



City of Delray Beach

Minutes

City Commission

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

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Delray Beach City Hall or Watch on YouTube:
Tuesday, October 11, 2022

4:00 PM

<https://www.youtube.com/watch?v=1lb-5LUj7jU>

1. ROLL CALL

The Regular City Commission Meeting was called to order at 4:00 PM.

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

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

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 pulled Item 6.K.1. It became 7.A.A. on the regular agenda. She also pulled Item 6.D. It became 7.B.B. on the regular agenda.

Mayor Petrolia confirmed 6.I.5. will be presented first. It became 4.A.A. on the regular agenda.

Commissioner Boylston motioned to approve the 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

4. PRESENTATIONS:

4.A.A. PROCLAMATION RECOGNIZING MS. BIRDIE MAE HOLTON FOR
CELEBRATING 103RD BIRTHDAY

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Birdie Mae Hoton 103 Year Birthday Proclamation](#)

Mayor Petrolia read the proclamation into the record.

4.A. PALM BEACH COUNTY HOUSING BOND REFERENDUM
CONSIDERATIONS

Regular Meeting 4:00 PM

Sponsors: Parks & Recreation Department

Attachments: [Housing Bond PP -B 9 23 22](#)

City Manager Moore introduced Horace Miller. Mr. Horace Miller provided background on the item. He explained the Palm Beach County Question 1 and stated the County is asking voters to approve a bond issue to increase the supply of housing. He noted the proceeds from the bond will be used to offer low interest loans to builders who will produce homes and apartments that are affordable to essential workers. He stated homes and apartments will be affordable to those making up to 140% area median income (AMI), which is household income below \$128,000. He further described how bond funding will help solve the housing affordability crisis and provided examples of essential workers being priced out of the housing market. He continued by reviewing how bonds work and noted all projects must still be approved the County or municipality where the units are being constructed. He concluded by summarizing the cost of the bond. He stated that the County calculated the bond will cost \$4.36 for \$100,000 of assessed value. For the average homeowner, this will amount to \$14 per year. He noted bonds are part of the larger Housing for All Plans and reviewed the taxpayer and participant protections.

Deputy Vice Mayor Casale asked about income categories. Mr. Miller stated the County decided the primary objective was to get as many new housing units in place as quickly as possible. He also clarified the County will not control the land use.

Deputy Vice Mayor Casale asked how long the fair rent will remain at that level. Mr. Miller stated he cannot guarantee the bond issue will be similar but, currently, the County asks the fair rent to remain in place for 50 years. She asked about the sales. Mr. Miller stated the County is looking at between 15-30 years. He stated the County is also working on a bond allocation process, but it will likely not be in place prior to the election.

Commissioner Boylston stated the AMI continues to grow in Palm Beach County but does not accurately reflect actual household incomes.

Mayor Petrolia asked if the County is focused on increasing affordable units quickly or any units. Mr. Miller described the process and stated a percentage of the units will be required to be affordable or workforce housing. He clarified the bond proceeds would go to offset the affordable units within a project.

A discussion ensued about household AMIs and housing needs.

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 introduced Ken Edwards, Sustainability Officer, to provide information about the Solar United Neighbors (SUN) Co-op Program and the City's involvement.

5.A.1. CLARIFICATION REGARDING THE SOLAR UNITED NEIGHBORS SOLAR CO-OP PROGRAM FOR PALM BEACH COUNTY

Recommendation: No Action Required.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[CC 101122 Solar Coop](#)

Mr. Edwards provided background on the item including SUN history, City goals and policies, and participation in the co-op.

Commissioner Johnson asked if the City Commission approved the partnership. Mr. Moore replied he did not bring it before the City Commission for 2022. Commissioner Johnson stated the partnership should be reconsidered.

City Attorney Gelin stated the City does not endorse or promote private business to residents.

A discussion ensued about the program.

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Consensus was reached to end the SUN partnership and create a list internally of solar vendors.

Mr. Moore stated Vice Mayor Frankel raised the issue of standards for school safety signage at a previous meeting. He summarized next steps on the topic from his September 29, 2022 Information Letter Report to the City Commission.

5.B. From the Public

Yvonne Odom, 3905 Lowson Boulevard, Delray Beach, spoke on the bond and recommended more initiatives for individuals seeking property ownership.

Montre Bennett, 3213 NW 2nd Avenue, Delray Beach, stated the City needs to heal and work together. He added the City needs to help residents stay in their homes.

Marjorie Ferrari, of Daughters of the Revolution, stated all 530 9th graders have received their constitution books. She read the label included in the book and presented the Commission with a certificate.

