

City of Delray Beach

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Minutes - Final

Tuesday, April 6, 2021

4:00 PM

Regular Meeting at 4:00 PM

Virtual Meeting

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

City Commission

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

1. ROLL CALL

The Regular City Commission Meeting was called to order at 4:00 p.m. The roll call was taken by Katerri Johnson, City Clerk, and the following were present:

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

Others Present Were:

Jennifer Alvarez, Interim City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Deputy Vice Mayor Frankel made a motion to pull Items 7.E. and 7.F. for discussion at the City Commission Workshop on April 13, 2021. It was seconded by Commissioner Boylston for discussion.

The Commissioners engaged in a discussion. There was consensus to table Item 7.E. and to discuss Item 7.F. at the City Commission Workshop on April 13, 2021.

Vice Mayor Johnson requested Items 6.C. and 6.G. be pulled for discussion. Consent item 6.C. became item 7.A.A. and consent item 6.G. became item 7.B.B. on the regular agenda.

Commissioner Casale inquired whether the Pierce Enforcer Fire Apparatus in Item 6.K.1. was slotted for Delray Beach or Highland Beach? The item was pulled from the consent agenda and became Item 7.C.C. on the regular agenda.

Keith Tomey, Fire Chief, addressed the question and confirmed that the Pierce Enforcer Fire Apparatus was intended for Delray Beach Fire Rescue. Item 7.C.C. was removed from the regular agenda.

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

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

3.A. Additions, Deletions, Substitutions

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

Gayle Clark, residing at 124 NE 7th Avenue, Delray Beach, called to protest the removal of eighty trees on the Sundy Village Property. She requested the Commissioners hold the developer accountable for their actions.

Lisa Bonner, residing at 50 East Road, Delray Beach, expressed she was not in favor of cutting down the trees on the Sundy Village Property because of their historic and aesthetic value. She requested the Commission to support historical and green spaces.

Carolyn Patton, residing at 1020 Cameron Road, Delray Beach, stated she has worked in Delray Beach and served on the Historic Preservation Board. She questioned whether the Historic Ordinances were being enforced. Ms. Patton suggested the Commission should investigate the situation and not allow the developers to remove the historic trees.

Claudia Willis, residing at 160 Marine Way, Delray Beach, voiced her concern that Tree Ordinance No. 19-17 and section 4.6.19. of the Land Development Regulations were not enforced. She believed Delray Beach was losing its "canopy" due to the trees that are being allowed to be cut down.

LaToya Boone, 507 SW 15th Avenue, Delray Beach, expressed her concerns about the trees that were recently cut down on the Sundy Village Property.

Benita Goldstein, residing at 302 NE 7th Avenue, Delray Beach, voiced her

concern regarding negligence of protecting the City's historic buildings. She requested the Commission to hold developers accountable and to enforce the ordinances created to keep historic properties safe.

Dwight Tidwell, residing at 252 NE 17th Street, Delray Beach, expressed concern regarding the decision to allow a road extension to be built at the Delray Ridge Development instead of a pedestrian path.

David Hopple residing at 1700 SW 57th Avenue, Miami Beach Florida, voiced his concern regarding the dispute between Ric Man Construction and his company DIP Supply LLC.

Merrily Nestler, 7340 Amberly Lane, Unit 309, Delray Beach, advised the Commission that the Chamber of Commerce will not refund her deposit for the Delray Affair that was canceled.

Katerri Johnson, City Clerk, stated that there were no further public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Boylston made a motion to approve the Consent Agenda as amended. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

6.A. ACCEPTING A LANDSCAPE MAINTENANCE AGREEMENT AND APPROVING THE FINAL (MAJOR) SUBDIVISION REPLAT OF LOTS 20, 21, 22, 23, 24 AND 35, BLOCK 35, DEL-RATON PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 9 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 28, TOWNSHIP 46, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, ALSO KNOWN AS FREDERICK ISLES.

Body: Recommended Action:

Recommendation: Review and consider the Landscape Maintenance Agreement, as presented, and the Final (Major) Plat for Frederick Isles, at 2621 Frederick Boulevard, by adopting that the request and approval thereof is consistent with the criteria set forth in the Land Development Regulations Section

2.4.5(J)(Major Subdivisions).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Frederick Isles Location Map](#)
[Frederick Isles Plat](#)
[Frederick Isles Landscape Maintenance Agreement](#)
[Frederick Isles Plat PZ Board Staff Report](#)
[Frederick Isles Site Plan](#)
[Frederick Isles LMA Exhibit "B" \(Landscape Plan\)](#)
[Simple Legal Review Approval Frederick Isles Landscape Maintenance Agreement.docx](#)

6.B. APPROVAL OF A WORKFORCE HOUSING COVENANT BETWEEN THE CITY OF DELRAY BEACH AND FREDERICK ISLES, LLC.

Body: **Recommended Action:**

Recommendation: Consideration of a Workforce Housing Covenant between the City and Frederick Isles, LLC.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Frederick Isles Workforce Covenant](#)
[Frederick Isles Res. No. 179-20](#)
[Frederick Isles - Plan Set.pdf](#)

Item 6.C was moved from the Consent Agenda became Item No. 7.A.A. on the Regular Agenda

6.C. AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY DROWNING PREVENTION COALITION'S LEARN TO SWIM PROGRAM

Body: **Recommended Action:**

Recommendation: Motion to enter into an Interlocal Agreement with Palm Beach County Drowning Prevention Coalition's (DPC) Learn to Swim Program for payment of swimming classes/lessons to the City of Delray Beach. Individuals who present vouchers issued by the DPC Learn to Swim Program receive swim lessons free of charge.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[ILA with County DPC Swim Lesson Vouchers 2021](#)
[Legal Review ILA DPC 2021](#)
[Certificate of Insurance](#)

Vice Mayor Johnson suggested implementing an affordable summer swim program for children in the community.

