

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.delraybeachfl.gov



Minutes - Final

Tuesday, July 9, 2024

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/s>
treams

City Commission

Mayor Thomas F. Carney, Jr.

Vice Mayor Juli Casale

Deputy Vice Mayor Rob Long

Commissioner Tom Markert

Commissioner Angela Burns

1. ROLL CALL

The July 9, 2024, Regular City Commission Meeting was called to order at 6:15 p.m. City Clerk, Katerri Johnson called the roll, and the following were present:

Terrence Moore - City Manager

Lynn Gelin - City Attorney

Present: 5 - Deputy Vice Mayor Rob Long, Commissioner Angela Burns, Commissioner Tom Markert, Vice-Mayor Juli Casale, and Mayor Thomas F. Carney Jr.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Consent Agenda Item No. 6.D. was pulled from the Consent Agenda and became Item No. 7.A.A. on the Regular Agenda

Consent Agenda Item No. 6.H. was pulled from the Consent Agenda and became Item No. 7.B.B. on the Regular Agenda.

Consent Agenda Item No. 6.I. was pulled from the Consent Agenda and became Item No. 7.C.C. on the Regular Agenda.

Mr. Moore stated that Consent Item No. 6.F. was removed and would be brought back on the 7/16/24 Regular Meeting agenda.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this be approved as amended.

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. TREE PLANTING PROGRAM ANNUAL REPORT

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Kent Edwards, Sustainability Officer, provided an overview of the City's Tree Program from 2020 to the present. He stated as of June 2024, the balance of the Tree Fund was \$273,925.05, not including \$19,569.35 encumbered for the current fiscal year. He also stated additional deposits to the Tree Trust Fund would be necessary to sustain funding at the same level as Years 2 and 3 of the current 4-year agreement.

The Commission thanked Mr. Edwards for his presentation.

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

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

Mr. Moore stated a presentation on the Caron Kitchen would be on the agenda for the next scheduled Commission Meeting. He mentioned that an agreement to renovate the Delray Beach Municipal Golf Course with Sanford Ferris Golf Course Design was close. He discussed the Independence Day fire works display.

5.B. From the Public

Ted Hoskinson: 513 Seasage Drive, Delray Beach

The founder of the Roots and Wings Organization presented the Commission with a handout detailing his program aimed at helping schools and students.

Marjorie Waldorf: Representing the Arts Garage, 94 NE 2 Avenue, Delray Beach

Discussed its operations.

Blake Goldsmith: 32 SE 2 Avenue, Delray Beach

Discussed 27 Productions working with the Crest Theatre.

Yvonne Odom: 3905 Lowson Blvd., Delray Beach

Spoke about the services the Community Development Coalition (CDC) provided to assist qualified residents with home repairs and affordable housing.

Ian Galdapee, Artistic Director for the Windmill Theatre

Discussed partnering with the Crest Theatre.

Janet Meeks: 2782 Hampton Circle South, Delray Beach

Spoke about the allocation of the Caron Foundations Funds.

Steve Leighton: President - Fit Bodies and Fit Minds, nonprofit organization

Discussed his vision for bringing a well-known soccer player to initiate a pilot program at local schools to promote the use of sports to encourage literacy.

Irene Rivelas: 331 East Atlantic Avenue, Delray Beach
Suggested City staff investigate the utilization of the Caron Foundation Funds.

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

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Vice-Mayor Casale, seconded by Deputy Vice Mayor Long, that this be approved as amended.

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[June 6, 2024 Special Meeting Minutes - DRAFT](#)
[June 11, 2024 Budget Workshop Meeting Minutes - DRAFT](#)
[June 18, 2024 Regular Meeting Minutes - DRAFT](#)

The Minutes were approved.

6.B. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF SHEILA WADE V. CITY OF DELRAY BEACH

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

This Request was approved.