Vera Woodson, 1885 Palm Cove Boulevard, Delray Beach, spoke on the refresh of the Libby Wesley Plaza.

Clemencia [last name inaudible] 1382A High Point Way, Delray Beach, spoke about the unfairness of increasing the age for the parking sticker in A1A. She asked the City to reduce the age to 66.

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

6. CONSENT AGENDA: City Manager Recommends Approval

Vice Mayor Frankel motioned to approve the Consent Agenda, as amended. 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

Recommendation: Motion to approve meeting minutes as listed below:

August 9, 2022 Regular Meeting Minutes
August 16, 2022 Special Meeting Minutes
August 16, 2022 Workshop Meeting Minutes
September 23, 2022 - Special Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[August 9, 2022 Regular Meeting Minutes - Draft](#)
[August 16, 2022 Special Meeting Minutes - Draft](#)
[August 16, 2022 Workshop Meeting Minutes - Draft](#)
[September 23, 2022 Special Meeting Minutes - Draft](#)

APPROVED

6.B. APPROVAL OF TWO WORKFORCE HOUSING COVENANTS BETWEEN THE CITY OF DELRAY BEACH AND HABITAT FOR HUMANITY FOR PROPERTIES LOCATED AT 238 NW 6TH AVENUE AND 242 NW 6TH AVENUE IN DELRAY BEACH, FL

Recommendation: Motion to Approve Two Workforce Housing Covenants Between the City of Delray Beach and Habitat for Humanity for Properties Located at 238 and 242 NW 6th Avenue.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval Habitat WFH Covenants](#)
[Workforce Housing Covenant - Habitat 238 NW 6th Ave](#)
[Workforce Housing Covenant - Habitat 242 NW 6th Ave Rev1](#)

APPROVED

6.C. ACCEPTANCE OF A RIGHT OF WAY DEDICATION AND LANDSCAPE MAINTENANCE AGREEMENT ALONG THE WEST SIDE OF NORTHEAST 3RD AVENUE, LOCATED ADJACENT TO THE

Regular Meeting 4:00 PM

PROPERTY KNOWN AS 314 NE 3RD AVENUE.

Recommendation: Review and consider acceptance of a right of way dedication and landscape maintenance agreement along the west side of Northeast 3rd Avenue located adjacent to the property known as 314 NE 3rd Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[314 NE 3rd Ave: Right of Way Deed and Exhibit A \(Legal Description\)](#)

[314 NE 3rd Ave: Landscape Maintenance Agreement and Exhibit A \(Legal Description\)](#)

[314 NE 3rd Avenue: Legal Review ROW](#)

[314 NE 3rd Avenue: Legal Review LMA](#)

[314 NE 3rd Ave: Site Plan](#)

[314 NE 3rd Avenue: Landscape Plan](#)

APPROVED

6.D. MOTION TO RETROACTIVELY APPROVE SUBMITTAL OF APPLICATION TO SOLID WASTE AUTHORITY OF PALM BEACH COUNTY (SWA) FY2022 BLIGHTED AND DISTRESSED PROPERTY CLEAN-UP GRANT

Recommendation: Motion to Retroactively apply for Solid Waste Authority of Palm Beach County (SWA) grant in the amount of \$19,945.00 for assistance in the demolition and clearance of a distressed, blighted or otherwise impacted public property within incorporated areas of Delray Beach.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[Blighted Property Grant Application Proposal 2022-2023 FINAL](#)

[Blighted Property Grant Application FY2022-23](#)

Item 6.D. became 7 B.B. on the regular agenda.

6.E. ITEM(S) A1 - ACCEPTANCE OF A RIGHT OF WAY DEDICATION AT 339 SE 3RD AVENUE

Recommendation: Consideration of the following items:

Item A1 - Motion to approve and accept a Right of Way Dedication by the owners of 339 SE 3rd Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Legal - 339 SE 3rd Ave - ROW](#)

[Item \(A1a\) Right of Way Deed 339 SE 3rd Ave - Nikki and Steven Singer](#)

[Item \(A1b\) Exhibit A & Sketch 339 SE 3rd Ave. - ROW](#)

APPROVED

6.F. RESOLUTION NO. 117-22 OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION AND MAINTENANCE OF WAYFINDING DIRECTIONAL SIGNS IN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHTS-OF-WAY; 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: A Resolution No.117-22 of the City Commission of the City of Delray Beach, Florida, approving a Maintenance Memorandum of Agreement with the Florida Department of Transportation for the installation and maintenance of Wayfinding directional signs in Florida Department of Transportation rights-of-way; 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.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