Mayor Petrolia questioned why there was no enrollment in the Swim Maintenance program from 2017-2019.

Samuel Metott, Parks and Recreation Director, explained that the City's swim program is a voucher program funded by the state; the City can still have a revenue stream through the swim program. Mr. Metott presented the City's swim program and commented that advertising and social media have helped increase participant numbers throughout the years. He stated that presently the revenue stream from the program is between \$4,000 - \$5,000 per year at a \$2 entrance fee.

The Commission engaged in a discussion with Mr. Metott and provided their input.

Commissioner Boylston made a motion to approve the Interlocal Agreement. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

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

6.D.

APPROVAL TO ACCEPT EMERGENCY CHILD CARE RELIEF GRANT FUNDS IN THE AMOUNT OF \$5,750 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 additional grant funds through the Child Care and Development Block Grant (CCDBG) to provide Emergency Child Care relief funds in the amount of \$5,750 from the Early Learning Coalition (ELC) of Palm Beach County.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[ELC Grant addtlFunds emails](#)
[ELC Grant eligibilityForms](#)
[ELC Grant emails](#)

6.E.

ITEM(S) A1 AND A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION FOR 511 NW 14th ST. AND ACCEPTANCE OF A

RIGHT-OF-WAY DEDICATION FOR 1615 NW 4th AVE.**Body: Recommended Action:****Recommendation: Consideration of the following items:****RIGHT-OF-WAY DEED(S)****Items A**

Item A1 - Motion to approve and accept a Right-of-Way dedication by the owner(s) of 511 NW 14th St. to the City of Delray Beach.

RIGHT OF WAY DEDICATION(S)**Item A1**

Consider acceptance of a Right-of-Way Dedication located at 511 NW 14th St.

The owner(s), Linda J. Collin, submitted building permit #20-193614 on 11/24/20 for the subject property. During the application process, it was determined that the property is on the corner of two roadways. In accordance with LDR 6.1.2 (C)(2)(b) a 25' radius between the intersections of Pine Lane and NW 14th Street would be required. As a result, a 25' radius right-of-way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for this item.

Item B1

Consider acceptance of a Right-of-Way Dedication located at 1615 NW 4th Ave.

The owner(s), 1611 NW 4th Avenue, LLC, is preparing for submitting a permit application to build on the subject property. During the pre-application process, it was determined that the property is on the corner of two roadways. In accordance with LDR 6.1.2 (C)(2)(b) a 25' radius between the intersections of NW 4th Avenue and NW 17th Street would be required. As a result, a 25' radius right-of-way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for this item.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

NA

Timing of Request:

The timing of these requests is of high importance in order to process the project Certificates of Occupancy (C/O) when completed.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Item \(1\) Legal Reviews - \(2\)](#)

[Item \(A1\) ROW Deed - 511 NW 14th St.](#)

[Item \(A1b\) Exhibit A & Sketch - 511 NW 14th St.](#)

[Item \(A2a\) ROW Deed - 1615 NW 4th Ave.](#)

[Item \(A2b\) Exhibit A & Sketch - 1615 NW 4th Ave](#)

6.F.

RESOLUTION NO. 50-21 TO APPROVE A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ACCEPTING FEDERAL GRANT FUNDING TO REPLACE AND UPGRADE TRAFFIC SAFETY DEVICES IN SCHOOL AREAS, SCHOOL CROSSINGS AND SCHOOL ZONES IN DELRAY BEACH; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 50-21 approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) accepting federal grant funding to replace and upgrade traffic safety devices in school areas, school crossings and school zones in Delray Beach; Authorizing the City Manager to execute any amendments and take all actions necessary to effectuate this agreement.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Res 50-21 FDOT_JPA_NewSchoolTrafficSafetyDevices](#)

[JPA for Implementing New Speed Zone Signs City of Delray Beach](#)

[Legal Review Checklist JPA for School Speed Zone Signs](#)

[Delray08062019](#)

Item 6.G. was moved from the Consent Agenda became Item No. 7.B.B. on the Regular Agenda

6.G.

APPROVAL OF THE REQUEST FOR FUNDING FROM THE DELTA CULTURAL EDUCATIONAL AND SERVICE FOUNDATION, INC. FROM THE LAW ENFORCEMENT TRUST FUND (LETF) IN THE AMOUNT OF

\$5,000

Body: Recommended Action:

Recommendation: Motion to approve request for funding from the Law Enforcement Trust Fund (LETf) pursuant to Florida Statute 932.7055, Disposition of Liens and Forfeited Property, to The Delta Cultural Educational and Service Foundation, Inc. in the amount of \$5,000.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Law Enforcement Trust Fund \(LETf\) Donations Process Letter](#)
[Delta Corp.](#)
[Delta Cultural Educational And Service Foundation Inc IRS Letter](#)
[DSG Documents 3-12-2021](#)

Vice Mayor Johnson explained the disbursement of funds stopped due to the lack of a formal application process.

