

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com



Minutes - Draft

Tuesday, August 17, 2021

Regular Meeting at 4:00 PM

Delray Beach City Hall

https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live_view=501

City Commission

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

1. ROLL CALL

The Regular City Commission Meeting was called to order at 4:00 p.m.

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

Present: 4 - Mayor Shelly Petrolia, Deputy Vice Mayor Adam Frankel, Commissioner Ryan Boylston, Commissioner Juli Casale.

A motion was made by Commissioner Casale to allow Vice Mayor Johnson to attend virtually. The motion was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

YES: 4 - Mayor Petrolia, Deputy Vice Mayor Frankel, Commissioner Boylston, Julie Casale.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

A. Additions, Deletions, Substitutions

Commissioner Boylston made a recommendation to discuss Old School Square and have it become Item No. 7.A.A. on the agenda.

Deputy Vice Mayor Frankel suggested discussing Old School Square after public comments and have it become Item No. 4.C. on the agenda.

Mayor Petrolia was not in favor of adding a discussion item on this matter nor was Commissioner Casale in favor of adding a discussion item without the City's auditor present.

Mayor Petrolia commented that she favored hearing what the people who were present had to say and noted that Old School Square served the city with notice of their intent to sue.

Lynn Gelin, City Attorney, cautioned the Commission about speaking on Old School Square.

Commissioner Boylston suggested having the discussion earlier under public comments and Deputy Vice Mayor Frankel concurred.

Commissioner Casale favored hearing what everyone present had to say, but did not wish to add another agenda item or until all the data is complete.

Further discussion ensued on how the Commission can reconcile moving forward.

Vice Mayor Johnson expressed her concern about having any type of discussion due to Old School Square's litigation.

Mr. Terrence Moore, City Manager, requested to remove Item No. 7.D. from the regular agenda.

Commissioner Boylston motioned to approve the agenda as amended. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

4. PRESENTATIONS:

4.A. PRESENTING LAUREN CZENCZ, EXECUTIVE ASSISTANT, WITH EMPLOYEE OF THE MONTH FOR JUNE 2021.

Body: Recommended Action:

Recommendation: Motion to present Lauren Czencz, Executive Assistant, with Employee of the Month for June 2021.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Lauren Czencz nomination form](#)

Ms. LeShay King, Human Resources Generalist, recognized Lauren Czencz, Executive Assistant, as the Employee of the Month for June 2021.

Mr. John Lege, Finance Director, praised Ms. Czencz for being a team player not just within the Finance Department, but in every department throughout the city.

Ms. King announced on behalf of the Mayor and Commission that Ms. Czencz would receive an award and a certificate for eight hours off with pay. Ms. Czencz accepted her award.

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

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

Mr. Terrence Moore, City Manager, reported that his office had received numerous communications regarding Old School Square. He commented on the misinformation being spread and stressed to the Commission and residents that while the city is still collecting data, there will be complete transparency in moving forward.

B. From the Public

Tom Rutherford, residing at 3264 Lakeview Drive, Delray Beach, discussed how grateful he was for the classes that Old School Square offered.

Elise Johnson Nail, residing at 229 SE 7th Avenue, Delray Beach, expressed her disappointment with the Commissioners decision to terminate the lease with Old School Square and hoped it would not discourage any future donations.

Linda Nail, residing at 902 SW 27th Terrace, Boynton Beach, spoke about her families' numerous donations to the community.

Debra Davis Walker, residing at 1312 NW 2nd Street, Delray Beach, announced Atlantic High School's 50th graduating class reunion in October.

Melissa Schechter, residing at 237 SE 7th Avenue, Delray Beach, spoke about the importance of the local community running a not for profit like Old School Square, vs. a management company.

James McCray, resident of Delray Beach since 1952, runs the James Chess Club, wanted to thank everyone for all they do and provided the ladies of the Commission with flowers.

Scott Porten, residing at 112 Basin Drive, Delray Beach, expressed his disappointment in the Commission's decision to terminate the thirty-year lease with Old School Square.

Jim Chard, residing at 401 SE 4th Avenue, Delray Beach, expressed his concern that Old School Square would be better served if not run by the city.

David Schmidt, President of the Greater Delray Beach Chamber of Commerce, located at 140 NE 1st Street, Delray Beach, read aloud a statement from the Board of Directors of the Chamber of Commerce requesting the Commission to rescind its decision to terminate the lease with Old School Square.

Rob Long, 2962 Calabria Way, Delray Beach, expressed his displeasure that there wasn't a scheduled workshop or public notice about Old School Square.

Jayson Tomasheski, 51 N. Swinton Avenue, Delray Beach, implored the Commission to reconsider its termination of the lease with Old School Square.

