



# City of Delray Beach

## Regular Commission Meeting

### City Commission

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

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

Tuesday, February 1, 2022

Delray Beach City Hall or Watch on YouTube:  
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 4:00 p.m.

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

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

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

Commissioner Boylston requested to pull Item No. 6.G. from the Consent Agenda for discussion. Consent Item No. 6.G. became Item No. 7.A.A. on the Regular Agenda.

Not realizing that the agenda had been recently updated, Mr. Moore requested Items 7.A. and 9.A. be pulled from the Consent Agenda.

Ms. Gelin confirmed that Item No. 7.A. and Item No. 9.A. had already been removed from the agenda.

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

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

**APPROVED as amended**

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

##### **4.A. PRESENTING ANDREW HAYNES, BUILDING MAINTENANCE WORKER, WITH EMPLOYEE OF THE MONTH FOR JANUARY 2022**

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Andrew Haynes - Nomination Form](#)

**APPROVED**

Ms. LeShay King, Human Resources Generalist, discussed Mr. Andrew Haynes' invaluable service to the Building Maintenance Department. Ms. Missie Barletto, Public Works Director, explained that Mr. Haynes had provided CPR to a gentleman he noticed on the ground near the 100-foot Christmas Tree celebration until the Fire Department arrived. Mr. Haynes was presented with a plaque and a certificate for eight hours of paid time off from work.

Mayor Petrolia thanked Mr. Haynes for saving the man's life.

#### **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 reiterated that Item No. 7.A., Bounce Sporting Club, was removed from the agenda.

##### **5.A.1. Updated Direction for Interim Daily Operations for the Old School Square Complex**

Mr. Samuel Metott, Director of Parks and Recreation, provided an update on the events at the Old School Square Complex.

##### **5.A.2. Fiscal Year 2021-2022 First Quarter Financial Report**

Mr. Moore announced that Mr. John Lege, Director of Finance, would be providing an update on the financial results from October 1, 2021 to December 31, 2021.

Mr. Lege delivered a presentation of the unaudited results for Fiscal Year 2020-21. He reported that the city's revenues exceeded the expenditures and stated each department's budget was well managed.

He further stated that every department came in under budget and summarized that Fiscal Year 2020-21 revenues were \$147,549,022 and the expenditures were \$143,963,474, creating a surplus of \$3,585,548. Mr. Lege acknowledged the Permit Department had a significant increase in revenue due to the enormous surge in permit applications.

Commissioner Boylston thanked Mr. Lege, Interim City Manager Jennifer Alvarez, and their entire team for their hard work.

Mayor Petrolia stated that she was pleased the city did not have to use any reserve funds.

#### ***5.A.3. Current construction projects and resulting inconveniences***

Ms. Barletto provided an update on the city's construction projects.

#### ***5.B. From the Public***

Charles Dortch, residing at 112 SE 7<sup>th</sup> Avenue, Delray Beach, inquired about the traffic calming study promised by the Commission two years ago to the residents living in the middle of the Historic Marina District.

Mr. Moore commented that he would offer a public update at the next Commission Meeting after speaking with the Public Works Department.

Patricia Maguire, residing at 342 NE 1st Avenue, Delray Beach, discussed the Cornell Art Museum. She voiced her concern about the current leadership's lack of knowledge in running a museum.

Arlen Dominek, residing at 50 East Road, Delray Beach, asked the Commission not to approve Agenda Item No. 6.L. (Bounce Sporting Club). He suggested that supporting this club would create a loud disturbance to the surrounding residential areas.

Patty Jones, residing at 1026 Poinsette Road, Delray Beach, said the Commission has not listened to the citizens concerning Old School Square.

Jim Chard, residing at 401 SE 4<sup>th</sup> Avenue, Delray Beach, said Old School Square subsidizes the city by three million dollars a year through ticket sales, memberships, etc. He mentioned that Old School Square had been trying to speak with the Commission since July and August. He suggested the Commission and the Arts Community sit down and talk.