Regular Meeting 4:00 PM

[Legal Review FDOT MMOA for installation and maintenance of Wayfinding signs](#)
[Res 117-22 FDOT MMOA for wayfinding signs lg rev final 9-27-22](#)
[FINAL MMOA 2021-N-496-00003 Delray Beach Wayfinding Sign 202208](#)

APPROVED

- 6.G.** APPROVAL OF A PRICE INCREASE TO THE CITY OF DELRAY BEACH'S AGREEMENT NO. 2017-048 WITH BAXTER AND WOODMAN, INC. FOR CONTINUING ENGINEERING, SURVEYING, AND LANDSCAPE ARCHITECTURAL CONSULTING SERVICES.
- Recommendation:** Motion to approve a price increase to Baxter and Woodman, Inc. for continuing engineering, surveying, and landscape architectural consulting services.
- Sponsors:** Public Works Department and Purchasing Department
- Attachments:** [Agenda Cover Report](#)
[Agreement with Baxter & Woodman, Inc DBA Mathews Consulting](#)
[Amendment No. 1 Mathews Consulting, a Baxter & Woodman Company](#)
[Amendment #2 Name Change - Baxter Woodman Inc.](#)
[Wage Increase Request - Baxter & Woodman, Inc –](#)
[Amendment 3 - Vendor Signed](#)
[Amendment #3 Exhibit B with Baxter & Woodman - Price Adjustment](#)
[Legal Review Checklist Amd #3 to Agreement for Professional Services \(CCNA\) with Baxter & Woodman](#)

APPROVED

- 6.H.** APPROVAL OF A PRICE INCREASE TO THE CITY OF DELRAY BEACH'S AGREEMENT NO. 2017-048 WITH A.D.A. ENGINEERING, INC. FOR CONTINUING ENGINEERING, SURVEYING, AND LANDSCAPE ARCHITECTURAL CONSULTING SERVICES.
- Recommendation:** Motion to approve a price increase to A.D.A. Engineering, Inc. for continuing engineering, surveying, and landscape architectural consulting services.
- Sponsors:** Public Works Department
- Attachments:** [Agenda Cover Report](#)
[Agreement - A.D.A. Engineering](#)
[Amendment No. 1 - A.D.A. Engineering, Inc.](#)
[Price Increase Request - ADA Engineering](#)
[Amendment #2 - Vendor Executed](#)
[Amendment #2 Exhibit B - ADA Engineering Inc - Price Adjustment](#)
[Legal Review Checklist Amd #2 to Agreement for Professional Services \(CCNA\) with ADA Engineering](#)

APPROVED

6.I. PROCLAMATIONS:

- 6.I.1.** PROCLAMATION FOR FIRE PREVENTION MONTH 2022
- Recommendation:** Motion to proclaim October 2022 as Fire Prevention Month
- Sponsors:** Fire Rescue Department
- Attachments:** [Agenda Cover Report](#)
[Fire Prevention Month](#)

APPROVED

- 6.I.2.** PROCLAMATION DESIGNATING THE MONTH OF OCTOBER AS NATIONAL COMMUNITY PLANNING MONTH
- Sponsors:** Development Service Department
- Attachments:** [Agenda Cover Report](#)
[National Community Planning Month](#)

APPROVED

Regular Meeting 4:00 PM

6.I.3. PROCLAMATION FOR FLORIDA CITY GOVERNMENT WEEK – OCTOBER 17-23, 2022

Recommendation: Motion to proclaim October 17-23, 2022 as Florida City Government Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[FLORIDA CITY GOVERNMENT WEEK 2022](#)

APPROVED

6.I.4. DELRAY TO THE DOGS PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Delray to the Dogs Proclamation](#)

APPROVED

6.I.5. PROCLAMATION RECOGNIZING MS. BIRDIE MAE HOLTON FOR CELEBRATING 103RD BIRTHDAY

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Birdie Mae Hoton 103 Year Birthday Proclamation](#)

Item 6.I.5. became 4.A.A. on the regular agenda.

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

6.J.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION REQUESTS FROM SEPTEMBER 8, 2022 THROUGH SEPTEMBER 30, 2022.

Recommendation: By motion, receive and file this report for actions from September 8, 2022 through September 30, 2022.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items - Location Map](#)
[PZB Agenda - Sept. 12, 2022](#)

APPROVED

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. APPROVAL OF RESOLUTION NO. 160-22 TO APPROVE A BID WAIVER AND AWARD AN AGREEMENT WITH WALTERS-ZACKRIA AND ASSOCIATES, PLLC FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR RENOVATIONS TO THE OLD SCHOOL SQUARE CREST THEATER IN AN AMOUNT NOT TO EXCEED \$183,825.00.

