

City of Delray Beach

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Minutes - Final

Tuesday, November 15, 2022

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/s>
treams

City Commission

Mayor Shelly Petrolia

Vice Mayor Adam Frankel

Deputy Vice Mayor Juli Casale

Commissioner Ryan Boylston

Commissioner Shirley Ervin Johnson

1. ROLL CALL

The November 15, 2022 Regular City Commission Meeting was called to order at 4:00 p.m. City Clerk Katerri Johnson called the roll and the following were present.

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

Others present were:

City Manager, Terrence Moore
City Attorney, Lynn Gelin

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Commissioner Johnson made a motion to approve the agenda. It was seconded by Commissioner Boylston. The vote was taken and the motion carried as follows:

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

approved

3.A. Additions, Deletions, Substitutions

None

4. PRESENTATIONS:

4.A. PRESENTING DEXTER ST. LOUIS, BUILDING MAINTENANCE WORKER, WITH EMPLOYEE OF THE MONTH FOR OCTOBER 2022

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Dexter Louis - Employee of the Month](#)

Ms. LeShay King introduced Mr. Dexter St. Louis as the recipient of the October Employee of the Month award. Ms. Alexa DeFranco shared what Mr. St. Louis did to achieve the award. For his efforts he received a certificate and eight (8) hours off.

**4.B. RECOGNITION OF THE DELRAY BEACH POLICE DEPARTMENT'S
CANINE OFFICER GHOST**

Sponsors: Police Department

Chief Russ Mager introduced Officer Mendez who had worked with Officer Canine Ghost for about 9 years. He shared a brief bio of Canine Ghost's accomplishments since 2013. Canine Ghost retired on November 1, 2022.

**4.C. UPDATE ON THE DEVELOPMENT OF THE CITY'S NEW CITIZEN
ENGAGEMENT MOBILE APPLICATION**

Sponsors: IT Department and City Manager Department

Attachments: [Agenda Cover Report](#)

Mr. Jay Stacy, IT Director gave a brief presentation on the official launch of the new E-Government online permitting system known as InnerGov and a video was shown to introduce the new City Mobile App narrated by Ms. Gina Carter.

**4.D. WORK PLAN FOR THE DELRAY BEACH HISTORICAL SOCIETY
CAMPUS**

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Mr. Jeff Oris gave a brief presentation on the workplan for the Delray Beach Historical Society Campus. He explained that two (2) back rooms of the Caison Cottage have leaks inside and out with damage to the windows and walls. Structural repairs will be done at the Bungalow to include cosmetic repairs and appropriate railings for the ADA ramp at the Hunt House. A diseased tree will be removed from the courtyard of the Historical Society. They will resolve the drainage issue in the parking lot, re-asphalt and re-strip the alleyway. It was discussed that there will be a maintenance strategy for future repairs. There will be quarterly visits by the Assistant City Manager along with the Executive Director to address any needs.

**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

Catherine Gillespie and Ingrid Kittermer expressed they were there to celebrate the Impact 100 Palm Beach County which provides transformational support to the community.

Rick Burgess, 475 SE 1st Avenue, Delray Beach, FL wanted to compliment the City Marina.

Lisa Quilliam, 925 SE 2nd Avenue, Delray Beach, FL inquired if she could speak on Item 7C and was told to wait since it is quasi-judicial item.

Mavis Benson, 800 Greenfield Court, Delray Beach, FL and also a merchant on the avenue. She encouraged everyone to come down to Downtown Delray and shop small.

Laura Simon, Downtown Development Authority Executive Director gave an update on what is happening and upcoming events that will take place on Atlantic Avenue.

