



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

Tuesday, December 6, 2022,

Delray Beach City Hall or Watch on YouTube:
4:00 PM
<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/streams>

Regular Meeting at 4:00 PM

1.ROLL CALL

The Regular City Commission Meeting was called to order at 4:04 p.m.

Katerri Johnson, City Clerk, took the roll call, 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

City Attorney Lynn Gelin requested to pull Item No. 6. I from the Consent Agenda for discussion. Item No. 6. I became Item No 7. A.A on the Regular Agenda.

Commissioner Johnson requested to pull Item No. 6. E, 6. F, 6. G, 6 .J. I, and 6.L.2. from the Consent Agenda for discussion.

Commissioner Johnson 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. PRESENTING ALBERTA GAUM-RICKARD, PT PAYROLL ADMINISTRATOR, WITH EMPLOYEE OF THE MONTH FOR NOVEMBER 2022.

Recommendation: Motion to present Alberta Gaum-Rickard, PT Payroll Administrator, with Employee of the Month for November 2022.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Alberta Gaum Rickard- Nomination Nov 2022](#)

Assistant Human Resources Director, Dot Bast, recognized Alberta Gaum-Rickard, who worked for the city for twenty-one years as the Parks and Recreation Superintendent before she retired in 2017. Alberta returned to work in 2019, part-time, to assist in processing payroll. Ms. Bast acknowledged Alberta for her unsurpassed work ethic and presented her with a plaque and a certificate for eight hours of paid time off.

4.B. MAYOR'S STATE OF THE CITY VIDEO PRESENTATION

Public Information Officer, Gina Carter, presented the City's initiatives for the following year.

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 advised that he had met with Walter Zackria, the original architect of the Crest Theatre. Mr. Zackria stated that seventy percent of the proposed improvements to the theatre were completed before the City intervened.

5. B. From the Public

Yvonne Odom, residing at 3905 Lowson Blvd, Delray Beach, commended the Parks and Recreation department for their youth programs.

Corey Hayman, residing at 111 SE 1st Avenue, Delray Beach, asked to allow the Coco Market to remain at Veterans Park until they can secure another location.

Barbara Stark, President, and CEO of the Milagro Center, thanked the Commission for their support.

Vera Woodson, residing at 1885 Palm Cove Blvd, Delray Beach, thanked the Commission and Libby Westley Park for creating the Carver Middle School Integration Music Program.

Angie Gray, residing at 3765 Riverside Way, Delray Beach, stated that she would like to see the city cemetery in better shape.

Sandy Zeller, residing at 313 NE 7th Avenue, Delray Beach, commented that he didn't favor the Atlantic Crossings Project.

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 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

Recommendation: Motion to approve meeting minutes as listed below:
November 1, 2022 Workshop Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[November 1, 2022 Workshop Minutes](#)

APPROVED

6.B. RESOLUTION NO. 183-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO JOSEPH AND DONNA K. MARION FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 131 NW 1st AVENUE, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: Review and consider Resolution No. 183-22; approving a Historic Property Ad Valorem Tax Exemption requests improvements to the contributing structure and property located at 131 NW 1st Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[1-Res No. 183-22-131 NW 1st Avenue](#)
[2-Simple Legal Review Approval Tax Exemption-131 NW 1st Avenue](#)
[3-HPB SR-131 NW 1st Avenue-2022-08-07](#)
[4-Approved Plans-131 NW 1st Avenue](#)
[5-Before and After Surveys-131 NW 1st Avenue](#)
[6-Before and After Photographs-131 NW 1st Avenue](#)
[7-Application Historic Ad Valorem Tax Exemption Application-131 NW 1st Avenue](#)
[8-Warranty Deed-131 NW 1st Avenue](#)

[9-Legal Description-131 NW 1st Avenue](#)

[10-Tax Bill-131 NW 1st Avenue](#)

[11-Project Cost-131 NW 1st Avenue](#)

[12-Certificate of Occupancy-131 NW 1st Avenue](#)

APPROVED

6.C. RESOLUTION NO. 184-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO TRACY L. HARRISON, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 105 NE 6th STREET, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: Review and consider Resolution No. 184-22; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 105 NE 6th Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[1-Res No. 184-22-105 NE 6th Street](#)

[2-Simple Legal Review Approval Tax Exemption-105 NE 6th Street](#)

[3-HPB SR-105 NE 6th Street-2022-10-19](#)

