



# City of Delray Beach

## Regular Commission Meeting

### City Commission

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*Mayor Shelly Petrolia*  
*Vice Mayor Adam Frankel*  
*Deputy Vice Mayor Juli Casale*  
*Commissioner Ryan Boylston*  
*Commissioner Shirley Ervin Johnson*

Delray Beach City Hall or Watch on YouTube:  
Tuesday, July 12, 2022, 4:00 PM  
[https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live\\_view=501](https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live_view=501)

### Regular Meeting at 4:00 PM

#### 1. ROLL CALL

The Regular City Commission Meeting was called to order at 4:17 p.m.

The roll call was taken by Katerri Johnson, City Clerk, and the following were present:

**Present:** 5 Mayor Shelly Petrolia, Vice Mayor Adam Frankel, Deputy Vice Mayor Juli Casale, Commissioner Shirley Ervin Johnson  
Commissioner Boylston participated remotely

Others present were:

Terrence Moore - City Manager  
Lynn Gelin - City Attorney

#### 2. PLEDGE OF ALLEGIANCE TO THE FLAG

#### 3. AGENDA APPROVAL

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

Vice Mayor Frankel requested to move Item No. 7.D. from the Regular Agenda to Item 7.A.A as a courtesy to the applicant. There was a consensus to allow Item No. 7.D to be moved to Item No. 7.A.A. on the Regular Agenda.

Vice Mayor Frankel motioned to approve the agenda as amended. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston  
Commissioner Johnson

**APPROVED**

#### **4. PRESENTATIONS:**

##### **4.A. PRESENTING KHATOYA WESLEY, CODE ENFORCEMENT OFFICER, WITH EMPLOYEE OF THE MONTH FOR JUNE 2022**

**Recommendation:** Motion to present Khatoya Wesley, Code Enforcement Officer, with Employee of the Month for June 2022.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Khatoya Wesley Nomination Form](#)

LeShay King, Human Resources Generalist, and Sammie Walthour, Director of the Neighborhood and Community Services, recognized Khatoya Wesley. Mr. Walthour stated that Ms. Wesley had been employed with the city for only seven months but had proven herself to be an excellent role model. Ms. Wesley was presented with a plaque and a certificate for eight hours of paid time off. Mayor Petrolia thanked her for her hard work.

**APPROVED**

##### **4.B. PRESENT THE 2022 FLORIDA STORMWATER ASSOCIATION STORMWATER PROGRAM EXCELLENCE AWARD TO THE MAYOR AND CITY COMMISSION ON BEHALF OF THE DELRAY BEACH PUBLIC WORKS DEPARTMENT.**

**Recommendation:** Recognize the Delray Beach Public Works Department Stormwater Division for receiving the 2022 Florida Stormwater Association (FSA) Stormwater Program Excellence Award for sustained demonstration of excellence in a stormwater department or division, as evidenced by ongoing and frequent development and implementation of innovative projects, a stable staff, or adequate funding.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[FSA Stormwater Draft 2](#)  
[Delray Beach Excellence Awards Support Document-Stormwater Program](#)

Missie Barletto, Director of Public Utilities, reported that the city had received the 2022 Florida Stormwater Association Program of Excellence Award for the entire state.

##### **4.C. UPDATE ON THE IMPLEMENTATION OF ELECTRONIC PERMITTING AND OTHER RELATED TECHNOLOGICAL ADVANCEMENTS**

**Recommendation:** Presentation regarding the status and implementation schedule for electronic permitting and other related technological advancements.

**Sponsors:** Development Services Department and IT Department

Jay Stacy, Director of IT, gave an update on the electronic system that the city had begun implementing. Mr. Stacey stated that the system (e, PLANS) would support departments in the city.

**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 recognized that Russ Majer would assume the role of the new Chief of Police on August 31, 2022.

Mr. Moore announced that the Boca Raton Museum of Art is no longer interested in running the Cornell Museum.

**5. B. From the Public**

George Long, residing at 46 N. Swinton Avenue, Delray Beach, discussed articles written regarding developing Delray Beach.

Lori J. Durante, residing at 4165 NW 10<sup>th</sup> Street, Delray Beach, stated that she supported making the Cornell Museum available for other uses.

