

City of Delray Beach

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Minutes - Final

Tuesday, July 19, 2022

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall or Watch on YouTube:

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

City Commission

Mayor Shelly Petrolia

Vice Mayor Adam Frankel

Deputy Vice Mayor Juli Casale

Commissioner Ryan Boylston

Commissioner Shirley Ervin Johnson

1. ROLL CALL

The Regular City Commission Meeting was called to order at 4:15 p.m.

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

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Mayor Petrolia requested Item 6.A. be pulled for discussion. It became item 7.A.A. on the regular agenda.

Item 6.I. was pulled for discussion. I became Item 7.B.B. on the regular agenda.

3.A. Additions, Deletions, Substitutions

Mr. Moore informed the Commission that Items 7C, 7D, 7E & 7F needed to be pulled from the agenda to be reviewed more thoroughly by the City Clerk's Office and will be brought back on the August 9, 2022 meeting.

4. PRESENTATIONS:

- 4.A.** [22-864](#) “NEXT GENERATION INITIATIVES DAY” THE NEXT GENERATION INITIATIVES IS A CITY OF DELRAY BEACH PROGRAM SET TO INSPIRE GOVERNMENT INNOVATION BY DEVELOPING THE TALENT PIPELINE OF THE NEXT GENERATION OF GOVERNMENT LEADERS. THE CITY OF DELRAY BEACH ENCOURAGES STUDENTS TO PURSUE OUR INTERNSHIP, SHADOW DAY, VOLUNTEER AND APPRENTICESHIP PROGRAMS WHERE STUDENTS TAKE THE OPPORTUNITY TO DEVELOP A VARIETY OF SKILLS AND EXPERIENCE NECESSARY TO START A CAREER IN LOCAL GOVERNMENT.

Recommendation: Motion to proclaim July 19, 2022 as Next Generation Initiatives Day in the City of Delray Beach.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
 [Intern Proclamation 2022](#)
 [Commission Meeting - Next Generation Initiatives Powerpoint 2022](#)

Mayor Shelly Petrolia read the "Next Generation" proclamation into the record. Ms. Ebony Olivier, Human Resource Manager explained what the

Next Generation initiative was all about. A group photo of the 2022 Next Generation participants was taken with the Mayor and the entire City Commission body.

4.B. [22-856](#) FY 2021 ANNUAL COMPREHENSIVE FINANCIAL REPORT - MARCUM LLP

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[City of Delray Beach ACFR - FY 2021](#)

Mr. Hugh Dunkley introduced Mr. Morse Aresa with Marcum, LLP whose firm served as the City's External Auditors. Mr. Aresa first introduced the new title for the report as the Annual Comprehensive Financial Report (ACFR). He then began to go over the auditor's report which summarized the results of the September 30, 2021 audit.

Further discussion ensued about the payroll reporting issues that surfaced. It was explained that these issues came about from the Internal Auditor's investigation, therefore, a time and attendance program will be implemented.

4.C. [22-706](#) REPORT PRESENTATION SUMMARIZING FEEDBACK OFFERED VIA RECENT CHARRETTE WORKSHOP CONCERNING OLD SCHOOL SQUARE COMPLEX

Sponsors: City Manager Department

Attachments: [Old School Square Workshop Report](#)

Mr. Moore introduced Mr. Lanahan of the Treasure Coast Regional Planning Council who gave brief comments and feedback of the Charrette Workshop meeting held on June 23, 2022 concerning Old School Square. He reported there were approximately 70 people from the community who attended the Charrette.

He explained the three (3) primary questions that were covered at the Workshop. They were:

1. What activities and programs does the community desire to have at Old School Square?
2. Identify activities that would be inappropriate to the site.
3. Does your group feel that the activities are diverse enough to appeal to

all ages and backgrounds?

The community gave a list of do's and don'ts that they would like to see for the Old School Square site. The biggest takeaway was that they need to get the facility up to speed and the group of 70 people liked the activities that were once there.

4.D. [22-774](#)

**INTRODUCTION OF RHONDA GIGER OF PALM BEACH COUNTY
COMMISSION ON ETHICS**

Sponsors: City Clerk Department

Ms. Rhonda Giger of the Palm Beach County Commission on Ethics introduced herself to the City Commission and extended her services on behalf of the Palm Beach County Commission on Ethics. She issued an ethics handbook to each of the Commissioners and expressed if there was ever a need for training that they could come on-site or if the Commission ever needed an ethics opinion, they would be available to assist.

**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

5.B. From the Public

Former Fire Chief Kerry Cohen spoke about a recognition monument for Alfred "Zack" Straghn for his heroic contributions in the City of Delray Beach especially bringing about civil rights on the public beach in Delray.

Ms. Margaret Bloom spoke about her displeasure of the Crest Theatre renovations.

Mr. Vinnie Gray and Sergeant Deen with the City of Delray Beach Police Department requested that the City Commission pull Item 9B in order to have a discussion and to clarify the language of the Ordinance that will affect the Police Officer's Retirement System.

Suzanne Boyd, Strategic Marketing Manager with the Downtown Development Authority, gave an update of some of the activities scheduled to take place in Downtown Delray Beach in the months of August and September. For additional information, she explained, anyone can visit www.Downtowndelraybeach.com and click on the events tab.

