

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

[www.delraybeachfl.gov](http://www.delraybeachfl.gov)



## Minutes - Draft

Tuesday, May 16, 2023

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/s>  
treams

## City Commission

*Mayor Shelly Petrolia*

*Vice Mayor Ryan Boylston*

*Deputy Vice Mayor Rob Long*

*Commissioner Adam Frankel*

*Commissioner Angela Burns*

## 1. ROLL CALL

The May 16, 2023, Regular City Commission Meeting was called to order at 4:04 p.m. City Clerk, Katerri Johnson, called the roll, and the following were present:

Terrence Moore - City Manager

Lynn Gelin - City Attorney

**Present:** 5 - Mayor Shelly Petrolia, Commissioner Adam Frankel, Vice-Mayor Ryan Boylston, Deputy Vice Mayor Rob Long, and Commissioner Angela Burns

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

Mr. Moore requested to remove Items 6.D. and 6. E from the Consent Agenda. He also requested to pull Item 6. G. for discussion and remove Item 7.A. from the Regular agenda. Item 6.G. became Item No. 7.A.A.

Since Item 7.A. was removed from the Regular agenda, Mayor Petrolia requested Item 7.D become Item 7.A. She also asked to pull Item 6.M. for discussion. It became Item 7.B.B. on the Regular Agenda.

**This was approved as amended.**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

3.A. Additions, Deletions, Substitutions

## 4. PRESENTATIONS:

### 4.A. LEGISLATIVE UPDATE FROM SENATOR BERMAN AND REPRESENTATIVE CASELLO

**Sponsors:** City Clerk Department

Senator Berman and Representative Casello discussed the preemption bills passed during this year's annual legislative session.

Mayor Petrolia commented that decisions made in Tallahassee were bipartisan and would affect everyone in the State.

### 4.B. DELRAY BEACH GREENHOUSE GAS INVENTORY REPORT PRESENTATION

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[CDB InventoryReport-Community\\_OCT2022 Final](#)

Kent Edwards, Sustainability Officer, presented the Delray Beach Greenhouse Gas Inventory report. The Commission engaged in a discussion, primarily focusing on the coastal effects for Delray Beach. Mr. Edwards stated that Delray Beach would continue to track essential energy use and emissions indicators. The Commission thanked him for his presentation.

#### **4.C. Mid-Year Financial Review**

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[gen fund expenditures by dept 03.31.2023](#)  
[revenue and expend all funds summary 03.31.2023 v2](#)  
[revenue and expend all funds detailed 03.31.2023 v2](#)

Hugh Dunkley, Finance Director, provided a year-to-date analysis of the budgetary performance for the City's primary revenue sources and an analysis of the year-to-date performance of each fund by the department. He reported the City's budgeted funds increased from the previous year due primarily to increases in personnel services expenditures; operating expenditures for additional special events; payments to the Community Redevelopment Agency for its share of incremental tax revenues; fees for Old School Square contractual services; costs paid for the Freebie program and inter-fund transfers to the General Capital Projects and Stormwater funds to help fund capital projects.

The Commission thanked Mr. Dunkley for his presentation and review.

### **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 stated that Sam Metott, Parks and Recreation Director, and Missie Barletto, Public Works Director, would discuss the Sargassum on the beach.

#### **5.A.1. CLARITY AND GUIDANCE REGARDING ADDITIONAL SARGASSUM (SEAWEED) PRESENCE AT DELRAY'S PUBLIC BEACH AREAS**

**Sponsors:** City Manager Department

Sam Metott and Missie Barletto discussed the Sargassum (Seaweed) presence on the public beach and how to best manage it. Mr. Metott stated Palm Beach Counties' recommendations were to leave the seaweed alone and let it decompose naturally. He mentioned that the seaweed is gently raked into the sand every morning to make it less visible while keeping it in its place.

Mayor Petrolia suggested sending out a message advising the residents to expect a significant build-up of seaweed in the summer.