6.C. RESOLUTION NO. 147-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING THE ACQUISITION OF A PERMANENT EASEMENT AND A TEMPORARY EASEMENT, DESIGNATED AS PARCELS 2A AND 2B, NECESSARY FOR THE CONSTRUCTION OF A NEW EXPANDED STORMWATER PUMP STATION FACILITY WITHIN THE THOMAS STREET RIGHT-OF-WAY LYING WEST OF SEABREEZE AVENUE, TO BE FOR A PUBLIC USE AND PURPOSE; AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS; AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS IN THE EVENT PRESUIT NEGOTIATIONS ARE UNSUCCESSFUL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 148-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING THE ACQUISITION OF A PERMANENT EASEMENT, DESIGNATED AS

PARCEL 1, NECESSARY FOR THE CONSTRUCTION OF A NEW EXPANDED STORMWATER PUMP STATION FACILITY WITHIN THE THOMAS STREET RIGHT-OF-WAY LYING WEST OF SEABREEZE AVENUE, TO BE FOR A PUBLIC USE AND PURPOSE; AUTHORIZING THE EMPLOYMENT OF APPRAISERS AND OTHER EXPERTS; AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS IN THE EVENT PRESUIT NEGOTIATIONS ARE UNSUCCESSFUL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Res 147-24 Authorizing City to begin Eminent Domain Proceedings - 142 Seabreeze - Full Packet](#)
[Res 148-24 Authorizing Eminent Domain Proceedings - 202 Seabreeze - Full Packet](#)

This Resolution was approved.

6.D. RESOLUTION NO. 143-24 AMENDING THE FISCAL YEAR 2023-24 BUDGET ADOPTED BY RESOLUTION NO.145-23 ON SEPTEMBER 18, 2023.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 143-24 Budget Amendment FY 2023-24 7.09.24 - Exhibit A - Resolution 143-24 Budget Amendment-7.9.24-Final](#)
[RES. 143-24-Legal Review](#)

Consent Agenda Item No. 6.D. was pulled for discussion and became Item No. 7.A.A. on the Regular Agenda.

Mayor Carney pulled this item to discuss the potential impact of amending the City's fiscal year budget in the event the City assumes responsibility for managing the Crest Theatre.

Gina Carter, Director of Communications, discussed how her team and other City departments would leverage City resources to get the art classrooms up and running as soon as possible. She stated the art instructors would work on a contractual 70/30 split, similar to the practices of surrounding municipalities. She mentioned there was still a need for administrative and operational infrastructure in addition to the existing infrastructure.

Ms. Carter stated the initial investment for the first year would incur expenses of \$173,000.

The Commission discussed the proposed amendment to the 2023-2024

fiscal year Communications Department's budget to allocate \$118,563 to activate the Creative Arts School in the Crest Theatre.

They thanked Ms. Carter for her efforts.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Markert, that this Resolution be approved.

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

6.E. AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND CAMBRIDGE SECURITY SERVICES, INC. FOR THE PURPOSE OF PROVIDING NON-TRANSPORT PARAMEDIC SERVICES TO THE RESIDENTS OF DELAIRE COUNTRY CLUB.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Med Dir Agreement](#)
[Simple Legal Review Approval MOU with Cambridge](#)
[24-883 Cambridge Security MOU](#)

This Request was approved.

6.F. ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 245 SE 4th AVE.

ITEM(S) B1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 143 S SWINTON AVE.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[A1a - Right of Way Deed - 245 SE 4th Ave - Peculiar Plots Inc](#)
[A1b - Legal Review Right of Way Deed - 245 SE 4th Ave - Peculiar Plots Inc](#)
[B1a - Right of Way Deed - 143 S Swinton Ave - Nigel Development Inc](#)
[B1b - Legal Review Right of Way Deed - 143 S Swinton Avenue - Nigel Development, Inc.](#)

This Request was approved.

6.G. RESOLUTION NO. 138-24 BEACH RENOURISHMENT PROGRAM

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution 138-24 lg rev](#)
[Legal Review Res 138-24 Beach Renourishment Program](#)

This Resolution was approved.