Price Patton expressed that he listened to the Historic Preservation presentation and urged the City Commission to move forward with the Frog Alley historic overlays, fast tracking historic preservation applications and urged the City Commission to give staff direction to move forward.

Arland Dominic, 50 East Road, Delray, expressed his appreciation for the presentation on the tree canopy. He stated Item 6. H. on the agenda regarding traffic planning and lane closures - more specifically regarding 601 Atlantic Avenue that lane closures on Atlantic Avenue are a nuisance and any future construction projects should provide for pedestrian right-of-ways. Finally, he felt Ordinance No. 99 in our Code provides for enforcement of noise control.

Chett Stably began speaking, but was interrupted due to Item 8A on the agenda was a public hearing item and must wait to be heard at that time.

Tom Warnkey, 2780 Worchester Road, Delray explained that he is the Archive Coordinator at the Delray Beach Historical Society and is also the Executive Director of the Surfing FL Museum. He is proposing that their museum exhibits be displayed in the Cornell Museum.

Vera Woodson, 1885 Palm Cove Blvd., spoke about a walkthrough that she had with Mr. Moore and his team to visit the west end of the downtown area to try to bring about an equitable investment on that side of town. She referenced a list of issues to be addressed.

Angie Gray, 3765 Riverside Way, Delray Beach, spoke about the Early Learning Coalition contract for after school care and camp that she brought up a couple of weeks ago. She is looking for an update that she requested. The issues were that 72 children are now in the program where at one time there used to be about 350 children from the community. She explained that now the space cannot be shared at the same time. She noted that the Community Center is a second location that is vacant each day and wondered why this type of program is in this City.

Mr. Moore asked Mr. Samuel Metott Director of Parks and Recreation to address the comments that Ms. Gray made. Mr. Metott explained that the summer camp program is a licensed program through Palm Beach County Department of Children Services. There are guidelines and procedures that must be adhered to in order to participate in the summer camp program which brings many benefits to the community.

6. CONSENT AGENDA: City Manager Recommends Approval

The Consent Agenda was approved as amended.
approved as amended

6.A. [22-711](#) CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

Regular Commission Meeting Minutes - March 1, 2022
Workshop Commission Meeting Minutes - April 13, 2022

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[March 1 2022 Regular Commission Meeting Minutes](#)

[April 13 2022 Workshop Commission Meeting Minutes - Draft](#)

Mayor Petrolia requested this item to be pulled for discussion. It became Item 7.A.A. on the agenda. She expressed her concern that the minutes are so far behind that it is difficult to recall what happened at those meetings and requested Mr. Moore to direct staff to have minutes completed by the next meeting. Mr. Moore acknowledged her request.

approved

Yes: 5 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, Deputy Vice Mayor Frankel, and Commissioner Boylston

6.B. [22-921](#) SETTLEMENT IN THE CASE OF *MARK LAUZIER V. CITY OF DELRAY BEACH*

Recommendation: Motion to approve settlement in the case of *Mark Lauzier v. City of Delray Beach* for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

approved

6.C. [22-855](#) APPROVAL OF THE FIRST AMENDMENT TO INTERLOCAL AGREEMENT AND MULTIPLE PARTY AGREEMENT FOR THE EAGLE NEST PROJECT #4 AT ATLANTIC HIGH SCHOOL CAREER ACADEMY.

Recommendation: Motion to approve the First Amendment to Interlocal Agreement and Multiple Party Agreement for the Eagle Nest Project #4 Atlantic High School Career Academy, to extend the time frame for the construction of the single family home for an additional 36 months for a total of 72 months from the original term date or until October 1, 2025.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[First Amendment Interlocal Agreement Eagle Nest Project #4](#)
[Legal Review Amd #1 to ILA - City CRA and School District - Eagle Nest #4 home construction](#)
[Eagle's Nest Project #4 Multi-Party Agreement Fully Executed School Board 10012019](#)
approved

- 6.D.** [22-796](#) CERTIFICATION OF THE FINAL PLAT, "ENCLAVE AT SHERWOOD," A REPLAT OF THE 37.31-ACRE TRACTS G-3 AND 6-4 ON THE 74.91-ACRE SHERWOOD FOREST PLAT RECORDED IN PLAT BOOK 62, PAGE 163 THROUGH 168, ASSOCIATED WITH THE CREATION OF 79 FEE-SIMPLE LOTS ON THE LAND CURRENTLY ADDRESSED AS 170 SHERWOOD FOREST DRIVE.

