIAL EVENT SPONSORSHIP IN THE AMOUNT OF \$8,897 FOR THE SPECIAL EVENT KNOWN AS THE 2ND ANNUAL DELRAY BEACH CONCOURS D'ELEGANCE; 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](#)  
[Reso 211-23 Iprev \(002\) with updated number](#)  
[DBC 2023 Request Form for City Special Event Sponsorship](#)  
[DBC 2023 City Sponsorship Fee Waiver Statement with Finances](#)  
[DBC Site Plan 2023](#)  
[Final Delray Beach 2023 Concours d'Elegance Costs](#)  
[DBC 2023 5 Nonprofit Letters & IRS Forms](#)  
[DBC Revocable License Agreement - Delray Beach Concours D'Elegance \(June 17, 2023\)](#)  
[Simple Legal Review Approval 211-23](#)

Jeff Oris, Assistant City Manager, informed the Commission this was a retroactive event from last June, and was requesting a City sponsorship of \$8897.

He stated the five community partners were expected to receive a donation of \$4,253 each.

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

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

#### 7.G.

CONSIDERATION OF A REQUEST FROM HOWARD ALAN EVENTS TO CLOSE WEST ATLANTIC AVENUE FROM NW/SW 5TH AVENUE TO SWINTON AVENUE ON JANUARY 13th AND 14th, 2024 FOR THE 35TH ANNUAL DOWNTOWN DELRAY BEACH FESTIVAL OF THE ARTS.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[2024 January Delray Art Fest Map](#)  
[Festival of the Arts Special Events Application](#)

Howard Alan provided the Commission with a handout of the proposed new route that would keep the Atlantic Avenue Bridge open to traffic during the Delray Beach Festival of the Arts Event held on January 13th - 14th, as defined in the new Special Events Policy.

The Commission engaged in a discussion regarding parking for the event attendees.

This item was approved on the condition that the approval is for one year to determine if this is the best location for the event.

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

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

#### 7.H.

REIMBURSEMENT OF ATTORNEY'S FEES AND COSTS

**Sponsors:** City Attorney Department

- Attachments:** [Agenda Cover Report](#)  
[Final Wire Transfer](#)  
[Ethics Complaint Atty Fees Policy](#)  
[Sep 2023 Press Release](#)  
[Ethics Complaint](#)

Deputy Vice Mayor Long left the dais due to a conflict of interest and did not vote.

Vice Mayor Boylston favored allowing the State to reimburse a City Official for their out-of-pocket expenses used to defend themselves in the case of a malicious or frivolous lawsuit dismissed by the State Commission on Ethics.

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

**Yes:** 3 - Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Burns

**Abstain:** 1 - Mayor Petrolia

**Recused:** 1 - Deputy Vice Mayor Long

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

**8.A.** ORDINANCE NO. 31-23: 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 2, "ADMINISTRATIVE PROVISIONS," BY REPEALING THE ADOPTED CHAPTER 2 IN ITS ENTIRETY AND READOPTING SAME, AS REVISED IN ORDER TO AMEND AND UPDATE THE CITY'S DEVELOPMENT APPLICATION APPROVAL PROCEDURES AND THE AUTHORITY OF CERTAIN OFFICIALS AND BOARDS TO CREATE A MORE EFFICIENT PROCESS OF DEVELOPMENT REVIEW; 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](#)  
[Ordinance No. 31-23: PZB Staff Report](#)  
[Ordinance No. 31-23](#)  
[Ordinance No. 31-23: Exhibit A, Repeal of Chapter 2](#)  
[Ordinance No. 31-23: Exhibit B, Replace of Chapter 2](#)  
[Proof of Legal Ad: Ordinance No. 31-23](#)  
[Simple Legal Review Approval 31-23](#)

Lynn Gelin read Ordinance No's. 31-23 (8.A), 32-23 (8.B) 33-23 (8.C) into the record.