Mavis Benson, resident and merchant of Delray Beach, commended the Parks and Recreation Department for the July 4<sup>th</sup> celebration. She reminded everyone that there would be another Art and Jazz on July 27<sup>th</sup> from 6-9 p.m. Ms. Benson thanked the Police Department office for enforcing the noise ordinance.

John Casagrande, Vice President of Coastal Waste and Recycling, discussed Item No. 7.C.

Andrea Keiser, attorney with Keiser Legal, located at 55 SW 2<sup>nd</sup> Avenue, Delray Beach, said that it was a pleasure to work and live in Delray Beach.

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

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

Vice Mayor Frankel motioned to approve the Consent Agenda as amended. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston  
Commissioner Johnson

**APPROVED AS AMENDED**

**6.A. ACCEPTANCE OF PEDESTRIAN EASEMENTS ALONG THE EAST, WEST, AND NORTH SIDE OF BLOCK 61 BETWEEN SOUTH SWINTON AVENUE, SW 1ST AVENUE & ALONG WEST ATLANTIC AVENUE AND A LANDSCAPE MAINTENANCE**

**AGREEMENT ALONG WEST ATLANTIC AVENUE, SWINTON AVENUE, SW 1ST STREET & SW 1ST AVENUE OF BLOCK 61, LOCATED ON THE PROPERTY KNOWN AS SUNDY VILLAGE.**

**Recommendation:** Review and consider acceptance of pedestrian easements along the east, west, and north side of Block 61 between South Swinton Avenue, SW 1st Avenue & along West Atlantic Avenue and a landscape maintenance agreement along West Atlantic Avenue, South Swinton Avenue, SW 1st Street, & SW 1st Avenue of Block 61 located on the property known as Sundry Village.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Pedestrian Clear Zone Easements-Sundry Village-2022-07-12](#)  
[Exhibit A - Legal Sketch & Description](#)  
[Legal Review Sundry Village Easement Agreement Pedestrian Clear Zone](#)  
[Landscape Maintenance Agreement-Sundry Village-2022-07-12](#)  
[Legal Review Landscape Maintenance Agreement Sundry Village](#)  
[Block 61 Overall Plan](#)  
[Block 61 Enlarged Plan](#)

**APPROVED**

**6.B. RESOLUTION NO. 26-22: THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A COMMUNITY AESTHETIC FEATURE AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, FOR AUTHORIZATION TO INSTALL AND MAINTAIN COMMUNITY AESTHETIC FEATURES AND LANDSCAPE IMPROVEMENTS IN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY TO ALLOW THE PLACEMENT OF WAYFINDING AND GATEWAY SIGNAGE; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS THERETO AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (PROJECT NO. 2021-007)**

**Recommendation:** Motion to Approve Resolution No. 26-22 approving a community Aesthetic Feature Agreement with the State of Florida Department of Transportation (FDOT), for authorization to install and maintain Community Aesthetic Feature and landscape improvements in the Florida Department of Transportation right of way to allow the placement of Wayfinding and Gateway signage; authorizing the City Manager to execute any amendments thereto and take all actions necessary to effectuate this agreement; providing for an effective date; and for another purpose.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Simple Legal Review Approval Wayfinding Project](#)

APPROVED

**6.C.** APPROVAL OF RESOLUTION NO. 90-22 TO AWARD SERVICE AUTHORIZATION NO.8 WITH APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC. IN THE AMOUNT NOT-TO-EXCEED \$141,300 FOR COASTAL ENGINEERING CONSULTING SERVICES INCLUDING CONTINUING POST-CONSTRUCTION MONITORING FOR THE 2020 STORM NOURISHMENT PROJECT WITH THE ANNUAL BEACH MONITORING SURVEYS, FEDERAL REAUTHORIZATION SUPPORT AND PERMIT MODIFICATION REQUESTS FOR THE SOUTHERN LIMIT EXTENSION FOR THE CITY OF DELRAY BEACH'S NOURISHMENT PROGRAM. (PROJECT NO. 17-081)