Steve English, residing at 102 NE 10th Street, Delray Beach, expressed that the Commission's decision to terminate the Old School Square lease was irresponsible.

Debra Tendrich, residing at 14451 S. Military Trail, Delray Beach, President of Eat Better, Live Better, a nonprofit organization, promoted the advantages of a local nonprofit organization running Old School Square and asked the Commission to reconsider their decision.

Cathy Whitt, residing at 202 NE 5th Terrace, Delray Beach, remarked that she was saddened by the Commission's decision about Old School Square and asked them to reconsider.

Mavis Benson, 800 Greensward Court, Delray Beach, local business owner, and Downtown Development Authority (DDA) Board Member requested the Commission allow the DDA Board to participate in future discussions and considerations with Old School Square.

Billy Himmelrich, owner of the Old School Square Bakery located at 45 N. Congress Avenue, Delray Beach, asked the Commission to reconsider their decision with Old School Square.

Joe Gillie, Former President and CEO of Old School Square for twenty-three years, offered his support to aid in restoring Old School Square as they were.

Jason Tomasheski, Head of Production at Old School Square, voiced his concern that the city had not acted in the best interest of Old School Square in maintaining the property over the years.

Chuck Halberg, residing at 120 NW 4th Avenue, Delray Beach, said he would like to see the differences with Old School Square worked through similarly as the issues with Spady Museum, and the Arts Garage were in prior years.

Nancy Stewart, residing at 202 S. Swinton Avenue, Delray Beach, former events producer for Delray Beach, requested the Commission to come together and work out a solution.

Allie Kaufman, residing at 110 Marine Way, Delray Beach, owner of Space of Mind School, communicated that Old School Square, Crest Theatre, and Spady Museum had provided her students with an enriching environment to play and learn outside of the classroom.

Nancy Chanin residing at 200 NE 2nd Avenue, Delray Beach, communicated that the city works out its differences with Old School Square. She pointed out all the good that Old School Square had done for the community.

Melinda Webster, residing at 2660 SW 22nd Avenue, Delray Beach, acknowledged that Old School Square provides the city with beautiful venues and brings revenue to Downtown Delray. She commented that she would like to see the Commissions work out their differences.

Kenny Mikey produces children's television in Old School Square to distribute to the nation. He acknowledged that other studios and venues have had to shut down while Old School Square is open and continues to provide the community with shows, concerts, etc. He urged the Commission not to rescind their lease with Old School Square.

Carolyn Covert, residing at 102 NW 5th Avenue, Delray Beach, spoke about the long history of Old School Square and how it provides culture to Delray. She asked the Commission to

reconsider their vote.

Laura Simon, Executive Director of the Downtown Development Authority, asked the Commission for inclusivity with all city organizations when making decisions for city businesses.

Noreen Payne, residing at 222 Kings Lynn, Delray Beach, requested the Commission to reconsider their decision.

Mayor Petrolia concluded public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Casale made a motion to approve the Consent Agenda as amended. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

6.A. APPROVAL OF THE BOARDS BYLAWS ESTABLISHING THE RULES OF PROCEDURE

Body: Recommended Action:

Recommendation: Motion to approve the Boards bylaws adopted by the respective boards.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[BOA](#)

[CEB](#)

[EB](#)

[GIAB](#)

[HPB](#)

[PMAB](#)

[P&Z](#)

[PAB](#)

[SPRAB](#)

6.B. APPROVAL OF RESOLUTION 134-21; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL

GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Body: Recommended Action:

Recommendation: Motion to approve Resolution 134-21 to join with the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and formal agreements implementing a unified plan

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution XX-21 Acceptance of Florida Plan](#)
[Core Strategies + Approved Uses Jan 2021 \(01320018xC1DD2\)](#)
[Florida Allocation Proposal \(01319986xC1DD2\)](#)

6.C. GRANT APPLICATION / DEPARTMENT OF ENVIRONMENTAL PROTECTION RESILIENT FLORIDA GRANT

Body: Recommended Action:

Recommendation: Motion to approve application for a Resilient Florida Planning Grant, in the amount of up to \$150,000.00.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[SB1954 Enrolled](#)
[Simple Legal Review Approval Grant Application for Resilient Florida](#)
[ResilientFlorida Worksheet 080621](#)

6.D. REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 2115 SW 13th STREET

Body: Recommended Action:

Recommendation: Motion to Approve a request for the City to subordinate its second mortgage position in the amount of \$8,344.95 for the property located at 2115 SW 13th Street.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[Bennett, Eric - City of Del Ray Beach FL Sub Req Redacted 80421 Redacted](#)