- 6.H.** APPROVAL FOR ADDITIONAL SPENDING ON AGREEMENT RFQ NO. 2020-020 WITH BAXTER & WOODMAN, INC. FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE LOWSON BOULEVARD/SW 10TH STREET FROM DOVER ROAD TO SOUTHEAST 5TH AVENUE (US-1/FEDERAL HIGHWAY) PROJECT IN THE AMOUNT OF \$135,000 FOR A REVISED CONTRACT TOTAL OF \$1,319,810.64

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[RFQ 2023-020 CEI Lowson Blvd with Baxter & Woodman - Addtl Spending Proposal #3](#)

[Agenda Cover Memo - Additional Spending #2 RFQ 2020-020](#)

[Proposal #2 - Additional Spending to RFQ 2020-020](#)

[Agenda Cover Memo - Additional Spending #1 RFQ 2020-020](#)

[Proposal #1 - Additional Spending to RFQ 2020-020](#)

[Fully Executed Agreement - Baxter Woodman for Construction Engineering Inspection Services](#)

[Legal Review Checklist - RFQ 2020-020 with Baxter & Woodman for Lowson Blvd Resolution No. 98-21](#)

[RFQ 2023-020 CEI Lowson Blvd with Baxter & Woodman - Final Solicitation](#)

Consent Agenda Item No. 6.H. was pulled for discussion and became Item No. 7.B.B. on the Regular Agenda.

Mayor Carney inquired about the change in the monetary increase for this item's dollar amount.

Missie Barletto, Director of Public Works, stated this increase was due to project delays, primarily due to the lack of materials.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Request be approved.

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

- 6.I.** APPROVAL OF ADDITIONAL SPENDING ON CONTRACT ITB# 2019-047 VALUE IN THE AMOUNT OF \$180,000 WITH CARUS, LLC f/k/a CARUS CORPORATION FOR SUPPLY AND DELIVERY OF POLY PHOSPHATE IN A TOTAL OVERALL REVISED CONTRACT VALUE OF \$1,229,520.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[ITB-2019-047_Carus_Fully Executed Agree_Res. No 209-19.pdf](#)

[Carus_Res No. 209-19.pdf](#)

[22-1101_Amendment No. 1 - Carus LLC. f.k.a Carus Corp_.pdf](#)

[Packet_for_Bid_ITB_2019-047.pdf](#)

Consent Agenda Item No.6.I. was pulled for discussion and became Item No. 7.C.C. on the Regular Agenda.

Mayor Carney inquired about the increased cost of supplying polyphosphate.

Hassan Hadajimiry, Director of Public Utilities, stated the correct dosage for this chemical was initially estimated in 2019 and would not be sufficient for the current usage

A motion was made by Vice-Mayor Casale, seconded by Commissioner Burns, that this Request be approved.

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

6.J. PROCLAMATIONS:

6.J.1. PROCLAMATION: PARKS AND RECREATION MONTH

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[ParkRecreationMonth_proclamation_2024](#)

This Proclamation was approved.

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

6.K.1. None

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. RESOLUTION NO. 27-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AN AGREEMENT WITH ADVANCED DATA SOLUTIONS, INC., FOR DOCUMENT SCANNING SERVICES PURSUANT TO INVITATION TO BID 2024-011 FOR UP TO \$274,000 ANNUALLY FOR A FIVE-YEAR CONTRACT IN THE AMOUNT OF \$1,370,000.

Sponsors: Development Services Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Agreement ITB 2024-011 Advanced Data Solutions - Document Scanning Services](#)
[Agreement ITB 2024-011 Advanced Data Solutions - Document Scanning Services](#)
[Res. No. 27-24 - Agreement ITB 2024-011 - Advanced Data Solutions - Document Scanning Services](#)
[Pricing Schedule - Agreement ITB 2024-011 Advanced Data Solutions - Document Scanning Services](#)
[Packet for Bid ITB 2024-011 Final](#)
[Tabulation Packet for ITB 2024-011 7.2.24](#)

This Resolution was approved.

- 6.L.2.** APPROVAL OF RESOLUTION NO. 131-24 TO AWARD AN AGREEMENT WITH NFP RETIREMENT, INC., FOR RETIREMENT PLAN CONSULTING SERVICES, UTILIZING MARTIN COUNTY'S REQUEST FOR PROPOSAL NO. 2023-3473

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Nfp Retirement 6.12.24](#)
[P2024-031 Retirement plan](#)
[Res no. 131-24](#)
[RFP2023-3473_RetirementPlanConsultant- solicitation](#)
[Agreement-3473 NFPRetirement Martin County Piggyback](#)

This Resolution was approved.