**Recommendation:** Approval of Resolution No. 90-22 to award Service Authorization No.8 with Aptim Environmental & Infrastructure, Inc. in the amount not-to-exceed \$141,300 for Coastal Engineering Consulting Services including continuing post-construction monitoring for the 2020 storm nourishment project with the annual beach monitoring surveys, Federal reauthorization support and permit modification requests for the southern limit extension for the City of Delray Beach's Nourishment Program. (Project No. 17-081)

**Sponsors:** Public Works Department

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

[Resolution Aptim SA#8 5.31.22](#)

[Legal Review Checklist Service Auth #8 Aptim Beach Nourishment Project](#)

[2022 Coastal Services SA 061322](#)

APPROVED

**6.D.** MOTION TO APPROVE RESOLUTION NO. 96-22 IN SUPPORT OF THE CITY OF DELRAY BEACH RENOURISHMENT PROGRAM, SUPPORTING THE BEACH AND COASTAL MANAGEMENT PROGRAMS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ADVISING THE STATE OF FLORIDA THAT THE CITY OF DELRAY BEACH WILL CONSIDER PARTICIPATION AND WILL PROVIDE LOCAL FUNDING SHARE NECESSARY TO IMPLEMENT ANY STATE RECOMMEND PROJECT.

**Recommendation:** Motion to Approve Resolution No. 96-22 in support of the City of Delray Beach Renourishment Program. This resolution supports the beach and coastal management programs of the Florida Department of Environmental Protection (FDEP), advising the State of Florida that the City of Delray Beach (City) will consider participation in these programs and, if approved, will provide the local funding share necessary to implement any State beach and coastal management program.

**Sponsors:** Public Works Department

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

[Beach Nourishment Resolution 6.2.22](#)

APPROVED

**6.E. HOLD HARMLESS AGREEMENT FOR 1325 N. FEDERAL HIGHWAY FOR DELRAY PLAZA II, LLC., PROPOSAL TO CONNECT POTABLE WATER SERVICES TO THE CITY'S WATER MAIN.**

**Recommendation:** Motion to consider the Hold Harmless Agreement for Delray Plaza II, LLC., to connect potable water services to City's water main.

**Sponsors:** Utilities Department

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

[Hold Harmless for Work in State ROW Delray Plaza II - 1325 N Federal Hwy.pdf](#)

[Legal Review Hold Harmless for Work in State ROW Delray Plaza II 1325 N Federal.docx](#)

APPROVED

**6.F. PROCLAMATIONS:**

**6.F.1. PROCLAMATION: PARK AND RECREATION MONTH**

**Recommendation:** Motion to recognize the month of July as Park and Recreation Month in Delray Beach, Florida.

**Sponsors:** Parks & Recreation Department

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

[Proclamation Park and Rec Month 2022](#)

APPROVED

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

6.G.1. None

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

**6.H.1. APPROVAL OF RESOLUTION NO. 104-22 TO APPROVE THE ISSUANCE OF A PURCHASE ORDER TO ALL SAFE INDUSTRIES, INC. FOR THE PURCHASE OF HAZARDOUS MATERIALS INCIDENT RESPONSE EQUIPMENT UTILIZING GENERAL SERVICES ADMINISTRATION (GSA) CONTRACT NO. GS-07F-5501R FOR THE FIRE DEPARTMENT- \$71,900**

**Recommendation:** Motion to approve Resolution No. 104-22 to approve the issuance of a Purchase Order to All Safe Industries, Inc. for the purchase of hazardous materials incident response equipment utilizing General Services Administration (GSA) Contract No. GS-07F-5501R for the Fire Department, in the amount of \$71,900.

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

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

[Legal Review Res 104-22 PO for All Safe Industries using GSA Agmt](#)

APPROVED

**7. REGULAR AGENDA:**

**7. A. RESOLUTION NO. 81-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT WITH WAIVERS FOR A TWO-LOT MINOR SUBDIVISION KNOWN AS "GEORGE EAST AND WEST," FOR THE PROPERTY LOCATED AT 217 GEORGE BUSH BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)**

**Recommendation:** Review and consider Resolution No. 81-22, a request for final approval of a minor subdivision plat with a waiver to Land Development Regulations (LDR) Section 4.3.4(K), Development Standards Matrix - Nonresidential Zoning Districts, to reduce the minimum required lot width and lot frontage from 80 feet to 62.5 feet for the two lots created by the "George East and West" plat, currently addressed as 217 George Bush Boulevard.