Recommendation: Motion to Approve Resolution No. 160-22 to approve a bid waiver and award an agreement with Walters-Zackria and Associates, PLLC (WZA) for Professional Architectural Services for renovations to the Old School Square Crest Theater in an amount not to exceed \$183,825.00 (Project Number 22-023).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Bid Waiver Acquisition - Crest Theater Walter-Zackria SIGNED](#)
[Agreement - Walter Zackria and Associates - kwb. 10.5.22](#)
[Exhibit A without signature](#)
[Resolution160-22 Walters Zackria](#)
[Legal Review Checklist Walters Zackria and Associates 10.5.22](#)

Item 6.K.1. became 7.A.A. on the regular agenda

6.K.2. APPROVAL FOR AN INCREASE IN FUNDING IN THE AMOUNT OF

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\$17,900.00 TO PURCHASE TEN (10) INTERCEPTOR HYBRID UTILITY VEHICLES INSTEAD OF TEN (10) GAS-POWERED INTERCEPTOR UTILITY VEHICLES

Recommendation: Motion to approve an increase in funding of \$17,900.00 to purchase ten (10) Interceptor hybrid utility vehicles instead of the gas-powered vehicles utilizing the revised Bozard quote, based off the Florida Sheriff's Association Contract No. FSA20-VEL28.0

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Contract FSA20-VEL28](#)
[Res. No. 173-21](#)
[Bozard Original Gas-Powered Quote](#)
[Brozard Hybrid Quote](#)
[Bozard Revised Hybrid Quote](#)

APPROVED

6.K.3. RATIFICATION OF AN EMERGENCY PURCHASE GRANTED BY THE CITY MANAGER TO GLOBALTECH, INC., FOR REPAIRS, REPLACEMENT, AND IMPROVEMENT AT THE WATER TREATMENT PLANT IN AN AMOUNT NOT-TO-EXCEED \$233,356.12.

Recommendation: Motion to approve Ratification of an emergency purchase to Globaltech, Inc., for the repairs, replacement, and improvement at the water treatment plant in an amount no-to-exceed \$233,356.12.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[PO 2022-883.pdf](#)
[Takeoff - Bypass & Thickener - 3-17-22.PDF](#)
[Bypass Delray.pdf](#)
[Gravity Thickener.pdf](#)
[22-0920 Globaltech Inc Emergency Memo Acquisition rev - signed.pdf](#)

APPROVED

7. REGULAR AGENDA:

7.A.A. APPROVAL OF RESOLUTION NO. 160-22 TO APPROVE A BID WAIVER AND AWARD AN AGREEMENT WITH WALTERS-ZACKRIA AND ASSOCIATES, PLLC FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR RENOVATIONS TO THE OLD SCHOOL SQUARE CREST THEATER IN AN AMOUNT NOT TO EXCEED \$183,825.00.

Recommendation: Motion to Approve Resolution No. 160-22 to approve a bid waiver and award an agreement with Walters-Zackria and Associates, PLLC (WZA) for Professional Architectural Services for renovations to the Old School Square Crest Theater in an amount not to exceed \$183,825.00 (Project Number 22-023).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Bid Waiver Acquisition - Crest Theater Walter-Zackria SIGNED](#)
[Agreement - Walter Zackria and Associates - kwb. 10.5.22](#)
[Exhibit A without signature](#)
[Resolution160-22 Walters Zackria](#)
[Legal Review Checklist Walters Zackria and Associates 10.5.22](#)

Commissioner Johnson expressed concern about the amount of money.

Missie Barletto, Public Works Director, noted there is a lot of construction left to be done. She stated that this will shorten the timeline to complete the work at the Crest Theatre. She also stated the architect is signing over the existing plan set to the City. She explained the covered costs.

A discussion ensued about prior consensus concerning renovations. City Attorney Gelin stated the Board will approve elements of the project once a contractor is selected.

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Commissioner Boylston motioned to approve. 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

7.B.B

MOTION TO RETROACTIVELY APPROVE SUBMITTAL OF APPLICATION TO SOLID WASTE AUTHORITY OF PALM BEACH COUNTY (SWA) FY2022 BLIGHTED AND DISTRESSED PROPERTY CLEAN-UP GRANT

Recommendation: Motion to Retroactively apply for Solid Waste Authority of Palm Beach County (SWA) grant in the amount of \$19,945.00 for assistance in the demolition and clearance of a distressed, blighted or otherwise impacted public property within incorporated areas of Delray Beach.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[Blighted Property Grant Application Proposal 2022-2023 FINAL](#)
[Blighted Property Grant Application FY2022-23](#)

Commissioner Johnson expressed concern about retroactively approving items.