Recommendation: Consider the major subdivision plat for the property located at 170 Sherwood Forest Drive.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Enclave at Sherwood: Final Plat](#)
[Enclave at Sherwood: PZB Staff Report](#)
approved

- 6.E.** [22-848](#) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FY2022-2023

Recommendation: Motion to approve and execute the attached Annual Action Plan.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[FY2022-2023 Annual Action Plan Draft Rev1 70122](#)
approved

- 6.F.** [22-877](#) GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Recommendation: Motion to approve application for the 2022 Edward Byrne Memorial Justice Assistance Grant in the amount of \$31,953.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[BJA FY 2022 Edward Byrne Memorial Justice Assistance Grant Program - Local Solicitation disclosure](#)
[fy-22-local-jag-ce-certification](#)
[Legal Review Form JAG LW 22](#)

approved

- 6.G. [22-793](#) APPROVAL OF RESOLUTION NO. 102-22 APPROVING A FEDERAL HIGHWAY FUNDS SUBRECIPIENT GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ACCEPTING FEDERAL GRANT FUNDING TO REPLACE AND UPGRADE TRAFFIC SAFETY DEVICES IN SCHOOL AREAS, SCHOOL CROSSINGS AND SCHOOL ZONES IN DELRAY BEACH; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution No. 102-22 approving a Federal Highway Funds Subrecipient Grant Agreement (FHFGSA) with the Florida Department of Transportation (FDOT) accepting federal grant funding to replace and upgrade traffic safety devices in school areas, school crossings and school zones in Delray Beach; Authorizing the City Manager to execute any amendments and take all actions necessary to effectuate this agreement.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[City of Delray Beach Federal Highway Funds Subrecipient Grant Agreement \(Exchange Resolution Exhibit\)](#)
[Res 102-22](#)
[FDOT JPA NewSchoolTrafficSafetyDevices Draft 2022-06-15 Delray08062019](#)
[Simple Legal Review Approval FDOT Subrecipient Grant Agreement](#)

approved

- 6.H. [22-910](#) ITEM(S) A1, A2, MAINTENANCE OF TRAFFIC PLAN ON SWINTON AVE., MAINTENANCE OF TRAFFIC PLAN ON FEDERAL HIGHWAY FOR 601 E ATLANTIC AVE.

Recommendation: **Consideration of the following items:**

Per LDR 7.1(C) (1)

Maintenance of Traffic (MOT) Plan. All construction parking and staging that involves travel lane, bike lane, or sidewalk closures shall submit a MOT Plan as follows: (Ord. No. 50-20, § 2

<https://library.municode.com/fl/delray_beach/codes/land_development_regulations_?nodeId=CH2ADPR>, 10-20-20)

Closures greater than 14 days throughout the course of construction, which eliminate travel lanes or change the flow of traffic must be approved by the City Commission. Street closures that do not exceed 14 days throughout the course of construction may be approved administratively. (Ord. No. 50-20, § 2

<https://library.municode.com/fl/delray_beach/codes/land_development_

regulations_?nodeId=CH2ADPR>, 10-20-20)

Having exceeded the allowable 14 days throughout the course of construction the following Maintenance of Traffic plans are petitioning additional closures as follows:

MAINTENANCE OF TRAFFIC PLAN/ ROAD & LANE CLOSURES

Item(S) A

Item A1 - Motion to approve and accept a Maintenance of Traffic/ Road closure Plan on Swinton Ave between NW 1st St and NW 2nd St.

Item A2 - Motion to approve and accept a Maintenance of Traffic/ Road closure Plan on Federal Highway for 601 E Atlantic Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item A1 -MOT N Swinton Avenue](#)
[Item A2 MOT 601 E Atlantic Ave](#)

approved

- 6.I. [22-857](#) APPROVAL OF AMENDMENT NO. SIX TO CONTRACT NUMBER 2016-069L WITH TYLER TECHNOLOGIES SOLUTIONS, INC. TO POSTPONE SOFTWARE AS A SERVICE CHARGES UNTIL SEPTEMBER 1ST, 2022

Recommendation: Motion to approve Amendment No. 6 to Agreement No. 2016-069L with Tyler Technologies, Inc. for Enterprise Resource Planning Solutions Services at no charge 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 #6 to Tyler Agreement - Postponing launch date of Energov Saas](#)
[Amendment No. 6 - Vendor Executed](#)
[Amd #6 Tyler - Complete Ex A](#)
[Amendment No. 5](#)
[Amendment No. 4](#)
[Amendment No. 3](#)
[Amendment No. 2](#)
[Amendment No. 1](#)
[Tyler Executed](#)

This item was pulled from the Consent Agenda for discussion. It became Item 7.B.B. on the Regular Agenda. Commissioner Johnson voiced her

concern about postponing this item until September 1, 2022.

Mr. Jay Stacy, Information Technology Director, stated that this software is part of the e-government transformation plan. Pushing this plan to September is consistent with the project timeline, which was previously presented to the Commission. The vendor's timeline was not consistent with the city's timeline, and they expected an earlier start. Mr. Stacy expected the plan to start in October, but it will now start in September and will not cause any delays to the project. This postponement will reduce the cost because the city will now be paying a pro-rated amount for services, which represents a saving of \$77,000.

Commissioner Casale motioned to approve Item No. 6.I. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:
approved

- 6.J.** [22-822](#) RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT & DISPOSAL BOARD ACTION OF APRIL 25, 2022, AND APPROVAL OF THEIR 2022/2023 PROPOSED BUDGET

Recommendation: Motion to ratify actions approved by South Central Regional Wastewater Treatment and Disposal Board (Board) at their meeting of April 25, 2022.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[FY2023_SCRWTDB_Approved Budget.pdf](#)
[SCRWTDB-FY22-23_Ratification - Delray.pdf](#)

approved

6.K. PROCLAMATIONS:

- 6.K.1.** [22-790](#) SD SPADY 100 YEARS OF EXCELLENCE IN EDUCATION

Recommendation: Motion to Proclaim 2022 S.D. Spady Elementary School Centennial Year honoring Solomon David Spady and 100 years of Excellence in Education!