[4-Approved Plans-105 NE 6th Street](#)

[5-Before and After Surveys-105 NE 6th Street](#)

[6-Before and After Photographs-105 NE 6th Street](#)

[7-Application Historic Ad Valorem Tax Exemption-105 NE 6th Street](#)

[8-Warranty Deed-105 NE 6th Street](#)

[9-Legal Description-105 NE 6th Street](#)

[10-Tax Bill-105 NE 6th Street](#)

[11-Certificate of Occupancy-105 NE 6th Street](#)

APPROVED

6.D. RESOLUTION NO. 185-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO CHARLES F. AND CATHERINE M. LUCIANO FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 1120 NASSAU STREET, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: Review and consider Resolution No. 185-22; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 1120 Nassau Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[1-Res No. 185-22-1120 Nassau Street](#)

[2-Simple Legal Review Approval Tax Exemption 1120 Nassau Street 185-22](#)

[3-HPB SR-1120 Nassau Street - 2022-10-19](#)

[4-Approved Plans-1120 Nassau Street](#)

[5-Before and After Surveys-1120 Nassau Street](#)

[6-Before and After Photographs-1120 Nassau Street](#)

[7-Application Historic Ad Valorem Tax Exemption-1120 Nassau Street](#)

[8-Warranty Deed-1120 Nassau Street](#)

[9-Legal Description-1120 Nassau Street](#)

[10-Flood Elevation Certificate-1120 Nassau Street](#)

[11-Tax Bill-1120 Nassau Street](#)

[12-Certificate of Occupancy-1120 Nassau Street](#)

APPROVED

6.E. MOTION TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$260,230 WITH SIEMENS INDUSTRY, INC. FOR HVAC SYSTEMS AND RELATED SERVICES.

Recommendation: Motion to approve increase in the amount of \$260,230 to the contract value, approved on June 19, 2022. The increase will enable needed service provision by Grainger, Inc.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Sourcewell Contract #070121-SIE- Siemens](#)
[Fully Executed MSA](#)
[Original Resolution 65-22](#)

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

Commissioner Johnson stated that increases in project funding should be factored into the budget ahead of time.

Finance Director, Hugh Dunkley, clarified that the Capital Improvement Program had already included the increase.

Commissioner Johnson motioned to approve Item No. 7.B.B, (formerly 6.E). 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.F. APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$431,250 WITH GRAINGER, INC. FOR MRO SUPPLIES AND RELATED SERVICES.

Recommendation: Motion to approve increase in the amount of \$431,250 to the contract value, approved on January 16, 2020. The increase will enable needed service provision by Grainger, Inc.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[P2020-05 Fully Executed MSA](#)
[Original Resolution No. 27-20](#)
[City of Tucson Executed Contract](#)

Commissioner Johnson requested to pull Item No. 6.F. for discussion from the Consent Agenda. Item No. 6.F. became Item No. 7.C.C. on the Regular Agenda. Commission Johnson was reminded that this discussion was already had.

Hugh Dunkley, Finance Director, explained the additional expenses.

Deputy Vice Mayor Casale motioned to approve Item No. 7.C.C. (formerly Item No. 6.F.)
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.G. MOTION TO APPROVE AN INCREASE IN CONTRACT VALUE WITH SHNANDOAH GENERAL CONSTRUCTION, IN THE AMOUNT OF \$216,000 (\$72,000 PER YEAR) FOR CLEANING OF SIX (6) AERATION UNITS, FOUR TIMES A YEAR, AT CITY'S WATER TREATMENT PLANT FACILITY, UTILIZING THE SCHOOL BOARD OF BROWARD COUNTY'S ITB NO. FY20-210, THROUGH MAY 31, 2025.

Recommendation: Motion to approve an increase in contract value with Shenandoah General Construction, in the amount of \$216,000 (\$72,000 Per Year), for cleaning of six (6) aeration units, scheduled four (4) times per year at the City's Water Treatment Plant Facility, utilizing the School Board of Broward County's ITB No. FY20-210, through May 31, 2025.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Executed Agreement](#)
[Broward College Executed Agreement RFP-2018-167-EH 112718 to 112621](#)
[Resolution 203-20 cao rev](#)

Commissioner Johnson requested to pull Item No. 6.G from the Consent Agenda for discussion. Item No. 6.G. became Item No. 7.D.D on the Regular Agenda but was reminded that this discussion was already had.