**Sponsors:** Development Services Department

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

[Res No. 81-22 leg rev \(WB\)](#)

[217 George Bush Boulevard - George East and West Plat](#)

[217 George Bush Boulevard - Appendix A - LDR Section 3.2.3](#)

[217 George Bush Boulevard - Map AD-5, Residential Neighborhood Stabilization in 2018](#)

[217 George Bush Blvd - Applicant Justification Statement](#)

[217 George Bush Boulevard - Preliminary Site Plan](#)

[217 George Bush Blvd - Preliminary Architecture](#)

[217 George Bush Blvd - Site Photos](#)

[217 George Bush Blvd - Survey](#)

[217 George Bush Boulevard - Legal Review Form - Res 81-22](#)

Mayor Petrolia read the Quasi-Judicial Rules into the record.

Katerri Johnson, City Clerk, swore in those individuals who testified on Resolution No. 81-22 and Resolution No. 87-22.

Mayor Petrolia asked if her colleagues had any ex-parte communications to disclose.

The following was disclosed:

Mayor Petrolia - Spoke with Mr. Costello and Mr. Laudani

Vice Mayor Frankel - Spoke with Mr. Costello.

Deputy Vice Mayor Casale - Spoke with Mr. Costello, Mr. Laudani

Commissioner Boylston - Spoke with Mr. Costello.

Commissioner Johnson - Spoke with Mr. Laudani.

Director of Development Services, Anthea Gianniotis, entered File No. 2022-184 into the record.

Jeff Costello, with JC Planning Solutions, LLC., located in Delray Beach, shared his findings on Resolution 81-22.

Gary Eliopoulos, with GE Architecture, located in Delray Beach, stated that the waivers would not adversely affect the surrounding areas and positive findings could be made with Land Development Regulations Section 2.4.7(B)(5).

Ms. Gianniotis provided a staff report and a complete analysis of the project.

Mayor Petrolia opened the floor for public comments on Resolution No. 81-22.

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

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

Deputy Vice Mayor Casale motioned to approve Resolution No. 81-22. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

**APPROVED**

**7.B. RESOLUTION NO. 87-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVED A CONDITIONAL USE TO ALLOW LATE NIGHT BUSINESS OPERATIONS FOR A RESTAURANT KNOWN AS POUR AND FAMOUS, LOCATED AT 524 WEST ATLANTIC AVENUE, 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).**

**Recommendation:** Review and consider Resolution No. 87-22, a Conditional Use request to establish a Late-Night Business until 2:00 am for Pour and Famous, located at 524 West Atlantic Avenue, on the south side of West Atlantic Avenue between SW 5th Avenue and SW 6th Avenue.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res. No. 87-22 Pour and Famous Late Night Business Cond. Use](#)  
[Pour and Famous Security Plan](#)  
[Pour and Famous Narrative](#)  
[Res. No. 208-20 Pour and Famous Site Plan Approval](#)  
[Pour and Famous Survey](#)  
[Pour and Famous Plans](#)  
[Simple Legal Review Approval 87-22](#)

Mayor Petrolia asked if her colleagues had any ex-parte communications to disclose.

There was no ex-parte communication from any of her colleagues.

Ms. Gianniotis entered File No. 2021-009 into the record.

Jeffrey Lynn, attorney located at 2385 Executive Center Drive, Boca Raton, was present to seek approval of a conditional use allowing late-night business interior-only operations for Pour and Serve Restaurant.

Vice Mayor Frankel motioned to deny Resolution No. 87-22. Commissioner Johnson seconded the motion. The motion was carried by the following motion.

**NO: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

**APPROVED**

***The motion was carried by a five to zero vote to deny Resolution No. 87-22.***

**7. C. CONSIDERATION TO AMEND THE EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND WASTE MANAGEMENT INC OF FLORIDA FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES IN ACCORDANCE WITH THE RESULTS OF THE JUNE 23, 2022 MEDIATION, AFFECTING THE TERM OF THE AGREEMENT AND THE MONTHLY RESIDENTIAL RATE.**

**Recommendation:** Consideration to approve an amendment to the Exclusive Franchise agreement for Solid Waste and Recycling Collection Services, terminating the Agreement on May 31, 2023; and providing for an increase in the monthly residential rate from \$11.18 to \$13.43, effective October 1, 2022, through May 31, 2023.