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[SD Spady Proclamation 2022](#)

approved

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

approved

- 6.L.1.** [22-920](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 06, THROUGH JULY 06, 2022.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[Item A - 1120 Nassau Street](#)
[Item B - 216 Dixie Blvd](#)
[Item C - 300 George Bush Blvd](#)
[Item D - 170 Marine Way](#)
[Item E - 2001 S Ocean Blvd](#)
[Item F - Delray Ridge](#)
[Item G - Chik fil A](#)
approved

6.M. AWARD OF BIDS AND CONTRACTS:

6.M.1. [22-886](#) APPROVAL OF RESOLUTION NO. 65-22 FOR THE PURCHASE OF HVAC PRODUCTS AND SERVICES UTILIZING SOURCEWELL CONTRACT NO. 070121-SIE.

Recommendation: Motion to approve Resolution No. 65-22 for the purchase of HVAC Products and Services from Siemens Industry, Inc. in an amount not to exceed \$300,000, utilizing Sourcewell Contract No. 070121-SIE and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Sourcewell Contract #070121-SIE- Siemens](#)
[Agreement - Vendor Signed](#)
[Resolution 65-22 - HVAC Services](#)
[Legal Review Checklist Siemens](#)
approved

6.M.2. [22-849](#) APPROVAL OF RESOLUTION NO. 101-22 TO AWARD AN AGREEMENT TO PROPEL ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR DESIGN OF GERMANTOWN ROAD PURSUANT TO RFQ 2022-004 - \$837,615.

Recommendation: Motion to approve Resolution No. 101-22 to award an Agreement to Propel Engineering, Inc. for professional engineering design services in the estimated annual amount of \$837,615. The term of this agreement shall be from the effective date through the completion of work and full acceptance by the City.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Advertised - Packet for Bid RFQ NO. 2022-004](#)

[PROPEL - RFQ 2022 004 - Germantown Road](#)

[Agreement with Propel Engineering to provide Design Services for Germantown Road Improvements Project](#)

[Exhibit A RFQ 2022-004 Propel Engineering Germantown Road Improvements Project](#)

[Exhibit B RFQ 2022-004 Propel Engineering Germantown Road Improvements Project](#)

[Resolution 101-22](#)

[Legal Review Checklist Agreement for Design Services for Germantown Road Improvement Project Propel Engineering](#)
approved

6.M.3. [22-878](#)

APPROVAL OF RESOLUTION NO. 109-22 APPROVING AN AGREEMENT WITH WATERFIELD FLORIDA STAFFING, LLC D/B/A ACTION LABOR OF FLORIDA FOR SCHOOL CROSSING GUARD SERVICES, UTILIZING THE CITY OF FORT LAUDERDALE SOLICITATION NO.12486-513 IN THE AMOUNT NOT-TO-EXCEED ESTIMATED AMOUNT OF \$704,939 (\$228,485 INITIALLY AND \$238,227 PER YEAR RESPECTIVELY).

Recommendation: Motion to approve Resolution No. 109-22 to award an Agreement with Waterfield Florida Staffing, LLC d/b/a Action Labor of Florida for School Crossing Guard Services, utilizing City of Fort Lauderdale Solicitation No. 12486-513 in the amount not to exceed \$704,939 and authorize the City Manager to approval renewal options, in the amounts below, contingent upon the appropriation of funds.

Sponsors: Police Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist SCG LW 22](#)

[Resolution 109-22.pdf](#)

[Waterfield Florida Staffing, LLC dba Staffing Connection Agreement](#)
[Draft KM 6-30-2022](#)

approved

7. REGULAR AGENDA:

7.A. [22-762](#)

RESOLUTION NO. 39-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.4.3(H)(1) AND 4.4.3(H)(2) OF THE LAND DEVELOPMENT REGULATIONS, APPROVING AN ACCESSORY STRUCTURE THAT EXCEEDS THE HEIGHT OF THE ASSOCIATED PRINCIPAL STRUCTURE AND EXCEEDS 40 PERCENT OF THE

FLOOR AREA OF THE PRINCIPAL STRUCTURE, FOR THE PROPERTY LOCATED AT 201 SE 7TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommendation: Review and consider Resolution No. 39-22, a waiver request to allow an accessory structure that exceeds the height of the associated principal structure and exceeds 40 percent of the floor area of the principal structure for the property located at 201 SE 7th Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res 39-22 201 SE 7th Street Height and Floor Area Waiver for Accessory Structure](#)
[201 SE 7th Street SURVEY](#)

[201 SE 7th Street 4.4.3\(H\)\(1\) Justification](#)

[201 Se 7th Street 4.4.3\(H\)\(2\) Justification](#)

[201 SE 7th Street accessory structure plans](#)

[201 Se 7th Street Primary structure Height](#)

[201 SE 7th Street photos](#)

[201 SE 7th Photos of Principal and Accessory](#)

[Legal Review Res 39-22 201 SE 7th Street Height and Floor Area Waiver for Accessory Structure](#)

Mayor Petrolia read the Quasi-Judicial rules into the record and asked those who wish to give testimony to stand and be sworn in. City Clerk Katerri Johnson swore in all those who wished to give testimony on Item 7A Resolution No. 39-22. Mayor Petrolia asked if there were any Ex Parte Communications for Resolution No. 39-22 by the City Commission.