[Subordination Agreement for Refinance -Eric Bennett final 7 12 2021](#)

[Legal Review Checklist Bennett](#)

[Recorded 1st Mortgage Eric Jeffery Bennett](#)

- 6.E.** RETROACTIVE APPROVAL OF AMENDMENT NO. 4 TO RFP NO. 2016-069L AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR THE CONTINUATION OF MAINTENANCE AND SUPPORT SERVICES FOR THE CITY'S ENTERPRISE RESOURCE PLANNING SOLUTION - \$93,200

Body: **Recommended Action:**

Recommendation: Motion to retroactively approve Amendment No. 4 to RFP No. 2016-069L Agreement with Tyler Technologies, Inc. for the continuation of maintenance and support services for the City's enterprise resource planning solution, effective July 1, 2021, thru June 30, 2022, in the estimated amount of \$93,200, and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: IT Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Amd #4 to Tyler Agreement - Renewing Maintenance and Support](#)
[Tyler Amendment No. 4](#)

[Fully Executed Amendment #3 to Tyler Tech. ERP Agreement RFP NO. 2016-069L](#)

[Amendment No. 2 to RFP No. 2016-069L Agreement for ERP Solutions - Tyler Technologies, Inc.](#)

[First Amendment to Tyler Technologies Agreement - executed](#)

[Full Contract Package - 06.24](#)

- 6.F.** APPROVAL OF FIRST AMENDMENT TO INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR UTILIZATION OF COUNTY'S S-7 RECEIVER NETWORK AND MICROWAVE SYSTEM

Body: **Recommended Action:**

Recommendation: Motion to approve first Amendment to Interlocal Agreement with Palm Beach County for utilization of County's S-7 receiver network and microwave system.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[First Amendment-Delray \(Microwave\) Final Update 080521](#)

[R2016-1487 Agreement - Microwave](#)

[Legal Review Checklist First Amendment to Interlocal Agreement R2016-1487 rev1](#)

6.G. PROCLAMATIONS:

6.G.1. OBSERVANCE OF LABOR DAY PROCLAMATION

Body: Recommended Action:

Recommendation: Motion to observe September 6, 2021, as National Labor Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Labor Day Proclamation](#)

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

6.H.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JULY 26, THROUGH AUGUST 6, 2021.

Body: Recommended Action:

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - 1625 S. Ocean Boulevard](#)
[B - 142 SE 5th Avenue](#)
[C - 242 SE 7th Avenue](#)

6.I. AWARD OF BIDS AND CONTRACTS:

6.I.1. APPROVAL OF RESOLUTION NO. 111-21 TO AWARD AN AGREEMENT TO IN DEPTH, INC., FOR THE CLEANING AND INSPECTION SERVICES OF CLEARWELL AND FINISHED WATER STORAGE TANKS; UTILIZING PALM BEACH COUNTY SOLICITATION #19-071/MB - \$25,000

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 111-21 to award an Agreement to In Depth, Inc., for the cleaning and inspection services of clearwell and finished water storage tanks in the estimated amount of \$25,000 through November 15, 2021, utilizing the Palm Beach County, Florida Solicitation No. 19-071/MB, and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist In Depth 7.7.21](#)
[Reso 111-21 - Clearwell Cleaning Inspection - In Depth PBC](#)

[piggyback](#)

[Signed - In Depth - PBC Clearwell Agreement](#)

6.1.2.

APPROVAL OF RESOLUTION NO. 118-21 TO AWARD AN AGREEMENT WITH GRASS ROOTS COMPLETE, INC. FOR LANDSCAPE MAINTENANCE FOR SOUTH FEDERAL HIGHWAY, CONGRESS AVENUE, HOMEWOOD BOULEVARD, LINTON BOULEVARD AND MEDIANS ON MILITARY TRAIL SOUTH OF LINTON BOULEVARD - \$51,580

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 118-21 to award an Agreement with Grass Roots Complete, Inc. for Landscape Maintenance for South Federal Highway, Congress Avenue, Homewood Boulevard, Linton Boulevard and medians on Military Trail South of Linton Boulevard, in the estimated amount of \$51,580, and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Grass Roots Complete Landscape](#)

[Maintenance ROWs](#)

[Res 118-21 Grass Roots Complete Agreement](#)

[ITB 2021-011 Agreement](#)

6.1.3.

APPROVAL OF RESOLUTION NO. 120-21 TO AWARD A THREE-YEAR AGREEMENT WITH GEHRING GROUP, INC., FOR EMPLOYEE BENEFITS AND HEALTHCARE CONSULTING SERVICES PURSUANT TO RFP NO. 2021-023 - \$397,852

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 120-21 to award a three-year Agreement with Gehring Group, Inc. for Employee Benefits and Healthcare Consulting Services pursuant to RFP No. 2021-023, in the total estimated three-year amount of \$397,852, of which \$130,000 will be expended in the initial year of the Agreement.

