

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Minutes - Final

Tuesday, December 5, 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 December 5, 2023, Regular City Commission Meeting was called to order at 5:02 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**

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that this 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

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. None

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

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

None.

5.B. From the Public

Montre Bennett, 323 NW 2nd Avenue, Delray Beach
Invited everyone to the Winter Solstice Fair at Cason United Methodist Church on December 19, 2023, at 6:00 p.m.

Seth Mitchell, 2050 Congress Park Drive, Delray Beach
Requested the Commission to execute a proclamation recognizing Delray Beach as a Purple Heart city.

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

6. CONSENT AGENDA: City Manager Recommends Approval

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

that this 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

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[November 7, 2023 Regular Meeting Minutes - DRAFT](#)

The Minutes were approved.

6.B. INTERLOCAL AGREEMENT WITH THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE CO-TITLE SPONSORSHIP OF THE 2024 DELRAY BEACH OPEN

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[ILA with CRA for Tennis Sponsorship 2023-24](#)
[Legal Review Checklist ILA with CRA for co-sponsorship of 2024 Delray Beach Open \(002\)](#)
[Exhibit A Diamond City Partner-2024](#)
[2023 Delray Beach Open Economic Impact](#)

This Request was approved.

6.C. PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES COMBINED OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist PBC Mutual 2023](#)
[PBC Law Enforcement Agencies Mutual Aid Agreement](#)
[Mutual Aid Agreement - signing page_lw rev](#)

This Request was approved.

6.D. APPROVAL OF RESOLUTION NO. 217-23 AND A GRANT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP GRANT 22PLN71), FOR FUNDING UNDER THE RESILIENT FLORIDA PROGRAM FOR THE CITY OF DELRAY BEACH ADAPTATION PLAN, IN THE AMOUNT OF \$100,000.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[22PLN71 - City of Delray Beach Adaptation Plan - For Execution](#)

[Reso No. 217-23](#)

[Simple Legal Review Approval FDEP Adaptation Plan Agreement](#)

[11.7.23](#)

This Resolution was approved.

6.E PROCLAMATIONS:

6.E.1. None

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

6.F.1. None

6.G. AWARD OF BIDS AND CONTRACTS:

6.G.1. APPROVAL OF RESOLUTION NO. 225-23 TO AWARD A SOLE SOURCE AGREEMENT WITH ROADWAY MANAGEMENT TECHNOLOGIES, LLC., FOR CITY-WIDE PAVEMENT CONDITION ASSESSMENT, ROADWAY SCANNING AND PAVEMENT MANAGEMENT PROGRAM CONSULTING SERVICES IN THE AMOUNT OF \$187,200.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[RMT Agreement SS2024-001_Redacted](#)

[Resolution No. 225-23](#)

[Legal Review Checklist Roadway Management 11.13.23](#)

[Sole Source Packet - Roadway Management Tech](#)

This Resolution was approved.

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 237-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A PET GROOMING SERVICE AT 14420 SOUTH MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)[Res No. 237-23 leg rev kb](#)[Pet Grooming 14420 S Military TR PZB Report](#)[Pet Grooming 14420 S Military TR - Plan Set](#)[14420 S Military TR - Property Survey](#)[Pet Grooming 14420 S Military TR - Traffic Impact Statement](#)[Traffic Performance Standards \(TPS\) Letter](#)[Legal Review Res No. 237-23](#)

Mayor Petrolia read the quasi-judicial rules into the record for Resolution No. 237-23.

Katerri Johnson, City Clerk, swore in those who wished to provide testimony on this item.

Mayor Petrolia asked her colleagues to disclose any ex-parte communications:

Vice Mayor Boylston: Spoke with the applicant.

Commissioner Burns: What is on the server.

Mayor Petrolia: What is on the server.

Deputy Vice Mayor Long: None.

Commissioner Frankel: None.

Anthea Gianniotis, Development Services Director, entered File No. 2323-274 into the record.

Ryan Seron, COO/Co-Founder of Ruff to Fluff Pet Salon, gave a brief presentation of the pet grooming salon he and his partner Natalia were seeking a conditional use for. The salon is located at 14420 South Military Trail.

Anthea Gianniotis provided a staff report on this item. She stated the salon met the concurrency of the Always Delray Comprehensive Plan and the Traffic Performance Standards for Palm Beach County.

Mayor Petrolia opened the floor to public comments on this item.

Seeing no one present, Mayor Petrolia closed public comments.