The Commission thanked them for their presentation.

5.B. From the Public

Michael Wynn, 1540 NW 18th Avenue, Delray Beach  
Shared his views on many topics.

Price Patton, 1020 Tamarind Drive, Delray Beach  
Commented that the Historic Preservation Board voted unanimously to restore and preserve the front and back nine holes of the municipal golf course and requested it to be added to the local register of Historic Properties

Ron Platt, 5120 Pineview Circle, Delray Beach  
Shared his desire to serve on the Downtown Development Authority Board.

Mavis Benson, 800 Greensward Court, Delray Beach  
Commented that the Downtown Mother's Day event was a success.

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

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

This was approved as amended.

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

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)  
[May 2, 2023 Workshop Meeting Minutes.docx](#)  
[May 2, 2023 Regular Meeting Minutes.docx](#)

This Minutes was approved.

**6.B. AMENDMENT TO THE RESTRICTIVE COVENANT AGREEMENT FOR PROPERTY LOCATED AT 245 NE 2ND AVENUE FOR THE RAY SHOPS.**

Sponsors: Development Services Department

**Attachments:** [Agenda Cover Report](#)[The Ray Hotel - Amendment to Valet Restrictive Covenant\\_rev. kwb  
3.16.23](#)[The Ray Hotel - Exhibit A - F](#)[Simple Legal Review Approval the Ray Amendment to Valet  
Restrictive Covenant Agreement](#)**This Request was approved.**

- 6.C.** CERTIFICATION OF THE FINAL PLAT (MINOR SUBDIVISION) "STAMM 917 NE 8TH AVENUE" BEING A REPLAT OF LOTS 8 AND 9 BLOCK 4 OF THE SOPHIA FREY SUBDIVISION RECORDED IN PLAT BOOK 4 PAGE 37 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY FLORIDA, LYING IN SECTION 9 TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY FLORIDA; SUBDIVIDING THE LOT IDENTIFIED AS 917 NE 8TH AVENUE INTO THREE LOTS.

**Sponsors:** Development Services Department**Attachments:** [Agenda Cover Report](#)[917 NE 8th Avenue - Plat](#)[917 NE 8th Ave - SPRAB Report](#)[917 NE 8th Avenue - Survey](#)**This Request was approved.**

- 6.D.** MOTION TO APPROVE AMENDMENT #1 TO THE FUNDING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND FRIENDS OF SANDOWAY HOUSE NATURE CENTER, INC.

**Sponsors:** City Manager Department**Attachments:** [Agenda Cover Report](#)[Friends of Sandoway - Amendment 1 to Funding Agreement - signed](#)[2021 Funding Agreement - The Friends of the Sandoway House, Inc. -  
Redacted](#)[Simple Legal Review Sandoway Funding Amendment](#)**A motion was made that this Contract be withdrawn. The motion carried by a unanimous vote.**

- 6.E.** MOTION TO APPROVE AMENDMENT #1 TO THE FUNDING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND SPADY CULTURAL HERITAGE MUSEUM, INC. FORMERLY KNOWN AS EXPANDING AND PRESERVING OUR CULTURAL HERITAGE, INC. (EPOCH)

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)[Spady - Amendment 1 to Funding Agreement - signed](#)[2021 Funding Agreement - Expanding & Preserving Our Cultural Heritage, Inc. \(EPOCH\)](#)[EPOCH to Spady Name Change -2019](#)[Simple Legal Review Spady annual funding and name change amendment](#)

**This Contract was withdrawn.**

**6.F.** RESOLUTION NO. 90-23 AMENDING THE FISCAL YEAR 2022-23 BUDGET ADOPTED BY RESOLUTION NO. 157-22 ON SEPTEMBER 19, 2022

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)[Res 90-23 Budget Amendment](#)[Exhibit A - FY 2023-24 Mid Year Amendment 5.16.2023](#)[Simple Legal Review Resolution 90-23](#)

**This Request was approved.**

**6.G.** REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 1013 SW 8th STREET

**Sponsors:** Neighborhood & Community Services

**Attachments:** [Agenda Cover Report](#)[Legal Review Subordination Agreement - Joliceour - 1013 SW 8th St](#)[Subordination Agreement for Refinance -Lipson Joliceour](#)[Lipson Joliceour recorded original lien agreement\\_Redacted](#)

Item No. 6.G. was moved from the Consent agenda to the Regular Agenda and became Item No. 7.A.A.