Anthea Gianniotis stated these three Ordinances were staff's recommendations regarding City-initiated amendments to the Land Development Regulations.

She stated the new amendments would streamline the Review Process, Improve Customer Service for applicants, and Consolidate Boards. She stated that the Planning and Zoning Board voted 7-0 to recommend approval on August 21, 2023.

Mayor Petrolia opened the floor to anyone who wished to speak on Item No's. 8.A, 8.B, and 8.C.

Carter Van Voris, 770 High Point Blvd, Delray Beach  
Stated she was concerned about how the new Ordinances would affect small architectural firms.

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

The Commission thanked Ms. Gianniotis and Ms. Gelin for their hard work.

**A motion was made by Vice-Mayor Boylston, seconded by Deputy Vice Mayor Long, that this Ordinance be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**8.B.**

ORDINANCE NO. 32-23: 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 4.1, SECTION 4.1.4, "USE OF LOTS OF RECORD," AMENDING ARTICLE 4.2, ANNEXATION AND INITIAL ZONING"; AMENDING ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," BY ADOPTING A NEW SUBSECTION 4.3.3(BB), "PERFORMANCE STANDARDS FOR MULTI-FAMILY DEVELOPMENT,"

AMENDING SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION (J), "HEIGHT"; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTIONS 4.4.1 THROUGH 4.4.7, AND SECTIONS 4.4.9 THROUGH 4.4.27, AND SECTION 4.4.29; AMENDING ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING," TO BE CONSISTENT WITH RECENT AMENDMENTS TO CHAPTER 2, "ADMINISTRATIVE PROVISIONS"; 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](#)  
[Ordinance No. 32-23: PZB Staff Report](#)  
[Ordinance No. 32-23](#)  
[Proof of Legal Ad. Ordinance No. 32-23](#)  
[Simple Legal Review Approval 32-23](#)

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

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**8.C.**

ORDINANCE NO. 33-23: 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 3, "PERFORMANCE STANDARDS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.4, "STANDARDS FOR SPECIFIC AREAS OR PURPOSES," AND BY AMENDING CHAPTER 6, "INFRASTRUCTURE AND PUBLIC PROPERTY," ARTICLE 6.1, "DESIGN STANDARDS AND REQUIREMENTS," TO REORGANIZE THE STANDARDS FOR TRANSPORTATION DEMAND MANAGEMENT AND THE PROVISIONS RELATED TO BUS SHELTERS TO BE CONSISTENT WITH RECENT AMENDMENTS TO CHAPTER 2, "ADMINISTRATIVE PROVISIONS"; 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](#)  
[Ordinance No. 33-23](#)  
[Proof of Legal Ad. Ordinance No. 33-23](#)  
[Simple Legal Review Approval 33-23](#)



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

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**8.D.**

RESOLUTION NO. 205-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE SCHEDULE OF FEES FOR DEVELOPMENT APPLICATIONS, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, SECTION 2.4.3(K), "FEES," ADOPTING NEW DEVELOPMENT APPLICATION FEES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 205-23 - Adopting Fees Iq rev](#)  
[Current Development Application Fee Schedule \(2020\)](#)  
[Simple Legal Review Approval Fees Reso](#)

Anthea Gianniotis shared the proposed fee schedule for Development Services. She stated these fees were compatible with the surrounding municipalities.

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

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**8.E.**

NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)[Exhibit A](#)[Adler](#)[Baffer](#)[Beal](#)[Blankenship](#)[Blumenfeld](#)[Carstarphen](#)[Cohen R.](#)[Cohen S.](#)[Cohn](#)[Davey](#)[DeLacio](#)[Dockerty](#)[Dumitrescu](#)[Gray](#)[Hayes](#)[Kasser](#)[Kapustein](#)[Kiser](#)[Mollica](#)[Morrison](#)[Nelson](#)[Petillo](#)[Sylvester](#)[Rindos](#)[Snyder](#)[Thomas](#)[Zeller](#)

Ms. Gelin requested the City Clerk's office accept applications until November 7, 2023, allowing others who wanted to apply or re-apply the opportunity to do so.