Seeing no one else wishing to speak, public comment was closed.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Boylston made a motion to approve the Consent Agenda. It was seconded by Deputy Vice Mayor Casale. The vote was taken and the motion carried as follows:

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

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[May 17, 2022 Regular Meeting Minutes - Draft](#)
[June 7, 2022 Regular City Commission Meeting Minutes - Draft](#)
[July 12 2022 Budget Workshop Commission Meeting Minutes - Draft](#)
[October 22, 2022 CRA-DDA-CC Joint Workshop - Draft](#)
approved

6.B. APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/OCCUPANT PROTECTION/CHILD PASSENGER SAFETY

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[FDOTSubgrantAgreement-2023 - Occupant Protection and Child Passenger Safety](#)
[Simple Legal Review Approval FDOT Subgrant Agreement Occupant Protection and Child Passenger Safety Program](#)

approved

6.C. APPROVAL OF GRANT APPLICATION AND
AWARD/FDOT/SPEED/AGGRESSIVE DRIVING ENFORCEMENT
PROGRAM

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[FDOTSubgrantAgreement-2023 - Speed Aggressive Driving FDOT Grant](#)
[Simple Legal Review Approval FDOT Subgrant Agreement Speed and Aggressive Driving Program](#)
approved

6.D. APPROVAL OF HOLD HARMLESS AGREEMENT FOR SALE OF
CANINE GHOST

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[K9 - Canine Retirement Hold Harmless Agreement - Mintus](#)
[Legal Review Checklist K9 HHA Mintus](#)
approved

6.E. CONSIDER APPROVAL OF A LICENSE AGREEMENT BETWEEN
PALM BEACH COUNTY AND THE CITY OF DELRAY BEACH TO
ALLOW THE CITY TO UTILIZE COUNTY OWNED PARKING FACILITIES
AT THE SOUTH COUNTY COURTHOUSE DURING SPECIAL EVENTS.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[License Agreement with Palm Beach County - Courthouse Parking Garage Use.pdf](#)
[Legal Review Checklist License Agreement to use PBC Courthouse Garage 2022-23.pdf](#)
approved

6.F. ITEM(S) A1 - ACCEPTANCE OF RIGHT OF WAY DEDICATION BY 1202
VISTA DEL MAR DR

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[A1a Right of Way Deed for 1202 Vista Del Mar Drive](#)
[A1b - Exhibit 1 and Legal Description for 1202 Vista Del Mar Drive](#)
[Legal Review Right of Way Deed 1202 Vista Del Mar Dr N - 1202 Vista Del Mar LLC](#)
approved

- 6.G.** APPROVE RESOLUTION 175-22 AND GRANT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP GRANT 22SRP60), FOR PROVIDING SUPPLEMENTARY FUNDING UNDER THE RESILIENT FLORIDA PROGRAM, FOR THE TROPIC ISLE ROADWAY AND UTILITY IMPROVEMENT PROJECT IN THE AMOUNT OF \$19,800,000.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Location Map Tropic Isle 101022](#)
[22SRP60 - Tropic Isle Roadway and Underground Utility Improvements Revised rev. kwb](#)
[Resolution 175-22 Tropic Isle FDEP Grant 101122 kwb 10.26.22](#)
[Simple Legal Review Approval Tropic Isle FDEP Grant](#)

approved

6.H. PROCLAMATIONS:

- 6.H.1.** PROCLAMATION TO PROMOTE RECYCLING IN PALM BEACH COUNTY AND TO DECLARE NOVEMBER 15, 2022 AS AMERICA RECYCLES DAY.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[America Recycles Day 2022](#)

approved

- 6.H.2.** 2022 SMALL BUSINESS SATURDAY - NOVEMBER 26, 2022 - PROCLAMATION

Sponsors: Economic Development Department

Attachments: [Agenda Cover Report](#)
[Small Business Saturday Proclamation 2022](#)

approved

- 6.H.3.** WORLD AIDS DAY PROCLAMATION - DECEMBER 1, 2022

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[World Aids Day 2022](#)

approved

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

approved

6.I.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM OCTOBER 24, 2022 THROUGH NOVEMBER 4, 2022.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Appealable Items: Location Map](#)

[PAAB Agenda: October 24, 2022](#)

[SPRAB Agenda: October 26, 2022](#)

[HPB Agenda: November 2, 2022](#)

approved

6.J. AWARD OF BIDS AND CONTRACTS:

