



City of Delray Beach

Regular Commission Meeting City Commission

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Delray Beach, Florida
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Mayor Shelly Petrolia
Vice Mayor Adam Frankel
Deputy Vice Mayor Juli Casale
Commissioner Ryan Boylston
Commissioner Shirley Ervin Johnson

Delray Beach City Hall or Watch on YouTube:

Tuesday, May 3, 2022,

4:00 PM

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 4:02 p.m.

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

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

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 Johnson requested to pull Item No. 6.B. from the Consent Agenda for discussion. Item 6. B became 7. A. A. on the Regular Agenda.

Commissioner Boylston motioned to approve the agenda as amended.

Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

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

APPROVED AS AMENDED

4. PRESENTATIONS

4.A. None

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 communicated that the Office of the City Manager, along with Mr. Hassan Hadjimiry, Utilities Director, had established procedures allowing the city to respond to residents' concerns about their water quality. Mr. Moore communicated that this procedure received a favorable response from the residents and on social media.

5.A.1. *Current construction projects*

Ms. Missie Barletto, Director of Public Works, provided an update on the city's construction projects. The Commission suggested that Ms. Barletto's construction updates should only entail the larger projects and any appropriations received.

5 .B. *From the Public*

Laura Simon, Downtown Development Authority Executive Director, discussed the events the downtown would be hosting in the coming weeks. She mentioned that several new businesses had opened during the last few months. Ms. Simon asked that people be more mindful when disposing of their trash in the downtown area.

Kenya Chaney Madison, residing at 301 NW 7th Avenue, Delray Beach, Senior Director of Healthier Delray Beach, thanked the Commission for recognizing May as Mental Health Awareness and Trauma-Informed Care month.

James McCray, residing at 700 Lindell Blvd, Delray Beach, shared that he was a chess teacher for people of all ages. He announced there would be a Tri-County Chess Tournament on June 18th at 201 West Atlantic Avenue from 10:00 a.m. – 2:00 p.m. Mr. McCray invited everyone to come and participate.

George Long, residing at 46 North Swinton Avenue, Delray Beach, discussed the rise of climate gentrification in Miami and the implications that it could have on Delray Beach.

Angie Gray, residing at 3765 Riverside Way, Delray Beach, commented that she was pleased to have redevelopment on West Atlantic Avenue, including affordable and Workforce Housing Units.

James Thomas, residing at 10841 Anderson Lane, Lake Worth, reported that he owns several properties in Delray Beach and would like to construct Affordable Workhouse Housing on

them. Mr. Thomas asked the Commission for any assistance or advice they could provide to him.

Seeing no one else present for public comment, Mayor Petrolia closed public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Boylston motioned to approve the Consent Agenda as amended. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

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

APPROVED

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[December 14, 2021, Regular Commission Minutes - DRAFT](#)

APPROVED

6.B. RESOLUTION NO. 71-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE ANY SETTLEMENT AGREEMENTS RELATED TO THE OPIOID EPIDEMIC LITIGATION AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS RESOLUTION, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Res 71-22 Settlement Authority for Opioid Litigation](#)

Commissioner Johnson requested Item No. 6.B. be pulled from the Consent Agenda for discussion. It became Item 7. A.A. on the Regular Agenda.

Commissioner Johnson communicated that the League of Cities discussed the Opioid Settlement Cases.

Ms. Lynn Gelin, City Attorney, explained that the money obtained from the Opioid Settlement is not for reimbursement but would be used for abatement fees. Ms. Gelin advised that although the money awarded was minimal, the Police and Fire Departments would have it available to them should they need it. Ms. Gelin stated having Resolution No. 71-22 in place would allow the city to move forward with the drug settlements more quickly when the time comes.