**Sponsors:** Neighborhood & Community Services

**Attachments:** [Agenda Cover Report](#)  
[Delray Beach Economic Justification 062422 \(1\)](#)  
[2015-03-09 Exclusive Franchise Agt between the City and SWS LLC](#)  
[Amendment No. 5 \(DRAFT\) - 7 Months with 31 Day Option - 7.11.2022 \(Clean\)](#)  
[Exhibit A and B](#)

Mr. Moore provided the timeline of the Solid Waste and Recycling Collection Services Franchise Agreement communications with the City.

Discussion ensued regarding this item.

Ms. Gelin provided the Commission with their options.

Vice Mayor Frankel motioned to defer this item until the next Commission meeting on July 19, 2022. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

**DENY 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson.

***The motion was carried by a five to zero-vote to postpone this item until the July 19, 2022, Commission Meeting.***

**7.D. REQUEST FOR POSTPONEMENT OF HEARING TO APPEAL THE DENIAL OF MASTER DEVELOPMENT PLAN FOR DELRAY CENTRAL BY THE PLANNING AND ZONING BOARD**

**Recommendation:** Motion to Consider Request for Postponement of Appeal.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[6-22-2022 Letter to Katerri Johnson-City Clerk \(002\)](#)  
[6-7-2022 Letter to A Gianniotis re Delray Central Appeal](#)  
[5-20-22 Appeal Letter to City Clerk](#)

Vice Mayor Frankel requested to hear Item No. 7.D as Item No. 7.A.A due to personal time constraints.

Bonnie Miskel, attorney with Dunay, Miskel, and Backman, located at 14 SE 4<sup>th</sup> Street, Boca Raton, was present to request a postponement until the August 9, 2022, Commission Meeting. Vice Mayor Frankel motioned to postpone Item No. 7.D. until August 9, 2022.

Commissioner Johnson seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

***THERE WAS A CONSENSUS TO POSTPONE THIS ITEM UNTIL THE AUGUST 9<sup>TH</sup>, 2022, COMMISSION MEETING.***

**7.E. NOMINATIONS FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE**

**Recommendation:** Motion to approve the appointment for one (1) regular member to serve a two (2) year term ending July 31, 2024.

**Sponsors:** City Clerk Department

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

Commissioner Johnson motioned to defer her nomination to the Affordable Housing Advisory Committee.

**7. F. RESOLUTION NO. 103-22 AMENDING THE FISCAL YEAR 2021-22 BUDGET  
ADOPTED BY RESOLUTION NO. 141-21 ON SEPTEMBER 23, 2021.**

**Recommendation:** Motion to Approve Resolution No. 103-22 amending the budget for Fiscal  
The year 2021-22 adopted on September 23, 2021.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Budget Resolution 103-22](#)  
[Exhibit A - for Reso # 103-22](#)  
[Legal Review Res 103-22](#)

Hugh Dunkley, Director of Finance, stated that the request to amend the fiscal year 2021-22 budget was primarily due to the rising fuel cost. Vice Mayor Frankel motioned to approve Resolution No.103 22. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston,  
Commissioner Johnson

**APPROVED**

**7.G. FISCAL YEAR 2023 PROPOSED MILLAGE RATE**

**Recommendation:** Motion to Approve Staff's recommendation that the City Commission set  
the proposed Millage Rate at 6.5611 mills for operating and 0.1554 mills  
for debt service for a total of 6.7165 mills.

**Sponsors:** Finance Department

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

Mr. Moore stated that Staff recommends raising the milage rate to 6.5611 mills for operating and 0.1554 mills for Debt Service. He said that any revisions could be made at the August 23, 2022, Commission Meeting.

A discussion ensued about the millage rates.

Deputy Vice Mayor Casale motioned to approve the proposed millage rate of 6.5111 for operating and 0.1554 mills for debt service for 6.6665 mills. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson.