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.B.** RESOLUTION 242-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN IMPACT EVENT KNOWN AS THE BLACK HISTORY PARADE AND CELEBRATION TO BE HELD FEBRUARY 3, 2024; AUTHORIZING THE CLOSURE OF NW 1ST AVENUE, ATLANTIC AVENUE, AND NW 10TH STREET AS MORE SPECIFICALLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Res No 242-23 - Impact Event - 2024 Black History Month Parade and Celebration 12.1.23](#)

[Black History Parade and Celebration app map irs Feb 3 2024](#)

[Final Recommended Route for Black History Month Parade](#)

[Simple Legal Review Approval 242-23](#)

Jeff Oris, Assistant City Manager, stated this event qualified as an Impact Event under the City's Special Events Policy. He was present to seek approval from the Commission to hold this event.

He stated the Special Event Technical Advisory Committee (SETAC) had approved this item.

A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Long, 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.C.** RESOLUTION 243-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN IMPACT EVENT KNOWN AS THE 3RD ANNUAL DELRAY BEACH CONCOURS D'ELEGANCE 2024 TO BE SET-UP APRIL 20 AND HELD APRIL 21, 2024 IN AND AROUND THE OLD SCHOOL SQUARE CAMPUS; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Res No 243-23 -Impact Event - 2024 Delray Concours d Elegance](#)
[DBC SETAC Concours April 2024](#)
[Sunday April 21 2024 DBC Site Plan NEW](#)
[Simple Legal Review Approval 243-23](#)

Jeff Oris, Assistant City Manager, stated this event qualified as an Impact Event under the City's Special Events Policy. He was present to seek approval from the Commission to hold this event.

He stated the Special Event Technical Advisory Committee (SETAC) approved this item.

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.D. CONSIDERATION OF A REQUEST TO POSTPONE THE HEARING SCHEDULED FOR DECEMBER 12, 2023, FOR THE APPEAL OF THE ADMINISTRATIVE DECISION REGARDING 551 W. LINTON BOULEVARD

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Scheduling as to Parking Lot for Grieco](#)
[MDR Motors, LLC](#)
[Letter to Katerri Johnson 12.1.23](#)

Lynn Gelin stated the applicant, Michael Weiner, had requested a postponement of this item until the Regular City Commission Meeting scheduled for January 4, 2024.

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

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 36-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH A PARCEL OF LAND MEASURING APPROXIMATELY 4.87 ACRES LOCATED AT 5185 ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH, PROVIDING FOR INCLUSION OF THE PARCEL INTO

AND REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUBSECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; 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. 36-23](#)

[5185 Atlantic Ave - PZB Staff Report](#)

[5185 Atlantic Ave - Existing and Proposed Land Use](#)

[5185 W Atlantic Ave - Existing and Proposed Zoning](#)

[Map AD-1, Future Land Use Designations](#)

[Map AD-23, Annexation Areas](#)

[5185 Atlantic Avenue Conceptual Site Plan](#)

[Survey - 5185 Atlantic Avenue](#)

[5185 Atlantic Avenue Project Narrative - Annex-LUMA-Rez](#)

[TPS Letter 8-14-23](#)

[Traffic Statement](#)

[Proof of Display Ad Annex 11.17.23](#)

[Proof of Display Ad Annex 11.24.23](#)

[Legal Review Ord 36-23 Annexation 5185 W Atlantic Ave](#)

Lynn Gelin, City Attorney, entered Ordinance No.'s 36-23, 37-23, 38-23 and 39-23 into the record.

Anthea Gianniotis, Development Services Director, entered File No.'s 2023-173, 2023 -169 ,2023 -171, and 2023 -172 into the record.

Neil Schiller was present on behalf of the applicant, The Flo Delray, to request an Annexation Land Use Map Amendment, Rezoning and Land Use Regulation and Text Amendment for the NW corner of 5185 Atlantic Avenue under Ordinance No. 36-23. He stated the Planning and Zoning Board voted 6-0 to recommend approval of the requests to the City Commission, contingent upon two minor modifications.

Ken Tuma with Urban Design Studio provided a comprehensive presentation on the Annexation, Land Use Map Amendment, Rezoning, and Land Development Text Amendment that would impact this project.

Anthea Gianniotis provided a staff analysis of the four Ordinances.

Mayor Petrolia opened the floor to public comments.

Seeing no one present, Mayor Petrolia closed public comments.

There was no rebuttal from either side.

The Commission engaged in a discussion on this item.

Mayor Petrolia expressed her concern that this project needed attention to detail before she would approve it. She added the City needed more Affordable Housing vs. additional Workforce Housing, which this project did not have. Mayor Petrolia mentioned the project could create more traffic in the area.

Vice Mayor Boylston stated the City needed additional Workforce and Affordable Housing.

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

Yes: 4 - Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

No: 1 - Mayor Petrolia

8.B.