Deputy Vice Mayor Casale motioned to approve Resolution No. 71-22. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

APPROVED

6.C. MOTION TO APPROVE CONSENT LETTER FOR THE INSTALLATION OF A GENERATOR PURSUANT TO THE JUNE 6, 2001 LEASE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, FLORIDA AND AT&T WIRELESS SERVICES OF FLORIDA, INC. NOW CINGULAR WIRELESS PCS, LLC.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Legal Review Consent Letter for installation of generator by ATT pursuant to lease for 300](#)

[W Atlantic](#)

[Mastec network solutions - Consent Letter](#)

[Lease Agreement with ATT](#)

[First Amendment to Lease Agreement](#)

[New Cingular Wireless PCS LLC \(ATT\) - amd no. 2 to lease agreement](#)

APPROVED

6.D MOTION TO APPROVE SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Amd #2 to Lease Agreement with Verizon for Tower Space at DBPD](#)

[Legal Review Amd #2 to Verizon Wireless Lease of Police Cell Tower](#)

[68610 Delray Police Station - First Amendment](#)

[68610 Delray Police Station - Lease Agreement](#)

APPROVED

6.E. ACCEPTANCE OF A DRAINAGE EASEMENT ALONG THE WEST SIDE OF THE SINGLE-FAMILY RESIDENCE, BETWEEN VISTA DEL MAR SOUTH AND SEABREEZE AVENUE ON THE PROPERTY LOCATED AT 212 SEABREEZE AVENUE.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Drainage Easement Agreement-212 Seabreeze Ave-2022-04-25](#)

[Legal Review- 212 Seabreeze Ave- 2022-04-25](#)

APPROVED

6.F. ITEM(S) A1- ACCEPTANCE OF TWO (2) RIGHT-OF-WAY DEDICATIONS BY 1541 CATHERINE DR.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

APPROVED

6.G. *ITEM(S) A1, A2, A3, A4, A5, AND A6 - ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 300 SANDPIPER LANE AND ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 924 NE 9th AVENUE AND ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 404 SE 4th AVENUE AND ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 408 SW 4TH STREET AND ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 508 NE 7TH AVENUE AND ACCEPTANCE OF RIGHT OF WAY DEDICATION BY 512 NE 7TH AVENUE.*

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Legal Review ROW Deed 300 Sandpiper Lane Sherri Glist Mariani Declaration of Trust](#)

[Legal Review ROW Deed 924 NE 9th Ave LLC](#)

[Legal Review ROW Deed 404 SE 4th Ave Casa Moderna Delray LLC](#)

[Legal Review ROW Deed 408 SW 4th Street 408SW LLC](#)

[Legal Review ROW Deed 508 NE 7th Ave](#)

[Legal Review ROW Deed 512 NE 7th Ave](#)

[Item \(A1a\) ROW - 300 Sandpiper Ln](#)

[Item \(A1b\) Exhibit A Sketch of Desc - 300 Sandpiper Ln.](#)

[Item \(A2a\) ROW - 924 NE 9th Ave](#)

[Item \(A2b\) Exhibit A & Survey - 924 NE 9th Ave \(1\)](#)

[Item \(A3a\) ROW - 404 SE 4th Ave](#)

[Item \(A3b\) Exhibit A Sketch & Desc - 404 SE 4th Ave](#)

[Item \(A4a\) 408 SW 4th St. - ROW](#)

[Item \(A4b\) Exhibit A Sketch - 408 SW 4th St](#)

[Item \(A5a\)- 508 NE 7th Ave](#)

[Item \(A5b\) Exhibit A & Sketch - 508 NE 7th Ave](#)

[Item \(A6a\) - 512 NE 7th Ave - ROW \(1\)](#)

[Item \(A6b\) Exhibit A Sketch - 512 NE 7th Ave](#)

APPROVED

6.H. PROCLAMATIONS:

6.H.1. MUNICIPAL CLERKS WEEK PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Municipal Clerks Week Proclamation](#)

APPROVED

6.H.2. FIREFIGHTER APPRECIATION DAY

Sponsors: Fire Rescue Department

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

APPROVED

6.H.3. DELRAY BEACH POLICE DEPARTMENT MEMORIAL WEEK

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Proclamation Police Week Final](#)

APPROVED

6.H.4. PUBLIC WORKS WEEK PROCLAMATION

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[2022 NPWW Delray Proclamation](#)
[22NPWW Poster 200x300](#)

APPROVED

6.H.5. PROCLAMATION TO DESIGNATE THE WEEK OF MAY 15-22 AS WATER REUSE WEEK

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Water Reuse Week](#)

