

# City of Delray Beach

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## Minutes - Final

Wednesday, February 3, 2021

1:00 PM

Special Meeting: Panhandling Ordinance at 1:00 PM

Delray Beach City Hall - <https://youtu.be/2kID7bCeBT8>

## City Commission

*Mayor Shelly Petrolia*

*Vice Mayor Ryan Boylston*

*Deputy Vice Mayor Shirley Ervin Johnson*

*Commissioner Adam Frankel*

*Commissioner Juli Casale*

Pursuant to Section 3.12 of the Charter of the City of Delray Beach the Mayor has instructed me to announce a Special Meeting of the City Commission to be held for the following purposes:

**SP.2.** PANHANDLING ORDINANCE NO. 07-21 (FIRST READING)

Sponsors: City Attorney Department

Attachments: [Panhandling Ordinance 1-25-21](#)

The Special City Commission Meeting was called to order at 1:00 p.m. The roll call was taken by Katerri Johnson, City Clerk. The following were present:

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

Others present were:

Interim City Manager, Jennifer Alvarez

City Attorney, Lynn Gelin

City Clerk, Katerri Johnson

**SP.1. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC**

Michael Kahn, Attorney, representing the City of Delray Beach, entered the following exhibits into the record:

Exhibit 7: Medical studies reviewed by Dr. Kushnir, specifically for the City of Delray Beach.

Exhibit 8: Excerpts from medical testimony by Dr. Steven Miles who testified on behalf of Daytona Beach and Port Orange, and testimony from Dr. Hindman who testified on behalf of St. Augustine.

Exhibit 9: A flash drive including medical records for the City of Delray Beach.

The Court Reporter swore in all City Employees who provided testimony.

Michael Karali, Deputy Director of Public Works, confirmed he read and understood Ordinance No. 07-21. He explained his department cleaned up defecation and urination on several occasions throughout the City of Delray Beach. Mr. Karali spoke about his experience being aggressively panhandled.

Samuel Metott, Director of Parks and Recreation, reported his department regularly receives requests to clean up defecation and urination from panhandlers.

Senovain Stephens, Parks and Recreation Superintendent, reported crew members have been dispatched to clean up defecation and urination from

panhandlers throughout the City of Delray Beach.

Dr. Craig Kushnir, Emergency Medical Services Director, explained exposure to open defecation and urination could make staff, citizens, and tourists susceptible to COVID-19 and other illnesses. Dr. Kushnir supported proposed Ordinance No. 07-21 to mitigate the spread of COVID-19.

Shawn Beckowitz, Fire Captain with the City of Delray Beach, was recalled to the stand based on his previous testimony on January 27, 2021. The Commission was asked if they had any further questions.

The Commissioners had none.

Brian Pollack, Fire Captain with the City of Delray Beach, explained he had been aggressively panhandled and described his experience. He reported finding liquor bottles, drugs, and knives when searching a panhandler's backpack. Captain Pollack confirmed he read, understood, and supported proposed Ordinance No. 07-21. Additionally, he mentioned witnessing a known panhandler openly defecate near the Fire Station.

Michael Boyd, Fire Captain with the City of Delray Beach, acknowledged he had seen the effects of panhandling in the City of Delray Beach and understood proposed Ordinance No. 07-21. Captain Boyd reported his colleagues witnessed open defecation near Fire Station No. 111.

Matt Saraceni, Police Officer with the City of Delray Beach, confirmed he read and understood proposed Ordinance No. 07-21. Officer Saraceni reported his colleagues informed him of aggressive panhandling in Old School Square, the Downtown area, and intersections within the City of Delray Beach. He reported making an arrest due to an incident involving aggressive panhandling and described additional experiences pertaining to the issue. Officer Saraceni informed the Commission he had found knives and drug paraphernalia while searching the backpacks of panhandlers. He supported the adoption of proposed Ordinance No. 07-21.

Dr. Craig Kushnir was recalled to the stand. He believed the testimony provided by the Fire and Police departments supported his earlier testimony. Mr. Kushnir stressed that open defecation and urination could spread disease.

David Weatherspoon, Interim Director of Neighborhood and Community Services and Code Enforcement, confirmed he read and understood proposed Ordinance No. 07-21. Mr. Weatherspoon reported he had been

aggressive panhandled and described his experiences receiving numerous complaints about open defecation and urination. He supported the proposed ordinance and believed it would mitigate the adverse effects of aggressive panhandling.

Mr. Kahn stated that concluded the testimony from City Staff, the Police Department, and the Fire Department.

The Court Reporter swore in all individuals who provided testimony.

Thomas Aaron Hallyburton, Manager of Café Luna Rosa Restaurant, located at 34 South Ocean Blvd, confirmed he read proposed Ordinance No. 07-21. He informed the Commission that he had not been aggressively panhandled; however, he received numerous complaints from customers about the matter. Mr. Hallyburton reported witnessing panhandlers defecating in front of the Pavilion. He provided examples of how aggressive panhandling and open defecation negatively impact his business and other restaurants in the community.