Sponsors: Human Resources Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Res 120-21 - Employee Benefits - Gehring Group](#)

[Legal Review Checklist Gehring Group Inc employee benefits consulting services](#)

[2021-023 Employee Benefits - Gehring Group - contract signed by Gehring Group](#)

- 6.I.4.** RESOLUTION NO. 121-21 TO APPROVE UTILIZING SOURCEWELL EZIQC CONTRACT NO. FL-NEA-GC07-041019 WITH DAVID MANCINI AND SONS, INC. FOR SOUTH EAST 8TH COURT DRAINAGE IMPROVEMENTS IN THE AMOUNT NOT-TO-EXCEED \$437,957, WHICH INCLUDES AN ALLOWANCE FOR UNFORESEEN CONDITIONS AND PERMIT FEES IN THE AMOUNT OF \$55,000

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 121-21 to utilize Sourcewell eziQC Contract No. FL-NEA-GC07-041019 with David Mancini and Sons, Inc. for Southeast 8th Court Drainage Improvements in the amount not-to-exceed \$437,957, including an allowance amount of \$55,000 for unforeseen conditions and permit fees. (Project 19-017).

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Reso 121-21 DMSI SE 8th Ct Drainage improvements](#)

[Legal Review Checklist DMSI](#)

[Signed Agreement - SE 8CT Drainage improvements DMSI](#)

[Delray Beach SE 8th Court Drainage Improvements Proposal](#)

[210721 - PROPOSED SOV](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 109-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 4.6.7(F)(3)(i)(1) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR TEMPORARY SIGNAGE TO BE PLACED ON THE FENCE SURROUNDING THE PROPERTY GENERALLY LOCATED AT 1177 GEORGE BUSH BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 109-21.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 109-21](#)

[Exhibit "A" - Survey](#)

[Exhibit "B" - Sign Location Photos](#)

[Applicant Justification Statement](#)

[Legal Review Res 109-21 George Bush SAD Project Construction](#)

[Sign Waiver](#)

Mayor Petrolia read the Quasi-Judicial Rules into the record for Items 7.A.- 7.C.

Katerri Johnson, City Clerk, swore in those who wished to give testimony for items 7A -7C.

Anthea Gianniotis, Development Services Director, Cristofer Bennardo, Mike Covelli, Laura Simon, Michael Weiner.

Mayor Petrolia asked her colleagues if they had any ex-parte communications for Item No. 7.A Resolution No. 109-21. The following was disclosed:

Commissioner Boylston – none.

Commissioner Casale – stated that she had spoken with the applicant in the past.

Deputy Vice Mayor Frankel – none.

Vice Mayor Johnson – none.

Mayor Petrolia – stated that she had spoken with the applicant.

Anthea Gianniotis, Development Services Director, read File No. 2021-193 into the record. She stated Mr. Cristofer Bennardo, with the law firm of Padula, Bennardo and Levine, 3837 NW Boca Raton Blvd, Boca Raton were present on behalf of the applicant.

Mr. Bennardo provided the Commission with a slide presentation explaining the benefits of a screen sign to pedestrians and cars driving by. He stated that the sign meets the cities criteria under LDR Section 2.4.7 (B)(5).

Ms. Gianniotis provided a staff analysis on the proposed waiver.

There were no public comments on this item.

There was no cross-examination or rebuttal from staff nor the applicant on this item.

A brief discussion ensued.

Commissioner Casale made a motion to approve Resolution No. 109-21. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

APPROVED

7.B.

RESOLUTION NO. 113-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.7(F)(3)(i)(1) OF

THE LAND DEVELOPMENT REGULATIONS FOR THE INSTALLATION OF A TEMPORARY CONSTRUCTION FENCE WITH MULTIPLE SIGNS GREATER THAN 32 SQUARE FEET SURROUNDING THE PROPERTY KNOWN AS SUNDY VILLAGE GENERALLY LOCATED BETWEEN EAST ATLANTIC AVENUE ON THE NORTH, SOUTHWEST 1ST AVENUE ON THE SOUTH, SOUTH SWINTON AVENUE ON THE EAST, AND SOUTHWEST 1ST AVENUE ON THE WEST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider a waiver request to LDR Section 4.6.7(F)(3)(i)(1) to apply graphics and signage on the mesh of the construction fence located at Sundy Village.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 113-21](#)

[Fence Wrap Orientation](#)

[Individual Panel Detail](#)

[Atlantic and SW 1st Ave. example](#)

[Legal Review Res 113-21 Sunday Village Construction Sign Waiver](#)

Mayor Petrolia asked her colleagues if they had any ex-parte communications, and the following was disclosed:

Commission Boylston: Had a conversation with the applicant.