APPROVED

6.H.6. PROCLAMATION DESIGNATING THE MONTH OF MAY AS HISTORIC PRESERVATION MONTH IN DELRAY BEACH

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[2022-HP Month Proclamation](#)

APPROVED

6.H.7. WE ♥ SMALL BIZ MONTH PROCLAMATION - MAY 2022

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[We Love Small Biz Month Proclamation](#)

APPROVED

6.H.8. MAY 2022 MENTAL HEALTH AWARENESS AND TRAUMA INFORMED CARE MONTH

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Mental Health Awareness and Trauma Informed Care](#)

APPROVED

6.H.9. OBSERVANCE OF HAITIAN-AMERICAN HERITAGE MONTH

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Haitian American Heritage Month](#)

APPROVED

6.H.10. ASIAN-AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Asian American and Pacific Islander Heritage Month](#)

APPROVED

6.H.11. HEPATITIS AWARENESS MONTH PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Hepatitis Awareness Month Proclamation](#)

APPROVED

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

6.I.1. None

6.J. AWARD OF BIDS AND CONTRACTS:

6.J.1. None

7. REGULAR AGENDA:

7. A. RESOLUTION NO. 58-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A DOMESTIC ANIMAL SERVICES FACILITY OFFERING PET SERVICES AND A PET HOTEL AT 820 SE 5TH AVENUE, AS MORE PARTICULARLY DESCRIBED HOTEL AT 820 SE 5TH 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 HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 58-22](#)
[PZB Conditional Use Staff Report](#)
[Applicant Justification Statement](#)
[Site Plan](#)
[Simple Legal Review Resolution 58-22](#)

Mayor Petrolia read the Quasi-Judicial rules into the record.

Ms. Katerri Johnson swore in those individuals who wished to provide testimony on Resolution No. 58-22.

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

The following was disclosed:

Mayor Petrolia - Had personal phone calls with Mindy Walden and Mr. Costello. Otherwise, everything is on the city server.

Vice Mayor Frankel - any communication is on the city server.

Deputy Vice Mayor Casale - any communication is on the city server, and she had met with the representative and received a text from Randy.

Commissioner Boylston - had conversations in the past but not recently.

Commissioner Johnson - any communications are on the city server, and she had met with residents to visit the location of the business.

Ms. Anthea Gianniotis, Director of Development Services, read File No. 2022-083 into the record. Mr. Jeff Costello, with JC Planning Solutions, located at 981 Delray Lakes Drive, Delray Beach, was present on behalf of his client, Jennifer Roselli, the owner of Beach Dogs Day Care & Pet Hotel.

Ms. Roselli, apologized for her inappropriate behavior in the past to city staff and Ms. Gianniotis.

Mr. Costello stated that the purpose of the evening's meeting was to move forward and address the appropriate approvals needed so that Beach Dogs Day Care/Pet Hotel can co-exist harmoniously within the community. He stated that the conditional use application request was to establish a Domestic Animal Services Facility/Pet Hotel with Pet Services as an accessory under LDR Section 4.3.3 (W) Domestic Animal Services, which was adopted in October 2021. Mr. Costello advised that Ms. Roselli had withdrawn her request for outdoor use.

Ms. Gianniotis reported that in October of 2021, the city expanded its code to provide more modern animal use facilities in the city. She stated other issues would be addressed by SPRAB and returned to the Commission if approved. Ms. Gianniotis provided suggestions for the Commission to consider when deciding whether or not to approve Resolution No. 58-22.

Public Comments:

Steven Ferguson, residing at 823 SE 4th Avenue, Delray Beach, stated that he lives behind Beach Dogs and hears barking. He mentioned he is concerned about the noise, the smell, and the property value.

Darcy Newman, residing at 2901 South Ocean Blvd, Boca Raton, asked the Commission to approve Beach Dogs as a permanent facility. She explained that the facility is run much like a children's daycare and is very professional.

Jennifer Grasso, residing at 235 NE 1st Street, Delray Beach, was present to support Beach Dog Day Care and Jennifer Roselli. She advised that Ms. Roselli had complied with the required changes as the city instructed her. Ms. Grasso acknowledged that there is no other type of facility in the city.

