

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com



Minutes - Draft

Tuesday, December 1, 2020

4:00 PM

Regular Meeting at 4:00 PM

Virtual Meeting

City Commission

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

1.ROLL CALL

The City Commission Meeting was called to order at 4:00 p.m.

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

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

2.AGENDA APPROVAL

Others present were:

Jennifer Alvarez, Interim City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

Vice Mayor Boylston motioned to approve the agenda. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

Deputy Vice Mayor Johnson requested to pull item 6.F.1. from the Consent Agenda for discussion. Item 6.F.1. became item 7.A.A. on the Regular Agenda.

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

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

4. PRESENTATIONS:

4.A. None

5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:

A. City Manager's response to prior public comments and inquiries

None

B. From the Public

Rob Long, Chair of the Palm Beach County Soil and Water Conservation District, residing at 2962 Calabria Way, refused to retract his statements regarding PFAS chemicals in the City's water. He would like to work with the City collaboratively to improve the City's water quality and stay in his position on the City's Planning and Zoning Board.

Laura Simon, Executive Director of the Downtown Development Authority (DDA), residing at 85 SE 4th Avenue, provided an update on efforts to support local businesses during the holidays. She encouraged the community to participate in the DDA's holiday toy drive.

Bruce Bastian, 1440 Lake Drive, requested the Commission to keep Rob Long as a member of the Planning and Zoning Board. He commended Mr. Long for advocating for the City to exceed the Environmental Protection Agencies guidelines.

Dr. Stewart George Cass, Juno Beach Council Member, residing at 900 Ocean Drive Apt 702, Juno Beach, advised the Commission to allow Rob Long to continue to serve on the Planning and Zoning Board.

City Clerk Katerri Johnson concluded public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Deputy Vice Mayor Johnson made a motion to approve the consent agenda as amended. It was seconded by Vice Mayor Boylston. The motion carried by the vote:

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

6.A. CITY COMMISSION MEETING MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:

July 21, 2020 Regular City Commission Meeting
August 18, 2020 Regular City Commission Meeting
August 24, 2020 Special Meeting
August 24, 2020 Special City Commission Meeting
August 24, 2020 Workshop Meeting

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[July 21 Regular Meeting Minutes Revised Draft format](#)

[August 18 2020 -DRAFT](#)

[August 24 2020 1st Special Meeting - DRAFT Revisions](#)

[August 24 2020 2nd Special Meeting - DRAFT revisions](#)

[August 24 2020 Workshop Meeting - Draft](#)

6.B. *AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF DELRAY BEACH.*

Body: **Recommended Action:**

Recommendation: Recommend approval of the attached agreement.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[2021 Municipal Election Agreement \(004\)](#)
[Simple Legal Review Approval \(003\)](#)

6.C. *INTERLOCAL AGREEMENT WITH THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE CO-TITLE SPONSORSHIP OF THE 2021 DELRAY BEACH OPEN*

Body: **Recommended Action:**

Recommendation: Motion to approve the Interlocal Agreement for the Co-Title Sponsorship of the 2021 Delray Beach Open with the Delray Beach Community Redevelopment Agency (CRA) for a term which will commence upon execution of the contract and terminate on September 30, 2021 in the amount of \$905,000.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Exhibit A - ILA 2021 Delray Beach Open](#)
[Legal Review Checklist form v. 6 ILA with CRA for Tennis Tournament](#)
[ILA Tennis Sponsorship 2020-2021](#)

6.D. *APPROVAL TO ACCEPT EMERGENCY CHILD CARE RELIEF GRANT FUNDS IN THE AMOUNT OF \$19,950 FROM THE EARLY LEARNING COALITION (ELC) OF PALM BEACH COUNTY TO BE USED AT OUR TWO (2) OUT OF SCHOOL PROGRAM LOCATIONS*

Body: **Recommended Action:**

Recommendation: Motion to approve acceptance of grant funds through the Child Care and Development Block Grant (CCDBG) to provide Emergency Child Care relief funds in the amount of \$19,950 from the Early Learning Coalition (ELC) of Palm Beach County.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[RE Emergency funding](#)
[LegalReview ELC GrantFunds](#)

6.E. PROCLAMATIONS:**6.E.1. WORLD AIDS DAY PROCLAMATION - DECEMBER 1, 2020**

Body: **Recommended Action:**

Recommendation: Motion to declare December 1, 2020 as World Aids Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[World AIDS Day](#)

