

City of Delray Beach

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www.mydelraybeach.com



Minutes - Final

Tuesday, July 2, 2019

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall

City Commission

Mayor Shelly Petrolia

Vice Mayor Shirley Ervin Johnson

Deputy Vice Mayor Bill Bathurst

Commissioner Adam Frankel

Commissioner Ryan Boylston

1. ROLL CALL

Mayor Petrolia called the Regular Meeting to order at 4:00 p.m.

The roll call was taken by the City Clerk.

The following were in attendance:

Mayor Shelly Petrolia
Commissioner Adam Frankel
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Bill Bathurst
Commissioner Ryan Boylston (via skype)

Others present were:

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Mayor Petrolia requested that Item 6.M.1.C. (601 West Atlantic Avenue - Appealable Report) be moved to the regular agenda as Item 7.A.A. and Item 6.I. be moved to the regular agenda as Item 7.B.B.

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

Approved as amended.

4. PRESENTATIONS:

4.A. [19-689](#) LEGISLATIVE SESSION WRAP-UP BY AL JACQUET, DISTRICT 88 REPRESENTATIVE

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

Prior to this item, the City Commission took a short break and then reconvened.

State Representative Al Jacquet, District #88, came forward and gave a brief presentation on the Legislative Session wrap-up.

A brief discussion between State Representative Jacquet and the City Commission ensued.

Mayor Petrolia thanked State Representative Jacquet for the work he is doing for Delray Beach.

On behalf of the 160 plus firefighters/paramedics in the City and as the 1st Vice President of the Florida Fire Chiefs and the tens of thousands he represents with that organization, Interim City Manager de Jesus thanked State Representative Jacquet for his support of the cancer bill.

4.B. Internal Auditor's Report

4.B.1. None

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

5.B. From the Public

Dennis Rooney, 1006 Langer Way, Delray Beach, commented about some local news in the Delray Sun about a complaint that the presence of uniformed Police and Firefighters' in their establishments is killing "the rowdy vibe." Mr. Rooney extended kudos to the uniformed services for their presence in these establishments. Mr. Rooney stated patrons of these bars who have been drinking and wander about Delray Beach could impose a dangerous situation particularly those patrons who venture onto the FEC railroad tracks. Secondly, Mr. Rooney stated another issue of the same publication states that "The Set is dead." Lastly, Mr. Rooney commended the efforts of the City Commission to end the local consumption of plastic straws and improve lighting conditions for the sea turtles. He also made reference to the latest issue of the Sierra Club Magazine which talks about recycling.

Pauline Moody, 614 N.E. 8th Avenue, Boynton Beach, stated from Swinton Avenue to the beach people are drinking seven days a week and suggested that the City establish a curfew. Secondly, Ms. Moody inquired about the Waste Management contract and stated there is a lot of trash on the ground, but not enough garbage cans. Lastly, Ms. Moody stated she

does not approve of the City putting Captain David Weatherspoon in a supervisor role.

Michael Wind, 1540 N.W. 8th Avenue, Delray Beach, he wants to live in a type of town that has manners and presents properly. Mr. Wind wished everyone well and a Happy 4th of July.

Neil Schiller, Attorney with Saul, Ewing, Arnstein & Lehr, LLP, representing the property at 524 W. Atlantic Avenue known as the former Vintage Tap, former Beared Rooster, and current Pour & Famous that is a stand-alone bar transitioning into a bonified restaurant. Mr. Schiller stated according to the City Code you have to be a bonified restaurant to activate the outdoor space which they are not currently; however, they are moving in that direction. Mr. Schiller urged the City Commission to allow him to work with the City Attorney on an agreement to find an intermediate solution so that they do not have to wait four months to open as a restaurant and activate that space. The City Attorney noted that this will be brought back sometime in August.

Zion King, 219 S.W. 9th Street, Delray Beach, thanked Mayor Petrolia for meeting with him yesterday to discuss extending the hours of the Pompey Park pool until 8:00 p.m. because the pool currently closes at 5:00 p.m.