6.J.1. APPROVAL OF RESOLUTION NO. 189-22, TO APPROVE AN AGREEMENT ALONG WITH SERVICE AUTHORIZATION #1 WITH HAZEN & SAWYER, P.C. TO PROVIDE OWNER'S REPRESENTATIVE SERVICES IN CONNECTION WITH THE PLANNING, DESIGN AND CONSTRUCTION OF THE NEW WATER TREATMENT PLANT AND RELATED IMPROVEMENTS PURSUANT TO RFQ NO. 2022-034 ("PROJECT NO 22-019U"); -\$251,963.00

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Owner's Representative for Water Treatment Plant](#)

[2022-034 Owner's Representative for Design-Build Construction](#)

[Project for New Water Treatment Plant and Related Improvements](#)

[Res 189-22 Agreement and Service Authorization with Hazen Sawyer for design services for wtp](#)

[Owner's Rep Clean Copy with Exhibits 11.7.22](#)

[Exhibits](#)

approved

6.J.2. APPROVAL OF RESOLUTION NO. 191-22 TO AWARD AN AGREEMENT WITH PREFERRED GOVERNMENTAL CLAIMS SOLUTIONS, INC. FOR PROPERTY, CASUALTY, AND WORKERS COMPENSATION THIRD PARTY CLAIMS ADMINISTRATOR SERVICES PURSUANT TO REQUEST FOR PROPOSALS NO. 2022-052 FOR THE HUMAN RESOURCES RISK MANAGEMENT DIVISION - \$300,000 FOR THE INITIAL THREE-YEAR TERM (\$100,000 PER YEAR)

Sponsors: Human Resources Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist PGCS](#)
[Resolution No. 191-22](#)
[RFP 2022-052 Agreement PGCS - Vendor Executed](#)

approved

- 6.J.3.** APPROVAL OF RESOLUTION NO. 192-22 TO AWARD AN AGREEMENT WITH FRESH START MAINTENANCE, INC. FOR LANDSCAPE MAINTENANCE FOR I-95 INTERCHANGES FOR THE PARKS AND RECREATION DEPARTMENT- INITIAL THREE- YEAR TERM COST \$182,190 (\$60,730 PER YEAR)

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Fresh Start Maintenance 2022](#)
[Resolution No. 192-22](#)
[ITB 2022-069 Fresh Start Maintenance Agreement I-95 Interchanges - Vendor Executed](#)

approved

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 182-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING ITS BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; BY PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS IN THE AMOUNTS IDENTIFIED IN EXHIBIT A; REPEALING ALL RESOLUTIONS INCONSISTENT HERewith; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Budget Amendment Resolution No. 182-22- November 15 2022](#)
[Exhibit A - General Fund - November 15 2022](#)
[Simple Legal Review Approval Resolution 182-22](#)

Mr. Hugh Dunkley gave a brief presentation on the proposed budget amendment that was before the City Commission for approval.

A motion was made by Commissioner Boylston. It was seconded by Vice Mayor Frankel. The vote was taken and the motion carried as follows:

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

approved

- 7.B.** RESOLUTION NO. 186-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DECISION OF THE PLANNING AND ZONING BOARD, WHICH SERVES AS THE LOCAL PLANNING AGENCY FOR THE CITY, FOR REZONING APPROXIMATELY 6.74 ACRES LOCATED AT 1155 SOUTH CONGRESS AVENUE FROM MIXED-USE RESIDENTIAL OFFICE AND COMMERCIAL (MROC) TO SPECIAL ACTIVITIES DISTRICT (SAD); PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 186-22 Overruling PZB Alexan SAD](#)

[Alexan Delray - Notice of Appeal dated 9-20-22](#)

[Alexan Delray - PZB Staff Report](#)

[Alexan Delray - Memo for updated draft ordinance](#)

[Alexan Delray - Master Development Plan](#)

[Alexan Delray - Existing and Proposed Zoning](#)

[Alexan Delray - Justification Statement](#)

[Alexan Delray - Draft Ord No. 32-22 no leg rev WMB - 9.1.22 - JC - REV 9.7.22](#)

[Simple Legal Review Approval Reso 186-22](#)

Mayor Petrolia explained that the following items on the agenda were quasi-judicial:

Items 7B, 7C, 8B and 9A. She then read the quasi-judicial rules into the record and asked anyone who wished to give testimony on any of those items to stand and be sworn in.