Vice Mayor Frankel motioned to approve Item No. 7.D D (formerly Item No. 6.G).
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.H. ACCEPTANCE OF TWO (2) UTILITY EASEMENT(S) A-1 AND A-2 FOR 100 N. CONGRESS AVENUE

Recommendation: Motion to approve and accept Item A-1 Water Line Easement, and Item A-2 Utility Easement dedication by the owner(s) of 100 N. Congress Ave to the City of Delray Beach.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[Legal Review Utility Easement with County re Palm Tran Depot Site 100 N Congress](#)

[Ave 10 28 22.docx](#)

[Palm Tran PBC signed copy.pdf](#)

Commissioner Johnson was reminded that this item had been discussed Already.

6.I. MOTION TO APPROVE AMENDMENT NO. 2 TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY CHAMBER EDUCATION FUND, INC.

Recommendation: Motion to Approve Amendment No. 2 to Memorandum of Understanding Between the City of Delray Beach and the Delray Chamber of Education Fund, Inc.

Sponsors: City Attorney Department and Inglese

Attachments: [Agenda Cover Report](#)

[Amendment No. 2 to Memorandum of Understanding](#)

City Attorney Gelin requested to pull Item No. 6.I. from the Consent Agenda for discussion. Item No. 6.I became Item No. 7. A. A on the Regular Agenda.

Ms. Gelin brought up the bus shelter pilot program initiated one year ago by the City of Delray Beach and the Delray Beach Chamber Education Fund, Inc. The Commission discussed the stipulations for advertising (wrapping) the bus shelters for the coming year.

Commissioner Johnson motioned to approve Item No.7.A.A as drafted (formerly Item No. 6.I) 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 AS DRAFTED

6.J. PROCLAMATIONS:

6.J.1. PICKLEBALL MONTH PROCLAMATION

Recommendation: Motion to proclaim the month of December as Pickleball Month in recognition of the 2022 Delray Beach Pickleball Classic.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

PickleballMonth Proclamation 2022

Commissioner Johnson requested to pull Item No. 6.J.1 from the Consent Agenda for discussion. Item No. 6.J.1 became Item No. 7.E.E. on the Regular Agenda.

Commissioner Johnson suggested that all proclamations be recognized at the beginning of the month.

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

6.K.1. None

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. APPROVAL OF RESOLUTION NO. 176-22 AND 177-22 TO AWARD AN AGREEMENT WITH SOLE BROTHERS DBA RED WING SHOES AND GLOBAL TRADING, INC. FOR SUPPLY AND DELIVERY OF SAFETY FOOTWEAR SERVICES, UTILIZING CITY OF FORT LAUDERDALE CONTRACT NO. 12580-022-4 - \$75,000

Recommendation: Motion to approve Resolution No. 176-22 and 177-22 to award an agreement with Sole Brothers dba Red Wing Shoes, Global Trading Inc. utilizing City of Fort Lauderdale Contract No. 12580-022-4 for Safety Footwear Services in the estimated amount of \$70,000 and authorize the City Manager to approve renewal options in the amounts below, contingent upon appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Global Trading, Inc.](#)

[Legal Review Checklist Red Wing Shoes](#)

[Red Wings Shoes Vendor Executed Agreement](#)

[Vendor Executed Agreement with Goba Trading Inc.](#)

[Res 177-22 -Safety Shoes and Boots with Red Wing Shoes](#)

[Res 176-22 -Safety Shoes and Boots with Global Trading Inc](#)

[City of Fort LAuderdaLe Commodity award with Global Trading](#)

[City of Fort Lauderdale commodity award](#)

[City of Fort Lauderdale RFP](#)

6.L.2. RESOLUTION NO. 204-22 TO APPROVE UTILITZING SOURCEWELL EZICQ CONTRACT NO. FL-R10-GC01-111821-HBC WITH HARBOUR CONSTRUCTION, INC. FOR THE OLD SCHOOL SQUARE CREST THEATER RENOVATIONS IN AN AMOUNT NOT-TO-EXCEED \$1,166,000 (PROJECT NO. 22-023)

Recommendation: Motion to approve Resolution No. 204-22 to utilize Sourcewell

eq|QC Contract No. FL-R10-GC01-111821-HBC with Harbour Construction, Inc. for the Old School Square Crest Theater Renovations in the amount not-to-exceed \$1,166,000