Annette Gallagher, residing at 823 SE 4th Avenue, Delray Beach, communicated that she lives behind the facility and should require a 300 ft. perimeter between the facility and the residential properties.

Lisa Quillian, residing at 925 SE 2nd Avenue, Delray Beach, stated that she did not support having the Beach Dog facility because it interferes with the resident's rights to quiet enjoyment. She acknowledged it removes the resident's right to calm and quiet enjoyment. Ms. Quillian suggested that Ms. Roselli relocate her business to a building with concrete walls.

Robin Ingle, residing at 3117 Karen Drive, Delray Beach, requested that the city move forward and approve Resolution No. 58-22 since Ms. Roselli had complied with the Conditional Use Permits required by the city.

Robert Fienberg, residing at 142 Marine Way, Delray Beach, stated that he had taken videos of the Beach Dogs facility at all hours and had only heard street noises. He indicated that he was in favor of the business remaining open.

Gail Lee McDermott, residing at 721 SE 3rd Avenue, stated that she has been a resident of Osceola Park for 27 years and urged the Commission to approve Resolution No. 58-22 since it is making every attempt to comply with the requests by the city. She remarked that having a diverse group of businesses on Federal Highway was a good idea.

Amanda Shamus, residing at 1350 Crystal Way, Delray Beach, provided a video from April 27th, 2022, at approximately 10:27 a.m., she arrived unannounced at Beach Dog Day Care and did not hear any noise. She said that she supported keeping the business open.

Michelle Vascilo, residing at 821 Delmar Way, advised that she was a former employee of Ms. Roselli and that she treated her employees with respect.

Terry Berman, residing at 2944 Needham Court, Delray Beach, stated that her dog was happy staying at Beach Dog Day Care. Ms. Berman shared that she was a realtor and felt that Beach Dog Day Care would not negatively affect local property values.

Phoebe Warner, residing at 239 NE 21st Street, Delray Beach, shared a video she recorded from a typical day at 12:30 p.m., revealing no barking or animal noises.

Laura Bernstein, residing at 704 SE 2nd Street, Delray Beach, provided a video of two different evenings after 9:00 p.m. showing no noise from Beach Dog. She noted that Ms. Roselli loved all of the dogs in her care.

Jordan Karlick, residing at 34 NW 7th Street, Boca Raton, provided a time-lapse video from outside of Beach Dogs one day, revealing there was no barking. Mr. Karlick shared that he brings his dog to Beach for the loving care provided to the animals receive.

Chris Harvey, residing at 2040 Alta Meadows Lane, Delray Beach, stated that he patronized Beach Dog and has total peace of mind when he brings his dog there. Mr. Harvey praised Ms. Roselli for filling a need in the area.

James Quillian, residing at 925 SE 2nd Avenue, Delray Beach, emphasized that Beach Dog is housed in a metal building that amplifies the barking dogs' sound. He suggested relocating the business to a concrete structure.

Louise Lafond, residing at 1029 Langer Way, Delray Beach, provided a video from April 29th where there were no barking dogs. She recognized that the area needed the services that Beach Dogs provides.

Carolina Calderon, residing at 831 SE 4th Avenue, Delray Beach, reported that she had sent videos to the Commission of the dogs barking throughout the day. She commented that Ms. Roselli sends nasty emails to her and her neighbors and posts offensive comments on social media.

Gary Wulf, residing at 831 SE 4th Avenue, Delray Beach, provided videos of dogs barking over the past year and a half. Mr. Wulf read aloud threatening emails he allegedly received from Ms. Roselli at all hours of the night.

Margaret Keller, residing at 721 SE 3rd Avenue, Delray Beach, said she supported Beach Dog Day Care. She commented that Ms. Roselli had invested much money into the facility but was sorry for the rift between friends and neighbors.

Elizabeth McHugh, residing at 732 SE 3rd Avenue, Delray Beach, challenged the residents who were not in favor of Beach Dog Day Care to produce videos of the dogs barking 24/7 for the past 2 ½ years. Ms. McHugh advised that police reports indicate there was silence when responding to the neighbors' complaints.

