

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000 - Fax: (561) 243-3774

www.mydelraybeach.com



Minutes - Final

Thursday, February 18, 2021

1:00 PM

Special Meeting: Panhandling Ordinance at 1:00 PM

Delray Beach City Hall

https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live_view=501

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 (SECOND READING/PUBLIC HEARING)

Sponsors: City Attorney Department

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

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

The Special Commission Meeting was called to order at 1:17 p.m.

The roll call was taken by Katerri Johnson, City Clerk, 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

Others Present Were:

Interim City Manager, Jennifer Alvarez

City Attorney, Lynn Gelin

City Clerk, Katerri Johnson

Michael Kahn, Attorney

A Certified Court Reporter

SP.3. PUBLIC COMMENT ON AGENDA ITEM ONLY

Nicole Morse, residing at 1575 Spring Harbor Drive, Delray Beach, commented she was not in favor of passing the Ordinance No. 07-21.

Jeff Suede, residing at 1107 11th Way, West Palm Beach, stated he opposed Ordinance No. 07-21.

Andrea Trainor, residing at 1611 Crest Drive, Lake Worth, mentioned her concern regarding the definition of aggressive panhandling.

Daniel Kirsch, residing at 153796 73rd Terrace N, Palm Beach Gardens, was not in favor of passing Ordinance No. 07-21.

David Rae, resident of West Palm Beach, was not in favor of passing

Ordinance No. 07-21.

Sandra Autorino, residing at 8190 Bellafiore Way, Boynton Beach, asked the Commission to allow the Homeless Task Force to develop an alternative solution.

Nicolas Cubides, residing at 4237 Willow Pond Circle, West Palm Beach, expressed his concerns regarding Ordinance No. 07-21.

Sona Shornden, residing at 804 E Windward Way, Unit 508, Lantana, requested a thirty-day extension to allow the community to respond. She believed it was not the right time to pass Ordinance No. 07-21.

Sandra Schmidt, residing at 6768 Las Colinas Street, Lake Worth, requested the Commission to table the ordinance.

Julmene Louime, residing at 125 SE 29th Avenue, Boynton Beach, voiced his concern about how Ordinance No. 07-21 would impact the homeless.

Marc Cason Goins, 220 NW 7th Street, Delray Beach, felt the community needed more time to plan Ordinance No. 07-21.

Catherine Colemeir, residing at 5031 1st Avenue S, Lantana, expressed her opposition towards Ordinance No. 07-21.

Rick Ireland, residing at 820 Tangerine Way, Delray Beach, representing the Homeless Task Force, was not in favor of Ordinance No. 07-21.

Chloe Elkins, residing at 5359 Island Gypsy Drive, Greenacres, stated she was against passing Ordinance No. 07-21.

Marianne DeYoung, residing at 502 20th Avenue N, Lake Worth, requested the Commission not to pass Ordinance No. 07-21.

Lynne Bernay, residing at 224 Colony Way West, Jupiter, opposed Ordinance No. 07-21.

Jeff Weinberger, resident of Tamarac, was not in favor of passing Ordinance No. 07-21.

Dick Weir, residing at 2010 NW 15th Place, Delray Beach, requested the Commission to work with the Homeless Task Force and to table Ordinance No. 07-21.

Mable McDonough, residing at 345 SW 7th Avenue, Delray Beach, asked the Commission to work with the Homeless Task Force rather than pass Ordinance No. 07-21.

Alexis Talbot, Pastor of Casson United Methodist Church, located at 342 N Swinton Avenue, Delray Beach, recommended the Commission to work with the Homeless Task Force to create alternative solutions.

There was consensus to allow Summer Barnes to speak behind the podium.

Summer Barnes, Public Defender, residing at 411 SW 5th Avenue, stated Ordinance No. 07-21 would raise additional issues within the prison system.

Pauline Moody, P.O Box 8196, Delray Beach, suggested the city's homeless population stems from out of state individuals who come to Florida for addiction treatment and never leave.

Maura Plante, CEO of Living Hungry, located at 933 SW 2nd Avenue, Delray Beach, asked the Commission to table Ordinance No. 07-21 and work together as a community to resolve the homeless and panhandling problem.