7. REGULAR AGENDA:

- 7.A.** APPROVAL OF AMENDMENT NO. 3 TO THE EXISTING INTERLOCAL AGREEMENT BETWEEN THE TOWN OF GULF STREAM AND THE CITY OF DELRAY BEACH TO PROVIDE FIRE RESCUE SERVICES.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Town of Gulf Stream ILA with Amendments No. 1 & 2](#)
[Legal Review Amendment 3 to Gulf Stream Delray Beach Interlocal Agreement - Fire Services](#)
[Amendment 3 to Gulf Stream Delray Beach Interlocal Agreement - Fire Services](#)

Fire Chief Kevin Green stated that this agreement is simply a 5-year extension of the existing agreement with the Town of Gulf Stream and would not impose any financial burden on the City of Delray Beach.

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

that this Request be approved.

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

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

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Delray Beach Housing Authority](#)
[Adelstein](#)
[Campbell](#)
[Cox](#)
[Dockerty](#)
[Hale](#)
[Jones](#)
[King](#)
[Petillo](#)

Mayor Carney nominated Hale, seconded by Vice Mayor Casale.

all were in favor

This Appointment was approved.

7.C. NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Parking Management](#)
[PMAB 2024 Attendance](#)
[Alper, Gregg](#)
[Brown, Sarah](#)
[Costilo, Alan](#)
[Ferguson](#)
[Sayrs](#)

Vice Mayor Casale nominated Sayrs, seconded by Commissioner Burns.

all were in favor

Commissioner Burns nominated Ferguson, seconded by Vice Mayor Casale.

all were in favor

The Appointments were approved.

7.D. NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Police Advisory Board Attendance](#)
[Police Advisory Board](#)
[Alper, Gregg](#)
[Augustin Badet, Founa](#)
[Cannon](#)
[Feldmanis](#)
[Godbout, Christina](#)
[Lowry](#)
[Stacey-Wright](#)
[Straghn](#)
[Tito, Courtney](#)
[Wiggins](#)

Deputy Vice Mayor Long nominated Cannon, seconded by Commissioner Burns.

all were in favor

Vice Mayor Long nominated Feldmanis, seconded by Commissioner Burns.

all were in favor

Commissioner Burns nominated Stacey-Wright, seconded by Vice Mayor Casale.

all were in favor

The Appointments were approved.

7.E. NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Affordable Housing Advisory Committee](#)
[AHAC Attendance](#)
[Adelstein](#)
[Augustin Badet, Founa](#)
[Cohn, Damara](#)
[Dumitrescu](#)
[Jones, Sara](#)
[King, Cara](#)
[Petillo](#)

Commissioner Markert nominated Petillo, seconded by Deputy Vice Mayor Long.

all were in favor

Deputy Vice Mayor Long nominated Jones, seconded by Vice Mayor Casale.

all were in favor

Vice Mayor Casale nominated Adelstein, seconded by Commissioner Markert.

all were in favor

The Appointments were approved.

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 13-24: 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 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION (H), "SETBACKS," BY AMENDING SUBSECTION (4), "STRUCTURES ALLOWED IN SETBACKS," TO MODIFY THE STRUCTURES AND BUILDING FEATURES PERMITTED WITHIN REQUIRED BUILDING SETBACKS; AMENDING CHAPTER 4,

“ZONING REGULATIONS,” ARTICLE 4.6, “SUPPLEMENTAL DISTRICT REGULATIONS,” SECTION 4.6.15, “SWIMMING POOL, WHIRLPOOLS, AND SPAS,” FOR CONSISTENCY WITH OTHER EDITS; AND AMENDING APPENDIX A, “DEFINITIONS,” TO ADD A DEFINITION FOR “BAY WINDOW;” PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report, Ordinance No.13-24](#)
[Ordinance No. 13-24](#)
[Legal Review, Ordinance No. 13-24](#)
[Business Impact Estimate Form, Ordinance No. 13-24](#)
[Proof of Legal Ad](#)

Lynn Gelin, City Attorney, entered Ordinance No.13-24 into the record.