Commissioner Boylston made a motion to approve the Delta Cultural Educational and Service Foundation's funding request. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

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

6.H. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF CINDY KAYE v. CITY OF DELRAY BEACH

Body: Recommended Action:

Recommendation: Motion to deny the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.I. PROCLAMATIONS:

6.I.1. ADMINISTRATIVE PROFESSIONALS WEEK - APRIL 18, 2021 - APRIL 24, 2021

Body: Recommended Action:

Recommendation: Motion to proclaim April 18-24, 2021 Administrative Professionals Week in Delray Beach, Florida and April 21, 2021, as Administrative

Professionals Day and encourage all citizens to recognize the contributions of these dedicated professionals.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Administrative Professionals Week 2021](#)

6.I.2. PROCLAMATION TO DESIGNATE THE MONTH OF APRIL AS AUTISM AWARENESS MONTH

Body: **Recommended Action:**

Recommendation: Motion to proclaim the month of April as Autism Awareness Month

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Autism Awareness Month Proc](#)

6.I.3. PROCLAMATION TO DESIGNATE THE MONTH OF APRIL AS WATER CONSERVATION MONTH

Body: **Recommended Action:**

Recommendation: Motion to proclaim the month of April as Florida's Water Conservation Month.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[2021-Water Conservation Proclamation.doc](#)
[Legal Review Approval Water Conservation.docx](#)

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

6.J.1. None

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. APPROVAL OF RESOLUTION NO. 71-21 FOR PURCHASE OF A NEW FIRE RESCUE SPECIAL OPERATIONS FIRE APPARATUS FROM TEN-8 FIRE EQUIPMENT, INC. UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA20-VEF14.02 IN THE AMOUNT OF \$889,033 AND AUTHORIZING PREPAYMENT UPON RECEIPT OF 100 PERCENT PERFORMANCE BOND.

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 71-21 for the purchase of one (1) new Pierce Enforcer Fire Apparatus in the amount of \$889,033 utilizing the Florida Sheriff's Association (FSA) Contract No. FSA20-VEF14.02 and authorizing prepayment upon receipt of a 100% performance bond.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[FSA20-VEF14.02 Terms and Conditions](#)
[Pierce Equipment Proposal 3-1-21](#)
[Pierce Option List 3-1-21](#)
[Legal Review Reso 71-21 purchase of Pierce Enforcer fire apparatus](#)
[Fire Truck Resolution 71-21](#)

6.K.2. APPROVAL OF RESOLUTION NO. 54-21 TO APPROVE AN AGREEMENT WITH A&P CONSULTING TRANSPORTATION ENGINEERS CORP. FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE RECLAIMED WATERMAIN FOR AREA 10 PROJECT PURSUANT TO RFQ NO. 2021-005 (PROJECT NO. 17-133) - \$124,022

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 54-21 to award an Agreement with A&P Consulting Transportation Engineers Corp. for Construction Engineering and Inspection Services for the Reclaimed Watermain for Area 10 project pursuant to RFQ No. 2021-005 (Project No. 17-133) - \$124,022.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Executed Agreement RFP No. 2021-005 CEI Services RWM Area 10](#)
[A&P Fee Proposal for CEI RWM Area 10](#)
[Resolution No. 54-21 CEI Reclaimed Watermain for Area 10 -AP. 3.8.21 KWB](#)
[Legal Review Checklist A & P Consulting](#)
[Submittal - A&P Transportation Consulting Engineers RFQ NO. 2021-005](#)
[2021-005 Technical Scoring CEI Reclaimed Water 1.25.21 FINAL](#)

6.K.3. APPROVAL OF RESOLUTION NO. 55-21 TO APPROVE AN AGREEMENT WITH DBE MANAGEMENT, INC. DBA DBE UTILITY SERVICES FOR THE CONSTRUCTION OF A RECLAIMED WATERMAIN FOR AREA 10 PURSUANT TO ITBC NO. 2021-019

(PROJECT NO. 17-133) - \$1,678,184

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 55-21 to award an Agreement with DBE Management, Inc. dba DBE Utility Services for the construction of a reclaimed watermain for area 10 pursuant to ITBC No. 2021-019 (Project No. 17-133) - \$1,678,184.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agreement - Reclaimed Watermain for Area 10 - DBE Mgmt SIGNED](#)
[Legal Review Checklist DBE Management Reclaimed Water Main](#)
[Resolution 55-21 Reclaimed Watermain for Area 10- DBE](#)
[Submittal - DBE Management Inc.](#)
[2021 02-22 Award Recommendation -Revised](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 06-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, TO ALLOW THE OPERATION OF A GASOLINE STATION AT 10 SOUTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

RESOLUTION NO. 48-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER TO SECTION 4.4.12(F)(2) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A REDUCTION TO THE MINIMUM FLOOR AREA REQUIRED FOR A FREE-STANDING STRUCTURE FOR A PROPOSED RACETRAC CONVENIENCE STORE WITH A FLOOR AREA OF 5,411 SQUARE FEET LOCATED AT 10 S. CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Body: **Recommended Action:**