Sponsors:

Public Works Department and Purchasing Department

Attachments:

[Agenda Cover Report](#)

[Old School Square HCI Agreement - vendor signed](#)

[Resolution 204-22 rev. kwb 12.2.22](#)

[Scope of Work](#)

[Harbour Construction Representative Projects](#)

[Invitation to Bid -111821 IDIQ](#)

[Sourcewell Contract R10-GC01-111821-HBC](#)

[Intent ITo Renew - Harbour 23](#)

[JOC 11302022 Rev 1](#)

[Legal Review Checklist Crest Theatre](#)

Commissioner Johnson requested to pull Item No. 6.L.2 from the Consent Agenda for discussion. Item No. 6.L. 2 became Item No. 7. F.F. on the Regular Agenda.

Commissioner Johnson discussed her concerns about the procurement process for this item.

A discussion ensued regarding the vetting process for this item.

Deputy Vice Mayor Casale motioned to approve Item No. 7. F.F. (formally Item No. 6.L.2) Mayor Petrolia passed the gavel to Vice Mayor Frankel. Mayor Petrolia seconded the motion. The motion was carried by the following vote:

YES: Mayor Petrolia, Deputy Vice Mayor Casale, Commissioner Boylston

NO: Vice Mayor Frankel, Commissioner Johnson

APPROVED BY A 3-2 VOTE

7. REGULAR AGENDA:

7. A. RESOLUTION NO. 203-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DENIAL OF A MASTER DEVELOPMENT PLAN AND TWO RELATED WAIVER REQUESTS TO THE LAND DEVELOPMENT REGULATIONS BY THE PLANNING AND ZONING BOARD AND APPROVING SAME FOR DELRAY CENTRAL LOCATED AT 1615 AND 1625 SOUTH CONGRESS AVENUE AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommendation: Review and consider Resolution No. 203-22, approving a Master Development Plan (MDP) with Waivers for Delray Central, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units, including amenities and an attached seven-level parking structure.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 203-22 Granting Approval of MDP and Waivers Delray Central](#)

[Delray Central MDP: Staff Report](#)

[Delray Central MDP: Waiver Request and Justification](#)

[Delray Central MDP 9-8-2022 letter outlining revisions](#)

[Delray Central MDP: Architecture Plans \(Updated\)](#)

[Delray Central MDP: Landscape Plans \(Updated\)](#)

[Delray Central MDP: Engineering Plans \(Updated\)](#)

[Delray Central MDP: Survey](#)

[Delray Central MDP: PBC Traffic Performance Standards Review](#)

[Delray Central MDP: Traffic Impact Study](#)

[Delray Central MDP: School Concurrency Letter](#)

[Simple Legal Review Approval Delray Central Appeal No. 2](#)

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

Katerri Johnson, City Clerk, swore in individuals who testified on Item No's 7.A., 7.D., 8.A. and 8.B.

Mayor Petrolia asked if her colleagues had any ex-parte communications to discuss on Item No. 7.A.

The following was disclosed:

Commissioner Boylston - stated that he spoke with Bonnie Miskel.

Commissioner Johnson - spoke with the representatives for the project.

Vice Mayor Frankel - spoke with counsel for the applicant and the applicant.

Mayor Petrolia - on the server.

Deputy Vice Mayor Casale - on the server.

Development Services Director, Anthea Gianniotis, read File No. 2021-138 into the record.

Bonnie Miskel, attorney with Dunay, Miskal, and Backman LLP, located at 14 SE 4th Street, Boca Raton, was present on behalf of the applicant, G & C Arbors Investors, LLC. Ms. Miskel provided a presentation highlighting the proposed modifications to the Master Plan.

Joaquin Vargas, Traffic Engineer with Traf Tech Engineering, Inc., provided his firm's traffic impact evaluation report, which determined that the proposed project met the Traffic Performance Standards of Palm Beach County.

Mayor Petrolia opened the floor for public comments on Resolution No. 203-22.

Dawn Cirone, residing at 3200 S. Ocean Blvd, Palm Beach, stated that people shouldn't be

allowed to speak past their three minutes at the podium.

Peter Matrale, residing at 2800 Hampton Circle East, Delray Beach, noted that the residents of his community unanimously voted to ask the Commission to uphold the Planning and Zonings decision to deny approving Resolution No. 203-22.