Sam Walthour, Director of Neighborhood & Community Services, stated that it was a timing issue as they worked on the application three (3) days prior to the deadline. He stated they did not have time to bring it before the City Commission.

Mayor Petrolia added the grant can be used each year that it is applied for.

Deputy Vice Mayor Casale motioned to approve. 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

7.A.

RESOLUTION NO. 98-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.5(C) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A MASONRY WALL TO EXCEED THE EIGHT FOOT HEIGHT LIMITATION FOR THE REAR AND SIDE INTERIOR YARDS FOR THE PROPERTY LOCATED AT 118 NW 11TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 98-22 to allow a masonry wall to exceed the eight-foot height limitation in the rear and side street interior yard at 118 NW 11th Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 98-22 118 NW 11th St Wall Waiver](#)
[118 NW 11th St - Waiver justification statement](#)
[118 NW 11th St - Wall Waiver Exhibit](#)
[118 NW 11th St - AS-1 Wall Plan](#)
[118 NW 11th St - Survey](#)
[118 NW 11th St - Applicant photos](#)
[118 NW 11th St - Staff photos](#)
[Simple Legal Review Approval 98-22](#)

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 7.A. Resolution No. 98-22. Mayor Petrolia asked if there were any Ex-Parte Communications for Resolution No. 98-22 by the City Commission.

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The following was disclosed:

Vice Mayor Frankel – none

Deputy Vice Mayor Casale – none

Commissioner Johnson – none

Commissioner Boylston – none

Mayor Petrolia – none

Ms. Anthea Gianniotis, Development Services Director, read File No. 22-187 into the record.

Ms. Rebecca Zissel, Sach Sax Caplan, applicant's Attorney, located at 6111 Broken Sound Parkway NW, Suite 200, Boca Raton, provided background on the item. She showed an aerial map, property photographs, and reviewed the Land Development Regulation (LDR) code and how the request meets waiver requirements.

Mr. Michael Wohl, applicant and property owner, provided additional information about the site wall. Ms. Gianniotis provided background on the item. She noted the house was built 2.5' higher above the highest of the two streets and filled in the yard. Upon inspection, she stated that it was discovered the masonry was constructed higher than the approved height. She reviewed LDR Section 4.6.5.(C) and additional masonry wall height information.

Public Comments:

Laura Simons, 2838 SW 8th Street, Boynton Beach, stated the property has always been elevated. She expressed concern about future redevelopment and preventing the issue moving forward. She supports granting the waiver.

Mayor Petrolia closed public comments.

Cross-Examination / Rebuttal:

Ms. Zissel stated they agree with the City's comments.

Ms. Gianniotis noted the waiver request is for this specific property and specific conditions.

Mayor Petrolia asked if the highest point of the wall complies with the highest point of the undisturbed ground.

Ms. Gianniotis explained the varying property grade. She confirmed it is still above the allowable height.

Deputy Vice Mayor Casale asked why the issue wasn't caught earlier.

Ms. Gianniotis replied that a City building inspector caught the issue during the close out and described remedy options.

Commissioner Johnson stated she would not be in favor.

A discussion ensued about the request and waiver criteria.

Vice Mayor Frankel motioned to deny. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

YES: 3 Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston,

NO: 2 Commissioner Johnson, Mayor Petrolia

APPROVED

7.B.

RESOLUTION NO. 132-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.3(V)(2)(a) OF THE LAND DEVELOPMENT REGULATIONS, TO ALLOW A STAND ALONE BAR TO OPERATE ON THE SAME BLOCK AS, AND WITHIN 750 FEET OF ANOTHER STAND-ALONE BAR, FOR THE PROPERTY LOCATED AT 280 NE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommendation: Review and consider Resolution No. 132-22, a waiver request to allow Lacquer Me Nail Bar Delray LLC to operate a nail salon (Lacquer Me Club House) with alcoholic beverage service to patrons at 280 NE 6th

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Avenue within 750 feet of another standalone bar.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 132-22 Lacquer Me Club House](#)

[Lacquer Me Club House: Interior Sketch](#)

[Lacquer Me Club House: Location and Radius Analysis](#)

[Legal Review, Resolution No. 132-22](#)

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 7.B. Resolution No. 132-22. Mayor Petrolia asked if there were any Ex-Parte Communications for Resolution No. 132-22 by the City Commission.

The following was disclosed:

Vice Mayor Frankel – none

Deputy Vice Mayor Casale – none

Commissioner Johnson – none

Commissioner Boylston – none

Mayor Petrolia – none

Ms. Anthea Gianniotis, Development Services Director, read File No. 22-219 into the record.