Anthea Gianniotis, Development Services Director, provided a staff report on this item. She stated this Ordinance was a City-initiated request to amend the Land Development Regulations (LDRs) relative to structures and design elements allowed in building setbacks. She advised that on May 20, 2024, the Planning and Zoning Board recommended the degrees of encroachment to the property line that should be allowed for specific site improvements. The Board voted 4-1 to recommend approval of the revised proposed ordinance.

Mayor Carney opened the floor to anyone who wished to speak on this item. Seeing no one present, Mayor Carney closed public comments.

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

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

8.B.

ORDINANCE NO. 16-24: 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 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO LOW 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)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[200 SE 7th Avenue - Ord 16-24](#)

[200 SE 7th Avenue - BIE Ord 16-24](#)

[200 SE 7th Avenue - PZB Report](#)

[200 SE 7th Avenue - Existing and Proposed](#)

[200 SE 7th Avenue - Traffic Statement](#)

[200 SE 7th Avenue - Justification Statement](#)

[200 SE 7th Avenue - Legal Review Form](#)

[200 SE 7th Avenue - Proof of Legal Ad](#)

Mayor Carney read the quasi-judicial rules into the record.

Anyone who wished to speak on any quasi-judicial item was sworn in by the City Clerk.

Lynn Gelin entered Ordinance No.16-24 and Ordinance No.17-24 into the record.

Mayor Carney asked his colleagues to disclose any ex-parte communications:

Vice Mayor Casale: Spoke with Mr. Costello.

Deputy Vice Mayor Long: Spoke with Mr. Costello.

Commissioner Burns: Spoke with Mr. Costello.

Commissioner Markert: Spoke with Mr. Costello.

Mayor Carney: Spoke with Mr. Costello and Mr. Eliopoulos and any emails on the server.

Anthea Gianniotis entered File No. 2024-097 into the record. She was joined by Amy Alvarez, Assistant Development Services Director, and former Historic Preservation Board Planner.

Gary Eliopoulos with GE Architecture was present on behalf of his client, who was requesting a small-scale amendment to the Land Use Map. The request was to change the 200 SE 7th Avenue property from Community Facilities (CF) to Low Density (LD). He noted that the property had been a vacant Church for many years. Mr. Eliopoulos stated his firm was proposing adaptive reuse from a Church to a single-family residence.

Anthea Gianniotis provided a staff report on this item. She reported the

structure would be retained with either land use designation.

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

Leanna Ferrin, Realtor - specializes in historic properties in Delray Beach
Discussed the owner's desire to convert the property into a private residence rather than a community facility. She mentioned that for fifty years, it was used as a Church.

Roger Copa: An Architect in the Historic District of Delray Beach
Requested the applicant's request be denied.

Claudia Willis: 42 Palm Square, Delray Beach
Stated that she was opposed to rezoning the property.

John Szakal: 214 SE 7 Avenue, Delray Beach
Favored adopting the new zoning designation.

Anne Whitehead: 213 SE 7 Avenue, Delray Beach
Would like to see the current structure preserved, as referenced in the City's Comprehensive Plan.

Christina Morrison: 1000 Lowery Street, Delray Beach
Requested the Commission keep the current zoning as it stands for this property.

Sandy Zeller: 209 NW 12 Street, Delray Beach
Favored keeping the property as it is.

Sheryl Forman: 200 SE 7 Street, Delray Beach, (Owner of the Church)
She supported the rezoning of the Church but stated she would preserve its original structure as much as possible.

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

Mayor Carney asked if there was any rebuttal for Item No. 8.C.

Jeff Costello, Planner - Planner with JC Planning, Delray Beach
Commented that the proposed rezoning is in compliance with the Comprehensive Plan, specifically the Historic Preservation Element.

Anthea Gianniotis shared the staff's considerations for allowing adaptive reuses of the property.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Markert, that this Ordinance be denied. The motion carried by the following vote:

Yes: 3 - Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

No: 2 - Deputy Vice Mayor Long, and Commissioner Burns

8.C.