Jeanne Siccone, residing at 2987 Needham Ct, Delray Beach, read an email from a resident from Andover Community asking the Commission to deny the requested waivers. She stated that the traffic conditions were much worse than reported by Mr. Vargas.

Glen Udine, residing at 2664 Deon Ct, Delray Beach, stated that the presentation given by Mr. Vargas didn't accurately report the traffic along Congress Avenue and Lake Ida Road.

Yvonne Odom, residing at 3905 Lawson Blvd, Delray Beach, expressed her concern about whether the proposed eight-story high building would be rentals or individual ownership apartments.

Mayor Petrolia closed public comments.

There was no cross-examination from either side.

Ms. Miskal concluded by stating that the project exceeded Palm Beach County standards.

Discussion ensued regarding this item.

Commissioner Boylston motioned to approve Resolution No. 203-22. Commissioner Johnson seconds the motion. The motion was carried by the following vote:

YES: 3 Vice Mayor Frankel, Commissioner Boylston, Commissioner Johnson

DISSENTED: 2 Mayor Petrolia, Commissioner Casale

APPROVED BY A 3-2 VOTE

7.B. ATLANTIC CROSSING REQUEST TO UTILIZE VETERAN'S PARK PARKING AREA FOR CONSTRUCTION ACCESS AND STAGING FOR PHASE II.

Recommendation: Provide direction regarding a request from Atlantic Crossing to utilize the Veteran's Park parking area for construction access and staging area while Phase II of the development is constructed.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Atlantic Crossing: Request Letter 11.21.2022](#)

[Atlantic Crossing: Site Utilization Plan 8-5-22](#)

[Atlantic Crossing: Aerial Details Exhibit \(Staff\)](#)

[Atlantic Crossing: Aerial](#)

[Atlantic Ave. Historical Survey: Veterans Park Excerpt:](#)

Don DeVere, with the Edwards Companies, and Vince Testa, with Urban 5 Construction, located in Columbus, Ohio, shared their interim parking plan for Phase II of Atlantic Crossings.

Ms. Gianniotis provided the staff report for the request.

Discussion ensued regarding the interim parking proposal crafted by Mr. DeVere and Mr. Testa for Phase II of Atlantic Crossing.

A discussion ensued consensus to direct staff to meet with Atlantic Crossing to prepare an agreement that conforms to the Commission's comments.

7. C. RATIFICATION TO THE KIDS AND COPS COMMITTEE

Recommendation: Motion to approve and ratify the appointed member to the Kids and Cops Committee for a term ending November 30, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Kids & Cops 2022 3](#)

Commissioner Casale motioned to appoint Daisy Addea to serve on the Kids and Cops Committee for a term ending November 30, 2024. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

APPROVED

7.D. RESOLUTION NO. 197-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CLASS V SITE PLAN, CERTIFICATE OF APPROPRIATENESS, DEMOLITION, LANDSCAPE PLAN, AND ARCHITECTURAL ELEVATIONS FOR THE PROPERTY KNOWN AS CITY CENTER DELRAY, LOCATED AT 10 N. SWINTON AVENUE AND 37 W. ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommendation: Review and consider Resolution No. 197-22, approving a Class V Site Plan, Certificate of Appropriateness, Demolition, Landscape Plan, and Architectural Elevations for the construction of a three-story building addition to the existing Doc's building, alterations, and rehabilitation to the current Doc's building & outdoor dining area, demolition of the existing Dunkin' Donuts building, and associated site improvements for the project known as City Center Delray.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 197-22 City Center Delray](#)
[Staff Report-CLV & COA-City Center Delray-2022-12-06](#)
[Architectural Plans-City Center Delray](#)
[Civil Plans-City Center Delray](#)
[Historic Justification-City Center Delray](#)

[Landscape Plans-City Center Delray](#)

[Survey-City Center Delray](#)

[DDA Approval Letter-City Center Delray](#)

[Simple Legal Review Approval City Center Resolution](#)

City Attorney Gelin read Resolution No.197-22 and Ordinance No. 28-21 into the record.

Katerri Johnson, City Clerk, swore in individuals who testified on Resolution No. 197-22 and Ordinance No. 28-21.

Mayor Petrolia asked if her colleagues had any ex-parte communications to discuss on Item No. 7.D. The following was disclosed:

Commissioner Boylston spoke with the applicant's representative.