Sammie Walthour explained that a better interest rate was secured for this home.

**This Request was approved.**

**6.H.** AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY DROWNING PREVENTION COALITION'S LEARN TO SWIM PROGRAM

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[DrowningPrevention 2023 Legal Review](#)  
[DrowningPrev 2023-26](#)  
[COI 2023](#)

**This Request was approved.**

- 6.I.** APPROVING AMENDMENT 1 TO A VALET PARKING LICENSE AGREEMENT WITH DELRAY TACO, LLC, D/B/A ROCCO'S TACOS, PROVIDING VALET PARKING SERVICES TO COMPLETE THE PILOT PROGRAM ON ATLANTIC AVE AND ENTER INTO A LICENSE AGREEMENT UTILIZING SIX PARKING SPACES TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY).

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Amd No. 1 to Parking License with Rocco's Tacos - space increase and relocation.docx](#)  
[Amendment no.1 Delray Taco Increasing parking spaces and relocating.pdf](#)

**This Request was approved.**

- 6.J.** APPROVING VALET FEE WAIVER REQUEST FOR THE GROVE HOSPITALITY GROUP, INC DURING THE PANDEMIC FROM SEPTEMBER 2020 THROUGH JANUARY 2021 IN THE AMOUNT OF \$3,839.68.

**Sponsors:** Public Works Department

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

**This Request was approved.**

- 6.K.** MOTION TO RETROACTIVELY APPROVE AMENDMENT NO. 1 TO SOLICITATION RFP #2015-033, ELEVATED WATER FULL TANK MAINTENANCE PROGRAM WITH UTILITY SERVICE COMPANY, INC.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[15 1113 Utility Service Company Exhibit D 12 Year Fee Work Schedule.pdf](#)  
[Legal Review Checklist Amd No 1 to RFP 2015-033 Utility Service Co Inc Water Tank Management.pdf](#)  
[Delray Beach FL 2015-033 - Amendment 1-Renewal- Utility Service Co. Inc 04.20.2023.pdf](#)

**This Request was approved.**

- 6.L** RESOLUTION NO. 105-23 OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE FEE SCHEDULE FOR CERTAIN PARKING METER ZONE LOCATIONS WITHIN THE CITY AND FEES FOR PARKING PERMITS; AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE SAME; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 105-23 parking rates](#)  
[Resolution 105-23 legal review](#)

**This Request was approved.**

- 6.M.** APPROVAL OF AMENDMENT NO. 1 TO THE EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND WASTE MANAGEMENT INC. OF FLORIDA FOR THE COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS.

**Sponsors:** Neighborhood & Community Services

**Attachments:** [Agenda Cover Report](#)  
[Amendment 1 to Solid Waste and Recycling Collection Agmt \(Oct 2023\) - Delray Beach - 05-16-23 - SIGNED BY WM](#)  
[Simple Legal Review Approval Amend No 1 to WM Agreement](#)  
[Franchise Agreement - Waste Management Inc. of Florida \(Exhibits\)](#)

Item 6.M was requested to be pulled for discussion. It became 7. B.B on the regular agenda.

Mayor Petrolia requested clarification on the fines imposed on *Commercial Accounts*.

Sam Walthour, Neighborhood and Community Services Director, clarified the \$200 fine for garbage pails opened more than ten inches.