City Clerk, Katerri Johnson, swore in all those who wished to give testimony on the above mentioned agenda items.

Mayor Petrolia asked each Commissioner to disclose any ExParte Communications.

Commissioner Boylston disclosed he spoke to the applicant's representative, Bonnie Miskel.

Commissioner Johnson disclosed she spoke with Ms. Bonnie Miskel and anything else is on the City server.

Vice Mayor Frankel disclosed he spoke to Ms. Miskel, Mr. Costello and anything else is on the City's server.

Deputy Vice Mayor Casale disclosed she spoke with Mr. Costello and anything else is on the City's server

Mayor Petrolia also disclosed she spoke with Ms. Miskel, Mr. Costello and anything else is on the City server

Ms. Amy Alvarez entered the project file number 2022-111 and 2022-112 into the record. She explained that it went before the Planning Board on September 12, 2022 and the motion was to deny, which is why it is before the Commission this evening as an appeal.

City Attorney Gelin explained that if the Commission denies Item 7B-Resolution No. 186-66, then no action will be taken on 9A - Ordinance No. 32-22.

Mr. Jeff Costello and Ms. Bonnie Miskel both gave brief presentations on behalf of the applicant.

Ms. Alvarez gave a brief presentation on behalf of the City.

The floor was opened for public comment:

Ms. Christina Morrison, 1000 Mowery Drive, Delray Beach, FL was not in favor of moving this project forward and suggested it to be reconsidered.

Further discussion ensued.

A motion was made by Commissioner Boylston to approve Resolution No. 186-22. It was seconded by Commissioner Johnson. The motion carried as follows:

Yes - 3 Commissioner Johnson, Vice Mayor Frankel, Commissioner Boylston

No - 2 Deputy Vice Mayor Casale and Mayor Petrolia
approved

7.C.

RESOLUTION NO. 190-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DECISION OF THE PLANNING AND ZONING BOARD, WHICH SERVES AS THE LOCAL PLANNING AGENCY FOR THE CITY, FOR A REZONING OF THE APPROXIMATE .21 ACRE PARCEL LOCATED AT 210 SE

3RD AVENUE FROM A ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL (R-1-A) TO CENTRAL BUSINESS DISTRICT (CBD) PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res 190-22 - 210 SE 3rd - Appeal of Rezoning](#)
[PZB Report - 210 SE 3rd Ave](#)
[Ord 36-22 - 210 SE 3rd REZ](#)
[Applicant Justification Statement](#)
[Maps](#)
[Survey](#)
[Traffic Statement](#)
[Legal Review Resolution 190-22](#)
[Legal Review Ordinance 36-22](#)

The quasi-judicial rules had already been read by Mayor Petrolia at the beginning of Item 7B to include Item 7C. All who wished to give testimony have already been sworn in.

A brief discussion ensued.

The applicant's representative, Ms. Bonnie Miskell, withdrew the appeal and no action was taken on Item 7C.
withdrawn

7.D. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Code Enforcement Board 2022](#)
[Code Enforcement Attendance 2022](#)
[Augustin Badet](#)
[Bowens](#)
[Calderbank](#)
[Canton](#)
[Delehanty](#)
[Land](#)
[Schulz](#)

Commissioner Boylston nominated Joseph Schulz to serve on the Code Enforcement Board. The nomination was seconded by Vice Mayor Frankel. The vote was taken and carried as follows:

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

approved

7.E. NOMINATION TO THE EDUCATION BOARD FOR THE STUDENT SEATS

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Education Board 2022](#)
[EB 2022](#)
[Tomas-Andres](#)
[Valenzuela](#)