6.F. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.F.1. REPORT OF APPEALABLE LAND USE ITEMS FROM OCTOBER 12, THROUGH OCTOBER 30, 2020.**

Body: **Recommended Action:**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - Opal Grand Appealable Report](#)
[B - Delray Chevrolet Appealable Report](#)
[C - Delray Park Plaza Appealable Report](#)
[D - Collier Car Club Appealable Report](#)
[E - 110 Building Appealable Report](#)
[F - Pour & Famous Appealable Report](#)

Deputy Vice Mayor Johnson expressed her concerns about an outdoor restaurant with music being in close proximity to the Straghn funeral home.

Lynn Gelin, City Attorney, asked the Commission if they wished to appeal the item.

Commissioner Casale made a motion to appeal item 6.F.1. and discuss the matter at the next Commission meeting. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

6.G. AWARD OF BIDS AND CONTRACTS:**6.G.1. APPROVAL OF RESOLUTION NO. 107-20 TO AWARD AN AGREEMENT TO CDW GOVERNMENT LLC FOR PURCHASE OF**

TECHNOLOGY PRODUCTS, SERVICES AND SOLUTIONS; UTILIZING CITY OF MESA, ARIZONA SOLICITATION NO. 2018011 - \$1,900,000

Body: **Recommended Action:**

Recommendation:

Motion to approve Resolution No. 107-20 to award an Agreement to CDW Government LLC for the purchase of technology products, services and solutions in the estimated amount of \$1,600,000 for the Police Department and \$300,000 for the Information Technology Department through February 28, 2023, utilizing the City of Mesa, Arizona Solicitation No. 2018011, and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

Sponsors: IT Department, Police Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist CDW Government LLC](#)

[Resolution 107-20 CDWG - City of Mesa Omnia](#)

[Agreement - CDWG - OMNIA COOPERATIVE](#)

7. REGULAR AGENDA:

7.A.

RESOLUTION NO: 191-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.7(E)(7) OF THE LAND DEVELOPMENT REGULATIONS TO INSTALL A SIGN ON A WALL NOT FACING A DEDICATED STREET FRONTAGE AS REQUIRED; APPROVING SAID INSTALLATION ON THE SOUTH ELEVATION OF THE PROPERTY LOCATED AT 16000 S. MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 191-20; granting a waiver to Section 4.6.7(E)(7) of the Land Development Regulations approving installation of a wall sign which is not facing a dedicated street frontage on the south elevation of the property at 16000 S. Military Trail.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 191-20](#)

[Res. 191-20 Exhibit A](#)

[Justification letter](#)

[Simple Legal Review Approval Resolution 191-20](#)

Mayor Petrolia read the Quasi Judicial rules into the record. She asked her colleagues for ex-parte communications. The following was disclosed:

Deputy Vice Mayor Johnson: None
Vice Mayor Boylston: None
Commissioner Frankel: None
Commissioner Casale: None
Mayor Petrolia: None

City Clerk Katerri Johnson swore in Rick Torres who gave testimony on this item.

Anthea Gianniotis, Development Services Director, entered Resolution No. 191-20 and File No. 221-017 into the record.

Mr. Torres of Alternative Sign Group spoke on behalf of the applicant 7-Eleven requesting a sign waiver.

Ms. Gianniotis presented a staff report detailing the request.

There was a five-minute recess from 4:28 p.m.- 4:33 p.m. to allow public comments. When the Commission reconvened, City Clerk Katerri Johnson concluded that no public comments were submitted.

There was no cross-examination or rebuttal pertaining to the presentation.

Vice Mayor Boylston made a motion to approve Resolution No. 191-20. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

City Clerk Katerri Johnson played the following public comment that was missed:

John R. Eubanks Jr, Attorney of Sniffen and Spellman, 605 N Olive Avenue 2nd Floor, West Palm Beach, expressed his concern about the height of the proposed 110 building on Atlantic Avenue.

The Commissioners engaged in a discussion about the 110-building height.

City Attorney Gelin provided clarification on the matter.

There was consensus to continue to the next item.