The following was recorded:

Vice Mayor Frankel - none
Deputy Vice Mayor Casale - none
Commissioner Johnson - none
Commissioner Boylston - none
Mayor Petrolia - none

Ms. Anthea Gianniotis, Development Services Director entered File No. 2022-065 into the record. The applicants Mr. Peter and Tom Carney gave brief testimony of the project. It was explained that this is a unicorn situation where the 1950's house is smaller than the ancillary structure. When the property was purchased by the owner, it was in complete disrepair. The reason for the waiver request is because the accessory structure exceeds the two LDR's in height and square footage. The primary home is 631 square feet and the ancillary is 342 which exceeds

the 40%. The property owner seeks to maintain the charm of Delray Beach Village by the Sea.

Mr. Tom Carney explained the 4 tests that the waiver must meet. He also explained that the applicant is trying to preserve the house without tearing it down. Due to the small size of the principal home, additional storage is understandable and that everything would be behind the fences and not able to be seen.

Ms. Anthea Gianniotis, Development Services Director explained that there are 2 waivers for the subject property. She explained that what is being called the primary structure may not have originally been the primary structure. It was also explained that it is extremely small and under the current LDR, a residential unit would be required to be at least 1000 square feet. She explained it was constructed in 1952 and in terms of the height, the shed is higher than the principle structure. According to LDR Section 4.3.4. (h) the city does not allow sensory structures to exceed the height of the principle structure.

Public comment was opened by Mayor Petrolia. There being no one present, public comment was closed.

Further discussion ensued.

Vice Mayor Frankel made a motion to approve Resolution No. 39-22. It was seconded by Commissioner Boylston. The motion carried as follows:

approved

Yes: 4 - Commissioner Casale, Mayor Petrolia, Deputy Vice Mayor Frankel, and Commissioner Boylston

No: 1 - Vice-Mayor Ervin Johnson

7.B. [22-859](#)

RESOLUTION NO. 80-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A VETERINARY CLINIC AT 5068 WEST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommendation: Review and consider Resolution No. 80-22 for a Conditional Use to allow a veterinary clinic at 5068 West Atlantic Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)[5068 W Atlantic Avenue - Res 80-22 leg rev \(WB\)](#)[5068 W Atlantic Avenue - PZB Report](#)[5068 W Atlantic Avenue - Floor Plan](#)[5068 W Atlantic Avenue - Survey](#)[5068 W Atlantic Avenue - TPS Letter - 5.10.22](#)[5068 W Atlantic Avenue - Traffic Impact Analysis](#)[5068 W Atlantic Avenue - Legal Review Form - Res 80-22](#)

Mayor Petrolia asked if any of the Commissioners had any Ex Parte communications. Neither Commissioner had Ex Parte communications to report.

Ms. Anthea Gianniotis, Planning and Zoning Director entered file number 2022-166 into the record. She explained that the applicant was present.

The applicant explained that GoodVets Delray is a top of the line vet clinic that aims to raise the quality of care for household animals through the technology they use and to raise the quality of the work environment for veterinarians and staff. He explained they accomplish this by optimizing their clinics and the values on which they build them. They use consumer facing applications that allow them to exchange records to keep up to date on an animal's health needs with back end solutions to improve the flow of clinics. He explained that they partner with local veterinarians who care about the community, the animals and the pet owners.

Ms. Anthea Gianniotis explained that the subject property is located at 5068 West Atlantic and is approximately 3000 square feet of existing commercial tenant space within the Delray Commons Shopping Plaza. She explained this resolution would approve a conditional use for a veterinary clinic and that the existing plaza has recently gone through SPRAB for a bit of a face lift. She went over the detailed staff report and noted their compliance. She explained that it went before the SPRAB board and they unanimously recommended approval.

Mayor opened it up for public comment. Seeing no one, public comment was closed.

There was no rebuttal or cross examination by the applicant nor staff.

Deputy Vice Mayor Casale made a motion to approve the conditional use. It was seconded for discussion by Vice Mayor Frankel. The motion carried as follows:
approved

Yes: 5 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, Deputy Vice Mayor Frankel, and Commissioner Boylston

7.C. [22-214](#) **NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT**

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve on the Board of Adjustment for a two (2) year term ending August 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Board of Adjustment 2022](#)
[BOA 2022 ATTENDANCE](#)
[Baffer](#)
[Cullinan](#)
[Evola](#)
[Miles](#)
[Purdo](#)
tabled

7.D. [22-769](#) NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Recommendation: Motion to approve the nomination of four (4) regular members to serve a two (2) year term ending August 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Planning & Zoning Board 2022](#)
[PZ 2022 Attendance](#)
[Baffer](#)
[Bowens](#)
[Brewer](#)
[Brown](#)
[Charles](#)
[Cohen, S](#)
[Cullinan](#)
[Davey](#)
[Jonas](#)
[Miles](#)
[Miller](#)
[Rindos](#)
[Schulz](#)
[Snyder](#)
[Thomas](#)
[Zeller](#)
tabled