Vice Mayor Frankel nominated Kathleen Venezuela to serve on the Education Advisory Board. It was seconded by Commissioner Boylston. The vote was taken and carried as follows:

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

Deputy Vice Mayor Casale nominated Tomas Andres to serve on the Education Advisory Board. It was seconded by Commissioner Boylston. The vote was taken and carried as follows:

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

7.F. NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Police Advisory Board 2022](#)
[Police Advisory Board Attendance 2022](#)
[Augustin Badet](#)
[Carkhuff](#)
[Long](#)
[Markert](#)

Commissioner Boylston nominated Thomas Markert to serve on the Police Advisory Board. It was seconded by Vice Mayor Frankel. The vote was taken and carried as follows:

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

Commissioner Johnson nominated Dylan Carkhuff so serve on the Police Advisory Board. It was second by Vice Mayor Frankel. The vote was taken and carried as follows:

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

7.G. DISCUSSION REGARDING THE REVOCABLE LICENSE AGREEMENTS AT THE NEIGHBORHOOD RESOURCE CENTER

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[NRC Services Overview 110322](#)
[Neighborhood Resource Center Phase I Floor Plan](#)

Mr. Moore introduced this item to get direction as it relates to the tenants utilizing the Neighborhood Resource Center and what that property can be used for.

Further discussion ensued.

Direction was given to Mr. Moore to do nothing with the tenants at this time. It was decided to wait until the results come back from Coldwell Banker Richard Ellis (CBRE) relative to opportunities and consideration which will come forth in a couple of months.

Commissioner Johnson requested a report on when and how these properties are being utilized and how often the tenants utilize the property in the past 6 months. Mr. Moore stated he would work with the Director of Neighborhood & Community Services closely to get this information.

7.H. MANAGEMENT AND OPERATING AGREEMENT WITH THE DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CORNELL ART MUSEUM

Sponsors: City Manager Department and Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Management and Operations Agreement final 11-15-22](#)

Ms. Gelin stated that the interim agreement between the Downtown Development Authority and the City to run the Cornell Art Museum would automatically terminate upon the execution of the Interlocal Local Agreement in December. Ms. Simon shared her vision for the exciting events that will be coming in the future.

Commissioner Boylston made a motion to approve the Management and Operating Agreement with the Downtown Development Authority (DDA) and Cornell Art Museum. The motion was seconded by Deputy Vice Mayor Casale. The vote was taken and the motion carried as follows:

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

No: 1 - Vice Mayor Frankel
approved

7.I. RATIFICATION OF PROCLAMATION AND RESOLUTION NO. 202-22 DECLARING A STATE OF EMERGENCY AND PROCLAMATION TERMINATING THE STATE OF EMERGENCY DUE TO HURRICANE NICOLE PURSUANT TO CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Proclamation SOE - Emergency Hurricane Nicole](#)
[Res. No. 202-22 Hurricane Nicole](#)
[Proclamation Hurricane Nicole Termination](#)

City Attorney Gelin briefly explained that the item before the Commission was to terminate the State of Emergency for Hurricane Nicole.

Commissioner Boylston made a motion to approve. It was seconded by Deputy Vice Mayor Casale. The vote was taken and the motion carried as follows:

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

7.J.

PRESENTATION: FOLLOW UP REGARDING PROPOSED FEE
STRUCTURE ADJUSTMENT AT THE DELRAY BEACH MARINA
LOCATED IN THE HISTORIC MARINA DISTRICT

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

Sam Metott, Parks and Recreation Director, shared the proposed fee structure and terms with the Delray Beach Marina based on the feedback he received at the previous workshop. Discussion ensued about the impending rate structure.

Deputy Vice Mayor Casale motioned to approve the transient resident rate to sixty-five dollars and the non-resident rate to eighty-five dollars. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson
approved as amended

8. PUBLIC HEARINGS/SECOND READINGS:

8.A.