Deputy Vice Mayor Frankel: None.

Vice Mayor Johnson: Recalled having a conversation with the owners, but not specifically about the signage.

Commissioner Casale: May have received emails on the city server.

Mayor Petrolia: May have received emails on the city server.

Anthea Gianniotis read File No. 2021-203 into the record.

She stated Mr. Mike Covelli with Covelli Design Associates, 1209 S. Swinton Avenue, Delray Beach was present.

Mr. Covelli gave a slide presentation highlighting the proposed signage request. He confirmed that the signage met the city's criteria.

Ms. Gianniotis gave a staff analysis on the proposed waiver. She told the Commission that the Downtown Development Authority (DDA) had given their support.

Public Comment:

Laura Simon, Executive Director of the DDA, stated that she supported the proposed signage request and commented on how nice it looked. She recommended that the Downtown Development Authority (DDA) work with the city to bring forward a policy with better direction of the signage expectations throughout the downtown.

Public comments was closed.

There was no cross-examination or rebuttal from the applicant or from City staff.

A brief discussion ensued about future signage expectations.

Commissioner Boylston made a motion to approve Resolution No. 113-21. It was seconded by Commissioner Casale. The motion carried by the following vote:

YES 4 - Mayor Petrolia, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.

NO 1 - Vice Mayor Johnson

The motion was approved by a 4-1 vote with Vice Mayor Johnson dissented

Approved**7.C.**

RESOLUTION NO. 127-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, TO ALLOW FOR THE OPERATION OF A PARKING LOT FOR THE PARKING AND STORAGE OF VEHICLES AT THE PROPERTY LOCATED AT 15 SE 10TH STREET, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 127-21, granting a conditional use to allow a privately-operated parking lot for private use, for the property located at 15 SE 10th Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 127-21](#)

[Grieco Parking Lot: PZB Staff Report](#)

[Grieco Parking Lot: Location Map](#)

[Grieco Parking Lot: Applicant Justification Statement](#)

[Grieco Parking Lot: Site Plan](#)

[Similarity of Use, Res No. 38-20](#)

[Legal Review Res 127-21 Conditional Use Grieco Parking Lot for Storage](#)

Mayor Petrolia asked her colleagues if they had any ex-parte communications, and the following was disclosed:

Vice Mayor Johnson: Received an email asking for approval.

Commissioner Casale: Received an email.

Deputy Vice Mayor Frankel: None.

Commissioner Boylston: Had spoken with Mr. Weiner

Mayor Petrolia: Recalled that she possibly had a conversation with the owner many years ago.

Anthea Giannotes, Development Services Director, read File No. 2019-281 into the record.

She stated Mr. Michael Weiner with the law firm of Sachs, Sax and Caplan, 6111 Broken Sound Blvd NW, Boca Raton was present to give a presentation on behalf of the applicant.

Mr. Weiner informed the Commission of the previous companies that parked their vehicles in the proposed parking lot. He noted that polychlorinated bisphenols or PCB (a highly toxic industrial compound) had seeped into the soil from the Florida Power and Light Trucks previously parked there. He informed the Commission that Grieco Motors would clean it up and see it through to completion. He acknowledged that the proposed conditional land use was unanimously approved on June 21, 2021, by the Planning and Zoning Board.

Anthea Giannotes provided a staff report analysis of the proposed Conditional Land Use brought forth. She reminded the Commission that this request is for a permanent parking lot and not a temporary one. She also mentioned that the applicant received a Traffic Performance Standards (TPS) approval letter from Palm Beach County.

Public Comment:

James Quillian, residing at 925 SE 2nd Avenue, Delray Beach, raised the concern that the Commission had changed everything that the neighbors who met with Grieco said they would like to see. He requested the Commission to allow Grieco Motors to finish and utilize the project.

There were no further public comments on this item.

Mr. Weiner clarified for the record he erroneously stated there were eight items approved by the Planning and Zoning Board. He clarified that his client would go before the Site Plan Review and Appearance Board regarding the signage.

Mayor Petrolia engaged in a brief discussion clarifying her concerns.

Commissioner Boylston requested his recommendation regarding the fence be a condition.

Commissioner Casale made a motion to approve Resolution No. 127-21 to include the conditional uses recommended on June 21, 2021 by the Planning and Zoning Board including 3,4,5,6,7 and 9, and excluding 1,2, and 8, and have Site Plan Review and Appearance Board (SPRAB) look closely at the landscaping.