Ernestine Holliday, 40 N.W. 9th Avenue, Delray Beach, expressed concern over the Always Delray Comprehensive Plan and urged the City Commission to take into consideration what the Advisory Board put in the Plan. Ms. Holliday stated Coco Gauff's great-grandfather on both sides were instrumental in working in this community and her father's grandfather was at the County Commissioner's office when the Community Redevelopment Agency (CRA) came into existence in Delray Beach. In her opinion, Ms. Holliday stated a present the City could give to Coco Gauff would be to preserve what her great-grandfather worked so hard for.

There being no one else from the public who wished to address the City Commission, the public comment was closed.

6. CONSENT AGENDA: City Manager Recommends Approval

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

Approved as amended.

6.A. [19-698](#) CITY COMMISSION MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

May 21, 2019 Regular City Commission Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[05-21-19 Regular City Commission Minutes](#)

Approved.

6.B. [19-605](#) REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 810
NW 21st WAY

Recommendation: Motion to Approve a request for the City to subordinate its second mortgage position in the amount of \$50,000 for the property located at 810 NW 21st Way Delray Beach, FL 33445.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Attach 1 Legal Review Subordination Agreement re Jarrod Levins](#)
[Attach 2 Subordination Agreement for Refinance - Jarrod Levins PDF](#)
[Attach 3 Subordination Policy Amendment 120313](#)

Approved.

6.C. [19-629](#) LANDSCAPE MAINTENANCE AGREEMENT FOR THE PROJECT "36
SE 2ND AVENUE PARKING LOT" LOCATED AT 36 SE 2ND AVENUE

Recommendation: Accept the Landscape Maintenance Agreement for the project "36 SE 2nd Avenue Parking Lot" located at 36 SE 2nd Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[36 SE 2nd Avenue Parking Lot Landscape Maintenance Agreement](#)
[36 SE 2nd Avenue Parking Lot Location Map](#)
[36 SE 2nd Avenue Parking Lot Legal Review Landscape Maintenance Agreement](#)
[36 SE 2nd Avenue Parking Lot Landscape Plan](#)
[36 SE 2nd Avenue Parking Lot Site Plan](#)

Approved.

6.D. [19-635](#) FINAL (MINOR) SUBDIVISION REPLAT OF ALL OF TRACT 2 AND
TRACT 5 OF THE PLAT OF DELRAY SQUARE II, PLAT BOOK 82,
PAGES 63 THROUGH 64, ALSO KNOWN AS DELRAY SQUARE I.

Recommendation: Motion to approve the Final (Minor) Plat for Delray Square I, located at 4771 West Atlantic Avenue, by adopting that the request and approval thereof is consistent with the criteria set forth in Section 2.4.5(K)(Minor Subdivisions) of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Delray Square I Plat Location Map](#)
[Delray Square I PLAT](#)
[Delray Square I Plat Survey](#)
[Delray Square I Plat Overall Site Plan](#)

Approved.

- 6.E.** [19-643](#) RESOLUTION NO. 121-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ABANDONMENT OF A GENERAL UTILITY EASEMENT CONTAINING 1,184 SQUARE FEET, AND A SEWER EASEMENT CONTAINING 453 SQUARE FEET, WHICH WERE DEDICATED TO THE CITY OF DELRAY BEACH AS RECORDED IN THE METROPOLITAN AT DELRAY REPLAT, PLAT BOOK 123, PAGES 52 AND 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, RUNNING PARALLEL TO THE ALLEY EAST OF SE 3RD AVENUE, NORTH OF SE 1ST STREET, AS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Recommendation: Review and consider Resolution 121-19, as presented.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Metropolitan GUE and Sewer Easement Abandonment Resolution 121-19](#)
[Metropolitan GUE and Sewer Easement Abandonment Location Map](#)
[Metropolitan GUE and Sewer Easement Abandonment Plat](#)
[Delray City Market Site Plan](#)

Approved.

- 6.F.** [19-657](#) TERMINATION OF A 12-FOOT DRAINAGE EASEMENT WHICH WAS DEDICATED TO THE OWNERS OF PARCEL A, IT'S SUCCESSORS, AND/OR ASSIGNS AS RECORDED IN THE METROPOLITAN AT DELRAY REPLAT, PLAT BOOK 123, PAGES 52 AND 53 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A".

Recommendation: Review and consider the termination of the 12-foot drainage easement.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Termination of Drainage Easement-Metropolitan Location Map](#)
[Termination of Drainage Easement-Metropolitan](#)
[Termination of Drainage Easement - Metropolitan Plat](#)
[Delray City Market Site Plan](#)

Approved.