Jason Tomaheski, an employee of Old School Square, discussed the rich history of Old School Square. He discussed the changes that have taken place since terminating their contract.

Olivia Caldwell, residing at 3801 NW 5<sup>th</sup> Terrace, Boca Raton, an employee of Old School Square, expressed her sadness about the Old School Square Complex being run by the city.

Susan Lubin, residing at 555 SE 6<sup>th</sup> Avenue, Delray Beach, said Old School Square was the city's gem and the Commission should not be the ones running it.

Melanie Johansson, the temporary curator for Old School Square, who works remotely residing in Louisiana, acknowledged how hard the employees work for the community and feels the Commission has taken everything away.

Noel Bourge, residing at 1 Azura Way, Ocean Ridge, spoke about growing up in Delray Beach and how different it is now. Mr. Bourge acknowledged his mother, Frances Bourge, for her contribution to the community.

Steve English, residing at 102 NE 10<sup>th</sup> Avenue, said in the past, the Old School Square Complex generated a surplus of money for the community, and now it does not. He accused the Commission of being nondemocratic.

Diana Yates, residing at 109 NE 16<sup>th</sup> Court, Delray Beach, stated that she believed the city should reverse its decision about running Old School Square and cited lack of communication as the cause.

Mitch Katz, residing at 1618 West Classical Blvd., was present on behalf of the Education Board to discuss Resolution No. 24-22. He requested the Commission rewrite the resolution by omitting the word *stop*.

Joseph Sanchez, Chief Operating Officer for the School Board of Palm Beach County, expressed the importance of both parties working together to benefit the children of Delray Beach.

Ken Maicke, residing at 6450 Pinyon Pine Court, Lake Worth, Florida, pointed out that Old School Square Complex has been doing better while other theatres have closed.

Christina Morrison, residing at Lowery Street, Delray Beach, asked the Commission to reconsider their decision about the Old School Square Complex. She thanked all of those who have contributed to and worked at Old School Square.

Gladys Nimaro, residing at 1855 South Ocean Blvd, Delray Beach, expressed her gratitude for the Cornell Museum exhibit for lifting her spirits when grieving her late husband.

Joe Gillie, the former director of Old School Square for twenty-five years, asked the Commission to sit down and talk about how to move forward.

Jane Fields, residing at 319 SE 7<sup>th</sup> Avenue, Delray Beach, implored the Commission to sit down and talk about Old School Square.

Mayor Petrolia closed public comments.

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

### **6.A. CITY COMMISSION MEETING MINUTES**

**Sponsors:** City Clerk Department

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

[October 5 2021 Meeting Minutes Final Draft](#)

[October 12, 2021 Workshop Meeting](#)

APPROVED

- 6.B.** ACCEPTANCE OF A CORNER CLIP AGREEMENT, PEDESTRIAN CLEAR ZONE EASEMENT, GENERAL UTILITY EASEMENT, LANDSCAPE MAINTENANCE AGREEMENT AND A FIVE-FOOT RIGHT OF WAY DEDICATION ALONG SW 1ST STREET AND SW 5TH AVENUE FOR THE PROPERTY LOCATED AT 95 SW 5TH AVENUE.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[SPRAB Report - 95 SW 5th Avenue final](#)

[95 SW 5th Ave - Corner Clip CRA](#)

[95 SW 5th Ave - General Utility Easement CRA](#)

[95 SW 5th Ave - Pedestrian Clear Zone CRA](#)

[95 SW 5th Ave - ROW Deed CRA](#)

[95 SW 5th Ave - Landscape Maintenance Agreement CRA](#)

[Legal Review Corner Clip Easement Agreement 95 SW 5th Ave CRA](#)

[Legal Review General Utility Easement 95 SW 5th Ave CRA](#)

[Legal Review Pedestrian Clear Zone 95 SW 5th Ave CRA](#)

[Legal Review ROW Deed 95 SW 5th Ave CRA](#)

[Legal Review Landscape Maintenance Agreement 95 SW 5th Ave CRA](#)