7.B. *RESOLUTION NO. 179-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.6(H)(6)*

OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING A DENSITY BONUS IN EXCHANGE FOR WORKFORCE HOUSING FOR THE PROJECT KNOWN AS "FREDERICK ISLES" AT 2621 FREDERICK BOULEVARD, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 179-20, granting a conditional use to provide a density bonus in exchange for workforce housing, increasing density from 12 dwelling units per acre to 16 dwelling units per acre, for the project know as "Frederick Isles" located at 2621 Frederick Boulevard.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Frederick Isles - Resolution 179-20](#)

[Frederick Isles - Planning and Zoning Board Staff Report](#)

[Frederick Isles - Applicant Justification Letter](#)

[Frederick Isles - Location Map](#)

[Frederick Isles - Map DIA-7](#)

[Frederick Isles - SCAD Letter](#)

[Legal Review Resol 179-20 .docx](#)

Anthea Gianniotis, Development Services Director File No. 2020-243 into the record.

Mayor Petrolia asked her colleagues for ex-parte communications. The following was disclosed:

Vice Mayor Boylston: None

Deputy Vice Mayor Johnson: None

Commissioner Frankel: None

Commissioner Casale: None

Mayor Petrolia: None

City Clerk Katerri Johnson swore in Miles Rich and Spencer Rich who provided testimony on this item.

Miles and Spencer Rich gave a presentation highlighting the project. They informed the Commissioners that the Fredricks Isles Townhomes would include workforce housing units.

Ms. Gianniotis presented a staff analysis on the proposed project. She notified the Commissioners that the Planning and Zoning Board voted 6-1 in support of the project on October 19, 2020.

There was a five-minute recess from 4:54 p.m.- 4:59 p.m. to allow public comments. When the Commission reconvened, City Clerk Katerri Johnson played the following public comment:

Jeffery Cannon residing at 17686 Foxborough Lane, Boca Raton commended the Rich brothers for being invested in the community and expressed his support for the Fredricks Isles Townhomes.

The Commissioners engaged in a discussion with Ms. Gianniotis and the applicants regarding the workforce housing units and parking concerns.

Commissioner Casale made a motion to approve Resolution No. 179-20. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

7.C. RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES

Body: Recommended Action:

Recommendation: Motion to Ratify the 35th and 36th Extensions of the State of Emergency for COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[35th Extension Emergency Declaration - COVID 19](#)

[36th Extension Emergency Declaration - COVID 19](#)

Vice Mayor Boylston motioned to approve the ratification of the Extensions of the State of Emergency for COVID-19 Resolutions. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

7.D. AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR 2021 THROUGH 2025

Body: Recommended Action:

Recommendation: Motion to Approve Amendment to the Capital Improvement Program budget for Fiscal Year (FY) 2021 through 2025 adopted September 22, 2020.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[FY 2021-2025 CIP AMENDED FINAL](#)

Commissioner Frankel made a motion to approve the amendment to the Capital Improvement Program. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

8. PUBLIC HEARINGS:

8.A. *ORDINANCE NO. 37-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CORRECTING A SCRIVENER'S ERROR BY ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR SIXTY-ONE PARCELS OF LAND, WHICH MEASURES APPROXIMATELY 9.94± ACRES, AND RE-DESIGNATING SAID LAND FROM LOW DENSITY (LD) TO GENERAL COMMERCIAL (GC), TRANSITIONAL (TRN), AND MEDIUM DENSITY (MD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF OLD DIXIE HIGHWAY AND SE 10TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (PUBLIC HEARING/SECOND READING)*

Body: **Recommended Action:**

Recommendation: Review and consider a request to approve Ordinance No. 37-20, a City-initiated amendment to the Land Use Map from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use to correct a scrivener's error.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 37-20 Silver Terrace Land Use](#)
[Silver Terrace Land Use: Staff Report](#)
[Silver Terrace: Location Map](#)
[Silver Terrace Land Use: History](#)
[Ord. No. 37-20 Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 37-20 into the record.

There was a five-minute recess from 5:25 p.m. - 5:30 p.m. to allow public comments. When the Commission reconvened, City Clerk Katerri Johnson concluded that no public comments were submitted.