ORDINANCE NO. 37-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 4.87 ACRES LOCATED AT 5185 ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PALM BEACH COUNTY RESIDENTIAL HIGH TO CITY OF DELRAY BEACH MEDIUM 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](#)
[Ordinance No. 37-23](#)
[5185 Atlantic Ave PZ Staff Report](#)
[Existing and Proposed Land Use](#)
[Existing and Proposed Zoning](#)
[Map AD-1, Future Land Use Designations](#)
[Map AD-23, Annexation Areas](#)
[5185 Atlantic Ave Conceptual Site Plan](#)
[5185 Atlantic Ave Survey - Site](#)
[5185 Atlantic Ave Flo Project Narrative - Annex-LUMA-Rez](#)
[TPS Letter 8-14-23](#)
[Traffic Statement](#)
[Proof of Legal Ad LUMA RZ LDR Amend 11.24.23](#)
[Legal Review Ord 37-23 LUM 5185 W Atlantic Ave](#)

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

- Yes:** 4 - Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns
- No:** 1 - Mayor Petrolia

8.C.

ORDINANCE NO. 38-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 4.87 ACRES LOCATED AT 5185 ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PALM BEACH COUNTY AGRICULTURE RESIDENTIAL TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL; 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. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 38-23](#)
[5185 Atlantic Avenue PZ Staff Report](#)
[Existing and Proposed Land Use](#)
[Existing and Proposed Zoning](#)
[Map AD-1, Future Land Use Designations](#)
[Map AD-23, Annexation Areas](#)
[5185 Atlantic Avenue Conceptual Site Plan](#)
[5185 Atlantic Avenue Survey - Site](#)
[5185 Atlantic Avenue Flo Project Narrative - Annex-LUMA-Rez](#)
[TPS Letter 8-14-23](#)
[Traffic Statement](#)
[Proof of Legal Ad LUMA RZ LDR Amend 11.24.23](#)
[Legal Review Ord 38-23 Rezoning 5185 W Atlantic Ave](#)

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

- Yes:** 4 - Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns
- No:** 1 - Mayor Petrolia

8.D.

ORDINANCE NO. 39-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 4, "ZONING REGULATIONS," OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," SUBSECTION (F), "DEVELOPMENT STANDARDS," SUBSECTION (G), "SUPPLEMENTAL DISTRICT REGULATIONS," AND SUBSECTION (H), "SPECIAL REGULATIONS" TO PROVIDE REGULATIONS FOR THE FLO DELRAY OVERLAY DISTRICT; AMENDING ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," BY ENACTING A NEW SECTION 4.5.22, "THE FLO DELRAY OVERLAY DISTRICT;" AMENDING ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING," SUBSECTIONS 4.7, "DEFINITIONS," 4.7.2, "APPLICABILITY," SUBSECTION (B), "WORKFORCE HOUSING INCENTIVE AREAS" TO ALLOW FOR APPLICABILITY OF WORKFORCE HOUSING INCENTIVES IN THE FLO DELRAY OVERLAY DISTRICT, AND AMENDING 4.7.4, "DENSITY BONUS AREAS" TO OUTLINE REQUIREMENTS FOR INCREASED DENSITY FOR THE FLO DELRAY OVERLAY DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC

HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No. 39-23 - The Flo Overlay District_rev. kwb](#)

[5185 Atlantic Ave - PZB Staff Report](#)

[5185 Atlantic Ave - Existing and Proposed Land Use](#)

[5185 Atlantic Ave - Existing and Proposed Zoning](#)

[Map AD-1, Future Land Use Designations](#)

[Map AD-23, Annexation Areas](#)

[5185 Atlantic Ave - Conceptual Site Plan](#)

[5185 Atlantic Ave - Survey](#)

[5185 Atlantic Ave Project Narrative](#)

[Summary of Incentive Areas](#)

[TPS Letter 8-14-23](#)

[Traffic Statement](#)

[Proof of Legal Ad LUMA RZ LDR Amend 11.24.23](#)

[Legal Review Approval](#)

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

Yes: 4 - Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

No: 1 - Mayor Petrolia

8.E.

ORDINANCE NO. 46-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, CHAPTER 50 "UTILITIES GENERALLY; PUBLIC SERVICE TAX", SUBHEADING "GENERAL PROVISIONS", BY CREATING A NEW SECTION 50.04, "REVIEW AND ADJUSTMENT OF USER CHARGES," TO ESTABLISH PROVISIONS FOR ADJUSTMENTS TO WATER CHARGES DUE TO LEAKS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Ord 46-23 leak adjustment for utility bills lg rev 10-20-23 \(003\)_hd \(002\)-ag FINAL_hd 10.26.2023](#)

[Simple Legal Review Approval leak adjustment ordinance](#)

[Proposed Leak Adjustment Table](#)

[BIE--Ordinance 46-23 water leak adjustment](#)

Lynn Gelin entered Ordinance No. 46-23 into the record.