Jeff Brown, an attorney, is located at 750 S. Dixie Highway, Boca Raton. Mr. Brown was present virtually on behalf of his clients, Ms. Carolina Calderon and Mr. Jeff Wulf, who live next to Beach Dog Day Care. Mr. Brown discussed several reasons that Ms. Roselli should not be granted a special waiver to run her business. He mentioned that Ms. Roselli had used social media platforms to shame the city and the Commissioners. He pointed out that Ms. Roselli lied to the business licensing department about what type of service her business would provide.

Ms. Gelin said that the 300-foot sound barrier was irrelevant now since Ms. Roselli had withdrawn her application for outdoor use. Ms. Gelin acknowledged there were still code violations that Ms. Roselli would have to remedy.

Mr. Randy Goldberg, an attorney at 151 NW 1st Avenue, Delray Beach, stated he was present to wrap up the testimonies on behalf of Ms. Roselli.

Mayor Petrolia informed Mr. Goldberg that the time had passed to provide testimony.

Mayor Petrolia closed public comments.

Mayor Petrolia asked if there were any cross-examinations or rebuttals.

There were none from either side.

Mr. Costello provided a video that he filmed himself on various dates and times on the premise of Beach Dogs. He noted that on each visit, he did not hear any barking. Mr. Costello recognized that Ms. Roselli had made significant improvements to the building to comply with Code Enforcement. He emphasized that future enhancements to the building would help ensure the neighbor's peaceful enjoyment.

Ms. Gianniotis reported that on March 21, 2022, the Planning and Zoning Board voted 6-1 to approve the conditional use request with the limited hours of 7:00 a.m. to 7:00 p.m. and not to allow outdoor use or overnight boarding.

Each Commissioner provided feedback on the presentation.

Vice Mayor Frankel communicated that his decision weighs heavy on the Planning and Zoning Board's vote of 6-1 to approve.

Commissioner Boylston mentioned that in addition to Planning and Zoning's recommendation, he said that the best cities to live in are dog friendly.

Commissioner Johnson expressed her concern that the city had allowed this situation to go on for two years and has only issued fines to the business. She stated that she wasn't in favor of having this service located where it is. Commissioner Johnson suggested instituting a conditional use clause if the Commission approves Resolution No. 58-22.

Deputy Vice Mayor Casale explained that the terms of a conditional use clause could include the language that the Commission sees fit for the city and the business.

Ms. Gelin reminded the Commission that they had directed Code Enforcement staff to create a code relevant to the modern day. She emphasized that Ms. Roselli would have to address her code violations separately from the outcome of Resolution No. 58-22.

Mayor Petrolia confirmed that Ms. Roselli's business license was initially approved for a grooming studio, indicating that Ms. Roselli was deceitful from day one. She mentioned that the surrounding homeowners may not have purchased their homes in that location if they knew a dog kennel would be there.

Mayor Petrolia agreed with the Planning and Zoning Board's recommendations. She acknowledged that it is the Commission's responsibility to advocate for the homeowners.

Vice Mayor Frankel motioned to approve Resolution No. 58-22 with the following conditions:

- Operating hours are between 7:00 a.m. - 7:00 p.m.
- No outdoor use
- No over overnight boarding
- Grant conditional use for one year

Commissioner Boylston seconded the motion.

Deputy Vice Mayor Casale proposed amending the hours of operation from 7:00 a.m. - 8:00 p.m.

Vice Mayor Frankel seconded the motion to amend the hours. A roll call vote was taken, and the motion was carried by the following vote:

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

NO - 1 Commissioner Johnson dissented

Ms. Gelin noted that her office would amend the language for the conditional use amendment.

APPROVED AS AMENDED

Ms. Gelin read Ordinance No. 02-22 and Ordinance No. 03-22 into the record.