Recommendation: Review and consider Resolution Nos. 06-21 and 48-21.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 06-21 - Conditional Use \(Gas Station\)](#)
[RaceTrac - Conditional Use Request](#)
[Res. No. 48-21 - Waiver Bldg Size](#)
[RaceTrac - Waiver request and justification statement](#)
[RaceTrac - Location Map](#)
[RaceTrac - PZB Staff Report](#)
[RaceTrac - Site Plans 1 of 3](#)
[RaceTrac - Site Plans 2 of 3](#)
[RaceTrac - Site Plans 3 of 3](#)
[RaceTrac - Photometric Plan \(1\)](#)
[RaceTrac - Traffic Impact Analysis](#)
[RaceTrac - Palm Beach County TPS Letter](#)
[RaceTrac - Stormwater Management Plan](#)
[RaceTrac - Declaration of Covenants](#)
[RaceTrac - DIA Map 2 \(Referenced\)](#)
[RaceTrac - Legal Review Reso 06-21 Conditional Use](#)
[RaceTrac - Legal Review for Waiver](#)
[2021, 4-5 Letter to Walia re RaceTrac](#)

Mayor Petrolia read the Quasi-Judicial rules and asked her colleagues if they had any ex-parte communications, and the following was disclosed:

Vice Mayor Johnson: Spoke with Michael Weiner, received a text message from Christina Morrison, and had emails on the City Server.

Deputy Vice Mayor Frankel: Spoke with Michael Weiner, Neil Schiller, Christina Morrison, and Lynn Gelin, City Attorney. He also received an email from Scott Friedman.

Commissioner Casale: Spoke with Michael Weiner and Neil Schiller and had emails on the City Server.

Commissioner Boylston: Spoke with Michael Weiner and Neil Schiller, received a text message from Christina Morrison, and had emails on the City Server.

Mayor Petrolia: Spoke with Michael Weiner and Neil Schiller.

Katerri Johnson, City Clerk, swore in Michael Weiner, Scott Friedman, Neil Schiller, Anthea Gianniotis, and Samantha Jones who provided testimony on this item.

Anthea Gianniotis, Development Services Director, read File No. 2020-271 and File No. 2020-272 into the record.

Michael Weiner, Attorney with Sachs Sax Caplan P L, presented the conditional use and waiver request (Resolutions 06-21 and 48-21) on behalf of his client RaceTrac.

Scott Friedman, Vice President of Project Management of the Morgan Companies, believed his client, RaceTrac, would meet the needs of the residents and has been successful in other areas.

Samantha Jones, Engineering Project Manager of RaceTrac Petroleum Corporation, provided an overview of the company's fuel safety standards.

Ms. Gianniotis presented a staff report and informed the Commission that the Planning and Zoning Board voted 3-2 in support of the proposed waiver request.

There was a five-minute recess from 5:33 p.m. - 5:38 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk, played the following public comments:

Sherry Anne Stornello, residing at 153 Coconut Key Lane, Delray Beach, commented in favor of RaceTrac being built.

Christina Morrison, residing at 335 E Linton Blvd, Delray Beach, requested the Commission to vote no on agenda Item No. 7.A. due to the increased use of electric cars. She also expressed her support for Item No. 7.B.

Melody Lunsford, residing at 135 Tangerine Trail, Delray Beach, opposed the extension of Tangerine Trail.

Katerri Johnson, City Clerk, reported that there were no further public comments.

Neil Schiller, Attorney, gave a presentation to substantiate his client, Congress Square Ltd's request to deny the applicant's request for conditional use for a gas station.

Mr. Weiner provided rebuttal.

Ms. Gianniotis addressed the increase in solid waste that the gas station would create.

The Commissioners engaged in a discussion about the proposed project.

Deputy Vice Mayor Frankel made a motion to deny **Resolution No. 06-21**. It was seconded by Commissioner Boylston. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Casale, Deputy Vice Mayor Frankel, and Commissioner Boylston

No: 1 - Mayor Petrolia

Deputy Vice Mayor Frankel made a motion to deny **Resolution No. 48-21**. It was seconded by Commissioner Boylston. The motion carried by the following vote:

Yes: 3 - Vice-Mayor Ervin Johnson, Commissioner Casale, and Deputy Vice Mayor Frankel

No: 2 - Mayor Petrolia and Commissioner Boylston

Both resolutions were denied.

7.B.

RESOLUTION NO. 57-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CLASS IV SITE PLAN, CERTIFICATE OF APPROPRIATENESS, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS AND APPROVING AN INCREASE IN RESIDENTIAL DENSITY THROUGH THE CENTRAL BUSINESS DISTRICT INCENTIVE PROGRAM PURSUANT TO SECTION 4.4.13(H)(1) OF THE LAND DEVELOPMENT REGULATIONS IN EXCHANGE FOR WORKFORCE HOUSING FOR THE PROJECT KNOWN AS ATLANTIC GROVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

RESOLUTION NO. 58-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.13(F)(9)(b) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE USE OF AN ASPHALT SHINGLE ROOFING MATERIAL FOR THE PROJECT KNOWN AS ATLANTIC GROVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 57-21 for a Class IV Site Plan, Certificate of Appropriateness, Landscape Plan, Architectural Elevations and approving an increase in residential density through the Central Business District Incentive Program pursuant to Section 4.4.13(H)(1) of the Land Development Regulations in exchange for Workforce housing for the

project known as “Atlantic Grove”.