APPROVED

- 6.C.** APPROVAL OF SUBDIVISION SETTLEMENT PARTICIPATION AGREEMENT WITH ENDO HEALTH SOLUTIONS, INC.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Settlement Agreement and Release](#)

[Settlement Participation Agreement with Endo Health Solutions, Inc.](#)

[Settlement Spreadsheet](#)

APPROVED

- 6.D.** PROPOSED OFFER OF SETTLEMENT IN THE CASE OF PALM BEACH COUNTY V. 7-ELEVEN, INC. ET AL

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

APPROVED

- 6.E.** APPROVAL OF A GRANT AGREEMENT FOR PLUMOSA SCHOOL OF THE ARTS TO SUPPORT LEARNING LOSS RECOVERY AND AUTHORIZATION FOR THE CITY MANAGER TO SIGN THE GRANT AGREEMENT

Sponsors: City Manager Department

**Attachments:**     [Agenda Cover Report](#)  
[Grant Agreement for Learning Loss Recovery- Plumosa](#)  
[Simple Legal Review Approval Grant Agreement-Plumosa](#)

APPROVED

**6.F. APPROVAL OF A GRANT AGREEMENT FOR ORCHARD VIEW ELEMENTARY SCHOOL TO SUPPORT LEARNING LOSS RECOVERY, AND AUTHORIZATION FOR THE CITY MANAGER TO SIGN THE GRANT AGREEMENT**

**Sponsors:**     City Manager Department

**Attachments:**     [Agenda Cover Report](#)  
[Simple Legal Review Approval Grant Agreement-Orchard View](#)  
[Grant Agreement for Learning Loss Recovery-Orchard View](#)

APPROVED

**6.G. RESOLUTION NO. 24-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, URGING THE SCHOOL DISTRICT OF PALM BEACH COUNTY TO CEASE ANY AND ALL CURRENT OR FUTURE PLANNING OR CONSTRUCTION AT ITS EDUCATION SITES AND/OR FACILITIES LOCATED WITHIN THE CITY LIMITS OF THE CITY OF DELRAY BEACH UNTIL SUCH TIME AS THE PARTIES HAVE JOINTLY MET AND AGREED BETWEEN THE SCHOOL ACCORDANCE WITH THE INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF PALM BEACH COUNTY, PALM BEACH COUNTY, AND MUNICIPALITIES OF PALM BEACH COUNTY FOR COORDINATED PLANNING DATED AUGUST 19, 2015.**

**Sponsors:**     City Manager Department

**Attachments:**     [Agenda Cover Report](#)  
[RESOLUTION-Palm Beach County School District Rev \(2\) 12722](#)  
[Simple Legal Review Approval School Board Reso](#)

Commissioner Boylston requested to pull Item No. 6.G. (Resolution No. 24-22) from the Consent Agenda for discussion and it became Item No. 7.A.A. on the Regular Agenda.

Commissioner Boylston requested the language of Resolution No. 24-22 be revised before it moves forward with the Palm Beach County School Board. Ms. Gelin suggested rewriting the resolution to be consistent with the Interlocal Land Agreement by replacing the word cease under section one with *engage*.

Further discussion ensued. There was a consensus to have City Attorney Gelin rephrase the language in Resolution No. 24-22.

Commissioner Boylston motioned to approve Resolution No. 24-22. Commissioner Casale seconded the motion. The motion was carried by the following vote:

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

**APPROVED AS AMENDED**

**6.H. APPROVE AGREEMENT WITH STATE OF FLORIDA TO INSTALL WEATHER MONITORING SYSTEMS WITHIN THE CITY**

**Sponsors:** Fire Rescue Department

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

[WeatherSTEM FDEM Flier.pdf](#)

[Simple Legal Review Approval WeatherStem Demo](#)

[MOA FDEM-Agency for WeatherSTEM Weather Station rev. kwb. 8.9.21](#)

**APPROVED**

**6.I. APPROVAL OF THE REQUEST FOR FUNDING FROM VISUAL ADJECTIVES SEEDS, INC. FROM THE LAW ENFORCEMENT TRUST FUND TRUST FUND ( LETF) IN THE AMOUNT OF \$10,000.**