ORDINANCE NO. 17-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL (R-1-AA), AS MORE PARTICULARLY DESCRIBED HEREIN; 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/QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[200 SE 7th Avenue - Ord 17-24](#)

[200 SE 7th Avenue - BIE Ord 17-24](#)

[200 SE 7th Avenue - PZB Report](#)

[200 SE 7th Avenue - Existing and Proposed](#)

[200 SE 7th Avenue - Traffic Statement](#)

[200 SE 7th Avenue - Justification Statement](#)

[200 SE 7th Avenue - Legal Review Form](#)

[200 SE 7th Avenue - Proof of Legal Ad](#)

A motion was made by Vice Mayor Casale, seconded by Commissioner Markert, to deny Ordinance No. 17-24. A roll call vote was taken, and the motion carried by the following vote:

Yes: 3 - Mayor Carney, Vice Mayor Casale, Commissioner Markert

No: 2 - Commissioner Long, Commissioner Burns

denied

The Commission discussed the possibility of waiving the one-year period for the applicant to reapply.

A second motion was made by Vice Mayor Casale, seconded by Deputy Vice Mayor Long to waive the 1-year requirement.

all were in favor

8.D.

ORDINANCE NO. 22-24: 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 35 "EMPLOYEE POLICIES AND BENEFITS", SUBHEADING "RETIREMENT PLAN", BY AMENDING SECTION 35.105, "ADMINISTRATION BY RETIREMENT COMMITTEE" TO PROVIDE FOR COMMITTEE MEMBER TERM LIMITS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[GE Pension Ordinance - Board Term Limits lg rev](#)
[Simple Legal Review Approval Ordinance 22-24](#)
[Business Impact Estimate Form - Ordinance No 22-24 \(Retirement Plan Committee Term Limits\)](#)

Lynn Gelin entered Ordinance No. 22-24 into the record.

Mayor Carney opened the floor to public comments on this item. Seeing no one present, Mayor Carney closed public comments.

A motion was made by Vice-Mayor Casale, seconded by Commissioner Markert, that this Ordinance be approved.

Yes: 5 - Deputy Vice Mayor Long, Commissioner Burns, Commissioner Markert, Vice-Mayor Casale, and Mayor Carney Jr.

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

Provided an update on the American Legion lawsuit.

Discussed the opioid litigation and advised the Commission not to include Publix.

Reminded the Commission that on February 20, 2024, the previous Commission approved a funding agreement (B24) on the Consent Agenda for the Caron Kitchen.

C. City Commission

Deputy Vice Mayor Long:

Added C. Ron Allen's proclamation to the next agenda.

Mentioned scheduling a workshop to discuss the Police Advisory Board.

Suggested reconsidering Mavis Benson's appointment to the Downtown Development Advisory Board. Mayor Carney advised Ms. Gelin to include the nomination on the next agenda as long as Ms. Benson's application meets the appointment rules.

Provided an update on the Transportation Planning Agency.

Commissioner Markert:

None.

Commissioner Burns:

Received her certificate from the Elected Officials of Palm Beach County.

Vice Mayor Casale:

Suggested discussing appropriate behavior both on and off of the dais.

Mayor Carney:

Asked for a consensus to amend the rule that states the Public Art Advisory Board must go before the Commission for approval and not as an appealable item. He suggested discussing the matter with the Site Plan Review and Appearance Board. Consensus was reached.

Requested Ms. Gelin remove the branding of the City's Building from the Interlocal Agreement with the Downtown Development Authority.

Requested an update on the Police cameras.

Requested an estimate on the cost and timeline for renovating the Crest Theatre as part of Visions 2030.

11. ADJOURNMENT

There being no further business to discuss, Mayor Carney adjourned the meeting at 9:57 p.m.


The City shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Please contact the Human Resources Department at (561) 243-7125 at least 24 hours prior to the program or activity for the City to reasonably accommodate your request. Adaptive listening devices are available for meetings in the Commission Chambers.


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 July 9, 2024 City Commission Regular Meeting held on July 9, 2024, which minutes were formally approved and adopted by the City on August 5, 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.