Review and consider Resolution No. 58-21 for a Waiver request to Section 4.4.13(F)(9)(b) of the Land Development Regulations to allow asphalt shingle roofing material that does not comply with the requirements of the Land Development Regulations relating to Urban Heat Islands for the project known as “Atlantic Grove”.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 57-21 Atlantic Grove Density](#)

[Res. No. 58-21 Atlantic Grove Waiver](#)

[Atlantic Grove HPB Staff Report](#)

[Atlantic Grove Class IV Site Plan and Landscape Plans](#)

[Atlantic Grove Elevations-Townhouses](#)

[Atlantic Grove Elevations-Cabana](#)

[Atlantic Grove Description & Visual Compatibility Statement](#)

[Atlantic Grove Building Materials and Color Samples](#)

[Atlantic Grove 3D Visual Impact & Streetscape](#)

[Atlantic Grove Workforce Housing Plan](#)

[Atlantic Grove Waiver Justification & Green Building Statement](#)

[Atlantic Grove-Project Data](#)

[Simple Legal Review Approval Resolution 57-21](#)

[Simple Legal Review Approval Resolution 58-21](#)

Anthea Gianniotis, Development Services Director, gave a recap of Resolution No. 57-21 and No. 58-21. She entered File No. 2020-281 into the record.

Mayor Petrolia asked her colleagues if they had any ex-parte communications, and the following was disclosed:

Deputy Vice Mayor Frankel: Received an email and spoke with Christina Morrison.

Vice Mayor Johnson: None

Commissioner Casale: None

Commissioner Boylston: None

Mayor Petrolia: None

Katerri Johnson, City Clerk, swore in Tim Hernandez and Anthea Gianniotis who provided testimony on this item.

Tim Hernandez with Atlantic Grove Partners, located at 200 Congress Park

Drive, # 201, Delray Beach, gave a presentation highlighting the Atlantic Grove Mixed-Use Program.

Ms. Gianniotis presented a staff report. She informed the Commission that the Downtown Development Authority supported the project, and the Historic Preservation Board unanimously voted in favor of the proposal on March 3, 2021.

There was a five-minute recess from 6:31 p.m. - 6:36 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk, played the following public comments:

Barbara Carey Shuler, residing at 12881 Coco Palm Drive, Boynton Beach, commented in favor of the Atlantic Grove Project.

Debbie Satyal, residing at 378 Lake Monterey Circle, Boynton Beach, expressed her support in approving the Atlantic Grove Project.

Yvonne Odom, residing at 3905 Lowson Blvd, Delray Beach, commented on behalf of the Delray Beach Community Development Corporation, she was in favor of moving the last phase of the Atlantic Grove Project forward.

David Mintz, residing at 337 Atlantic Grove Way, stated his community's Homeowner's Association voted in favor of building the new units and completing their community.

Chris Calderbank, residing at 38 NW 3rd Avenue, Delray Beach, voiced his full support and the support of his fellow Board of Directors for the project.

Carolyn Howard, residing at 1026 SW 7th Avenue, Delray Beach, requested the Commission to approve the proposed project with New Urban.

Katerri Johnson, City Clerk, stated that there were no further public comments.

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

Deputy Vice Mayor Frankel made a motion to approve **Resolution No. 57-21**. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

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

Deputy Vice Mayor Frankel made a motion to approve **Resolution No. 58-21**. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

7.C.

RESOLUTION NO. 59-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN APPEAL TO SECTION 5.3.1(A) OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE REQUIRED RIGHT-OF-WAY WIDTH FOR TANGERINE TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 59-21 for an appeal to Land Development Regulations (LDR) Section 5.3.1(A), Right-of-way Dimensions and Dedication required, to reduce the ultimate right-of-way width required for Tangerine Trail.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 59-21](#)

[Resolution No. 59-21 - Location Map](#)

[Resolution No. 59-21 - Proposed Subdivision](#)

[Resolution No. 59-21 - Appeal Request from Applicant](#)

[Resolution No. 59-21 - DSMG Report](#)

[Resolution No. 59-21 - Engineer Determination](#)

[Resolution No. 59-21 - Legal Review](#)

Mayor Petrolia asked her colleagues if they had any ex-parte communications, and the following was disclosed:

Vice Mayor Johnson: Spoke with Bonnie Miskel.

Deputy Vice Mayor Frankel: Spoke with Ron Ellish.

Mayor Petrolia: Spoke with one of the partners of the project.

Commissioner Boylston: Had multiple conversations with Ron Ellish.

Commissioner Casale: May have received an email on the City Server.

Katerri Johnson, City Clerk, swore in Ron Ellish, Anthea Gianniotis, and

Patrick Figurella who provided testimony on this item.

Anthea Gianniotis, Development Services Director, read File No. 2020-037 into the record.

Ms. Gianniotis informed the Commission that Patrick Figurella, City Engineer, was also present.

Ron Elish, CEO of Elish Builders, gave a presentation on behalf of the applicant. He informed the Commission he met with both Patrick Figurella, City Engineer, and the residents of the Lake Ida and North Swinton areas to engage them in the creation of the proposed plan for the Delray Ridge Community.

Ms. Gianniotis provided a staff report on the Tangerine Trail ROW Reduction Request.

Mr. Figurella clarified the objective of this request was to eliminate Tangerine Trail from the Road Network.

There was a five-minute recess from 7:13 p.m.-7:18 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk, played the following public comments:

Alan Richwagen, residing at 251 NE 17th Street, Delray Beach, commented in favor of adding a bikeways/pedestrian way.

Robert Russo, residing at 910 N. Swinton Avenue, Delray Beach, was not in favor of approving this project.

Chris Reich, residing at 1002 NE 9th Avenue, Delray Beach, opposed the proposed road extension.

Rick Bogle, residing at 1701 NE 2nd Avenue, Delray Beach, expressed his support for implementing a pedestrian pathway.

