



## CITY OF DELRAY BEACH

100 NW 1<sup>st</sup> Avenue  
Delray Beach, FL 33444

### ADVISORY BOARD MINUTES PUBLIC ART ADVISORY BOARD **1st DRAFT**

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Tuesday, July 25, 2023

5:00 p.m.

City Hall, 1<sup>st</sup> Floor Conference Room

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#### 1. CALL TO ORDER

The meeting was called to order by Chair Max Zengage at 5:02 p.m.

#### 2. ROLL CALL

***Present:***

Agnese Kaulina-Feldmanis  
Andrea Sherman (***absent***)  
Bob Costello  
Joseph Aronstein (***Co-Chair***)  
Maxwell Zengage (***Chair***)  
Samuel Spear, Jr.  
Sarah E. Huang (***absent***)

***Staff present:***

Jeff Oris, Assistant City Manager / Board Liaison  
Kelly Brandon, Sr. Assistant City Attorney  
Monica M. Daniels, Executive Administrative Assistant  
Jennifer Buce, Planner

Roll was called and quorum was present.

#### 3. APPROVAL OF AGENDA

**Motion** made by Samuel Spear Jr, seconded by Bob Costello to approve the agenda. In a voice vote, the **motion passed** unanimously (**5-0**).

#### 4. APPROVAL OF MINUTES

**Minutes for June 27, 2023**

**Motion** made by Bob Costello, seconded by Joseph Aronstein to approve the June 27, 2023, minutes. In a voice vote, the **motion passed** unanimously (**5-0**).

#### 5. PUBLIC COMMENTS ON AGENDA & NON-AGENDA ITEMS

None

**6. OLD BUSINESS**

- A. *Art Update from the DDA – Marusca Gatto (absent)*
- B. *Update from Last Month:*

**Max** – Delray Mural Fest - Live Street Art in Old School Square, meet the artist they are contemporary not actual murals – recommended board members to go out to experience and support projects.

**7. NEW BUSINESS**

- A. Consideration of Mural Permit application (2023-183) for the painting of a mural on the East elevation of the building located at 342 NE 3<sup>rd</sup> Avenue.

**Max** – read the Quasi-Judicial Rules prior to discussion of the item.

**Jennifer** entered file (2023-051) into record.

**Kelly** asked the board members if any of them had any exparte communications.

**Max** – acknowledged that he saw the mural being done and advised that there is an application process which he mentioned to the building's neighbor/property owners neighbor – not the applicant.

**Kelly** requested the representative of the Artist introduce themselves stating their name/address for the record. Laura introduced herself:

**Laura Byalikc (Works for and Represents the Owner)**  
498 W. Conference Drive  
Boca Raton, FL

**Kelly** asked if Laura had anything to present regarding the mural.

**Laura** advised no, but if there are any questions, she is here to answer them, also she stated that Jennifer had something to present on their behalf.

**Monica Daniels** – Conducted the Swearing in, of both Laura Byalikc and Jennifer Buce.

**Jennifer** shared a slide presentation regarding agenda item 7A located at 342 NE 3<sup>rd</sup> Avene (located on the West side between NE 3<sup>rd</sup> Ave between NE 3<sup>rd</sup> Street and NE 4<sup>th</sup> Street). it is in the Central Business District and the Railroad quarters Sub District. She showed the building elevation from when it was painted of how it looks now, it is painted

at this time however Code Enforcement came out with their application they did not know our process. She highlighted the Artist information (Artist Sage Wiley, who is also a native) She also went over LDR Ordinance 8.5.3(b) which goes through the design/installation – 8.5.3(c) goes over coverage, size & scale, mural limitations, the text size, signage, elimination, preservation & maintenance and safety compliance with laws.

**Jennifer** did state that it does comply with all the applicable laws; if they want to do any additional work, they will need to come back to the board. The criteria the board should consider for Public Art is:

1. If the art conforms to the definition of Public Art
2. if the art is compatible with the neighborhood
3. if it presents a safety hazard to the public
4. if it is of exceptional quality and enduring value
5. if it serves to promote cultural diversity appropriate to the site

**Jennifer** stressed that Public Art requires extraordinary maintenance and shared that nothing was in the LDR ordinance which gives specifics on the maintenance of the Public Art.

This mural is in the Public Arts District and is appropriate where it is. It's up to the board if it meets the criteria.