Mr. Erschad (Chad) Akbar, applicant and owner of Lacquer Me Nail Bar, provided background on the item. He reviewed the business mission, services, and next steps.

Ms. Gianniotis noted similar requests have come before the Commission. She reviewed the waiver request and required findings for consideration. Additionally, she reviewed the Central Business District (CBD) Waiver Criteria, LDR Section 4.4.13(K)(5)(b)(2). She noted it was reviewed by the Downtown Development Authority (DDA) today and the Board supported the request.

Public Comments:

Laura Simon, Executive Director, DDA, Delray Beach, stated the Board reviewed the request today and received support.

Mayor Petrolia closed public comments.

Mayor Petrolia asked about the use. Ms. Gianniotis stated it is not a variance that runs with the land.

Deputy Vice Mayor Casale motioned to approve. Commissioner Boylston seconded the motion. 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

APPROVED

7.C. NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve on the Public Art Advisory Board for a term ending July 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Public Art Advisory Board 2022](#)

[2022 PAAB Attendance](#)

[Costello](#)

[Kaulina-Feldmanis](#)

[Levinson](#)

Mayor Petrolia motioned to approve the nomination of Kaulina-Feldmanis. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

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

APPROVED

7.D. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve on the Code Enforcement Board for a term ending January 14, 2026.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Code Enforcement Board 2022](#)
[Code Enforcement Attendance 2022](#)
[Bowens](#)
[Butera](#)
[Calderbank](#)
[Canton](#)
[Costello](#)
[Land](#)

Deputy Vice Mayor Casale motioned to approve the nomination of Stephen Butera. 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

7.E. NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD

Recommendation: Motion to approve an appointment for one (1) regular member to serve on the Green Implementation Advancement Board for a term ending July 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[2022 Green Implementation Advancement Board](#)
[2022 Attendance GIAB](#)
[Salzman](#)
[Seaman](#)

Commissioner Johnson motioned to approve the nomination of Heather Seaman. 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

7.F. NOMINATION FOR AN APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve on the Historic Preservation Board for an unexpired term ending August 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Historic Preservation Board 2022](#)
[HPB Attendance 2022](#)
[Cullinan](#)
[Jansen](#)
[Land](#)

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[Long](#)
[Market](#)
[Schulz](#)
[Sylvester](#)
[Weber](#)

Deputy Vice Mayor Casale motioned to approve the nomination of Brenda Cullinan.

A discussion ensued about the attendance policy and nominations.

Deputy Vice Mayor Casale motioned to allow Mayor Petrolia to select the nomination. Commissioner Johnson 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

Mayor Petrolia motioned to approve the nomination of Bryan Weber. 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

7.G. RATIFICATION OF PROCLAMATION DECLARING A STATE OF EMERGENCY AND RESOLUTION 172-22 TERMINATING STATE OF EMERGENCY DUE TO HURRICANE IAN PURSUANT TO CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES.

Recommendation: Motion to Ratify Proclamation Declaring State of Emergency and Resolution 172-22 Terminating State of Emergency due to Hurricane Ian.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Proclamation SOE 9-27-22](#)
[Resolution 172-22](#)

Vice Mayor Frankel motioned to approve. 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

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 22-22: 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 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS, SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," SUBSECTION (Q), "GUEST COTTAGES," TO AMEND REGULATIONS GOVERNING GUEST COTTAGES, AND CREATING SUBSECTION (QQ), "ACCESSORY STRUCTURES," TO ADOPT REGULATIONS GOVERNING ACCESSORY RESIDENTIAL STRUCTURES; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.2, "RURAL RESIDENTIAL (RR) DISTRICT," SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT," SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," AND SECTION 4.4.17, "RESIDENTIAL OFFICE (RO) DISTRICT, TO REFERENCE THE SPECIAL REQUIREMENTS FOR ACCESSORY STRUCTURES; AMENDING SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT," TO ADD GUEST COTTAGES AS AN ACCESSORY USE AND TO REFERENCE THE SPECIAL REQUIREMENTS FOR ACCESSORY STRUCTURES; AND AMENDING APPENDIX A, "DEFINITIONS," RELATIVE TO ACCESSORY STRUCTURES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING

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AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 22-22, a City-initiated amendment to the Land Development Regulations (LDR) to establish regulations governing the appearance of accessory structures in residential zoning districts, by amending Section 4.3.3(Q), Guest Cottages, Section 4.4.2, “Rural Residential (RR) District,” Section 4.4.3, “Single Family Residential (R-1) Districts,” Section 4.4.5, “Low Density Residential (RL) District,” Section 4.4.6, “Medium Density Residential (RM) District,” Section 4.4.7, “Planned Residential Development (PRD) District,” Section 4.4.17, “Residential Office (RO) District,” and Appendix A to adopt a definition for Pool Houses and to amend the Accessory Building Structure, or Use definition.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Accessory Structures: Ordinance No. 22-22](#)
[Accessory Structures: PZB Staff Report](#)
[Legal Review](#)

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

Ms. Gianniotis provided background on Ordinance No. 22-22. She noted it is a City-initiated requested and reviewed the proposed amendment and purpose. She noted the proposed amendment also adds a definition for “pool house.” She reviewed the LDR Section 2.4.5(M)(5) findings. The Planning and Zoning Board recommended approval 7-0 on June 20, 2022, with direction to staff to develop additional standards to control the bulk and scale of accessory structures.

Public Comments:

No one came forth to speak. Mayor Petrolia closed public comments.

Deputy Vice Mayor Casale motioned to approve Ordinance No. 22-22. Vice Mayor Frankel seconded the motion for discussion.

A discussion ensued about existing and new accessory structures.

The motion was carried by the following vote:

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

APPROVED

9. FIRST READINGS:

9.A. ORDINANCE NO. 15-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 4.58± ACRES, LOCATED FULLY WITHIN THE WATERFORD PLACE SPECIAL ACTIVITIES DISTRICT GENERALLY EAST OF INTERSTATE 95 AND SOUTH OF WEST LINTON BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE “COMMUNITY PLANNING ACT”, FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING).

Recommendation: Review and consider Ordinance No. 15-22, a City-initiated Land Use Map Amendment (LUMA) from Transitional (TRN) to General Commercial (GC) in correction of a data conversion error for a 4.58 acre parcel located within the Waterford Place/Delint DRI Special Activities District (SAD) and fully described in Ordinance No. 15-22.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 15-22 \(Waterford Place\)](#)
[Proposed Land Use Map \(Waterford Place\)](#)

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[PZB Staff Report \(Waterford Place\)](#)

[Legal Review](#)

City Attorney Gelin read Ordinance No. 15-22 into the record.

Vice Mayor Frankel motioned to approve Ordinance No. 15-22. 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

9.B. ORDINANCE NO. 26-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, APPENDIX A, "DEFINITIONS," TO ADOPT A DEFINITION FOR EYEGLASS STORE AS A RETAIL BUSINESS SELLING GLASSES WITH LIMITED OPTOMETRY SERVICES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Consider Ordinance No. 26-22, a privately initiated amendment the Land Development Regulations (LDR), amending Appendix A - Definitions, to define eyeglass stores with limited optometry services as a retail use.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 26-22 View Optical LDR](#)

[PZB Staff Report](#)

[Amendment Justification](#)

[Legal Review](#)

City Attorney Gelin read Ordinance No. 26-22 into the record.

Vice Mayor Frankel motioned to approve Ordinance No. 26-22. 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

9.C. ORDINANCE NO. 30-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS", ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.3, "SUBMISSION REQUIREMENTS", SUBSECTION (A), "STANDARD APPLICATION ITEMS" AND SUBSECTION (B), "STANDARD PLAN ITEMS", TO CLARIFY THE REQUIREMENTS FOR APPLICATION AND PLAN SUBMISSION FOR GREEN BUILDING CERTIFICATION; AMENDING SECTION 2.4.6, "PROCEDURES FOR OBTAINING PERMITS AND APPROVALS", SUBSECTION (B), "BUILDING PERMITS", TO INCLUDE GREEN CERTIFICATION AS A REQUIREMENT TO OBTAIN A BUILDING PERMIT; BY AMENDING CHAPTER 3, "PERFORMANCE STANDARDS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.3, "STANDARDS FOR SITE PLAN AND/OR PLAT ACTIONS", TO ADD A NEW SUBSECTION (L) REFERENCING SUSTAINABILITY GOALS AND REGULATIONS FOR DEVELOPMENT OF SITE PLANS; BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SUBSECTION (F), "ARCHITECTURAL STANDARDS", TO CLARIFY SUBSECTION (9), "REDUCTION OF URBAN HEAT ISLANDS", PROVIDING SPECIFICATIONS FOR ROOFED AND NON-ROOFED AREAS AND TO DELETE SUBSECTION (10), "GREEN BUILDING PRACTICES," IN ITS ENTIRETY; BY AMENDING CHAPTER 7, "BUILDING REGULATIONS", TO ENACT A NEW ARTICLE 7.11, "SUSTAINABLE DESIGN AND CONSTRUCTION PRACTICES", TO PROVIDE GREEN BUILDING CERTIFICATION REQUIREMENTS, APPLICATION PROCEDURES,

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AND BOND REQUIREMENTS FOR CITY AND PRIVATE DEVELOPMENT; AND BY AMENDING APPENDIX A, "DEFINITIONS" TO ADD A NEW DEFINITION FOR SUSTAINABILITY AND RESILIENCE FUND; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING).