Chris and Peggy Fischer, residing at 228 NE 17th Street, Delray Beach, informed the Commission they preferred a bike trail versus a road extension on Seacrest.

Michael Mariano, residing at 257 NE 17th Street, Delray Beach, thanked the developers who proposed the bike path and pedestrian walkway on Tangerine Trail.

Charles Whalen, 1935 SW 35th Avenue, Delray Beach, commented in support of the developer's proposal to install a bike path and pedestrian

walkway.

Melody Lunsford, residing at 135 Tangerine Trail, Delray Beach, voiced her approval of creating a walkway, but was not in favor of the trail cutting through her property.

Alex Candia, residing at 9 NW 24th Street, Delray Beach, believed the proposed plan would benefit the neighborhood.

Katerri Johnson, City Clerk, stated that there were no further public comments.

Allan Hendricks, with Ellish Builders, emphasized that this project would be the first multi-use path in Delray Beach.

Ms. Gianniotis stated for the record that part of this proposal's success, if granted, would link the neighborhoods with other rights of way creating a pedestrian friendly experience.

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

Commissioner Boylston stated for the record, he spoke with Lynn Gelin, City Attorney, to ask about this item being a conflict for him since he lives across the street.

Lynn Gelin, City Attorney, received word from the Ethics Commission that there was no conflict.

A discussion ensued.

Deputy Vice Mayor Frankel made a motion to approve **Resolution No. 59-21**. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

7.D.

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 50th, 51st, 52nd, 53rd and 54th Extensions of the State of Emergency for COVID -19, Resolution No. 53-21 and Resolution No. 63-21.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[50th Extension State of Emergency - COVID -19](#)

[51st Extension State of Emergency - COVID -19](#)

[52nd Extension State of Emergency - COVID -19](#)

[53rd Extension State of Emergency - COVID -19](#)

[54th Extension State of Emergency - COVID -19](#)

[Res. No. 53-21 - COVID-19 Extending Wearing of Face Coverings](#)

[Res. No. 63-21 - COVID-19 Extending Wearing of Face Coverings](#)

Deputy Vice Mayor Frankel left the meeting at 7:45 p.m.

Commissioner Boylston made a motion to approve **Resolution No. 53-21 and Resolution No. 63-21**. It was seconded by Commissioner Casale. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, and Commissioner Boylston

7.E.

DISCUSSION CONCERNING OFFICE OF INSPECTOR GENERAL INVESTIGATIVE REPORT 2019-004, "CITY OF DELRAY BEACH GRANTS PROGRAM" DATED FEBRUARY 16, 2021

Body: **Background:**

On February 16, 2021, the Office of Inspector General ("OIG") issued a report concerning its investigation into the City of Delray Beach Grants Program. According to the report, the OIG received a complaint in May 2019 regarding former employees, Michael Coleman ("Coleman") and Jamael Stewart ("Stewart"). The complaint alleged that (1) Coleman and Stewart caused disbursement of City grants to organizations that did not submit a required application, and/or that submitted applications were not reviewed by a committee designated by the City Manager;" (2) Coleman and Stewart "failed to avoid conflicts of interest between their personal interests and the City's interests;" (3) Stewart "solicited funds under false pretenses on behalf of a nonprofit for which he served as an officer/director;" and (4) Coleman "used a City purchasing card to buy trophies for Mr. Stewart and Mr. Stewart's cousin." The OIG found support for 3 of the allegations.

The OIG made 3 recommendations to assist the City in strengthening its controls over grants:

(1) Amend Policy GA-23; (2) Add language to the City's Check Request

Form requiring a certification from the approver that they have not served as an officer, director, or employee of the organization receiving funds; and (3) Inform employees of updates to the ethics policy and require an acknowledgement for same.

The City concurred with these recommendations and has begun the process of implementing same. In addition, the OIG identified a \$140 purchase on the City's credit card by Mr. Coleman that should be recouped by the City as it did not constitute a public purpose.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[02-16-21-City_of_Delray_Beach-Grants_Program_Investigative_Report](#)

[-2019-0004](#)

Item No. 7.E. was tabled.

7.F.

DISCUSSION REGARDING INTERLOCAL AGREEMENT WITH
HIGHLAND BEACH FOR FIRE AND EMERGENCY MEDICAL
SERVICES

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

***Item No. 7.F. was moved to the Commission Workshop Agenda on
April 13, 2021.***

8. PUBLIC HEARINGS:

8.A. None

9. FIRST READINGS:

9.A.

ORDINANCE NO. 09-21: AN ORDINANCE OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A
SMALL-SCALE LAND USE MAP AMENDMENT FOR PARCELS OF

LAND LOCATED AT 215 SE 1st AVENUE, 219 SE 1st AVENUE, 223 SE 1st AVENUE, 227 SE 1st AVENUE, 231 SE 1st AVENUE, 237 SE 1st AVENUE, 243 SE 1st AVENUE, 251 SE 1st AVENUE, AND 253 SE 1st AVENUE, WHICH MEASURE APPROXIMATELY 1.41± ACRES AS MORE PARTICULARLY DESCRIBED HEREIN, RE-DESIGNATING SAID LAND FROM MEDIUM DENSITY (MD) TO COMMERCIAL CORE (CC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: Recommended Action:

Recommendation: Consider Ordinance No. 09-21, a privately-initiated request for a Land Use Map Amendment (LUMA) from Medium Density (MD) to Commercial Core (CC) for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Delray Swan-Ord. No. 09-21 LUMA](#)
[Delray Swan-Ord. No. 09-21, PZB Report](#)
[Delray Swan-Proposed Land Use and Zoning](#)
[Delray Swan-Applicant Justification](#)
[Delray Swan-Traffic Study](#)
[Delray Swan-Legal Review Ord. No. 09-21](#)

Lynn Gelin, City Attorney, read Ordinance No. 09-21 into the record.