**Sponsors:** Police Department

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

[Legal Review Form Visual Adjectives Seeds, Inc.](#)

[Visual Adjectives Seeds Inc LETF Application](#)

**APPROVED**

**6.J. ITEM(S) A1- ACCEPTANCE OF A RIGHT OF-WAY DEDICATION BY 2402 SEACREST BLVD. ITEM(S) B1 - ACCEPTANCE OF A STREETLIGHT MAINTENANCE AGREEMENT BY FREDERICK ISLES HOMEOWNER ASSOCIATION.**

**Sponsors:** Public Works Department

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

[Item \(1\) Legal Review](#)

[Item \(A1a\) ROW Deed - 2402 Seacrest Blvd.](#)

[Item \(A1b\) Exhibit A - 2402 Seacrest Blvd.](#)

[Item \(B1a\) - Streetlight Maintenance Agreement - Frederick Isles](#)

[Item \(B1b\) Exhibit A - Streetlight Maint Plan - Frederick Isles](#)

**APPROVED**

**6.K. PROCLAMATIONS:**

**6.K.1. BLACK HISTORY MONTH PROCLAMATION**

**Sponsors:** City Clerk Department

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

APPROVED

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

**6.L.1. REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 15, 2021 AND JANUARY 3, THROUGH JANUARY 21, 2022.**

**Sponsors:** Development Services Department

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

[Appealable Items Map](#)

[A - 201 NE 5th Court](#)

[B - Avalon at the One 10 Building](#)

[C - Frank Pepe](#)

[D - 680 eta, Lavers Circle](#)

[E - Global Pursuit of Delray](#)

[F - Bounce Sporting Club](#)

[G - 170 Sherwood Master Development Plan](#)

APPROVED

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

**6.M.1. APPROVAL OF RESOLUTION NO. 15-22 AND RATIFICATION OF EMERGENCY WORK WITH SHIFF CONSTRUCTION AND DEVELOPMENT, INC. FOR CLARIFIER DRIVE UNIT REHABILITATION, UTILIZING SOURCEWELL EZIQ CONTRACT NO. FL-SEA-GC02-041019-SCD IN THE NOT TO EXCEED ESTIMATED AMOUNT OF - \$882,405**

**Sponsors:** Utilities Department and Purchasing Department

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

[Legal Review Checklist Shiff Agreement rev. kwb. 1.10.22](#)

[Resolution No. 15-22 rev. kwb. 1.10.22](#)

[Water Treatment Plant Emergency Work](#)

[Delray Beach WTP Clarifier #2 Rehab Proposal Revised](#)

[Delray Beach WTP Clarifier #1,3,4 Rehab Proposal](#)

[Delray Beach Master Contract Shiff](#)

APPROVED

**7. REGULAR AGENDA:**

**7.A. RESOLUTION NO. 07-22: A RESOLUTION OF THE CITY COMMISSION OF THE OF DELRAY BEACH, FLORIDA, DESIGNATING THE CITY AS A "VISION ZERO CITY" AND ESTABLISHING A VISION ZERO COORDINATING COMMITTEE. DIRECTING STAFF TO CREATE A VISION ZERO ACTION PLAN TO ESTABLISH**



*A GOAL OF NO SEVERE TRAFFIC INJURIES OR FATALITIES BY 2035; ACTIONS DIRECTING AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY EFFECTUATE SAME; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.*

**Sponsors:** Development Services Department

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

[Resolution No. 07-22 Vision Zero](#)

[2022.01.11 Vision Zero for Delray Beach](#)

[Simple Legal Review Approval Vision Zero](#)

Ms. Anthea Gianniotis, Director of Development Services, recognized Mr. Andrew Uhler, with the Palm Beach Transportation Planning Agency, who explained that Vision Zero was committed to zero traffic fatalities and severe injuries for the transportation industry and that traffic deaths are preventable. He informed City Commission that the Transportation Planning Agency had funding programs available to local municipalities through the Infrastructure Investment and Jobs Act Bill.