**This Request was approved.**

## **6.N. PROCLAMATIONS:**

- 6.N.1.** PROCLAMATION: KIDS TO PARKS DAY

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Kids To Parks Day 2023](#)



This Proclamation was approved.

**6.N.2. NATIONAL SAFE BOATING WEEK PROCLAMATION**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[National Safe Boating Week Proclamation](#)

This Proclamation was approved.

**6.N.3. NATIONAL BEACH SAFETY WEEK**

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[National Beach Safety Week](#)

This Proclamation was approved.

**6.N.4. OBSERVANCE OF MEMORIAL DAY**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Memorial Day Observance](#)

This Proclamation was approved.

**6.N.5. GUN VIOLENCE AWARENESS DAY PROCLAMATION**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[National Gun Violence Awareness Day 2023](#)

This Proclamation was approved.

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

**6.O.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS  
FROM April 12, 2023 THROUGH MAY 3, 2023.**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[SPRAB \(4-12\) Aura Delray Beach](#)  
[SPRAB \(4-12\) 4th and 5th Delray](#)  
[HPB \(4-19\) 1019 Nassau Street](#)  
[SPRAB \(4-26\) Park Ten, Bldgs A & B](#)  
[SPRAB \(4-26\) Keele Center - Lake](#)  
[SPRAB \(4-26\) 5th Ave Delray](#)  
[SPRAB \(4-26\) 1001 Casuarina Road](#)  
[HPB \(5-3\) 228 SE 7th Avenue](#)  
[HPB \(5-3\) 401 NE 2nd Avenue](#)

This Request was approved.

## **6.P. AWARD OF BIDS AND CONTRACTS:**

6.P.1. None

## **7. REGULAR AGENDA:**

**7.A.** RESOLUTION NO. 28-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW AN ADULT GAMING CENTER LOCATED AT 14406 SOUTH MILITARY TRAIL, 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)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 28-23 - Venetian Arcade](#)  
[Venetian Arcade - PZ Staff Report](#)  
[Venetian Arcade - Applicant Justification Statment and Updated Business Model Info](#)  
[Venetian Arcade - Game Serial Numbers](#)  
[Venetian Arcade - Pictures of Games](#)  
[Venetian Arcade - Survey](#)  
[Venetian Arcade - Floor Plan](#)  
[Venetian Arcade - Traffic Impact Analysis](#)  
[Venetian Arcade - Traffic Performance Standards \(TPS\) Letter](#)  
[Venetian Arcade - Legal Review Form](#)

Item 7.A. was requested to be pulled from the agenda.

**This Request was withdrawn.**

**7.B.**

RESOLUTION NO. 73-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.19(H)(3) OF THE LAND DEVELOPMENT REGULATIONS TO APPROVING OVERHEAD DOORS FACING A PUBLIC RIGHT-OF-WAY FOR THE UNADDRESSED PARCEL BEARING PCN 12-43-46-18-00-000-1460, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

**Sponsors:** Development Services Department

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

[Resolution No. 73-23: Waiver Request by Galaxy Marble re overhead doors LR WB](#)

[Galaxy Marble Site Plan](#)

[Galaxy Marble - Survey](#)

[Legal Review, Res. No. 73-23 Waiver Galaxy Marble Overhead Doors](#)

Mayor Petrolia read the quasi-judicial rules into the record for Item 7. B and 7. C.

City Clerk Katerri Johnson swore in those individuals who wished to provide testimony on Items 7.B. and 7.C.

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

There was no ex-parte communication from the Commission to disclose.

Anthea Gianniotis, Development Services Director, entered File No. 2022-241 into the record.

Alexandra Smith, attorney representative on behalf Galaxy Marble provided a brief presentation of the proposed Waiver Request.

Anthea Gianniotis provided a staff report on this item.

Mayor Petrolia opened the floor to public comments.

Seeing no one present, Mayor Petrolia closed public comments.