John Gergen, Managing Partner of Café Luna Rosa, located at 34 South Ocean Blvd, confirmed he read and understood proposed Ordinance No. 07-21. Mr. Gergen described an instance where he was panhandled at a local establishment.

Daniel Sobey, General Manager of City Oyster Restaurant, located at 213 East Atlantic Avenue, confirmed he had read and understood the proposed Ordinance No. 07-21. He described an incident where a customer had been aggressively panhandled. Mr. Sobey reported customers would not return to the restaurant if panhandling continued. He mentioned areas and intersections where he witnessed aggressive panhandling. Additionally, he had seen known panhandlers urinate behind Buddha Sky Bar and Bru's Room.

Peter Vittas, Director of Operations at Rocco's Tacos Restaurant and Tequila Bar, located at 110 East Atlantic Avenue, confirmed he read and understood proposed Ordinance No. 07-21. He described his experiences being aggressively panhandled at work. Mr. Vittas acknowledged he understood the distance parameters and buffer zones.

Patrick Branch, General Manager at Park Tavern Restaurant, located at 32 SE 2nd Avenue, reported a known panhandler had slept outside the restaurant and defecated one evening. Mr. Branch acknowledged that he had witnessed aggressive panhandling in crowded intersections, ATMs, and parking meters. He described his experiences being aggressively panhandled. Mr.

Branch reported that aggressive panhandlers approach customers dining both inside and outside Park Tavern.

Woody Perez, Senior Regional Director for Professional Security Consultant, confirmed he had read, understood, and supported proposed Ordinance No. 07-21. Mr. Perez explained how his Ambassador Program contributes to the City of Delray Beach. He believed Ordinance 07-21 would help the City of Delray Beach regulate aggressive panhandling. Additionally, he mentioned his ambassadors would aide to the Police Department with this effort.

Mark Denkler, President of the National Shoe Retailers Association, confirmed he read and understood proposed Ordinance No. 07-21. Mr. Denkler described experiences where he and his employees were aggressively panhandled. He reported that panhandling outside of his businesses adversely affected his store's revenue.

BJ Sklar, Visitor Center Extraordinaire for the Downtown Development Authority, confirmed she read and understood the proposed Ordinance No. 07-21. She described her experience being aggressively panhandled and incidents with an aggressive panhandler who owns a parrot. Ms. Sklar informed the Commission that she receives complaints about aggressive panhandling from residents and tourists.

Anderson Pacalou, Supervisor of Downtown Safety Ambassadors, confirmed he read and understood the proposed Ordinance No. 07-21. He described his team's experiences with aggressive panhandlers and reported most complaints take place in the evening. Mr. Pacalou provided examples of when he had been aggressively panhandled. He believed that Ordinance No. 07-21 would help alleviate aggressive panhandling.

Philip Edward, Operations Manager with Professional Security Consultants, confirmed he read and understood the proposed Ordinance No. 07-21. Mr. Edward was in favor of passing the ordinance and concurred with his colleague's testimonies. He informed the Commission that panhandlers return once the police leave establishments and most incidents happen in the evening. He mentioned receiving a call about a panhandler urinating near the City Museum. Additionally, Mr. Edward reported panhandlers impede Fire Trucks and Police Cars that are in route to an emergency.

Laura Simon, Executive Director of the Downtown Development Authority (DDA), confirmed she had read and understood the proposed Ordinance No. 07-21. She informed the Commission about complaints from business owners and residents about aggressive panhandling. Ms. Simon described

her experiences being aggressively panhandled and reported a panhandler defecating in her office's back alley. She confirmed the DDA hired Mr. Perez's company to run the Downtown Safety Ambassador Program to assist with incidents related to panhandling. Ms. Simon believed the proposed Ordinance No. 07-21 would mitigate the issue and benefit the City of Delray Beach.

Lynn Gelin, City Attorney, read Ordinance No. 07-21 into the record.

Commissioner Frankel motioned to approve Ordinance 07-21 on First Reading. It was seconded by Commissioner Casale. The motion carried by the following vote:

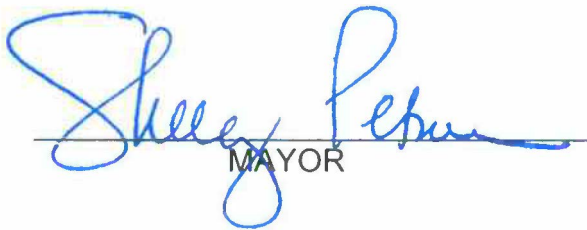
**YES:** 4 - Mayor Petrolia, Vice Mayor Boylston, Commissioner Frankel, Commissioner Casale.

**NO:** 1 - Deputy Vice Mayor Johnson

There being no further business to discuss, the meeting was adjourned at 5:34 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 February 3, 2021 City Commission Special Meeting, held on February 3, 2021 which Minutes were formally approved and adopted by the City Commission on March 2, 2021.

  
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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.