It was seconded by Deputy Vice Mayor Frankel.

Commissioner Casale requested her vote include Commissioner Boylston’s recommendation regarding the fence.

Deputy Vice Mayor Frankel seconded the motion again to include the conditions.

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

APPROVED – Resolution will be revised by the City Attorney.

7.D. *RESOLUTION NO. 124-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.16(H)(3)(i) OF THE LAND DEVELOPMENT REGULATIONS; TO WAIVE THE REQUIREMENT FOR INTERVAL LANDSCAPE ISLANDS FOR THE PROPERTY LOCATED AT 15 SE 10TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)*

RESOLUTION NO. 125-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.16(H)(3)(j) OF THE LAND DEVELOPMENT REGULATIONS; TO WAIVE THE REQUIREMENT FOR TERMINAL LANDSCAPE ISLANDS FOR THE PROPERTY LOCATED AT 15 SE 10TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

RESOLUTION NO. 126-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.16(H)(3)(k) OF THE LAND DEVELOPMENT REGULATIONS; TO WAIVE THE REQUIREMENT FOR LANDSCAPE STRIPS FOR THE PROPERTY LOCATED AT 15 SE 10TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 124-21, granting a waiver request from the requirements of Section 4.6.16(H)(3)(i) that pertain to providing interval landscape islands, for the project known as "Grieco Parking Lot" located at 15 SE 10th Street.

Review and consider Resolution No. 125-21, granting a waiver request

from the requirements of Section 4.6.16(H)(3)(j) that pertain to providing terminal landscape islands, for the project known as "Grieco Parking Lot" located at 15 SE 10th Street.

Review and consider Resolution No. 126-21, granting a waiver request from the requirements of Section 4.6.16(H)(3)(k) that pertain to providing 5-foot wide landscape strips, for the project known as "Grieco Parking Lot" located at 15 SE 10th Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 124-21 - Grieco Parking Lot Waiver of Interval Islands](#)

[Resolution 125-21 - Grieco Parking Lot Waiver of Terminal Islands](#)

[Resolution 126-21 - Grieco Parking Lot Waiver of Landscape Strips](#)

[Grieco Parking Lot - Site Plan](#)

[Applicant Justification Statement - Interval Landscape Islands](#)

[Applicant Justification Statement - Terminal Landscape Islands](#)

[Applicant Justification Statement - 5-Foot Landscape Strips](#)

[Legal Review Res 124-21 Waiver from Interval Landscape Islands for Grieco Parking Lot for Storage](#)

[Legal Review Res 125-21 Waiver from Terminal Landscape Islands for Grieco Parking Lot for Storage](#)

[Legal Review Res 126-21 Waiver from Landscape Strips for Grieco Parking Lot for Storage](#)

Mr. Terrance Moore, City Manager, requested Item No. 7.D. be removed from the agenda.

7.E. *RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES*

Body: **Recommended Action:**

Recommendation: Motion to Ratify the 73rd and 74th Extensions of the State of Emergency for COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[73rd Extension of State of Emergency 08-04-21](#)

[74th SOE Extension](#)

Commissioner Casale made a motion to approve the ratification of the 73rd and 74th Extensions of the State of Emergency for COVID-19) It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

7.F. *DELRAY ART LEAGUE USE OF CITY HALL AS EXHIBITION SPACE*

Body: Recommended Action:

Recommendation: The administration is seeking Commission consensus to proceed with these exhibits.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[2021-2022 BLANK EXHIBITORS AGREEMENT Revised 080221](#)

[Delray Art League Indoor Show Information - 2021](#)

Mr. Duncan Tavares, Assistant City Manager, stated to the Commission that he is asking for consensus to allow the Delray Art League to resume exhibiting their artwork at City Hall.

There was consensus to allow the Delray Art League to resume displaying their artwork in City Hall, however, direction was given to assemble the art without clutter and bring about attractiveness in City Hall.

Commissioner Boylston made a motion to approve the Delray Art League's use of City Hall as exhibition space. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

7.G. *NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT*

Body: Recommended Action:

Recommendation: Motion to approve the nomination for an appointment for four (4) regular members and two (2) alternate members to serve on the Board of Adjustments for a two (2) year term ending August 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A 07212021](#)

[Board of Adjustment](#)

[2021 BOA QUARTERLY ATTENDANCE 3](#)

[Clark](#)

[Cohen, R](#)

[Dumitrescu 2](#)

[Evans](#)

[Evola](#)

[Fredericks 3](#)

[Hayes](#)

[Williams](#)

Deputy Vice Mayor Frankel nominated Alexandra Hayes to the Board of Adjustment. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

Commissioner Casale nominated Garland Williams to the Board of Adjustment. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

Commissioner Boylston nominated Vlad Dumitrescu to the Board of Adjustment. It was seconded by Deputy Vice Mayor Frankel. The motion followed by the following vote:

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

Deputy Vice Mayor Johnson nominated Robert Cohen to the Board of Adjustment. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

Mayor Petrolia nominated Carol Fredericks to the Board of Adjustment. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

Deputy Vice Mayor Frankel nominated Scott Clark as an alternative to the Board of Adjustment. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

7.H. NOMINATIONS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Body: Recommended Action:

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Historic Preservation Board for a two-year term ending August 31, 2023.