8.A. ORDINANCE NO. 02-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH , FLORIDA , ADOPTING A SMALL SCALE LAND USE MAP AMENDMENT FOR AN UNADDRESSED PARCEL OF LAND LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN 3RD AVENUE AND BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STRET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050 , THAT MEASURES APPROXIMATELY 0.1109 ACRES AS MORE PARTICULARLY DESCRIBED HEREIN; DESIGNATING SAID LAND FROM COMMUNITY FACILITIES TO COMMERCIAL CORE, 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/ PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[SE 3rd Avenue - Ord 02-22](#)
[SE 3rd Avenue - PZB Staff Report](#)
[SE 3rd Avenue - Existing and Proposed Land Use and Zoning](#)
[SE 3rd Avenue - Applicant LUMA Justification Statement](#)
[SE 3rd Avenue - Traffic Analysis - Existing to Proposed Land Use and Zoning](#)
[SE 3rd Avenue - Traffic Analysis - Including Future Project](#)

Christina Bilenki, with Dunay, Miskel, and Backman, located at 14 SE 4th Street, Boca Raton was present on behalf of the applicant to correct a scrivener's error by amending the property located at SE 3rd Avenue from CF (Community Facilities) to CC (Central Core) Land use Designation. Ms. Bilenki commented that this item was more of a cleanup action.

Ms. Gianniotis said that Ordinance No. 02-22 was intended to re-designate the parcel of land use from Community Facilities (CF) to Commercial Core (CC) to correct the original scrivener's error by amending the property located at SE 3rd Avenue from Community Facilities to Central Core. She stated that the change is consistent with the Comprehensive Plan and meets the criteria outlined in the Land Development Regulations. Ms. Gianniotis reported that on January 24, 2022, the Planning and Zoning Department voted to approve Ordinance No. 02-22 and Ordinance No. 03-22. She summarized her presentation by stating that this Ordinance would officially adopt what is reflected on the map.

Mayor Petrolia opened the floor to public comments on Ordinance No. 02-22 and 03-22.

Seeing no one present, public comments were closed.

Deputy Vice Mayor Casale motioned to approve Ordinance No. 02-22. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

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

APPROVED ON SECOND READING

8.B. ORDINANCE NO. 03-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.1109 ACRES IN SIZE PRESENTLY ZONED COMMUNITY FACILITIES TO CENTRAL BUSINESS DISTRICT WITHIN THE CENTRAL CORE SUB-DISTRICT FOR AN UNADDRESSED PARCEL LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STREET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; CORRECTING THE SCRIVENER'S ERROR IN FIGURE 4.4.13-B-1, "CENTRAL CORE AND BEACH SUB-DISTRICTS REGULATING PLAN," OF THE LAND DEVELOPMENT REGULATIONS, TO MAINTAIN THE PARCEL AS PART OF THE CENTRAL CORE SUB-DISTRICT; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
(SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[SE 3rd Avenue - Ord 03-22](#)

[SE 3rd Avenue - PZB Staff Report](#)

[SE 3rd Avenue - Existing and Proposed Land Use and Zoning](#)

[SE 3rd Avenue - Central Core Sub-district Regulating Plan](#)

[SE 3rd Avenue - Applicant Rezoning Justification Statement](#)

[SE 3rd Avenue - Traffic Analysis - Existing to Proposed Land Use and Zoning](#)

[SE 3rd Avenue - Traffic Analysis - Including Future Project](#)

[SE 3rd Avenue - Legal Review Ordinance 03-22](#)

Deputy Vice Mayor Casale motioned to approve Ordinance No. 03-22. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

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

APPROVED ON SECOND READING

9. FIRST READINGS:

9. A. ORDINANCE NO. 17-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER," SUBHEADING "RATES, CHARGES, AND FEES," SECTION 52.34, "WATER RATES," SUBSECTION (B), "MONTHLY RATES," INCREASING THE RATES FOR WATER FURNISHED BY THE CITY; AMENDING CHAPTER 53, "SANITARY SEWERS," SUBHEADING "USER CHARGE AND INDUSTRIAL COST RECOVERY SYSTEM," SECTION 53.130, "USER CHARGES; WHOLESALE SEWER RATES; CALCULATION OF SEWER SURCHARGE," SUBSECTION (D), "[RATES AND CHARGES.]," INCREASING THE SANITARY SEWER SERVICE CHARGES; AMENDING CHAPTER 59, "RECLAIMED WATER," SECTION 59.09, "FEES, RATES, AND CHARGES," TO REFERENCE THE COMMODITY CHARGES IN SECTION 52.34, "WATER RATES;" PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Commission Presentation - 2022-03-08 - v1 \(002\)](#)

[Ord 17-22 Water and Sewer Fees](#)

[Legal Review Ord 17-22](#)

Ms. Gelin read Ordinance No. 17-22 into the record.