Commissioner Johnson spoke with the applicant and emails on the server.

Mayor Petrolia spoke with the applicant's representative and emails on the city server.

Vice Mayor Frankel spoke with Mr. Schiller and emails on the city server.

Deputy Vice Mayor Casale spoke with the applicant's representative and emails on the server.

Development Services Director Anthea Gianniotis read File No. 2022-060 into the record.

Neil Schiller, an attorney with the Government Law Group, located at 137 NW 1st Avenue, Delray Beach, was present on behalf of the applicant, MDG Banyan. Mr. Schiller introduced John Szerdi, an architect with LBG, located in Lake Worth, and Paula McClain, a Preservation and Historian Expert with the Mills Group, located in West Virginia, who provided an architectural and historical analysis of the project.

Mr. Schiller reported that Doc's met the criteria to receive a certificate of appropriateness to list them in the Local Register of Historic Places.

Vice Mayor Frankel motioned to approve Resolution No. 197-22. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

YES: 3 Vice Mayor Frankel, Commissioner Boylston, Commissioner Johnson

NO: 2 Mayor Petrolia, Deputy Vice Mayor Casale

APPROVED

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 28-21: 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, CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.5 "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS", SECTION 4.5.1, "HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS",

SUBSECTION (I), "LOCAL REGISTER OF HISTORIC PLACES", TO ADD DOC'S, LOCATED AT 10 NORTH SWINTON AVENUE, TO THE LOCAL REGISTER OF HISTORIC PLACES, PROVIDING FOR A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE. (PUBLIC HEARING/SECOND READING)

Recommendation: Review and consider Ordinance No. 28-21 on Second Reading for the Individual Designation of "Doc's" at 10 North Swinton Avenue to the Local Register of Historic Places.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 28-21-Doc's Designation](#)

[Designation Report-10 N. Swinton Ave-2021-09-01](#)

[Resource Photographs and Figures-10 N. Swinton Avenue-2021-09-01](#)

[Florida Master Site File Forms-10 N. Swinton Avenue-2021-09-01](#)

[HPB Staff Report-10 N. Swinton Ave-2021-09-01](#)

[Newspaper Articles-10 N. Swinton Avenue-2021-09-01](#)

[Simple Legal Review Approval](#)

Mr. Schiller was present on behalf of his client, MDG Banyan, who was seeking approval from the Commission to list Doc's in the Local Register of Historic Places. He mentioned that the new property owner was committed to designating Doc's as part of the development of a larger parcel.

Ms. Gianniotis provided the analysis by staff and the review by other boards.

Mayor Petrolia opened the floor for public comments on Ordinance No. 28-21.

Laura Tranchino, residing at 2230 Bloods Grove Circle, Delray Beach, stated she fully supported the project.

Jeff Whyman, residing at 4226 Waterway Drive, Lake Worth, stated he supported the rehabilitation of Doc's and the adjacent building to enhance community interaction.

Andrew Dugard, residing at 17583 Carver Avenue, Jupiter, stated he would be the new owner of Doc's and was looking forward to serving the community.

Yvonne Odom, residing at 3905 Lowson Blvd, Delray Beach, stated she remembered going to Doc's in High School and fully supported their reopening.

Garrett Javork, residing at 2685 Albatross Way North, stated he favored reopening Doc's.

Pushkar Marathe, residing at 134 Wentworth Court, Jupiter, introduced himself as the co-owner of Doc's and stated that he was looking forward to opening next year.

Bill Caesar, residing at 712 Shallow Lane, Delray Beach, stated he supported the reopening of Doc's for the east and west sides of Delray Beach.

Dawn Cirone, residing at 3200 S. Ocean Blvd, Palm Beach, stated she is a local boutique owner and supported Mr. Michaels in reopening Doc's.

Kelly Barrette, residing at 1201 Seaspray Avenue, Delray Beach, requested that Doc's be allowed to reopen even if City Center does not get approval from the Commission.

Price Patton, residing at 990 Casuarina Road, Delray Beach, discussed the design criteria for Doc's to be deemed a Historic Building.

David Harden, residing at 1325 NW 22nd Avenue, Delray Beach, stated he was happy that the Commission was considering voting Item 7.D and Item No.8.A together. He expressed his concern that Doc's building did not conform to the standards to be considered a Historic Building based on the angular window design.