Recommendation: Motion to approve Ordinance No. 30-22 on First Reading to amend the Land Development Regulations for the purpose of requiring that all new construction over 15,000 square feet, whether public or private, obtain green building certification from one of the specified green building certification programs.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Green Building Req- PZ Staff Report](#)
[LEED LDR Amendments 100422](#)
[Simple Legal Review Approval Green Building Ordinance](#)

City Attorney Gelin read Ordinance No. 30-22 into the record.

Vice Mayor Frankel motioned to approve Ordinance No. 30-22. Deputy Vice Mayor Casale seconded the motion for discussion.

Deputy Vice Mayor Casale asked about the option of 50,000 square feet going to silver certification level. Mr. Kent Edwards stated the draft ordinance includes silver and expands to City-wide for any building 50,000 square feet or greater. He stated there are very few ordinances which have a requirement for obtaining a green building certification at any level.

Commissioner Boylston stated it is not aggressive or impactful enough.

The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Johnson
NO: 1 Commissioner Boylston

APPROVED

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

No additional comments.

B. City Attorney

Ms. Gelin noted thanked Ms. Gianniotēs' team for assistance with the new Board member training. She also noted she and Mr. Hugh Dunkley completed in-house purchasing training.

C. City Commission

10.C.1. DISCUSSION ITEM - FAU PROGRAM REGARDING DIVERSITY IN MEDICINE AND BIORESEARCH

Sponsors: Deputy Vice Mayor Juli Casale

Attachments: [Agenda Cover Report](#)

Deputy Vice Mayor Casale proposed a Wellness Fair and described potential services and resources. Consensus was reached to support the idea.

Deputy Vice Mayor Casale described the FAU program and asked the City to participate. She read the objectives of the program.

A discussion ensued and consensus was reached to ask FAU to provide a presentation about the program.

Deputy Vice Mayor Casale asked about the City Manager's contingency's fund and approval. City Attorney Gelin stated they will provide an update on the topic at an upcoming meeting.

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A discussion ensued about the direction given to Mr. Moore on prioritizing his time with meeting requests.

10.C.2.

DISCUSSION ABOUT PROTECTING TENANT'S RIGHTS

Sponsors:

Commissioner Boylston

Attachments:

[Agenda Cover Report](#)

[Palm Beach Post Article](#)

Commissioner Boylston stated the County passed a Tenant's Rights protection that he submitted to legal. City Attorney Gelin stated that the way the County ordinance is written, the City is automatically in unless they opt out, but she would like direction to amend the code. Commissioner Boylston stated he is receiving questions about architectural styles. He recommended a workshop in Quarter 1 to better understand the history and decisions. Mayor Petrolia agreed. Mr. Moore proposed a February 2023 workshop.

Commissioner Johnson spoke about the completion of "KnowBe4" training. A discussion ensued about cybersecurity. She commented on speeding in the Palm Trail area. She also recommended creating a separate purchasing department. Additionally, she requested final agendas prior to the Commission meeting. She noted she was not able to speak on Item 7.G. Lastly, she stated that closing City Hall creates problems. She requested a discussion or workshop on pickleball.

Vice Mayor Frankel asked about the update on the Hyundai dealership relocation. City Attorney Gelin provided an update. She advised that in her preliminary review of the petition, it should have been treated quasi-judicial; however, she did not believe the Commission's decision was flawed in her advice to the Commission. Consensus was reached to rehear the item on October 25, 2022.

Mayor Petrolia suggested to reconsider resurfacing the tennis courts at Katherine Strong Park for pickleball courts. Consensus was reached to use funding to renovate the courts. Mayor Petrolia expressed concern that the staff holiday party is now an awards banquet.

A discussion ensued about workshop sponsorship. Consensus was reached to require one Commissioner sponsor for a workshop and three Commissioners to consent to move an item forward. City Attorney Gelin was given direction to change the LDR.

Mayor Petrolia gave the DDA direction to bring forward a signage idea for Old School Square. She spoke about a recent cookout in Katherine Strong Park and utilizing City resources.

11. ADJOURNMENT

With no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at 7:40 p.m.