There was no cross-examination or rebuttal.

**A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns,**

that this Resolution be approved. The motion carried by the following vote:

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**7.C.**

RESOLUTION NO. 91-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT KNOWN AS BRICKTOP'S RESTAURANT, LOCATED AT 12 NE 5TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

**Sponsors:** Development Services Department

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

[Resolution No. 91-23](#)

[Bricktop's Restaurant - Justification](#)

[Bricktop's Restaurant - Site Plan](#)

[PMAB Advisory Board memo - 12 NE 5th Avenue](#)

[DDA 04.10.23 - Bricktops Restaurant](#)

[Res. No. 91-23 legal review](#)

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

Mayor Petrolia:

None

Vice Mayor Boylston:

Spoke with Mr. Schiller

Deputy Vice Mayor Long:

Spoke with Mr. Schiller

Commissioner Frankel:

Spoke with Mr. Schiller

Commissioner Burns:

Spoke with Mr. Schiller

Anthea Gianniotis entered File No. 2022-300 into the record.

Neil Schiller, an attorney with The Government Law Group, was present on behalf of his client, Brick Top's Restaurant. He provided a rendering of the property's site plan for Brick Top's and stated it was consistent with the

Land Development Regulations.

Mr. Schiller advised the Downtown Development Authority and the Parking Management Advisory Board voted to approve Resolution No. 91-23.

Anthea Gianniotis gave a brief staff report on this item.

Mayor Petrolia opened the floor for public comments.

Seeing no one present, Mayor Petrolia closed public comments.

There was no cross-examination or rebuttal.

**This Request was approved.**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**7.D.**

RESOLUTION NO. 92-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION APPLICATION FOR A FINAL PLAT FOR A PROPOSED SUBDIVISION KNOWN AS "MIRAGE RESIDENCES" FOR THE PROPERTY LOCATED AT 1001 CASUARINA ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res No. 92-23 1001 Casuarina Road](#)  
[1001 Casuarina Road - Minor Plat](#)  
[1001 Casuarina Road - Survey](#)  
[1001 Casuarina Rd - Legal Review](#)

Item No. 7.D was moved forward and became Item No. 7.A.

Anthea Gianniotis stated that Resolution No. 92-23 requires the Commission's approval before the applicant can proceed

**This Request was approved.**

**7.E.**

NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENTS

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Board of Adjustment](#)  
[2023 BOA ATTENDANCE](#)  
[Cullinan](#)  
[Schloesser](#)

Vice Mayor Boylston nominated Cullinan. Commissioner Frankel seconded the motion. The motion carried the following vote:

**Yes 5:** - Mayor Shelly Petrolia, Commissioner Adam Frankel, Vice Mayor Ryan Boylston, Deputy Vice Mayor Rob Long, Commissioner Angela Burns

Commission Burns nominated Schloesser. Commissioner Frankel seconded the motion. The motion carried the following vote:

**Yes 5:** - Mayor Shelly Petrolia, Commissioner Adam Frankel, Vice Mayor Ryan Boylston, Deputy Vice Mayor Rob Long, Commissioner Angela Burns

**A motion was made that this Appointment be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

#### 7.F. NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Affordable Housing Advisory Committee 2023 3](#)  
[2023 AHAC Quarterly Attendance](#)  
[Dadich](#)  
[Dwyer](#)  
[Grant-Straghn](#)  
[Hale](#)  
[Land](#)  
[Olieberg](#)  
[Plante](#)  
[Petillo](#)  
[Thompson](#)

Plante was appointed.