Vice Mayor Boylston made a motion to approve Ordinance No. 37-20 on Second Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

8.B. *ORDINANCE NO. 56-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 120, "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS," SECTION 120.01, "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS," TO UPDATE THE DEFINITIONS, MODIFY THE REQUIREMENTS TO OPERATE MOBILE FOOD TRUCKS WITHIN THE CITY, MODIFY THE LIMITATIONS AND PROHIBITIONS FOR THE OPERATION OF FOOD TRUCKS WITHIN THE CITY, AND ELIMINATE AND REPLACE CIVIL CITATIONS WITH GENERAL PENALTIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)*

Body: Recommended Action:

Recommendation: Review and consider a City-initiated request for amend Chapter 120 of the Code of Ordinances - "Operation and sale of Food from Mobile Food Trucks" to bring the adopted regulations into compliance with State of Florida regulatory changes.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 56-20: Mobile Food Trucks](#)
[Ordinance No. 56-20: Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 56-20 into the record.

There was a five-minute recess from 5:31 p.m. - 5:36 p.m. to allow public comments. When the Commission reconvened, City Clerk Katerri Johnson played the following public comment:

Andrea Keiser of Keiser Legal, located at 55 SE 2nd Ave, commented that food trucks could help bars thrive and not simply survive during the pandemic. Ms. Keiser recommended that the Commissioners pass item 8.B before the holidays.

City Clerk Katerri Johnson concluded public comments.

Commissioner Frankel made a motion to move this item to the December 8, Commission Meeting. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

8.C.

ORDINANCE NO. 58-20: 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 ADOPTING FINDINGS BY AMENDING SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", TO ADD A NEW SUBSECTION (CC), "CBD OIL ESTABLISHMENTS", TO PROVIDE A PURPOSE AND INTENT AND SPECIFIC REGULATIONS REGARDING THE HOURS OF OPERATION, PROHIBITIONS BY FREQUENCY AND PROXIMITY TO CERTAIN USES AND ZONING DISTRICTS, AND ACCESSORY USE REGULATIONS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT", SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", AMENDING SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT," SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (C), "ALLOWABLE USES," (3), "REQUIRED RETAIL FRONTAGE USE LIMITATIONS," TABLE 4.4.13(A) - "ALLOWABLE USES IN THE CBD SUB-DISTRICTS", AMENDING SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT", SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", AMENDING SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT", SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", AMENDING SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT", SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED" TO ADD CBD OIL ESTABLISHMENTS TO THE LIST OF PRINCIPAL USES AND STRUCTURES PERMITTED AND PROVIDE ADDITIONAL LOCATION RESTRICTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 58-20, amending the Land Development Regulations to add CBD Oil Establishments as a use with location and frequency restrictions.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No 58-20 CBD Oil Establishments](#)

[Ord No 58-20 CBD Oil PZB Staff Report](#)

[CBD Oil Allowed Areas 300ft.pdf](#)

[CBD Oil Allowed Areas Zoning 300ft.pdf](#)

[Simple Legal Review Approval CBD Ordinance](#)

[DDA Memo 11.16.20 - CBD Oil Establishments.pdf](#)

Lynn Gelin, City Attorney, read Ordinance No. 58-20 into the record.

Anthea Gianniotis, Development Services Director, informed the Commissioners about the adjustment to the proposed floor plan since the first reading.

There was a five-minute recess from 5:41 p.m. - 5:46 p.m. to allow public comments. When the Commission reconvened, City Clerk Katerri Johnson concluded that no public comments were submitted.

Deputy Vice Mayor Johnson made a motion to approve Ordinance No. 58-20. It was seconded by Commissioner Frankel. The motion carried by the following vote.

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

9. FIRST READINGS:

9.A. *ORDINANCE NO. 53-20: 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 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.7, "SIGNS," BY AMENDING SUBSECTION (E), "SIGN DESIGN STANDARDS," AND SUBSECTION (J), "PROHIBITED SIGNS," TO ESTABLISH REGULATIONS ALLOWING CERTAIN SIGN DESIGNS TO EXTEND INTO THE RIGHT-OF-WAY WITHIN THE CENTRAL BUSINESS DISTRICT AND OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT AND RESTRUCTURE EXISTING SUBSECTIONS TO ELIMINATE INCONSISTENT REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)*

Body: Recommended Action:

Recommendation: Review and consider a request to approve Ordinance No. 53-20, a City-initiated amendment to the Land Development Regulations (LDR) Section 4.6.7 "Signs," Section 4.6.7(E) "Sign Design Standards," Section 4.6.7(J) "Prohibited Signs" to establish regulations allowing certain signs designs to extend into the right-of-way in certain zoning districts.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord 53-20 Signs Update](#)

[Ord 53-20 Signs Update- HPB Staff Report](#)

[Ord 53-20 Signs Update- PZB Staff Report](#)

[CBD and OSSHAD with CBD Map](#)

[Ord 53-20 Signs - Legal Review](#)

[DDA Memo 11.16.20 - Signs Ordinance No. 53-20](#)

Lynn Gelin, City Attorney, read Ordinance No. 53-20 into the record.