**APPROVED**

**7. H. FISCAL YEAR 2023 PROPOSED MILLAGE RATE/DOWNTOWN DEVELOPMENT AUTHORITY (DDA)**

**Recommendation:** Motion to Approve Staff's recommendation that the City Commission set the proposed millage rate of 1.0000 mills for the Downtown Development Authority for Fiscal Year 2023.

**Sponsors:** Finance Department

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

[DELRAY BEACH DDA 2022 DR 420](#)

Laura Simon, Director of the Downtown Development Authority, stated that the Downtown Development Authority Board of Directors unanimously voted on June 21, 2022, to continue to access the one mill for the coming year. The Commissioners thanked Laura Simon for her hard work. Deputy Vice Mayor Casale motioned to approve. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston Commissioner Johnson.

**APPROVED**

**7. I. APPROVAL OF RESOLUTION NO. 92-22 TO AWARD A 3-YEAR AGREEMENT TO DESIGN LAB, INC, FOR SUPPLY, SIZING, AND CUSTOMIZATION OF WORK AND DRESS UNIFORMS FOR THE FIRE DEPARTMENT UTILIZING PASCO COUNTY SOLICITATION NO. SS-19-125 IN THE AMOUNT NOT TO EXCEED \$443,000.**

**Recommendation:** Motion to approve Resolution No. 92-22 and to award a three year Agreement with Design Lab, Inc. for supply, sizing, and customization of work and dress uniforms for the Fire Department utilizing Pasco County Solicitation No. SS-19-125 in the amount not to exceed \$443,000.

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

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

[Legal Review Checklist Design Lab, Inc.](#)

[P2022-040- Master Service Agreement Design Lab Inc](#)

[Resolution No. 92-22](#)

Keith Tomey, Fire Chief, stated that the corrected increase in customized uniforms for the Fire Department over the next three years would total \$ 23,000. He noted that this amount would put the City in the middle of the neighboring town's budgets. Vice Mayor Frankel motioned to approve. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston Commissioner Johnson.

**APPROVED**

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

**8.A. ORDINANCE NO. 08-22: 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 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS," TO ADD OUTDOOR USE AREAS AT STAND-ALONE BARS AS A CONDITIONAL USE AND ACCESSORY USE; AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.6, "COMMERCIAL AND INDUSTRIAL USES TO OPERATE WITHIN A BUILDING," SUBSECTION (B), "ALLOWABLE OUTSIDE USAGE," TO INCLUDE PERMANENT SEATING AT STAND-ALONE BARS AS AN ALLOWABLE OUTSIDE USE, AND SUBSECTION (C), "RESTRICTIONS ON OUTSIDE USAGE," TO ESTABLISH REGULATIONS GOVERNING OUTSIDE USAGE AT STAND-ALONE BARS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING/PUBLIC HEARING)**

**Recommendation:** Review and consider Ordinance No. 08-22, a privately initiated amendment to Section 4.4.13, Table 4.4.13(A), "Allowable Uses and Structures in the CBD Sub-Districts" and Section 4.6.6, "Commercial and industrial uses to operate within a building," of the Land Development Regulations (LDR) to allow outdoor consumption of alcohol at stand alone bars serving only beer and wine north of Lake Ida Road within the Central Core Sub-District of the Central Business District, and to provide regulations that support the health, safety, and general welfare of the public.

**Sponsors:** Development Services Department

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

[Ordinance No. 08-22](#)

[Ordinance No. 08-22: Staff Report, Outdoor Use Areas at Standalone Bars](#)

[Ordinance No. 08-22: Justification Statement](#)

[Ordinance No. 08-22: Stand Alone Bars Map, CBD & Residential Zoning](#)

[Ordinance No. 08-22: DDA Recommendation](#)

[Legal Review, Ord. No. 08-22](#)

City Attorney Gelin read Ordinance No 08-22 into the record.

Andrea Keiser, attorney with Keiser Law Group, located at 55 SE 2<sup>nd</sup> Avenue, Delray Beach, was present on behalf of the applicant, Hoppportunities Taproom to seek approval of a privately initiated amendment to allow stand-alone bars in certain districts to serve beer and wine outside from 12:00 a.m. – 2:00 a.m.

Mayor Petrolia opened the floor for public comments on Ordinance No. 08-22.