**A motion was made by Deputy Vice Mayor Long, seconded by Commissioner Frankel, that this Appointment be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**7.G.**

RESOLUTION NO. 103-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REAFFIRMING THE CITY COMMISSION AS THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DELRAY BEACH IN ACCORDANCE WITH SECTION 163.357, FLORIDA STATUTES; ESTABLISHING THE COMMUNITY REDEVELOPMENT AGENCY AS A FIVE MEMBER BOARD COMPRISED SOLELY OF MEMBERS OF THE DELRAY BEACH CITY COMMISSION; TERMINATING THE TERMS OF THE APPOINTED MEMBERS CURRENTLY SERVING ON THE COMMUNITY REDEVELOPMENT AGENCY; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 103-23 Commission as CRA Board](#)

**A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 4 - Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**Abstain:** 1 - Mayor Petrolia

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

**8.A.**

ORDINANCE NO. 12-23. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH 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 REQUIRE CITY COMMISSION APPROVAL FOR THE USE OF MASONRY MODERN AND ART DECO ARCHITECTURAL STYLES PRIOR TO SITE PLAN APPROVAL; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)[Ordinance No. 12-23, CBD Architectural Styles](#)[PZB Staff Report, CBD Architectural Styles](#)[DB-CBD Architectural Design Guidelines-12-8-15-Downloaded from](#)[Web 2018-10-15](#)[Legal Review](#)[Proof of Legal Ad](#)

Lynn Gelin entered Ordinance No. 12-23 into the record.

Anthea Gianniotis stated that Ordinance No. 12-23 was a City-initiated request to amend Section 4.4.13(F) Land Development Regulations to allow Art Deco architecture in the City Business District. She stated that the Planning and Zoning Board voted 7-0 on March 20th to recommend approval of Ordinance No.12-23.

Mayor Petrolia Mayor opened the floor to anyone who wished to provide testimony on this item.

Seeing no one present, Mayor Petrolia closed public comments.

The Commission focused its feedback on the city's architectural styles.

**A motion was made by Commissioner Frankel, seconded by Vice-Mayor Boylston, that this Ordinance be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**8.B.**

ORDINANCE NO. 13-23. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS", SECTION 2.2.3, "THE SITE PLAN REVIEW AND APPEARANCE BOARD," TO REDUCE THE MEETING REQUIREMENT FROM TWO MEETINGS PER MONTH TO ONE MEETING PER MONTH, AND TO UPDATE LANGUAGE FOR CLARITY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Development Services Department



**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 13-23](#)  
[PZB Staff Report, Ordinance No. 13-23](#)  
[Legal Review](#)  
[Proof of Legal Ad](#)

Lynn Gelin entered Ordinance No.13-23 into the record.

Anthea Gianniotis stated that Ordinance No. 13-23 was a city-initiated amendment for the Land Development Regulations (LDR) to reduce the number of required meetings from two to one.

Mayor Petrolia opened the floor to anyone who wished to provide testimony on Ordinance No. 13-23.

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

**A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that this Ordinance be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**8.C.**

ORDINANCE NO. 18-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE 5, "PUBLIC WORKS," CHAPTER 56, "STORMWATER," SUBSECTION "GENERAL PROVISIONS," BY AMENDING SECTION 56.03, "FINDINGS AND DETERMINATIONS," TO MODIFY THE INTENT OF STORMWATER MANAGEMENT ASSESSMENTS TO INCLUDE FULLY FUNDING THE STORMWATER MANAGEMENT SYSTEM ENTERPRISE FUND AND MODIFYING THE BASIS FOR ASSESSMENT FROM A PER ACREAGE CHARGE TO A TIER BASED SYSTEM FOR RESIDENTIAL PROPERTIES; BY AMENDING SECTION 56.04, "DEFINITIONS," TO CLARIFY DEFINITIONS TO REFLECT CURRENT LAND USE AND COVER CONDITIONS THAT WILL SERVE AS THE BASIS FOR STORMWATER MANAGEMENT ASSESSMENT, BY AMENDING SECTION 56.15, "IMPOSITION OF STORMWATER MANAGEMENT ASSESSMENT, CLASSIFICATION, AND CRITERIA," TO CLARIFY THE APPLICATION OF ASSESSMENTS TO DEVELOPED PROPERTY AND TO REMOVE REFERENCES TO THE PER ACREAGE ASSESSMENT SYSTEM; BY AMENDING SECTION 56.16, "ESTABLISHMENT OF RATE FOR STORMWATER MANAGEMENT ASSESSMENTS," TO REPEAL THE EXISTING PER ACREAGE STORMWATER MANAGEMENT ASSESSMENT SYSTEM, TO ADOPT A TIER BASED STORMWATER MANAGEMENT ASSESSMENT SYSTEM FOR RESIDENTIAL PROPERTIES TO DELETE DISCOUNTS FOR PROPERTY LOCATED WITHIN THE LAKE WORTH