7.E. [22-770](#) NOMINATION FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Recommendation: Motion to approve the nomination for appointment of four (4) regular members to serve on the Historic Preservation Board for a two (2) year term ending August 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Historic Preservation Board 2022](#)
[HPB 2022 ATTENDANCE](#)
[Brown](#)
[Cullinan](#)
[Finn](#)
[Land](#)
[Long](#)
[Miller](#)
[Osinoff](#)
[Schulz](#)
[Talley](#)
[Willis](#)
tabled

7.F. [22-771](#) NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to approve the nomination for an appointment for five (5) regular members to serve on the Site Plan Review and Appearance Board for a two (2) year term ending August 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[SPRAB Member List 2022](#)
[SPRAB ATTENDANCE 2022](#)
[Adler](#)
[Baffer](#)
[Brewer](#)
[Bowens](#)
[Cohen S.](#)
[Miles](#)
[Purdo](#)
[Rindos](#)
[Thomas](#)
[Warner](#)
[Zeller](#)
tabled

7.G. [22-946](#) NOMINATIONS FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

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

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Affordable Housing Advisory Committee 2022 2](#)
[AHAC Quarterly Attendance 2022](#)
[Boone](#)
[Land](#)

Commissioner Johnson nominated LaToya Boone to serve on the Affordable Housing Committee. It was seconded by Deputy Vice Mayor Juli Casale. The vote was taken and the motion carried as follows:
approved

Yes: 5 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, Deputy Vice Mayor Frankel, and Commissioner Boylston

7.H. [22-945](#) AMENDMENT NO. 5 TO THE EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND WASTE MANAGEMENT INC. OF FLORIDA FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES.

Recommendation: Motion to approve Amendment No. 5 to the Exclusive Franchise

Agreement for Solid Waste and Recycling Collection Services.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[Delray Beach Economic Justification 062422 \(1\)](#)

[2015-03-09 Exclusive Franchise Agt between the City and SWS LLC](#)

[Amendment No. 5 \(DRAFT\) - 7 Months with 5 Month Extension](#)

[Option-7.17.2022](#)

Mr. Moore introduced Item 7.H. and 7I concurrently as they are related. He explained that this takes into consideration any opportunities to have an agreement in place until September 30, 2023. He provided a breakdown of the current residential rate structure until the end of the fiscal year which is \$11.18. In the month of May 2023, he explained the negotiated rate will change to 13.39. To continue the existing relationship with Waste Management until the end of September 30, 2023, a rate consideration will be \$19.45 from May - September 2023.

Commissioner Johnson made a motion to approve Amendment No. 5. It was seconded by Vice Mayor Frankel. The vote was taken and the motion carried as follows:

approved

Yes: 3 - Vice-Mayor Ervin Johnson, Deputy Vice Mayor Frankel, and Commissioner Boylston

No: 2 - Commissioner Casale, and Mayor Petrolia

7.I. [22-968](#)

RESOLUTION NO. 112-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, LEVYING AND ADOPTING CHARGES, RATES, AND FEES FOR SOLID WASTE COLLECTION AND FURTHER PROVIDING THAT THE CITY MANAGER, OR DESIGNEE, MAY ADMINISTRATIVELY AMEND THE SUBJECT CHARGES, RATES, AND FEES IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CITY'S FRANCHISE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 112-22 to amend the collection rates for sanitation services in accordance with the terms and conditions of the City's franchise agreement.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[Resolution No. 112-22](#)

Commissioner Johnson requested a change to the language in Resolution 112-22 that the delegation of authority would remain with the City Commission to approve future amendments with Waste Management.

Further discussion ensued. City Attorney Lynn Gelin opined on the solicitation process.

Commissioner Johnson amended her motion and Vice Mayor Frankel seconded the amended motion. The vote was taken and the motion carried as follows with Mayor Petrolia and Deputy Vice Mayor Casale dissenting.

approved as amended

Yes: 3 - Vice-Mayor Ervin Johnson, Deputy Vice Mayor Frankel, and Commissioner Boylston

No: 2 - Commissioner Casale, and Mayor Petrolia

8. PUBLIC HEARINGS/SECOND READINGS:

Mayor Petrolia read the

- 8.A.** [22-860](#) ORDINANCE NO. 21-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING SEVEN PARCELS OF LAND MEASURING APPROXIMATELY 4.3882 ACRES LOCATED ON THE EAST SIDE OF NORTH FEDERAL HIGHWAY, NORTH OF DELMAR WAY AND SOUTH OF GULFSTREAM BOULEVARD, WITH ADDRESSES OF 2419, 2507, 2515, 2519, 2601, 2605, AND 2613 NORTH FEDERAL HIGHWAY, FROM GENERAL COMMERCIAL TO AUTOMOTIVE COMMERCIAL 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. (FIRST READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 21-22, a privately initiated rezoning request from General Commercial (GC) to Automotive Commercial (AC) for seven parcels, totaling +/- 4.3882 acres, located on the east side of North Federal Highway between Delmar Way and Gulfstream Boulevard.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[2419-2613 N Federal Hwy - Ord 21-22 leg rev \(WB\)](#)

[2419-2613 N Federal Hwy - PZB Report](#)

[2419-2613 N Federal Hwy - Existing and Proposed Zoning](#)

[2419-2613 N Federal Hwy - Applicant Justification Statement](#)

[2419-2613 N Federal Hwy - Traffic Statement](#)

[2419-2613 N Federal Hwy - Legal Review Form - Ord 21-22](#)

City Attorney Lynn Gelin read Ordinance 21-22 into the record and announced that it is a Public Hearing. The floor was opened for public

comment.