Hugh Dunkley, Finance Director, presented the proposed Water Leak Adjustment Credit Analysis. He stated staff recommended a revision to the section of the City Code that would allow a resident to receive a credit for a water leak. He stated customers would be allowed to apply for a leak adjustment credit once, within three years.

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

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.F.

ORDINANCE NO. 48-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", BY AMENDING SECTION 32.62, "COMPOSITION; APPOINTMENT; TERMS", TO REDUCE THE NUMBER OF POLICE ADVISORY BOARD MEMBERS FROM 13 REGULAR MEMBERS TO 5; BY AMENDING SECTION 32.65, "DUTIES AND RESPONSIBILITIES", TO UPDATE THE DUTIES AND RESPONSIBILITIES OF THE POLICE ADVISORY BOARD; PROVIDING A SAVINGS CLAUSE; GENERAL REPEALER CLAUSE; AND AN EFFECTIVE DATE. (SECOND READING)

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Simple Legal Review Approval Amendment to Police Advisory Board](#)

[Ord 48-23 Amending Police Advisory Board lg rev 10-23-23](#)

[BIE--Ordinance 48-23 Police Advisory Board - reviewed](#)

Lynn Gelin entered Ordinance No. 48-23 into the record.

She stated this Ordinance would amend the Police Advisory Board's Mission and reduce the number of board members from thirteen to five.

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

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.G.

ORDINANCE NO. 49-23: AN ORDINANCE OF THE CITY COMMISSION

OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", SECTIONS 32.40 - 32.44, "KIDS AND COPS COMMITTEE", PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 32 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval Repeal of Kids and Cops](#)
[Ordinance 49-23 Kids and Cops Repeal](#)
[BIE--Ordinance 49-23 Kids and Cops Committee repeal - reviewed](#)

Lynn Gelin entered Ordinance No. 49-23 into the record.

Mayor Petrolia opened the floor to public comments.

Seeing no one present, Mayor Petrolia closed public comments.

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.H.

ORDINANCE NO. 51-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR CHARTER REVISIONS BY REPEALING SECTION 3.14, "PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT," SUBSECTION (B), "BOARD OF ADJUSTMENT"; PROVIDING FOR A REFERENDUM ON MARCH 19, 2024; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ord 51-23 BOA repeal referendum](#)
[BIE--Ordinance 51-23 BOA repeal](#)

Lynn Gelin entered Ordinance No. 51-23 into the record.

Mayor Petrolia opened the floor to public comments.

Seeing no one present, Mayor Petrolia closed public comments.

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

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

None.

10.B. City Attorney

Provided the Commission with an update on the American Legion Building lawsuit.

10.B.1.

Discussion regarding counter offer made by the American Legion Post 188

Sponsors: City Attorney Department

Deputy Vice Mayor Long motioned to instruct staff to enter negotiations with the EJS Project and place a Resolution on the December 12, 2023, Consent Agenda, offering the American Legion a sub-leasing agreement.

The Commission discussed strategies for moving forward with an amenable settlement.

Mayor Petrolia spoke about the American Legion filing additional charges against the City during negotiations.

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

Yes: 3 - Mayor Petrolia, Commissioner Frankel, and Deputy Vice Mayor Long

No: 2 - Vice-Mayor Boylston, and Commissioner Burns

10.C. City Commission

Deputy Vice Mayor Long:

No comments.

Commissioner Frankel:

Reminded everyone about the Menorah Lighting on December 7th at

Old School Square from 6:00 - 8:00 p.m.

Commissioner Burns:

Requested a consensus to approve two proclamations. Consensus was given for the following:

Recognition for Ms. Jounice Hill who was turning 95 on December 8th.

Recognition for Omega Alpha Chapter Alpha Kappa Fraternity Curb Appeal.

Vice Mayor Boylston:

Requested an update on the Live Local Act.

Mr. Moore stated he would be providing an update at the beginning of the New Year via a Newsletter.

Mayor Petrolia:

Requested the City create a Purple Heart City Proclamation as discussed in public comments.

Recognized the City and the Parks and Recreation Department for a wonderful Christmas Tree Lighting Event.

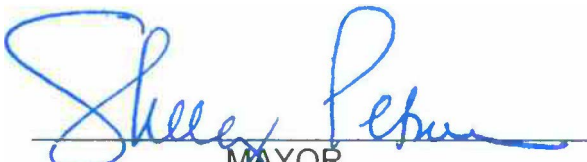
11. ADJOURNMENT

There being no further business to discuss, Mayor Petrolia adjourned the Commission Meeting at 6:43 p.m.



City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the December 5, 2023 City Commission Regular Meeting held on December 5, 2023, which minutes were formally approved and adopted by the City on January 4, 2024.



City Clerk

NOTE TO READER:

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