DRAINAGE DISTRICT AND PROPERTY WITH PRIVATELY MAINTAINED DRAINAGE SYSTEMS; BY AMENDING SECTION 56.17, "ADJUSTMENT OF STORMWATER MANAGEMENT ASSESSMENTS," TO UPDATE REFERENCES TO THE ENVIRONMENTAL SERVICES DEPARTMENT TO PUBLIC WORKS, DELETING LANGUAGE REQUIRING CONSIDERATION FOR RETENTION FACILITIES FOR OWNER-INITIATED ADJUSTMENTS, REMOVING DISCOUNT ELIGIBILITY FOR PROPERTY WITH PRIVATE DRAINAGE FACILITIES, AND DELETING LANGUAGE AUTHORIZING THE CITY TO INSPECT PRIVATE DRAINAGE FACILITIES; BY AMENDING SECTION 56.20, "PRIVATE FACILITIES," TO CLARIFY RESPONSIBILITIES RELATED TO MAINTENANCE AND OPERATIONS AND INSPECTIONS ON PRIVATE PROPERTY; AND BY AMENDING SECTION 56.23, "STORMWATER ASSESSMENT PROCESS," TO PROVIDE AUTHORIZATION TO ESTABLISH RESERVES AND TO REQUIRE THE PREPARATION OF A STORMWATER MANAGEMENT ASSESSMENT ROLL ANNUALLY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

**Sponsors:** Public Works Department

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

[Ord 18-23 Amending Code re Stormwater - Final LG REV. second reading 5-16-23](#)

[Ord 18-23 Legal Review Checklist](#)

[Stormwater Ordinance PW 10-Day Legal Ad - Publish 5.5.23](#)

City Attorney Gelin read Ordinance No 18-23 into the record.

Missie Barletto provided the results of the Stormwater Rate Study. She stated that rates hadn't increased since 2006. She advised Resolution No. 18-23 would modify the City's Code of Ordinance managing stormwater assessment more accurately and fairly through a tier-based system.

Mayor Petrolia opened the floor to anyone who wished to speak on Resolution No.18-23.

Seeing no one present, Mayor Petrolia closed public comments.

**This Ordinance was approved.**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

## 9. FIRST READINGS:

9.A. None

**10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:****A. City Manager**

None

**B. City Attorney**

Attorney Gelin requested to amend the local rules when the vote results in a tie.

**C. City Commission****Commissioner Frankel:**

- Commissioner Frankel inquired if large food trucks were allowed to park and unload in the morning on Atlantic Avenue.

**Deputy Vice Mayor Long:**

- Deputy Vice Mayor Long queried when discussions about the golf course would start.

**Commissioner Burns:**

- Commissioner Burns favored revisiting the goals discussed at the Goal Setting Meeting.  
- Commissioner Burns suggested implementing a City Maintenance Plan.

**Vice Mayor Boylston:**

Vice Mayor Boylston suggested furthering the conversation on developing a Multi-Cultural Council.

Mr. Moore scheduled a Workshop Meeting on June 13th. at 2 :00 p.m. to discuss a Multi-Cultural Council.

**11. ADJOURNMENT**

There being no further business to discuss, the City Commission Meeting was adjourned at 6:39 p.m.