Mayor Petrolia closed public comments.

Mayor Petrolia granted Mr. Schiller's request to show a video that wasn't seen earlier.

Mr. Schiller provided his rebuttal.

There was no rebuttal from the staff.

Principal Planner Michelle Hoyland answered questions from the Commission.

Vice Mayor Frankel motioned to approve Ordinance No. 28-21. 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

8.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. (SECOND READING/PUBLIC HEARING) THIS ITEM IS CONTINUED FROM OCTOBER 25, 2022.*

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](#)
[PZB Staff Report](#)
[Amendment Justification](#)

[Legal Review](#)

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

Mayor Petrolia opened the floor for public comments on Ordinance No. 26-22.

Mayor Petrolia closed public comments.

Commissioner Boylston 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. FIRST READINGS:

9. A. ORDINANCE NO. 41-22: 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 4.6 "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.7, SUBSECTION (F), "SIGNS REQUIRING PERMITS," TO UPDATE TERMINOLOGY FOR CONSISTENCY WITH CURRENT DEPARTMENT TITLES, TO DELETE SECTION 4.6.7(F)(3)(e), "MURALS AND SIGNS WITHIN MURALS," TO REMOVE REFERENCE TO ADMINISTRATIVE REGULATION OF MURALS, BY AMENDING CHAPTER 8, "SPECIAL IMPLEMENTATION PROGRAMS", ARTICLE 8.5, "PUBLIC ARTS PROGRAM", SECTION 8.5.3, "MURALS" TO ALLOW MURALS IN MIXED-USE RESIDENTIAL OFFICE AND COMMERCIAL (MROC), NEIGHBORHOOD COMMERCIAL (NC), GENERAL COMMERCIAL (GC), PLANNED COMMERCIAL (PC) PLANNED OFFICE COMMERCIAL (POC), PROFESSIONAL OFFICE DISTRICT (POD), OPEN SPACE AND RECREATION (OSR), OR SPECIAL ACTIVITIES DISTRICT (SAD), AND TO ALLOW MURALS ON FLAT TOP ROOFS AND TOP DECKS OF PARKING GARAGES; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Consider Ordinance No. 41-22, a City initiated amendment and update to the Land Development Regulations (LDR) Section 8.5.3, "Murals," to add requirements for the maintenance and preservation of murals and expand the permissible locations and zoning districts, and amend LDR Section 4.6.7 "Signs," to eliminate regulations for murals that have been superseded by Ordinance No. 22-20.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 41-22](#)

[Planning & Zoning Board Staff Report](#)

[Map - Currently Allowed Zoning Districts](#)

[Map - Proposed Additional Zoning Districts](#)

[Legal Review](#)

City Attorney Gelin read Ordinance No. 41-22 into the record.

Commissioner Boylston motioned to approve Ordinance No. 41-22. 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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

- Informed everyone that the City app is live.

B. City Attorney

- Nothing to report.

C. City Commission

Deputy Vice Mayor Casale:

- Commended Parks and Recreation for the Tree Lighting Ceremony.
- Mentioned that Ted from Roots and Wings suggested the City distribute bookmarks acknowledging the City for contributing the books to Delray Reads Day.
- Informed her colleagues that Tom Markel, who serves on the Police Advisory Board offered free active shooter training classes to city staff.

Vice Mayor Frankel:

- Would like to address at a later date the board member who was present that evening and made Ms. Gianniotis very uncomfortable.

Commissioner Johnson:

- Asked for a consensus to reconsider Ordinance No. 32-22 from the November 15th, 2022 Commission Meeting to better understand the funding and utilization of the Urban Development Action Grant (UDAG) funds received.

City Attorney Gelin suggested to wait until second reading to engage in a discussion.

- Mentioned that Wellington won the literacy coalition award

- Acknowledged that the next legislative session meeting will be held in March 2023.
- Discussed whether the City should be in the cemetery business.
- Stated Delray Beach would host the League of Cities in February.

Mayor Petrolia:

- Mentioned Palm Beach County Days are March 7th and 8th.
- Had concerns about the cemetery.

Director of Parks and Recreation Samuel Metott informed the commission that he was addressing the unsightly areas of the cemetery.

- Discussed the Cocoa Market is relocating to another space.

11. ADJOURNMENT

There being no further business to discuss, Mayor Petrolia adjourned the Regular City Commission meeting at 9:30 p.m.