Commissioner Boylston made a motion to approve **Ordinance No. 09-21** on First Reading. It was seconded by Vice Mayor Johnson. The motion **failed** by the following vote:

Yes: 2 - Vice-Mayor Ervin Johnson, and Commissioner Boylston

No: 2 - Commissioner Casale, and Mayor Petrolia

9.B.

ORDINANCE NO. 10-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED MEDIUM DENSITY RESIDENTIAL (RM) TO CENTRAL BUSINESS DISTRICT (CBD) FOR THE NINE

PROPERTIES LOCATED AT 215 SE 1st AVENUE, 219 SE 1st AVENUE, 223 SE 1st AVENUE, 227 SE 1st AVENUE, 231 SE 1st AVENUE, 237 SE 1st AVENUE, 243 SE 1st AVENUE, 251 SE 1st AVENUE, AND 253 SE 1st AVENUE, WHICH MEASURE APPROXIMATELY 1.41± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-7, "RAILROAD CORRIDOR SUB-DISTRICT REGULATING PLAN" AND REGULATING MAP IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Consider Ordinance No. 10-21, a privately-initiated request for rezoning from Medium Density Residential (RM) to Central Business District (CBD) for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-7, Railroad Corridor Sub-district Regulating Plan, to add the subject properties.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Delray Swan-Ord. No. 10-21 RZ](#)
[Delray Swan-Ord. No. 10-21, PZB Staff Report](#)
[Delray Swan-Proposed Land Use and Zoning](#)
[Delray Swan-Proposed Regulating Plan](#)
[Delray Swan-Applicant Justification](#)
[Delray Swan-Traffic Study](#)
[Delray Swan-Legal Review Ord. No. 10-21](#)

Lynn Gelin, City Attorney, read **Ordinance No. 10-21** into the record.

Commissioner Boylston made a motion to **deny** Ordinance No. 10-21 on First Reading. It was seconded by Commissioner Casale. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, and Commissioner Boylston

- 9.C.** ORDINANCE NO. 11-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS", OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS", SECTION 2.2.5, "PUBLIC ART ADVISORY BOARD", SUBSECTION (D), "DUTIES, POWERS, AND RESPONSIBILITIES", TO AMEND THE DUTIES OF THE BOARD TO INCLUDE REVIEW AND MAKE RECOMMENDATION REGARDING PUBLIC ART IN THE PUBLIC RIGHT OF WAY, ON CITY OWNED PROPERTY, AND ON STRUCTURES IN THE PUBLIC RIGHT OF WAY AND MAKE RECOMMENDATIONS TO THE CITY COMMISSION REGARDING PUBLIC ART INSTALLATION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 11-21 on First Reading, City-initiated amendments to the Land Development Regulations to amend the duties of the Board to include review and make recommendation regarding public art in the public right of way, on City-owned property, and on structures in the public right of way and make recommendations to the City Commission regarding public art installation.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 11-21](#)
[Ordinance No. 11-21: PZB Staff Report](#)
[Ordinance No. 11-21: Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 11-21 into the record.

Vice Mayor Johnson made a motion to approve **Ordinance No. 11-21**. It was seconded by Commissioner Casale. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, and Commissioner Boylston

10. SECOND READINGS:

- 10.A.** ORDINANCE NO. 04-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING THE HHH BUSH BUILDING SPECIAL ACTIVITIES DISTRICT (SAD) TO THE 1177 MODERNE SPECIAL ACTIVITIES DISTRICT (SAD) FOR THE PROPERTY AS MORE PARTICULARLY DESCRIBED HEREIN; REPEALING ORDINANCE NOS. 38-84, 39-90, AND 01-11 IN THEIR ENTIRETY; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)," SUBSECTION 4.4.25(H), "S.A.D.S", TO ADD "1177 MODERNE"; SAID LAND GENERALLY LOCATED NORTH OF GEORGE BUSH BOULEVARD BETWEEN THE INTRACOASTAL WATERWAY AND ANDREWS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 04-21, a privately-initiated request to rezone the HHH Building Special Activities District (SAD) to the 1177 Moderne Special Activities District (SAD), repealing the existing HHH Bush Building SAD adopted by Ordinance No. 38-84 and subsequently amended by Ordinance Nos. 39-90 and 01-11, and adopting new development standards in the subject ordinance.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[1177 Moderne SAD-Ordinance No 04-21](#)

[1177 Moderne SAD-Ordinance No 04-21: Exhibit D, Master Development Plan](#)

[1177 Moderne-PZB Staff Report](#)

[1177 Moderne SAD-Applicant Justification](#)

[1177 Moderne SAD-Legal Review](#)

[1177 Moderne - Architectural Plans \(SPRAB\)](#)

[1177 Moderne - Landscaping Plans \(SPRAB\)](#)

Lynn Gelin, City Attorney, read Ordinance No. 04-21 into the record.

Katerri Johnson, City Clerk, swore in Cristofer Bennardo who provided testimony on this item.

Cristofer Bennardo, Attorney with Padula Bennardo Levine, LLP, presented the proposed project. He acknowledged that Ordinance No. 04-21 passed its First Reading, the Planning and Zoning Board and the

Site Plan Review & Appearance Board (SPRAB) unanimously.