ORDINANCE NO. 14-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.18 ACRES, LOCATED GENERALLY EAST OF NORTH FEDERAL HIGHWAY AND SOUTH OF NORTH LAKE AVENUE, AS MORE PARTICULARLY

DESCRIBED HEREIN, FROM MEDIUM DENSITY TO GENERAL COMMERCIAL, 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. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 14-22](#)

[PZB Staff Report](#)

[Proposed Land Use, 716 N. Lake Avenue](#)

[Legal Review, Ordinance No. 14-22](#)

City Attorney Gelin read the caption of Ordinance No. 14-22 into the record. Ms. Rebekah Desari entered file: #2022-120 into the record and gave a brief presentation on what was being presented.

Ms. Desari stated that staff had identified a data conversion error on the adopted Land Use Map for the property located at 716 North Lake Avenue, which was currently designated on the adopted Land Use Map as Medium Density Residential however; the correct designation is General Commercial. She stated that the proposed amendment reverts the properties to the proper designation of General Commercial.

Deputy Vice Mayor Casale made a motion to approve Ordinance No. 14-22. It was seconded by Commissioner Boylston. The motion was carried by the following vote:

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

8.B.

ORDINANCE NO. 21-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING SEVEN PARCELS OF LAND MEASURING APPROXIMATELY 4.3882 ACRES LOCATED ON THE EAST SIDE OF NORTH FEDERAL HIGHWAY, NORTH OF DELMAR WAY AND SOUTH OF GULFSTREAM BOULEVARD, WITH ADDRESSES OF 2419, 2507, 2515, 2519, 2601, 2605, AND 2613 NORTH FEDERAL HIGHWAY, FROM GENERAL COMMERCIAL TO AUTOMOTIVE COMMERCIAL AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI

JUDICIAL/SECOND READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 21-22 2419-2613 N Federal Hwy](#)

[2419-2613 N Federal Hwy - PZB Report](#)

[2419-2613 N Federal Hwy - Existing and Proposed Zoning](#)

[2419-2613 N Federal Hwy - Applicant Justification Statement](#)

[2419-2613 N Federal Hwy - Traffic Statement](#)

[Legal Review Form - Ord 21-22](#)

Bonnie Miskel, attorney with the law firm of Dunay, Miskel, and Backman, located at 14 SE 4" Street, Boca Raton, gave a presentation on behalf of the applicant, ABC JC Auto Imports II, LLC. requesting a rezoning of the seven properties from General Commercial to Automotive Commercial.

Rebekah Desari, Principal Planner, provided the staff report for this item.

Mayor Petrolia opened the floor for public comments on Ordinance No. 21-22.

Gary Eliopoulos, with GE Architecture, located at 1045 East Atlantic Avenue, Delray Beach, cautioned the Commission to consider the positive and negative reasons for having mixed-use properties.

Ms. Miskel cross examined Mr. Eliopoulos.

Trey Nazaro, assistant attorney for the Town of Gulfstream, stated that his town opposed the rezoning based on the location.

Bethanne Krinsky, litigator with the law firm of Greenspoon and Marder, located in Fort Lauderdale, cross examined Mr. Nazaro.

Emmet Denha, residing at 2570 Avenue Au Soleil, Gulfstream, stated commercial businesses typically are not considerate neighbors.

Nick Ventura, residing at 2576 Avenue Au Soleil, stated he did not favor having car dealerships as neighbors due to the noise and the dumpsters behind his home.

Ms. Krinsky cross examined Mr. Ventura.

Michelle Ventura, residing at 2576 Avenue Au Soleil, Gulfstream, stated the noise emanating from the neighboring car dealership impeded the quality of her life and did not favor allowing another dealership to be built in

the area.

Ms. Krinsky cross examined Mrs. Ventura.

Ingrid Kennemer, a business owner at 760 SE 5" Avenue, Delray Beach, stated she favored building the car dealership on another empty parcel of land.

Ms. Krinsky cross examined Mrs. Kennemer.

There was a consensus to allow further comments past the one-hour mark.