Ms. Gianniotis explained that Resolution No. 07-22 authorizes the City Manager to coordinate a committee and direct them to create an action plan that establishes a goal of no fatalities or severe traffic injuries by 2035.

Mayor Petrolia acknowledged that Vision Zero would coincide with the city's ongoing transportation plans. She stated that she supported the program.

Commissioner Boylston made a motion to approve Resolution No. 07-22. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

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

#### **APPROVED**

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

**Sponsors:** City Attorney Department

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

[95th extension of state of emergency 1-5-2021 - signed](#)

[96th extension of state of emergency 1-12-2022 - signed](#)

[97th extension of state of emergency 1-19-2022 - signed](#)

Deputy Vice Mayor Frankel motioned to approve the Ratification of the 95<sup>th</sup>, 96<sup>th</sup>, and 97<sup>th</sup> Extensions of the State of Emergency for COVID-19. Commissioner Casale seconded the motion. The motion was carried by the following vote:

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

**APPROVED**

**7.C. APPROVE APPLICATION FOR FUNDING THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ASSISTANCE TO FIREFIGHTER GRANT (AFG) PROGRAM FOR ONE AIR AND LIGHT SUPPORT VEHICLE.**

**Sponsors:** Fire Rescue Department

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

[FEMA FY21 AFG Notice of Funding Opportunity.pdf](#)

[Simple Legal Review Approval Application for AFG grant for Light and Air Truck 1.12.22.pdf](#)

Fire Chief Keith Tomey discussed the importance of securing the Air and Light Support Vehicle and its value to the Fire Department.

A discussion ensued about the cost-sharing between the city and the amount the grant will provide.

Chief Tomey reminded the Commission that this item would be coming back to them for their approval.

Commissioner Boylston motioned to approve Item No. 7.C. Commissioner Casale seconded the motion. The motion was carried by the following vote:

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

**APPROVED**

**7.D. CITY ATTORNEY'S MERIT INCREASE**

**Sponsors:** Human Resources Department

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

[City Attorney's Eval Form](#)

Mr. Duane D' Andrea, Director of Human Resources, reported that Ms. Gelin received a cumulative score of 4.93 percent from the Commissioners on her annual review.

Commissioner Casale said that she favored a five percent merit increase for Ms. Gelin.

Deputy Vice Mayor Frankel seconded the motion to award Ms. Gelin a five percent merit increase.

Mayor Petrolia opened the floor for additional comments.

Vice Mayor Johnson thanked Ms. Gelin for her representation and would like to see her receive a higher merit increase.

Commissioner Boylston thanked Ms. Gelin for all her work. He did not support giving Ms. Gelin a salary increase above the city's five percent policy.

Commissioner Casale made a motion to amend her previous motion to award Ms. Gelin a five and a half percent merit increase. Deputy Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

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

**NO: 1** Commissioner Boylston

**Approved as amended**

## **7.E. CITY MANAGER'S SIX-MONTH REVIEW EVALUATION FORM**

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[City Manager's 6-month Eval Form](#)

Mr. D' Andrea discussed Mr. Moore's six-month evaluation. He mentioned not all Commissioners had turned in their evaluation forms.

Mr. Moore thanked everyone for selecting him as the new City Manager. He acknowledged that while he has brought stability to the city, more work is needed. He stated that he would be presenting a six-month report providing focus and direction in his February 11<sup>th</sup> informational letter.

**APPROVED**

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

### **8.A.**

*RESOLUTION NO. 22-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE MODIFICATION FOR ISLAND COVE, PHASE III OF THE APPROVED VILLAGE SQUARE DEVELOPMENT, TO INCREASE THE APPROVED DENSITY FROM 15.51 DWELLING UNITS PER ACRE TO 15.84 DWELLING UNITS PER ACRE, 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/PUBLIC HEARING).*

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Island Cove: Resolution No. 22-22](#)

[Island Cove: Resolution No. 22-22 \(EXHIBIT A\)](#)

[Island Cove: Appeal of Condition of Approval](#)

[Island Cove: Postponement of Appeal](#)

[Island Cove: Signed Board Order](#)

[Island Cove: PZB Staff Report](#)

[Simple Legal Review Approval Island Cove Appeal](#)

Ms. Gelin read the Quasi-Judicial Rules into the record.