Vice Mayor Frankel motioned to approve Ordinance No. 17-22. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

APPROVED ON FIRST READING

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

- Asked for consensus to host the 2022 Palm Beach County League of Cities meeting at the Opal Grand Resort. Mr. Moore received consensus from the Commission.
- Wished everyone a Happy Mother's Day.

B. City Attorney

- Reported that the next Sound Walk would be held on Saturday, May 7, at 8:45 p.m. in the lobby of City Hall.

C. City Commission

10.C. 1. STUDY REGARDING INNOVATIVE AND DIVERSE HOUSING TYPES

SPONSOR: DEPUTY VICE MAYOR JULI CASALE

Sponsors: Casale

Attachments: [Agenda Cover Report](#)

[0015 001](#)

Deputy Vice Mayor Casale:

- Requested that staff be directed to obtain a study for innovative and diverse housing types consistent with the City's Comprehensive Plan to help provide more accessible housing.

Ms. Gianniotis discussed partnering with the Community Redevelopment Agency. She pointed out that every project couldn't be a priority due to time and money each year.

Commissioner Boylston remarked that he favored the idea of continuing the discussion.

- Discussed tightening up the businesses that hire off-duty officers to avoid a conflict of interest.

Ms. Gelin indicated that she would address the issue with the Police Department.

- Suggested that Ms. Gelin create a resolution opposing Senate Bill 620 to send to the Governor.
- Thanked Mr. Moore for working on her list of items to be done.
- Recognized Mr. Samuel Metott Director of Parks and Recreation for the renovations at Barwick Park.
- Acknowledged National Tennis Month.
- Motioned to reconsider and discuss Item No. 6.B. from April 19, 2022 agenda. (State Housing Initiatives Partnerships local housing assistance plan (LHAP) FY 2022-2025.

Commissioner Johnson seconded the motion for discussion. The roll call was taken, and the motion was carried by the following vote:

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

APPROVED

Ms. Gelin suggested putting this item on the next agenda for discussion.

Vice Mayor Frankel:

- Suggested Waste Management issue more significant waste receptacles to the residents.

A discussion ensued about the trash pickup.

Mr. Moore stated that the matter was being looked into already.

Mr. Sammie Walthour, Director of Neighborhood and Community Services, acknowledged that Waste Management collected the trash Monday through Saturday. He said that the downtown pick-up hours were between 4-6 a.m. He shared that a later crew of five city workers goes by to check on the waste in the afternoon. Mr. Walthour said it wasn't easy to hire more workers due to the pay structure. He assured the Commission that his department was doing everything possible.

- Requested to add a proclamation recognizing Jewish American Heritage Month.

Commissioner Johnson:

- Recognized Mother's Day
- Provided her constituents with the final release of the 2022 Florida League of Cities legislative sessions report. She suggested looking at the legal document from April 2022 that mentions Sunny Isles.
- Thanked the Mayor for her representation at the Transportation Planning Agency (TPA). Suggested inviting Valerie Nelson from the TPA to give a workshop.

Commissioner Boylston:

- Discussed finding an existing location for the Haitian-Caribbean residents to meet monthly.

Deputy Vice Mayor Casale suggested having the location centrally located at Pompey Park when it is renovated.

- Acknowledged this was the first time the Haitian-Caribbean community has asked for anything.

The Commission engaged in conversation about possible locations.

There was consensus to make this a discussion item on the May 17, 2022 Commission Meeting.

Mayor Petrolia:

- Asked for clarification on the June and July Commission dates.
Mr. Moore provided clarification.
- Acknowledged Fire Fighter Appreciation Day and mentioned how neglected the Fire Stations were.

Katerri Johnson requested consensus to create a proclamation for National Tennis Month. There was consensus.

11. ADJOURNMENT

With no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at 8:07 p.m.