Anthea Gianniotis, Development Services Director, gave a presentation about the proposed ordinance. She informed the Commissioners this proposal would update and clarify the current sign regulations. Ms. Gianniotis notified the Commission that the Planning and Zoning Board recommended approval of the project with a vote of 4-3 on October 19, 2020. The Historic Preservation Board also voted in favor of the project with a vote of 4-3 on November 2, 2020.

Vice Mayor Boylston expressed his concerns regarding the board votes.

Ms. Gianniotis provided clarification on the board's decisions.

Commissioner Frankel motioned to approve Ordinance No. 53-20. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Jennifer Alvarez, Interim City Manager, informed the Commissioners that the City would be applying for a \$500,000 Palm Beach County COVID-19 relief reimbursement grant.

B. City Attorney

Lynn Gelin, City Attorney, requested approval to schedule a Shade Meeting on Monday, December 14, at 9:00 a.m. to discuss the Jamael Stewart and Michael Coleman cases.

Vice Mayor Boylston made a motion to approve the Shade Meeting. It was seconded by Commissioner Frankel. The motion carried by the following vote:

YES: 5 - Mayor Petrolia, Deputy Vice Mayor Johnson, Commissioner Juli Casale, Vice Mayor Boylston, and Commissioner Adam Frankel

City Attorney Gelin requested clarification on the Commissioner's votes in order to verify the board order for the George Gretsas Case.

Mayor Petrolia: Confirmed a yes vote on all nine items.

Commissioner Casale: Confirmed a yes vote on all nine items.

Deputy Vice Mayor Johnson: Confirmed a yes vote on all nine items.

Commissioner Frankel: Believed that he only voted yes on count eight related to dissemination of false statements.

Vice Mayor Boylston: Believed that he voted yes on count eight related to dissemination of false statements, count five related to the hiring of Jason King, and count three related to the hiring of Timothy Edkin.

B.City Commission

Vice Mayor Boylson informed his colleagues that he has been working with Nicolas Coppola and the Human Rights Council of Palm Beach County to propose creating a pride crosswalk. He asked for consensus to allow staff to look into areas where the crosswalk would be possible.

There was consensus to research potential areas within the City for a pride crosswalk.

Anthea Gianniotis, Development Services Director, provided information and clarification of staff progress on the parklets.

The Commissioners and staff discussed the parklets, the Carver High School Preservation project, and the legislative package.

There was consensus to allow staff to continue their efforts on the Carver High School Preservation project

Commissioner Casale thanked Hassan Hadjimiry, Utilities Director. She expressed concern about the recent comments regarding the City's water quality. Commissioner Casale asked Interim City Manager Alvarez if there was a better way to get the message out to the residents.

Interim City Manager Jennifer Alvarez and the Commissioners engaged in a discussion on how to handle public relations regarding the water. There was consensus to allow the City to hire a public relations firm to assist with messaging about the safety of the water.

Further discussion ensued about the Commissioners concerns addressing the misinformation distributed by Mr. Long regarding chemicals in the City's water. The Commissioners also voiced their support and respect for Mr. Hadjimiry.

Commissioner Frankel thanked the police department for the trucks with digital messaging on Atlantic Avenue. Additionally, he asked for an update on the S.D. Spady Elementary School lights.

Interim City Manager Alvarez provided an update on the S.D. Spady Elementary School lights.

Deputy Vice Mayor Johnson and Vice Mayor Boylston informed their colleagues about their participation with School Board member Robinson's event. Additionally, she reported on the success of her Turkey Drive; it made her more aware of the increased need for food assistance.

Mayor Petrolia requested an update on the Downtown Overlay. She thanked the City for lighting the holiday tree early. Additionally, she asked her colleagues if they would be open to having staff look into installing speed bumps in school zones.

There was consensus to provide additional safety measures in school zones.

Vice Mayor Boylston asked his colleagues to keep Mr. Straghn in their thoughts as he battles COVID-19.

With no further business to discuss, the meeting was adjourned at 6:33 p.m.