Leonard Gross, residing at 7027 Boscanni Drive, Boynton Beach, reported he was a retired law professor and expressed his opposition towards proposed Ordinance No. 07-21.

Marie Batista, residing at 620 High Point Blvd N, Unit B, Delray Beach, felt Ordinance No. 07-21 would be targeting the homeless community.

Ingrid Lee, residing at 1441 E Bexley Park Dr, Delray Beach, inquired why the old ordinance is not being amended.

Carol Anderson, residing at 4812 E Bexley Park Drive, Delray Beach, inquired how Ordinance No. 07-21 would affect section 118 of the City Code.

Katerri Johnson stated there were no further recorded public comments.

Public comments from the audience:

Gina Pierre, Manager at the Amazon Hub Corner Office, located at 400 West Atlantic Avenue, Delray Beach, asked the Commission to look for

alternative solutions.

James McCray, residing at 700 Lindell Blvd, Delray Beach, stated he believed Ordinance No. 07-21 was racially biased.

Mathi Mugilan, residing at 1510 North D Street, Lake Worth, remarked that homeless people do not necessarily pose a threat to others but require a place to live.

Nicholas Cubides, residing at 4237 Willow Pond Circle, West Palm Beach, believed the current Palm Beach County ordinance was acceptable and should not be changed. He felt constitutional rights would be violated if Ordinance No. 07-21 passed.

Jess Woode, residing at 1107 11th Way, West Palm Beach, believed Ordinance No. 07-21 was unconstitutional.

Ezra M. Krieg, Vice Chairman of the Delray Beach Housing Authority, residing at 2904 Needham Ct, Delray Beach, expressed his concerns and advised the Commission not to pass Ordinance No. 07-21.

Lynn Gelin, City Attorney, requested a two-minute recess to speak with Mr. Kahn. Ms. Gelin stated for the record that the city's current panhandling ordinance was more restrictive than proposed Ordinance No. 07-21.

Michael Kahn, Attorney, explained proposed Ordinance No. 07-21 does not regulate or restrict homelessness. He reiterated that Ordinance No. 07-21 was a solicitation ordinance which covers everyone who solicits, not just known panhandlers. Mr. Kahn concluded his presentation and welcomed questions.

Mr. Kahn and Ms. Gelin answered questions from the Commission.

Ezra Krieg, Vice Chairman of the Delray Beach Housing Authority, expressed why he believed that Ordinance No. 07-21 was directed at the homeless population.

In response, Javaro Sims, Chief of Police, provided clarification regarding arrests and returning belongings to released individuals.

Vice Mayor Boylston voiced he would have preferred a collaborative plan before voting on this Ordinance No. 07-21.

Deputy Vice Mayor Johnson was not in favor of passing Ordinance No. 07-21 at this time.

She commended the Homeless Task Force for their hard work.

Lynn Gelin, City Attorney, reminded the Commission before COVID-19, she was directed to draft an ordinance addressing aggressive panhandling within the City of Delray Beach.


Commissioner Casale believed protecting the city's residents and business owner's commerce was the Commission's responsibility.

Commissioner Frankel stressed the ordinance was thoroughly researched and believed the previous testimonies provided indicated a need for Ordinance No. 07-21.

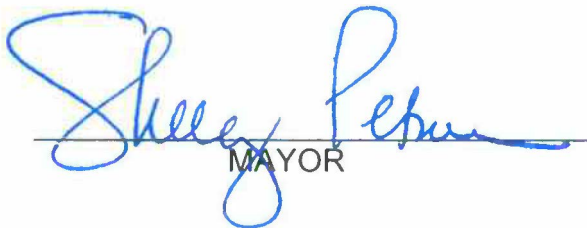
Commissioner Frankel made a motion to approve Ordinance No. 07-21 on Second Reading. It was seconded by Commissioner Casale. The motion carried by the following vote:

- Yes:** 4 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale
- No:** 1 - Deputy Vice Mayor Ervin Johnson

There being no further business to discuss, the Special Meeting was adjourned at 4:48 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 February 18, 2021 Special City Commission Meeting held on February 18, 2021 which minutes were formally approved and adopted by the City Commission on March 25, 2021.


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.