- 6.G.** [19-587](#) EARLY LEARNING COALITION OF PALM BEACH COUNTY SCHOOL READINESS PROGRAM FOR THE AFTERSCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE COMMUNITY CENTER

Recommendation: Motion to approve the agreement between Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Attach 2 Legal Review Checklist form v. 5 ELC After school Program Provider-Pompey Park and Comm Ctr 2019-2020](#)
[Attach 3 ELC 2019_SchoolReadinessProgram_CC_PP](#)
[Attach 4 CSC ELC payments 2015 2019](#)

Approved.

- 6.H.** [19-589](#) CHILDREN'S SERVICES COUNCIL (CSC) SCHOLARSHIP PROGRAM FOR THE AFTERSCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE DELRAY BEACH COMMUNITY CENTER WITH THE EARLY LEARNING COALITION OF PALM BEACH COUNTY, INC.

Recommendation: Motion to approve the agreement between the Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Attach 2 Legal Review Checklist form v. 5 CSC Provider Contract 2019-2020](#)
[Attach 3 ChildrenServCouncil 2019_CC_PP](#)
[Attach 4 CSC ELC payments 2015 2019](#)

Approved.

- 6.I.** [19-675](#) Approval of an Interlocal Agreement with the Delray Beach Community Redevelopment Agency for funding of an Economic Development Director and Manager position.

Recommendation: Motion to approve an Interlocal Agreement with the Delray Beach Community Redevelopment Agency for funding of an Economic

Development Director and Manager position.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist form v. 5 ILA with CRA fro Office of Economic Development Positions](#)
[ILA - Economic Development Positions -6-3-19 lg rev](#)

Deputy Vice Mayor Bathurst moved to approve Item 7.B.B. (formerly Item 6.I.). It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

- 6.J. [19-674](#) SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FOR FISCAL YEAR 2018/19

Recommendation: Approve the Second Amendment to the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2018-19 Capital Projects as described in Exhibit A of the attached agreement, subject to approval of the City and CRA budgets for Fiscal Year 2018/19. This amendment adjusts the ILA to remove projects that are being managed by CRA staff and to reflect actual funding requirements for projects that are moving forward under City management.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist form v. 5 2nd Amend to ILA bet City and CRA to amend Exhibit A](#)
[ILA 2nd Amendment](#)
[Exhibit A](#)

Approved.

- 6.K. [19-671](#) APPROVAL OF AMENDMENT NO. 2 WITH CDM SMITH INC. FOR CITY-WIDE PROJECT MANAGEMENT SERVICES TO RENEW THE ANNUAL AGREEMENT - \$250,000

Recommendation: Motion to approve Amendment No. 2 to the agreement with CDM Smith Inc. for annual city-wide project management services in an amount of \$250,000, and authorize the City Manager to approve renewal options, contingent upon appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[CDM Smith Executed Agreement](#)
[CDM Smith Amendment No. 1, Executed](#)
[Amendment 2-Renewal CDM Smith Inc](#)
[Legal Review Checklist form v. 5 Amend No 2 CDM Smith](#)

Approved.

6.L. PROCLAMATIONS:

6.L.1. [19-676](#) OBSERVANCE OF INDEPENDENCE DAY

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Observance of Independence Day](#)

Approved.

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

6.M.1. [19-664](#) REPORT OF APPEALABLE LAND USE ITEMS FROM MAY 13, 2019, THROUGH JUNE 7, 2019.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Reports Map](#)
[A - Sharp Business Systems - 1395 NW 17th Ave. - Appealable Report](#)
[B - Grand Bahama P. Park Condo. - 955 BW 17th Ave. - Appealable Report](#)
[C - 601 West Atlantic Avenue - Appealable Report](#)

With respect to the murals, Mayor Petrolia stated there is a miscommunication between those that are presenting to the boards to ask for the approval of these murals because they assume that once they get board approval then they are good to go. Mayor Petrolia stated she would like staff to give direction that until it goes through the appealable process, it is not a done deal.