Public Comment

Trey Nazzaro, Assistant Town Attorney with Town of Gulfstream, 100 Sea Road, Gulfstream, FL. He spoke in opposition of Ordinance 21-22. He went over some legal objections to build his position. He explained that the Always Delray Comprehensive Plan and objective 2.5 talks about the unique impacts that require appropriate and strategic locations for auto dealerships specifically with the Gunther Volvo Dealership which is generally not compatible to the surrounding single-family land use.

Chett Snabley, President of the Homeowners Association of Plaza Solay. He expressed he does not support the rezoning request. They reached out to the developer and was able to meet and asked for certain concessions if the property was to be rezoned. No agreement has been reached. He explained that a few years ago when the Volvo lot was being redeveloped, Mr. Gunther was very accommodating at that time. An email was sent Alexis Rosenberg, their staff and they wish to remain engaged.

Alice Finst, 707 Place Tevant, expressed that this change does not need to take place in the entrance of this City. She feels it should remain general commercial.

Attorney (inaudible name of firm) on behalf of the applicant. She responded to objections. She explained that there are 6 of the 7 properties that are currently vacant which needs to be redeveloped. She mentioned that in the Always Delray Comprehensive Plan as a property encouraged to have a zoning designation of AC which is what they are proposing to rezone to. She acknowledged meeting with the HOA. They are still meeting with the dealership to meet the requirements of the dealership which they are unsure of the specifications at this time.

Further discussion ensued.

Deputy Vice Mayor Casale made a motion to approve Ordinance 21-22. It was seconded by Vice Mayor Frankel. The vote carried as follows:
approved

Yes: 5 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, Deputy Vice Mayor Frankel, and Commissioner Boylston

8.B. [22-782](#)

ACCEPTANCE OF RESOLUTION 106-22: STORMWATER UTILITY ASSESSMENT (PUBLIC HEARING)

Recommendation: Consideration of the following items:

Motion to approve and accept the Resolution No.106-22 establishing a

budget for the Stormwater Utility System, establishing the rates for FY 2022/2023 Stormwater Management Assessments, and certifying and adopting the Stormwater Assessment Roll.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[1. Res 106-22 for Stormwater Utility Assessment](#)

[2. Certificate to Non-Ad Valorem Assessment Roll](#)

[3. Exhibit A- Resolution 106-22 for Stormwater Utility Assessment-07-06-2022](#)

[4. Delray 2022 TRIM -Res 106-22 Stormwater Utility Assessment](#)

[5. Legal Review Res 106-22 Stormwater Utility System FY22-23 Budget](#)

City Attorney Lynn Gelin read Resolution Number 106-22 into the record.

Ms. Missie Barletto, Public Works Director gave a brief presentation on the Stormwater Utility Assessment and its use.

Mayor Petrolia opened the floor for public comments. There being no one present, public comment was closed.

Deputy Vice Mayor Casale made a motion to approve Resolution Number 106-22. It was seconded by Vice Mayor Frankel. The motion carried as follows:
approved

Yes: 5 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, Deputy Vice Mayor Frankel, and Commissioner Boylston

9. FIRST READINGS:

9.A. [22-823](#)

ORDINANCE NO. 20-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE, AND COMMERCIAL (MROC) DISTRICT," AMENDING THE PURPOSE AND INTENT, ESTABLISHING A STANDARD DENSITY FOR MULTI-FAMILY DEVELOPMENT, TO ENSURE COMPLIANCE WITH SECTION 166.04151, FLORIDA STATUTES, MAKE CORRECTIVE UPDATES, AND REVISE LANGUAGE TO IMPROVE READABILITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Consider Ordinance No. 20-22, a City-initiated amendment to the Land

Development Regulations (LDR), amending Section 4.4.29, "Mixed Office, Residential, and Commercial (MROC) District, to bring the regulations into compliance with HB 7103, to make corrective updates, and to revise the language to improve readability.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 20-22](#)

[MROC Sample Density Calculations](#)

[Ordinance No. 20-22: PZB Staff Report, MROC LDR Amendment](#)

[Ordinance No. 20-22: Tri-Rail Transit Station Radius Study](#)

[Ordinance No. 20-22: Always Delray Map DIA-7 \(Workforce Housing\)](#)

[Legal Review](#)

City Attorney Lynn Gelin read Ordinance 20-22 into the record. It is first reading with no presentation.