### **Public Comments**

**None**

**Kelly** advised that no one from the Public was present, therefore Public Comments was skipped.

**Kelly** asked Laura if she has any rebuttal to the presentation or wanted to do a cross examination.

**Laura** answered no. She stated the presentation was great and she will relay the information back to the Artist that it is ok to continue. She stated it is already about 50% completed.

### **Board Discussion**

**Max** – Asked about the timing of the painting being done after the other murals across the street.

**Laura** – stated they had been thinking about doing a mural for a long time and did not realize the other murals across the street and then when they did see them, they jumped on board and did not realize they needed a permit for it.

**Max** – stated that there are 20 murals along Artist Alley

**Kelly** mentioned the fact that this has already been painted, would you have considered approving it had it came to you plan and presented as a mural idea. Is this something that fits within the LDR?

**Bob** – what type of prep work was done to the wall with the existing paint to make sure it doesn't peel off. Primer?

**Laura** – it was power washed prior to being painted. Not sure if a primer was use, she will use sealant which protects it and will do touch ups as well when needed.

**Motion made** by Samuel Spear Jr., **Seconded** by Joe Aronstein. In a voice vote, **motioned passed** unanimously (5-0).

**ACM Oris** – clarified, no requirements for certain protectants, the application was changed to say what are you putting on it, the requirements were changed indicating that you must provide the maintenance.

## 8. COMMENTS

### A. Staff

**ACM Oris**– will look at potentially moving PAAB Meetings to the 4<sup>th</sup> Thursday @ 5pm monthly due to the CRA reconvening in the Commission Chambers they have the same meeting date as the PAAB. He will check to see if the date can be changed if it is written in the by-laws. Thursday doesn't conflict with any other meetings.

**ACM Oris** - stated if anyone has suggestions, please advise.

The board seemed to be in agreement with the new date change, He will make the changes and follow up with them via email.

**Joe** – how does CRA meeting interfere with PAAB Meeting?

**ACM Oris** – stated there is a city policy regarding having other meetings when something is going on when the City Commission or another City meeting is taking place.

**ACM Oris** – As a follow up regarding funds in the Budget for the Master Arts Plan, money was not put into the budget for this and the budget has already been completed and presented to the Commission for their review, however the city is looking for ways to get it in the budget.

**Kelly** – has the budget been approved?

**ACM Oris** – no, it was completed and presented to commission.

**B. Board Members**

**Max** – asked about upcoming board elections.

**Kelly** – suggested to wait until regular elections in September to discuss and put on agenda.

**Samuel** – Asked about board member absences being resolved.

**ACM Oris** – Yes this has been resolved and they have been removed. The city has changed the attendance policy for board members. You can't miss 30% and or (2-3 meetings)

**Max** – mentioned Facebook Post and having a PAAB logo.

**Kelly** – advised on the City's Page under Development Services, there is a link to the mural permit and down the application.

**Samuel** – stated /suggested no need to put the entire/full LDR package for more than one application, just list the summary or picture of the project for them to view and or visit the location.

**Max** – what is the status regarding DDA wraps?

**ACM Oris**– staff will not approve just one – when more come up, can move forward on that.

**Samuel** – stated the idea of starting small with OSS is a good idea; just to get the ball rolling maybe just start with a few possibly 2-3 wraps.

**ACM** reminded the board that the funding for PAAB is when the city does vertical construction (where the funding source allows) per the ordinance. As it relates to

the large GEO Bonds, they don't want to use any of that funding for Public Art. However, the city is looking at other potential sources.

**Samuel** – What about the CRA since they are a separate entity?

**ACM Oris** will check with the Executive Director on 8/4/23 when he meets with her at his meeting to get her thoughts on funding opportunities.

**Max** – DDA also has a grant application which provides \$10k for funding events or murals for the private areas specific to the DDA location.

**Samuel** – Can the PAAB make a presentation to the CRA, is there a problem or any restrictions with a city board asking another city board to fund a project?

**Kelly** – typically when a board gives recommendations, it should go up to the city commission to make that recommendation, then commission will make that request to the CM for CM to get with city staff on. In this case, Jeff has already stated he will reach out to the CRA.

**Motion made** by Joe, **seconded** by Samuel. In a voice vote, motion passed unanimously **5-0**.

## 9. ADJOURNMENT

**Motion** made by Joe Aronstein, **seconded** by Samuel Spear Jr.

The meeting was adjourned at 5:47 p.m.

\_\_\_\_\_  
Board Liaison

\_\_\_\_\_  
Date

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Date

[Minutes prepared by Monica M. Daniels, Executive Administrative Assistant/CMO.]