Sponsors: City Clerk Department

- Attachments:** [Agenda Cover Report](#)
[Exhibit A 08052021](#)
[Historic Preservation Board 2021 4](#)
[2021 HPB QUARTERLY ATTENDANCE 3](#)
[Brown](#)
[Cohen, S](#)
[Dumitrescu 2](#)
[Hayes](#)
[Lemstrom](#)
[Nevin 2](#)
[Pitts](#)
[Sylvestre](#)
[Talley](#)
[Turner](#)
[Wood](#)

Commissioner Casale nominated Alyse Lemstrom to the Historic Preservation Board. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

7.I. NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Body: **Recommended Action:**

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve on the Site Plan Review and Appearance Plan for an unexpired term ending August 31, 2022.

Sponsors: City Clerk Department

- Attachments:** [Agenda Cover Report](#)
[Exhibit A 085122021](#)
[Site Plan Review and Appearance 2021](#)
[2021 QUARTERLY ATTENDANCE Jan thru May 2021 1](#)
[Bailey](#)
[Cabana](#)
[Clark](#)

[Cohen, S](#)

[Dumitrescu 2](#)

[Hayes](#)

[Sherman 2](#)

Commissioner Boylston nominated Steven Cohen to the Site Plan Review and Appearance Board. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** *ORDINANCE NO. 17-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," SUBSECTION (W), "VETERINARY CLINICS," TO RENAME THE SUBSECTION AS "USES INVOLVING DOMESTIC ANIMALS" AND TO PROVIDE SPECIFIC REGULATIONS REGARDING OUTDOOR USE AREAS, OVERNIGHT BOARDING, DISPOSAL OF CARCASSES, SITE AND STRUCTURAL REQUIREMENTS, HOURS OF OPERATION, AND SEPARATION REQUIREMENTS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.9 "GENERAL COMMERCIAL (GC) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED," AND SUBSECTION (D) "CONDITIONAL USES AND STRUCTURES PERMITTED," SECTION 4.4.11 "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED" AND SUBSECTION (D) "CONDITIONAL USES AND STRUCTURES PERMITTED," SECTION 4.4.12 "PLANNED COMMERCIAL (PC) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," TABLE 4.4.13(A) - "ALLOWABLE USES IN THE CBD SUB-DISTRICTS," SECTION 4.4.16, "PROFESSIONAL AND OFFICE (POD) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," SECTION 4.4.18, "PLANNED COMMERCE CENTER (PCC) DISTRICT," SUBSECTION (B) "ALLOWED USES," SECTION 4.4.19 "MIXED USE AND COMMERCIAL (MIC) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED," AND SUBSECTION (D) "CONDITIONAL USES AND STRUCTURES PERMITTED," SECTION 4.4.20 "INDUSTRIAL (I) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED," AND SUBSECTION (D) "CONDITIONAL USES AND STRUCTURES PERMITTED", SECTION 4.4.24 "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OLD SCHOOL SQUAREHAD),"*

SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES," SUBSECTION (D) "CONDITIONAL USES AND STRUCTURES ALLOWED," AND SUBSECTION (H), "SPECIAL DISTRICT REGULATIONS," SECTION 4.4.26 "LIGHT INDUSTRIAL (LI) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED," AND SUBSECTION 4.4.26(D) "CONDITIONAL USES AND STRUCTURES ALLOWED", SECTION 4.4.29 "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT," SUBSECTION (B) "PRINCIPAL USES AND STRUCTURES PERMITTED," AND SUBSECTION (D) "CONDITIONAL USES AND STRUCTURES ALLOWED," TO IDENTIFY THE ZONING DISTRICTS WHERE USES INVOLVING DOMESTIC ANIMALS ARE ALLOWED AS A PRINCIPAL USE BY-RIGHT OR CONDITIONAL USE; AMENDING APPENDIX A, "DEFINITIONS," TO INCLUDE DEFINITIONS FOR ANIMAL SHELTER, DOMESTIC ANIMALS, DOMESTIC ANIMAL SERVICES, PET HOTEL, AND PET SERVICES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING/PUBLIC HEARING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 17-21 on First Reading, to amend the Land Development Regulations (LDR) to adopt specific regulations for domestic animal services, which includes veterinary clinics, pet services, and pet hotel and shelter establishments, and to identify those zoning districts where domestic animal services are allowed as a principal use or as a conditional use.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 17-21 Domestic Animal Services](#)