A discussion ensued with the Commission concerning the seat rotation and position terms. It was decided there would be a new rotation system beginning with Seat #1,2,3,4,5, for 2-year seats, then the 1-year seats.

This appointment was deferred until November 7th.

**8.F.****NOMINATION FOR AN APPOINTMENT TO THE SITE PLAN REVIEW**

AND APPEARANCE BOARD

**Sponsors:** City Clerk Department

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

[Exhibit A](#)

[Adler](#)

[Alvarez](#)

[Baffer](#)

[Beal](#)

[Cohen R.](#)

[Cohen S.](#)

[DeLacio](#)

[Dumitrescu](#)

[Gray](#)

[Hayes](#)

[Kapustein](#)

[Kiser](#)

[Morrison](#)

[Nelson](#)

[O'Conner](#)

[Olieberg](#)

[Purdo](#)

[Rindos](#)

[Thomas](#)

[Zeller](#)

This appointment was deferred until November 7th.

**8.G.**

NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Board of Adjustment](#)  
[BOA ATTENDANCE](#)  
[Cantwell](#)  
[DeLacio](#)  
[Hayes](#)  
[Kasser](#)  
[Mitchell](#)

A motion to re-appoint Hayes was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that this appointment be approved. The motion carried the following vote:

**Yes: 5** Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**This appointment was approved.**

A motion was made by Commissioner Burns to nominate Mitchell, seconded by Commissioner Frankel, that this Appointment be approved. The motion carried by the following vote:

**Yes: 5** Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**This appointment was approved.**

A motion was made by Mayor Petrolia to nominate Kiser, seconded by Vice-Mayor Boylston, that this Appointment be approved. The motion carried by the following vote:

**Yes: 5** Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**This appointment was approved.**

**8.H.**

REQUEST TO APPROVE AMENDMENT #19 TO LANDSCAPE INCLUSIVE MAINTENANCE AGREEMENT SR 806/ATLANTIC AVENUE AT SR 9/I-95 INTERCHANGE FM#450213-1-52-01

**Attachments:** [Agenda Cover Report](#)  
[Delray SR806 450213-1-52-01 MMOA Amend#19 FDOT](#)  
[Delray\\_SR806\\_FDOT](#)

This item was moved to the Consent Agenda and was approved on consent.

**This Request was approved.**

## **9. FIRST READINGS:**

9.A. None

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

### **A. City Manager**

Mr. Moore reminded everyone there was an Education Symposium regarding the Atlantic Avenue District on October 26 & 27th @ 3:00 p.m. and 10:00 p.m., respectively, at the Old School Square Field House.

### **B. City Attorney**

Ms. Gelin requested permission to create a referendum for the November election to remove the Board of Adjustments from the Charter and add it to the Planning and Zoning Board. The Commission unanimously granted permission.

### **C. City Commission**

#### **Deputy Vice Mayor Boylston:**

No comment.

#### **Commissioner Frankel:**

Reminded the Commission they did not vote to approve Resolution No. 212-23. There was a consensus to approve Resolution 212-23.

#### **Commissioner Burns:**

Thanked the Fire Department for their event.

#### **Vice Mayor Boylston:**

Recognized the importance of having better lighting on the pickleball courts.

Sam Metott, Parks and Recreation Director, stated that new windscreens and lights would be installed in the parking lot before the time change.

Ms. Gelin stated the city was moving forward with retaining a former Purchasing Director to oversee the golf course proposals.

**Mayor Petrolia:**

Discussed why she voted no on Item No. 7.H.

Reminded the Commission there was a Board Appreciation Night on October 18, 2023 from 5:30 p.m. to 7:30 p.m. at the Cornell Museum.

**11. ADJOURNMENT**

There being no further business to discuss, Mayor Petrolia adjourned the Commission Meeting at 7:29 p.m.