Laura Simon, Downtown Development Authority Director, stated that the Downtown Development Authority favored allowing outside bars to serve beer and wine to enhance the customer experience and generate revenue.

Andrea Keiser stated that her firm amended their original request to more conservative criteria restrictions only to include the area North of Lake Ida Road.

John Macedoines, the owner of Hoppportunities Taproom, stated that Hoppportunities operates as a family-friendly restaurant.

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

A discussion ensued on this item.

Deputy Vice Mayor motioned to approve Ordinance No. 08-22 on First Reading. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

**YES:4** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston

**NO: 1** Commissioner Johnson

**APPROVED ON FIRST READING**

## **9. FIRST READINGS:**

**9. A. ORDINANCE NO. 23-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," RENAMING AND UPDATING SUBSECTION (K), "HOME OCCUPATIONS," AND REPEALING SUBSECTION (KK), "HOME TUTORIAL SERVICES" TO BRING REGULATIONS GOVERNING HOME-BASED BUSINESSES INTO COMPLIANCE WITH CB/HB 403, WHICH AMENDS S. 559.955, F.S. TO LIMIT THE POWER OF MUNICIPAL GOVERNMENTS TO REGULATE SUCH USE, AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.1, "AGRICULTURE ZONE DISTRICT (A)," SECTION 4.4.2, "RURAL RESIDENTIAL (RR) DISTRICT," SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT," SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SECTION 4.4.17, "RESIDENTIAL OFFICE (RO) DISTRICT, AND SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)," TO UPDATE THE TERMINOLOGY RELATED TO HOME-BASED BUSINESSES; AND AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.7, "SIGNS," TABLE 4.6.7(A), "SIGN STANDARDS PER ZONING DISTRICT" TO MODIFY SIGN SIZE REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS, PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO**

*CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)*

**Recommendation:** Consider Ordinance No. 23-22, a City-initiated amendment to the Land Development Regulations (LDR) to bring regulations governing Home-based business into compliance with S. 559.955, F.S. that restricts the power of municipal governments to regulate home-based businesses.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Home-based](#)  
[Home-based Businesses: PZB Staff Report](#)  
[Home-based Businesses: HB 403 Bill Text](#)  
[Home-based Businesses: HB 403 Bill Summary](#)  
[Legal Review](#)

City Attorney Gelin read Ordinance No. 23-22 into the record.

Vice Mayor Frankel motioned to approve Ordinance No. 23-22. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston  
Commissioner Johnson.

**APPROVED ON FIRST READING**

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

***A. City Manager***

Nothing to report.

***B. City Attorney***

- Requested a Shade Meeting on August 9, 2022, at 3:00 p.m. to discuss litigation strategies for Old School Square vs. The City of Delray Beach. Vice Mayor Frankel motioned to approve. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston,  
Commissioner Johnson.

**APPROVED**

***C. City Commission***

Vice Mayor Frankel:

- Stated that July 4<sup>th</sup> was a hit. Residents asked him why there wasn't any Sand Castle Building or fencing around the Dunes.

Deputy Vice Mayor Casale:

- Complimented the Parks and Recreation Department for the July 4<sup>th</sup> celebration.
- Suggested the golf course consultants speak with the Donald Ross Society which is a 501-C3 company that helps promote and restore golf courses.
- Asked for a consensus to add to the next meeting a discussion on Super Majority on Land use.
- Asked if the Department Heads could provide a list of their necessary needs and the time frame in which they are needed.

Commissioner Boylston:

- Asked for a consensus to develop a web page that answers residents frequently asked questions.

A discussion ensued about Commissioner Boylston's suggestion.

Commissioner Johnson:

- Asked for an update on the surplus housing.
- Asked for a motion to direct the Internal Auditor to conduct an audit from the past the past 3-4 years of the Parks and Recreation process for field rentals.

Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Johnson

**NO: 1** Commissioner Boylston

**APPROVED**

- Asked for a motion to direct the Internal Auditor to review the program for the Purchasing Cards, A/K/A, P Cards. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

**YES: 5** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston Commissioner Johnson.

Mayor Petrolia:

- Nothing to report.

**11. ADJOURNMENT**

There being no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at 8:04 p.m.