

City of Delray Beach

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Minutes - Draft

Thursday, March 28, 2019

4:00 PM

Annual Organizational Meeting/Regular Meeting at 4:00 p.m.

Delray Beach City Hall

City Commission

*Mayor Shelly Petrolia
Vice Mayor Adam Frankel
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Bill Bathurst
Commissioner Ryan Boylston*

1. CALL TO ORDER

Mayor Petrolia called the Annual Organizational/Regular Meeting to order at 4:35 p.m.

2. ROLL CALL

The roll call was taken by the City Clerk.

The following were in attendance:

Mayor Shelly Petrolia
Vice Mayor Adam Frankel
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Bill Bathurst
Commissioner Ryan Boylston

Others present were:

Neal de Jesus, Interim City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

3. PLEDGE OF ALLEGIANCE TO THE FLAG**4. AGENDA APPROVAL**

Vice Mayor Frankel moved to approve the agenda. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC**5.a. From the Public**

Mayor Petrolia opened the public comment.

Donnie Petullo, Jr., Salt 7 restaurant, 32 S.E. 2nd Avenue, Delray, thanked the City for the open communication to help address some of the issues they are having regarding occupancy. Mr. Petullo stated he concurs that safety is priority, however, he noted moving the tables and chairs around to create a better flow is a tremendous help.

Mayor Petrolia congratulated Mr. Petullo for winning the best table at the Savor the Avenue event and stated the menu was fantastic.

James Quillian, 925 S.E. 2nd Avenue, Delray Beach (Osceola Park), stated neighbors have worked for several years with the city to get the improvements that were promised for Oseceola Park to come to fruition. Mr. Quillian feels that the community and neighbors have been misled.

Matthew Scott, Law firm of Denay, Miskel, and Backman, LLP, 14 S.E. 4th Street, Boca Raton (representing Tin Roof), stated that the Commission does not want to consider changes to the occupancy rules and expressed concern that this will potentially impact the success of the businesses and restaurants. Mr. Scott urged the City Commission to consider small modifications to the LDRs to allow for this occupancy. He stated if this is enforced in April, it will be challenging for some of the restaurants to continue to function when they get busy and transition to more of a bar crowd.

Interim City Manager de Jesus stated the issue is not about enforcing the occupant load, but it is the transition which is not allowed by the city's LDRs that the restaurant owners still want to make. He stated as long as the restaurant owners try to make this something that it is not licensed to be and they are not willing to comply with the city code, then the city will have this problem with the only solution being enforcement.

John Theodore, Taverna Opa, 270 E. Atlantic Avenue, Delray Beach, expressed concern over things being enforced in January and stated when Boca shut down 3-4 major clubs, they all came to downtown Delray. Mr. Theodore stated when serving all the tables on the outside and there is a couple at the bar having drinks, he expressed concern that multiple people walk up to the bar and reach between couples to buy drinks. Mr. Theodore urged the City Commission to consider removal of this floor plan after 10:30/11:00 p.m. to accommodate the nightlife by removing some of the tables and chairs.

Laura Simon, Downtown Development Authority, commented about the nighttime economy downtown and noted everyone has worked very hard to make this a success. Ms. Simon commented about the partnership between the City, the DDA, the CRA, and all the Public Safety Ambassadors between the Fire-Rescue Department, Police Department, and the Clean & Safe Unit to keep the city strong. Ms. Simon thanked everyone from the city and the restaurant community for making the 11th Savor on the Avenue event a huge success. Secondly, Ms. Simon stated the City of Delray Beach is in its second round of "Strong Towns USA" (www.strongtowns.org) and noted the city may go into the final four, a podcast, and then a debate. Ms. Simon stated she will inform the City Commission if Delray Beach wins.

George Long, 46 N. Swinton Avenue, Delray Beach, commented about the repaving in the two blocks on both sides of Atlantic Avenue and asked if something is going to be done about the cross-walk at this time. Secondly, Mr. Long inquired about the sidewalk by his property.

Christina GodBout, 2214 Bloods Grove Circle, Delray Beach, (Manager of Tin Roof), urged the City Commission to consider a change by moving some tables at 11:00 p.m. or later. She stated this is not to increase occupancy, but this is to make it safer within the Tin Roof establishment because they have live music and bands.