Deputy Vice Mayor Casale made a motion to approve Ordinance 20-22. It was seconded by Vice Mayor Frankel. The motion carried as follows:
approved on first reading

Yes: 5 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, Deputy Vice Mayor Frankel, and Commissioner Boylston

9.B. [22-928](#)

ORDINANCE NO. 24-22: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 33 "POLICE AND FIRE-RESCUE DEPARTMENTS", TO IMPLEMENT PROVISIONS OF THE 2021-2024 COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION; AMENDING THE POLICE OFFICERS' RETIREMENT SYSTEM BY AMENDING SECTION 33.62, "BENEFIT AMOUNTS AND ELIGIBILITY"; AMENDING SECTION 33.64, "CONTRIBUTIONS"; AMENDING SECTION 33.685, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Motion to approve Ordinance No. 24-22 amending the City's Police and Firefighters Retirement System Pension.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Ordinance No 24-22 - Police Pension Ordinance 6.21.22 \(01683624xBA9D6\)](#)

[Collective Bargaining Agreement Police Officers and Sergeants 10-1-2021-9-30-2024](#)

[Collective Bargaining Agreement Lieutenants 10-1-2021 to 9-30-2024](#)

City Attorney Lynn Gelin read Ordinance 24-22 into the record. She addressed some of the comments made earlier under public comments. She explained that the PBA Attorneys are alleging that the changes to the Code are not consistent with the CBA. She expressed that she reached out to Mr. Linn, the City's pension counsel as well as Mr. Schneider, the City's outside counsel who actually bargained this agreement. She explained that their position is that it is consistent. The contention is with the maximum benefit percentage of 68.75% and the union believes it should be 75%. She further explained that when you look at the collective bargaining agreement, it is not in there, but if the Commission's intent was that it was supposed to be 75%, then the best course of action is for her to prepare an MOU to memorialize that change.

Vice Mayor Frankel made a motion to approve Ordinance 24-22. It was seconded by Deputy Vice Mayor Casale. The motion carried as follows:

approved on first reading

Yes: 5 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, Deputy Vice Mayor Frankel, and Commissioner Boylston

9.C. [22-875](#)

ORDINANCE NO. 25-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 101, "PARKS, BEACHES, AND RECREATION", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, SECTION 101.36, "ADDITIONAL RULES APPLYING TO PARKS, RECREATIONAL FACILITIES, AND THE MUNICIPAL BEACH", BY AMENDING SUBSECTION (H) "SMOKING" TO PROHIBIT SMOKING CERTAIN TOBACCO PRODUCTS ON THE MUNICIPAL BEACH AND IN PUBLIC PARKS, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 25-22.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Ordinance 25-22](#)

[CS-HB 105](#)

City Attorney Lynn Gelin read Ordinance 25-22 into the record. Ms. Gelin explained that the Florida Statute previously preempted the City from enforcing smoking on the beach except for filtered cigars and that decision was essentially repealed.

Vice Mayor Frankel made a motion to approve Ordinance 25-22 on first reading. It was seconded by Deputy Vice Mayor Casale. The motion

carried as follows:

approved on first reading

Yes: 5 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, Deputy Vice Mayor Frankel, and Commissioner Boylston

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Mr. Moore explained that given the direction or the authorization for the Waste Management franchise agreement number 5, he wished to provide an update relative to the pending selection process to bring on board recent Solid Waste Authority Executive Director John Archambo, an external expert to assist with the request for proposal process and to govern the selection of future franchise agreement considerations.

B. City Attorney

Ms. Gelin reminded the Mayor of the August 23, 2022 Workshop that is actually scheduled on an election day. The date was changed to August 22, 2022 at 3:30 p.m. for the follow-up budget workshop.

C. City Commission

Commissioner Boylston did not have anything to report.

Deputy Vice Mayor Casale wanted to ensure that the Department Heads will individually contribute to the information in the salary study. Mr. Moore confirmed that the Department Directors will have input. She also requested for the next Commission meeting that a plan be laid out for the Old School Square Campus in respect to specific costs, etc. and that there is money in the budget now to do an amendment.

Vice Mayor Frankel wished his brother Brett Frankel a happy birthday.

Commissioner Johnson shared sentiments of Deputy Vice Mayor Casale about getting something moving at the Old School Square Campus since the property has been vacated almost a year ago. Also in regards to the salary survey, she feels the Department Heads need to be apart of the salary study and what the requirements are for their individual departments. She reminded everyone that she had asked for an audit of the P-Card usage and has since spoken to the Internal Auditor and moving forward would be a bit pre-mature since the OIG still has some dates outstanding, so she is asking for consensus to withdraw her request for the P-Card audit.

Mayor Petrolia clarified some points about the Crest Theatre that it is

not 80% complete, it has not been a year and that the City only accepted the premises back since February and could not move forward before that time. Also, the condition of the premises were not left as they were when it was given to them. Further the City is tied up in litigation which only complicates the matter more. In regards to the Mark Lauzier filing, the case was positive towards the City and the rumors of the \$200 transaction was actually a policy that the City has in place which allowed the purchase of the airline ticket for a family member in which she reimbursed the City for.

Mayor Petrolia briefly spoke about controversial issues that sometimes come up on an agenda that makes it uncomfortable for all involved. She apologized for her reaction to a situation that took place at the last meeting with a colleague. She asked that all parties remain civil with each other and act with respect.

11. ADJOURNMENT

With no further business to discuss, the Regular Commission Meeting was adjourned at 7:17 p.m.