Peter Bennett, residing at 2252 Avenue Au Soleil, Gulfstream, stated having a car dealership in their back yard with zero set back negatively affects the quality of life of hundreds of homeowners.

Ms. Krinsky cross examined Mr. Bennett.

Sam Pearlman, residing at 800 Tangerine Way, Gulfstream, expressed concerns about having a car dealership located thirty feet behind his home.

Deputy Vice Mayor Casale made a motion to deny. It was seconded by Commissioner Boylston. The vote was taken and the motion carried as follows, with Vice Mayor Frankel and Commissioner Johnson dissenting:

Yes: 3 - Deputy Vice Mayor Casale, Mayor Petrolia, and Commissioner Boylston

No: 2 - Commissioner Johnson, and Vice Mayor Frankel
denied

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 32-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING APPROXIMATELY 6.74 ACRES LOCATED AT 1155 SOUTH CONGRESS AVENUE FROM MIXED RESIDENTIAL OFFICE AND COMMERCIAL (MROC) TO SPECIAL ACTIVITIES DISTRICT (SAD), SAID LAND GENERALLY LOCATED ON THE EAST SIDE OF SOUTH CONGRESS AVENUE, APPROXIMATELY 970 FEET NORTH OF LINTON BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN; 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 THE "ALEXAN DELRAY" SPECIAL ACTIVITIES DISTRICT;

AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL / FIRST READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord No. 32-22 - Alexan Delray SAD](#)
[Alexan Delray - PZB Staff Report](#)
[Alexan Delray - Memo for updated draft ordinance](#)
[Alexan Delray - Master Development Plan](#)
[Alexan Delray - Existing and Proposed Zoning](#)
[Alexan Delray - Justification Statement](#)
[Simple Legal Review Approval Alexan SAD 32-22](#)

Ms. Gelin read Ordinance No. 32-22 into the record.

Mayor Petrolia opened the floor for public comments on to speak on Ordinance No. 32-22. Seeing no one present public comment was closed.

Commissioner Boylston made a motion to approve Ordinance 32-22 on First Reading. It was seconded by Vice Mayor Frankel. The vote was taken and the motion carried as follows:

Yes: 3 - Commissioner Johnson, Vice Mayor Frankel, and Commissioner Boylston

No: 2 - Deputy Vice Mayor Casale and Mayor Petrolia
approved

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Mr. Moore announced that the City scored a 99% rate for compliance and training for Know-B-4. He wished everyone a Happy Thanksgiving.

B. City Attorney

Nothing to report.

C. City Commission

Vice Mayor Frankel

- Recognized Kindness Matters from the past week for all the trash collected on the beach.
- Thanked Mayor Petrolia for acknowledging Hanukkah and gave

Thanksgiving wishes to everyone.

Commissioner Johnson

- Stated there was a need to hire another full-time auditor.
- The City Manager requested Mr. Duane d' Andre to recruit another Internal Auditor. She reminded Mr. Moore that this was a City Commission decision.
- Inquired if the City needs an Education Coordinator.
- Asked what the expectations are of the Board volunteers.
- Would like to have an account of the Ghost Accounts.

Commissioner Boylston:

- Asked if the City is filing for State funds for beach erosion due to the hurricane. Mr. Moore answered in the affirmative.
- Congratulated Atlantic High School for their playoff win.
- Asked if there was a consensus to do a proclamation or a naming to the Pineapple Grove Arts District Board whose mission had been accomplished.
- Commended a firefighter from Delray Beach who helped a citizen in Deerfield Beach change a tire.

Mayor Petrolia


- Congratulated the Police Department for their Guns and Hoses win.
- Thanked Gina Carter for putting together a beautiful Veterans Day message for everyone to see.
- Stated there wasn't a housing problem with the residents who could afford to move in and out of the City.
- Gave Thanksgiving wishes to everyone.

11. ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:52 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 November 15, 2022 City Commission Regular Meeting held on November 15, 2022, which minutes were formally approved and adopted by the City on February 7, 2023.


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.