Ezra Krieg, 2984 Needham Court, Delray Beach, Chairman of the Homeless Initiative, commented about the voting for the "Strong Towns USA". Mr. Krieg briefly spoke about the good things that the Delray Beach Homeless Initiative is doing and stated in working with Living Hungry, Delray Beach initiated a backpack program to provide school children with food on the weekends. Mr. Krieg stated over \$55,000 was raised by the citizens of Delray Beach to fund the program this year.

Christina Morrison, 2809 Florida Boulevard, Delray Beach, urged the City Commission to consider slightly tweaking the LDRs. Ms. Morrison stated the Cluster Study explains that Delray Beach has a big draw here because of its downtown and it is a livable, walkable, lovable city. In addition, Ms. Morrison stated industrial distribution space is needed in order to take Delray Beach to the next step.

There being no one else from the public who wished to address the City Commission, Mayor Petrolia closed the public comments.

6. Commission Comments

7. Selection of Vice Mayor and Deputy Vice-Mayor (for the term March 28, 2019 - March 26, 2020)

7.a. Vice Mayor Nominations

Commissioner Frankel nominated Commissioner Johnson as Vice Mayor. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

7.b. Deputy Vice Mayor Nominations

Commissioner Frankel nominated Commissioner Bathurst as Deputy Vice Mayor. It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

8. Approval of City Commission Meeting Dates (calendar attached)

8.a. [19-377](#) CITY COMMISSION MEETING DATES

Recommendation: Motion to approve City Commission Meeting Dates

Attachments: [City Commission Meeting Dates Calendar Memo FINAL 2019–2020 Commission Calendar](#)

Mayor Petrolia suggested that the July meetings be held on July 2nd and July 9th then not have another meeting until August 13, 2019. Also, Mayor Petrolia suggested to have a Regular Meeting on August 20th and a Workshop/Budget Meeting on August 27th, if necessary. Therefore, the City Commission would be off approximately one month from July 10th through August 12th.

Commissioner Boylston stated he has a conflict with the July 2nd meeting and will not be present because he has already planned his summer vacation around the attached calendar.

Commissioner Frankel moved to approve the calendar dates with the amendments as stated by Mayor Petrolia. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

9. Discussion and Approval of Proclamation Guidelines

9.a. [19-366](#) PROCLAMATION PROCEDURES AND GUIDELINES

Recommendation: Motion to review and approve the proclamation procedures and guidelines and review and approve the established list of proclamations in Exhibit A.

Attachments: [Proclamation Guidelines final](#)

The City Clerk stated this item is being brought before the City Commission to help staff establish guidelines and criteria with proclamation requests. She explained that staff looked at all the proclamations submitted over the last five years. The City Clerk requested

to observe all national holidays, cultural events, and department related proclamations. The City Clerk also explained that proclamations which had been requested annually over the past 5 years will be included and issued automatically each year.

Commissioner Boylston moved to approve the proclamation procedures and guidelines. It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

10. Local Rules and Quasi-Judicial Guidelines

10.a. [19-372](#) AMENDMENTS TO LOCAL RULES AND QUASI-JUDICIAL RULES

Recommendation: Provide direction to the City Attorney concerning changes to the Rules of Procedure as well as the Quasi-Judicial Rules.

Sponsors: City Attorney Department and Inglese

Attachments: [Rules of Procedure - Delray Beach City Commission](#)
[Quasi-Judicial Rules](#)

Lynn Gelin, City Attorney reviewed the changes to the Local Rules/Rules of Procedure and noted the internal auditor has been added into Section IV for the annual review and a review shall be conducted at the next regularly scheduled Commission meeting following the anniversary date of each appointment. The City's Human Resources Department shall be tasked with coordinating and facilitating each evaluation as well as placing the review of each Employee's compensation on the agenda for consideration by the City Commission. In addition, on page one, the time of the City Commission meetings has been changed to 4:00 p.m.

A brief discussion between the Interim City Manager and Mayor Petrolia ensued.

Mayor Petrolia stated at the last meeting, she and the Interim City Manager discussed his increase because he did not receive one when he was up for review. Mayor Petrolia stated the last time Chief Neal de Jesus was Interim City Manager his pay was higher and she proposed to bring Chief de Jesus up to the level of former City Manager Donald Cooper during the time he is serving as Interim City Manager.

Commissioner Frankel moved to approve the amended Local Rules. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

11. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS

11.a. City Manager

Interim City Manager de Jesus stated with respect to the flood, Ms. Craig's team is installing a repaired motor. The City is also in the process of purchasing a spare motor and a spare pump for lift stations.