[Domestic Animal Services, Ord. No. 17-21: Planning and Zoning Staff Report](#)

[Domestic Animal Services, Ord. No. 17-21: Kennels Map, Current LDR](#)

[Domestic Animal Services, Ord. No. 17-21: Pet Hotels and Shelters w/o outdoor areas Map, Proposed LDR](#)

[Domestic Animal Services, Ord. No. 17-21: Pet Hotels and Shelters w/ outdoor areas and 300 ft. buffer Map, Proposed LDR](#)

[Domestic Animal Services, Ord. No. 17-21: Existing Grooming and Vet. Establishments \(legally est.\)](#)

Ms. Gelin read the title of Ordinance No. 17-21 into the record. She then explained that Ordinance No. 17-21 does not grant any approvals to businesses that are already in place and that this Ordinance provides a pathway for businesses that currently function outside of approvals to allow them to come before the Commission to gain permission. Ms. Gelin cautioned the audience to tailor their comments to the Ordinance and not a specific business or organization.

Public comments:

Gail Lee McDermott, residing at 721 SE 3rd Avenue, Delray Beach, commented that she was in favor of passing Ordinance No. 17-21.

Lisa Quillian, residing at 925 SE 2nd Avenue, Delray Beach, remarked that overnight kennels create a disturbance and do not belong in a residential area.

James Quillian, residing at 925 SE 2nd Avenue, Delray Beach, reported that homeowners surrounding the dog kennel are against it being located there. Mr. Quillian questioned why Code Enforcement does not come out.

Jennifer Roselli, the owner at Beach Dog, 820 SE 5th Avenue, Delray Beach, stated she welcomed anyone to Beach Dog at night for the observance.

Jen Grasso, residing at 235 235 NE 1st Street, Delray Beach, expressed her happiness that she trusts a local facility to bring her dog to board.

There being no one else who wished to speak on this item, public comment was closed.

Commissioner Casale made a motion to approve Ordinance No. 17-21 on First Reading. It was seconded by Commissioner Boylston.

Anthea Giannotes clarified that any facility that is boarding animals inside or outside requires conditional use to be granted.

Commissioner Casale amended her vote to include the conditional use.

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

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

APPROVED**9. FIRST READINGS:**

9.A. *None*

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

Mr. Terrence Moore, City Manager, was pleased to report that the City of Delray Beach successfully reached its first Collective Bargaining Agreement modification relative to the first employee COVID-19 testing and vaccination initiative from the International Association of Firefighters Chapter. Mr. Moore offered his appreciation to Duane D'Andrea, Director of Human Resources, Lynn Gelin, City Attorney, and Gregg Mahoney, President of the professional Firefighters of Delray Beach. Mr. Moore commented that the city would serve as a role model for the local Police Benevolent Association (PBA) and the Service Employees International Union. (SEIU)

Mr. Moore discussed that the ancillary essential employees who choose to receive the COVID-19 vaccination would receive hazard pay and have the component of it being a paid incentivize to be omitted.

Mr. Moore acknowledged that the city continues developing a program for everyone who received the COVID-19 vaccination while still coming into work.

A brief discussion ensued about what constitutes an essential ancillary employee.

Mr. Moore acknowledged his office would be moving swiftly on this item.

B. City Attorney

Ms. Lynn Gelin, City Attorney, brought forward a discussion about a conservation easement that a property owner wants to donate to the city. She was given direction to investigate the matter further. Ms. Gelin asked for a motion to schedule a Shade Meeting on Thursday, September 9, 2021, at 3:30 to discuss the case of Lauzier vs the City of Delray Beach.

A motion was made by Deputy Vice Mayor Frankel. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

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

APPROVED

C. City Commission

Commissioner Boylston expressed concern that the city will be able to amicably work out their grievances with Old School Square.

Commissioner Casale cited the lack of compliance she felt from Old School Square. A discussion ensued on how to move forward.

Deputy Vice Mayor Frankel suggested numerous ways to remedy/change the situation with Old School Square.

Vice Mayor Johnson commented that she had received numerous correspondence from residents who favored the Commission's decision to terminate the lease with Old School Square.

Mayor Petrolia commented that she too had received numerous communications supporting the Commission's decision. She thanked Mr. Moore for his weekly reports and his handling the COVID-19 situation with the city employees.

11. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 7:55 p.m.