Commissioner Frankel moved to approve Item 7.A.A. (formerly Item 6.M.1.C.). It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

6.N. AWARD OF BIDS AND CONTRACTS:

- 6.N.1.** [19-603](#) APPROVAL OF RESOLUTION NO. 125-19 TO AWARD AN AGREEMENT WITH TOPLINE RECREATION, INC. FOR PLAYGROUND EQUIPMENT AT MERRITT PARK UTILIZING ST. JOHNS COUNTY SCHOOL DISTRICT CONTRACT BID NO. 2018-04 - \$198,447.36

Recommendation: Motion to approve Resolution No. 125-19 to award an agreement to Topline Recreation, Inc. for purchase of playground equipment, surfacing, shade structure and installation for Merritt Park improvements totaling \$198,447.36 and authorize the City Manager to approve renewal options, contingent upon appropriation of funds.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[ITB 2018-04 Solicitation \(TopLine\)](#)
[ITB 2018-04 AWARD LIST](#)
[ITB 2018-04 Top Line Award St John's Renewal Letter](#)
[TopLine Quote](#)
[P2019-051 Agreement with Topline](#)
[The obstacle course playground image.jpg](#)
[Resolution for playground equipment](#)
[Legal Review Checklist Master Contractor Services Agreement with Topline Recreation](#)

Approved.

7. REGULAR AGENDA:

- 7.A.** [19-680](#) NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Education Board for two year terms ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[0702019 Exhibit A](#)
[Education Board Member List](#)
[Education Board Attendance List](#)
[Education Board Applications](#)

Vice Mayor Johnson moved to nominate Caryn Siperstein-Klein to the Education Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

This Appointment was approved.

7.B. [19-681](#) NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Police Advisory Board for a two (2) year term ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[07022019 Exhibit A](#)
[Police Advisory Board Member List](#)
[Police Advisory Board Attendance List](#)
[Police Advisory Board Apps](#)

Commissioner Boylston moved to nominate Peter Sclafani to the Police Advisory Board. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

This Appointment was approved.

7.C. [19-611](#) NOMINATIONS FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Recommendation: Motion to approve nominations for appointment for three (3) regular members to serve on the Planning and Zoning Board for two (2) year terms ending August 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[07022019 Exhibit A](#)
[Planning & Zoning Board Member List](#)
[Planning and Zoning Attendance List](#)
[Planning & Zoning Board Apps](#)

Deputy Vice Mayor Bathurst moved to nominate Juli Casale to the Planning and Zoning Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Boylston moved to nominate Alessandro De Angelis to the Planning and Zoning Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Vice Mayor Johnson moved to nominate Joy Howell to the Planning and Zoning Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

This Appointment was approved.

7.D. [19-612](#) NOMINATIONS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Recommendation: Motion to approve nominations for appointment for three (3) regular members to serve on the Historic Preservation Board for two (2) year terms ending August 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[07022019 Exhibit A](#)
[Historic Preservation Board Member List](#)
[Historic Preservation Board Attendance List](#)
[Historic Preserv Board Apps](#)

Commissioner Frankel moved to nominate Reeve Bright to the Historic Preservation Board. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Deputy Vice Mayor Bathurst moved to nominate Allison Turner to the Historic Preservation Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Boylston moved to nominate Alyse Lemstrom to the Historic Preservation Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

This Appointment was approved.

7.E. [19-613](#) NOMINATIONS FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to approve nominations for appointment for two (2) regular members to serve on the Site Plan Review and Appearance Board for two (2) year terms ending August 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[07022019 Exhibit A](#)
[Site Plan Review and Appearance Board Member List](#)
[Site Plan Review and Appearance Board Attendance List](#)
[SPRAB Apps](#)

Vice Mayor Johnson moved to nominate Carol Perez to the Site Plan Review and Appearance Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Mayor Petrolia moved to nominate Andrea Sherman to the Site Plan Review and Appearance Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

This Appointment was approved.

7.F. [19-614](#) NOMINATIONS FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

Recommendation: Motion to approve nominations for appointment for two (2) regular members and one (1) alternate member to serve on the Board of Adjustment for two (2) year terms ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[07022019 Exhibit A](#)
[Board of Adjustment Member List](#)
[Board of Adjustment Attendance List](#)
[Board of Adjustment Applications](#)

Deputy Vice Mayor Bathurst moved to nominate Robert Cohen to the Board of Adjustment. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Boylston moved to nominate Michael P. O'Connor to the Board of Adjustment. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Vice Mayor Johnson moved to nominate Nicholas Palmisano to the Board of Adjustment. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

This Appointment was approved.