Secondly, Interim City Manager de Jesus expressed concern over the misconception that changing the LDRs is going to change the code. Interim City Manager de Jesus stated whether the City Commission approves for the restaurant(s) to move tables or not and they can do that by National Fire Prevention Association (NFPA) code, the fire code is still going to apply which will have to be enforced.

Interim City Manager de Jesus stated the Strategic Planning Workshop is scheduled for April 26th and suggested that this be an opportunity for the new City Manager to work with the City Commission. Mayor Petrolia stated it is important for the new City Manager to be a part of that, however, she noted that it could be another couple of months before that person starts and the city is approaching another budget season without discussing their thoughts about what they foresee happening in the town. Interim City Manager de Jesus stated he will make sure the consultant is engaged. The City Commission concurred that the night life be a discussion item for the Strategic Planning Workshop and they will email the rest of their items to Interim City Manager de Jesus.

Interim City Manager de Jesus recognized the business community, residents, visitors, and city staff for a very successful 51st St. Patrick's Day Festival and Parade.

11.b. City Attorney

The City Attorney stated she and Interim City Manager de Jesus have a meeting with Match Point, Inc. next week and after their meeting she will request a Shade Meeting with the City Commission.

Secondly, the City Attorney stated the City has begun working on the bike lane remediation for Phase zero which is the lawsuit the City has with Foster Marine.

The City Attorney stated the electric scooter ordinance is complete and will be on the next agenda. The City Attorney stated staff is still working on the noise ordinance. The City Attorney stated she will have a discussion item regarding Code Enforcement on the next agenda.

The City Attorney stated at the Workshop Meeting the City Commission had discussed the possible uses for the cemetery and noted that a title search was performed; however, it is not clear who owns certain portions of the cemetery. The City Attorney stated the City's real estate counsel recommended doing a genealogical study costing approximately \$3,000 and this would have to be done prior to filing a quiet title action.

Lastly, the City Attorney commented about Resolution No. 51-19/Habitat for Humanity Contract for Sale and Purchase - 133 SW 12th Avenue item that Vice Mayor Johnson requested to postpone to a date certain of May 7, 2019. The City Attorney recommended to take this item off the agenda.

Commissioner Frankel moved to cancel the Habitat for Humanity Contract for Sale and Purchase for 133 SW 12th Avenue. It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

11.c. City Commission

Commissioner Boylston stated the St. Patrick's Day Parade was well done and he feels this parade is important for the community. Secondly, Commissioner Boylston stated Savor the Avenue raised \$3,000 for a healthier Delray Beach. Commissioner Boylston stated the restaurant nightlife topic should be discussed. Commissioner Boylston stated the Downtown Development Authority (DDA) paid for the pilot program originally for the Ambassador Program and it came before the City Commission requesting the Community Redevelopment Agency (CRA) to fund it permanently and that did not happen two years ago. He stated the DDA did fund two people and he does not feel that is enough for Delray's downtown. Commissioner Boylston commented about an event called "Plastic Planet" which is a partnership of many organizations being held at Old School Square on April 26th in the evening. Commissioner Boylston requested that the City sponsor this event (no financial sponsorship). Commissioner Boylston stated he will be speaking at this event along with additional speakers from around the region.

The Interim City Manager stated staff will be present but reminded the City Commission that the Strategic Planning is also scheduled for April 26th.

Commissioner Boylston stated he would like to see the Transportation Plan update placed on a Workshop agenda to discuss the update to the West Atlantic Avenue Plan and whether or not it is adopted. Vice Mayor Johnson stated she would like to be present for the meeting.

Deputy Vice Mayor Bathurst congratulated Sam Metott and Suzanne Fisher for their new positions. Deputy Vice Mayor Bathurst stated the St. Patrick's Day Parade was great as well as the Savor the Avenue event. Deputy Vice Mayor Bathurst commented about the gentleman who spoke this evening from the FIU Metropolitan Center regarding Delray's nightlife and managing the Delray brand because it is a big part of the economy.

Mayor Petrolia stated the St. Patrick's Day Parade was excellent and Savor the Avenue was a great event and she noted that Delray Beach is branded and on the map. Secondly, Mayor Petrolia extended kudos to Interim City Manager Neal de Jesus for doing a great job.

A brief discussion by the City Commission followed regarding a plan for a new city building.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 5:52 p.m.