Anthea Gianniotis, Development Services Director, informed the Commission that the developer had made necessary modifications since the First Reading.

There was a five-minute recess from 8:09 p.m. - 8:14 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

Commissioner Boylston made a motion to approve **Ordinance No. 04-21**. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, and Commissioner Boylston

10.B.

ORDINANCE NO. 05-21: 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 AMENDING CHAPTER FOUR, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT (CBD)", SUBSECTION 4.4.13(I) (2)(j), "CBD PARKING STANDARDS", "MINIMUM NUMBER OF OFF-STREET PARKING SPACES", TO EXTEND THE EFFECTIVE DATE TO DECEMBER 31, 2024, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 05-21, a privately-initiated request to amend the Land Development Regulations (LDR) Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," to extend the expiration date from April 3, 2021 to December 31, 2024 for the parking exemption applicable to a change in use for existing buildings located between SE 2nd Street and SE 3rd Street within the Railroad Corridor Sub-district.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)[Ord. No. 05-21](#)[Ord. No. 05-21 PZB Staff Report](#)[Justification Statement](#)[Applicable Area](#)[Simple Legal Review Approval 05-21, Extending Effective Date of 4.4.13\(l\)\(2\)\(j\)](#)

Lynn Gelin, City Attorney, read Ordinance No. 05-21 into the record.

Neil Schiller, Attorney, presented the proposed project. He informed the Commission that the Planning and Zoning Board, and the Parking Management Advisory Board unanimously gave their approval.

Anthea Gianniotis, Development Services Director, explained there were no changes from the first reading.

There was a five-minute recess from 8:23 p.m. - 8:28 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

Commissioner Casale made a motion to approve **Ordinance No. 05-21**. It was seconded by Commissioner Boylston. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, and Commissioner Boylston

10.C.

ORDINANCE NO. 12-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 96.02, "FIRE SAFETY INSPECTIONS", TO PROVIDE ADDITIONAL METHODS OF COLLECTING PAYMENT AND IMPOSING INTEREST FOR DELINQUENT FIRE SAFETY INSPECTION CHARGES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Body: **Recommended Action:**

Recommendation: Staff recommends approval of Ordinance No. 12-21 providing additional

methods of collecting payment and imposing interest for delinquent Fire Safety Inspection charges; providing a conflict clause, a severability clause and authority to codify; providing an effective date and for other purposes.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Ord 12-21 Fire Safety Inspections](#)
[Fire Inspection Ord Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 12-21 into the record and informed the Commission that Keith Tomey, Fire Chief, was present to explain the ordinance.

There was a five-minute recess from 8:30 p.m. - 8:35 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

Vice Mayor Johnson made a motion to approve **Ordinance No. 12-21**. It was seconded by Commissioner Casale. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Casale, Mayor Petrolia, and Commissioner Boylston

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Jennifer Alvarez, Interim City Manager, commended the Parks and Recreation Department for their outstanding job organizing the Easter Egg Hunt. Additionally, she requested consensus to conduct in-person Commission Meetings beginning April 20, 2021.

The Commissioners engaged in a discussion. There was consensus to begin in-person meetings on May 4, 2021, and to keep the public comments line open for callers. There was also consensus to schedule the Goal Setting Workshop on May 20 and May 22, 2021 at the Delray Beach Golf Course.

B. City Attorney

None

C. City Commission

Commissioner Casale asked for a consensus to move forward with the purchase of five beach cleanup stations at \$1,000 each.

Commissioner Boylston requested Jennifer Alvarez, Interim City Manager, to explain the City's procedures for project funding requests.

Commissioner Casale asked Lynn Gelin, City Attorney, for an update on Barkingham Palace.

Lynn Gelin, City Attorney, explained that Commissioners do not get involved in Code Board issues.

Commissioner Casale raised the concerns about the trees cut down without approval from the City in Sundy Village. Attorney Gelin informed the Commission that the City would take a measured approach in addressing this matter.

Commissioner Boylston commented about the Tree Fund.

Vice Mayor Johnson acknowledged that the tree issue must be addressed. She thanked everyone who helped to make the March 27 COVID-19 vaccine event a success. Vice Mayor Johnson requested an update on the search for the new City Manager. She also reported the passing of longtime resident, Leila Bridges, and Congressman Alcee Hastings.

Mayor Petrolia suggested having the City Manager search on the next Commission Meeting's agenda.

Commissioner Boylston commented that he looked forward to the upcoming goal setting meetings.

Mayor Petrolia commended the Parks and Recreation Department for assisting Atlantic High School with their first Vietnam Veterans Day Memorial held at Veterans Park. She addressed the parking situation on the island due to construction. Additionally, she mentioned the Town of Highland Beach Fire Department.

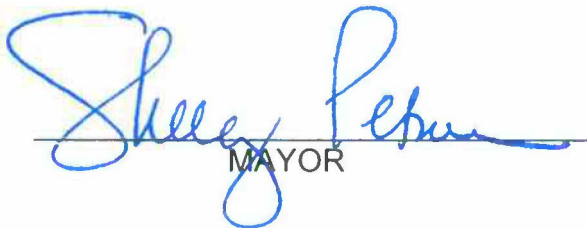
12. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 9:18 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 April 6, 2021 Regular City Commission Meeting held on April 6, 2021 which minutes were formally approved and adopted by the City Commission on May 6, 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.