Ms. Katerri Johnson swore in those individuals who wished to provide testimony on this item.

Ms. Gianniotis submitted File No. 2021-259 into the record. She reported that this item was a Conditional Use Modification and an appeal hearing.

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

The following was disclosed:

Mayor Petrolia - any communication would be on the server

Vice Mayor Johnson - none

Deputy Vice Mayor Frankel - spoke with Ms. Keiser

Commissioner Boylston - spoke with SPRAB Board and member John Brewer

Commissioner Casale - spoke with Ms. Keiser

Ms. Andrea Keiser, an attorney with Keiser Legal, PLLC, located at 55 SE 2<sup>nd</sup> Avenue, Delray Beach, was present on behalf of the applicant to deliver a presentation on Island Cove (previously known as Phase III of Village Square). Ms. Keiser explained that the Conditional Use Modification of Phase III requested the addition of six units and would create an entire community of two hundred and eighty-eight affordable housing units.

Ms. Gianniotis provided a technical overview of the Conditional Use Modification for increased density. She acknowledged that granting the Conditional Use Modification would not adversely affect the surrounding area. Ms. Gianniotis emphasized the city's need for additional affordable housing.

Mayor Petrolia opened the floor for public comments.

Christina Morrison, residing at 1000 Lowery Street, Delray Beach, commented that she was pleased to see more Workforce Housing being built.

Mayor Petrolia closed public comments.

There was no cross-examination, or rebuttals.

The Commission agreed to support this project.

Commissioner Boylston made a motion to approve Resolution No. 22-22. It was seconded by Vice Mayor Johnson. The motion was 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**

Nothing to report

### **B. City Attorney**

- Ms. Gelin requested to amend Mr. Moore's employment contract by allowing him to budget accordingly for his professional associations. Commissioner Casale motioned to approve. Deputy Vice Mayor Frankel seconded the motion. The motion was carried by following vote:

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

**APPROVED**

### **C. City Commission**

Commissioner Casale:

- Requested the city to adopt the Jewish Federation of Palm Beach County's working definition of antisemitism.
- Requested consideration for rescheduling the February 24<sup>th</sup> Town Hall Meeting.

Commissioner Boylston stressed the importance of having the League of Cities in attendance at the Town Hall Meeting.

Mayor Petrolia expressed her concern that the Town Hall Meetings should discuss relevant issues.

Consensus was given to allow Mr. Moore to move forward with the above.

Deputy Vice Mayor Frankel:

- Thanked Ms. Barletto for working on the elevator at the Federspiel Garage.

- He commented that he wasn't in favor of closing Atlantic Avenue Bridge during the season because it restricts beach access. He suggested scheduling a workshop in the future to discuss the matter further.

Vice Mayor Johnson:

- Called her colleague's attention to Senate Bills 620 and 280.
- Asked for a consensus to schedule a workshop to revisit the process by which the city provides license agreements to nonprofits, for the use of city-owned facilities, which was approved on the January 4, 2022 agenda.

Mr. Moore suggested adding the discussion to the April 13<sup>th</sup> Workshop Meeting.

Mayor Petrolia acknowledged that consensus was given.

Commissioner Boylston:

- Thanked staff for their communication about what was going on in the city.
- Clarified that he responded to individual emails concerning Old School Square, but had declined all interviews concerning the matter.
- Acknowledged the importance of live streaming city meetings.

Mayor Petrolia:

- Commended the Parks and Recreation Department for its grand re-opening of Anchor Park on January 27, 2022.
- Commented that the Commission would have been derelict in its duties to the residents if they didn't take action with Old School Square.

## **11. ADJOURNMENT**

There being no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at 7:37 p.m.