8. PUBLIC HEARINGS:

- 8.A. [19-651](#) ORDINANCE NO. 17-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13 "CENTRAL BUSINESS DISTRICT", BY AMENDING SUBSECTION 4.4.13(C)(3)(b) "CENTRAL CORE AND BEACH SUB-DISTRICTS", TO AMEND THE BASIS FOR GROUND**

FLOOR RETAIL REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(FIRST READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 17-19 on first reading, a City-initiated amendment Land Development Regulations, Section 4.4.13 “Central Business (CBD) District,” subsection 4.4.13(C)(3)(b) to provide a basis for exceptions to the retail requirement within the Central Core and Beach Sub-districts.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 17-19](#)
[Ordinance No. 17-19 PZB Staff Report](#)
[Legal Review Ordinance 17-19](#)
[Ordinance No. 21-07](#)

The City Attorney read the title of Ordinance No. 17-19.

Anthea Gianniotis, Principal Planner, entered the project file #2019-124 into the record and gave a brief presentation regarding the project.

Mayor Petrolia declared the public hearing open.

Mark Perry, 88 N.E. 5th Avenue, Delray Beach, Attorney representing Waterway East, urged the City Commission to follow the recommendation for approval and commended staff for their professionalism.

There being no one else from the public who wished to address the City Commission regarding Ordinance No. 17-19, the public hearing was closed.

Commissioner Frankel moved to approve Ordinance No. 17-19. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and the motion failed with a vote of 3 to 1, with Commissioner Frankel dissenting.

Failed.

9. FIRST READINGS:

- 9.A.** [19-713](#) ORDINANCE NO. 26-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, IMPOSING A TEMPORARY MORATORIUM ON THE OPERATION OF RETAIL BUSINESSES ENGAGED IN THE SALE OF RETAIL PRODUCTS

CONTAINING CANNABIDIOL/CBD SOLD AS A PRINCIPAL RETAIL PRODUCT WITHIN THE CITY FOR A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 26-19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[SB 1020](#)

[Ord 26-19 CBD Moratorium](#)

The City Attorney read the title of Ordinance No. 26-19 and gave a brief explanation of the ordinance.

Commissioner Frankel moved to approve Ordinance No. 26-19 on First Reading. It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 4-0.

Approved.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Interim City Manager de Jesus stated staff asked for clarification on the date for the Christmas tree lighting.

It was the consensus of the City Commission that the Christmas Tree Lighting will be held on Thursday, December 5, 2019.

B. City Attorney

The City Attorney stated she emailed the City Commission Senate Bill 7014 which discusses the creation of an Auditor Selection Committee. In order to procure a new auditor, the City Attorney stated the City Commission needs to select from City Commission a Chair for that Committee.

Commissioner Frankel moved to appoint Mayor Petrolia as Chair to the Auditor Selection Committee. It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion

carried 4-0.

Secondly, the City Attorney stated pursuant to the direction of the City Commission, she emailed the City Commission a draft of the NW/SW Advisory Board resolution and it will be placed on the July 9, 2019 agenda. Mayor Petrolia suggested that this Advisory Board be made up of business owners, property owners, and residents in that area.

C. City Commission

According to Google, Commissioner Frankel announced that Coco Gauff will be playing her second round of tennis at Wimbledon tomorrow at approximately 11:15 a.m. on ESPN.

Vice Mayor Johnson expressed concern over what is happening to CRA's in other areas and she does not want to see anything happen to the Delray Beach CRA.

Mayor Petrolia stated she feels it is a good idea to have some extended hours for the pool at Pompey Park especially on the weekends. Secondly, Mayor Petrolia commented about the July 4th festivities. Lastly, Mayor Petrolia commented about recognizing Coco Gauff and depending on what happens, she feels the City may have to do more than just a key to the city.

There being no further business to discuss, Mayor Petrolia adjourned the Regular Meeting at 5:48 p.m.



City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the July 2, 2019 Regular City Commission Meeting, which Minutes were formally approved and adopted by the City Commission on August 20, 2019.



City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.