

**SPECIAL/WORKSHOP
MARCH 15, 2007**

A Special/Workshop Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Jeff Perlman in the First Floor Conference Room at City Hall at 6:00 p.m., on Thursday, March 15, 2007.

Roll call showed:

Present - Commissioner Fred B. Fetzer
 Commissioner Rita Ellis
 Commissioner Jon Levinson
 Commissioner Brenda B. Montague
 Mayor Jeff Perlman

Also present were - David T. Harden, City Manager
 Robert A. Barcinski, Assistant City Manager
 Douglas Smith, Assistant City Manager
 Susan Ruby, City Attorney
 Chevelle D. Nubin, City Clerk
 Janet K. Whipple, Deputy City Clerk

Mayor Perlman called the meeting to order and announced that it had been called for the purpose of considering the following items:

SPECIAL MEETING AGENDA

1. **MUNICIPAL ELECTION RESULTS:** Canvass the returns, and declare the results of the March 13, 2007 First Nonpartisan Election.

Mr. Levinson moved to approve the unofficial cumulative totals for each candidate based on results received by the Supervisor of Elections for Commission Member/Seat #1 and Mayor/Seat #5 including all of the regular, absentee and provisional votes as presented, and that it is hereby declared, based upon the above and foregoing unofficial results, that Gary P. Eliopoulos is elected as Commission Member/Seat #1, and Rita Ellis is elected as Mayor/Seat #5 each for a two year term commencing on the 29th day of March, 2007, and ending in accordance with the City Charter, provided however that this declaration shall be modified based on official returns when received by the Supervisor of Elections, seconded by Mr. Fetzer. Upon roll call, the Commission voted as follows: Mr. Fetzer – Yes; Mr. Levinson – Yes; Mrs. Montague – Yes; Mayor Perlman – Yes; Mrs. Ellis – Yes. Said motion passed 5-0.

2. **CERTIFICATION APPROVAL/SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD (SCRWTDB) INJECTION APPLICATION:** Consider a request from South Central Regional Wastewater Treatment and Disposal Board (SCRWTDB) regarding the application for a permit for the Deep Well Injection and approve the Certification of Financial Responsibility.

In order for the SCRWTDB to file an application for a Deep Well Injection permit, three (3) additional items are required: 1) a letter from the City Attorney attesting that the permittee must meet the definition of Local Government as defined in Chapter 218, Florida Statutes, and as to the City's coverage under Part V, as to Financial Emergencies; 2) approval and execution of the Certification of Financial Responsibility which provides that the City is to pay 50% of the \$300,000.00 total amount to be expended for the plugging and abandonment. The certification allows for a 10% increase within a permit cycle without authorization; and 3) a copy of the financial statement for the latest complete fiscal year must accompany items 1 and 2. A copy of the certificate of financial responsibility was included.

Mr. Levinson moved to approve the certification of the South Central Regional Wastewater Treatment and Disposal Board's (SCRWTDB) Deep Well Injection Application, seconded by Mrs. Montague. Upon roll call, the Commission voted as follows: Mr. Levinson – Yes; Mrs. Montague – Yes; Mayor Perlman – Yes; Mrs. Ellis – Yes; Mr. Fetzer – Yes. Said motion passed 5-0.

3. **CREATIVE CITY COLLABORATIVE:** Provide direction regarding appointments to the Creative City Collaborative Organizational/Incorporation Committee.

David T. Harden, City Manager, introduced the item and offered suggestions that, either appointments could be made at this meeting or moved to the next regular Commission meeting on March 20, 2007, and appointments could be made by the regular rotation schedule.

At the City Commission meeting held on December 7, 2006, the City Commission agreed to set up the Creative City Collaborative as a 501(c)(3) and to establish a ten (10) member Organizational/Incorporation Committee. No applications were received for the At-Large category for representation on the Organizational/Incorporation Committee. Staff was seeking direction on how to proceed in order to fill that position. Options for consideration included: 1) appointment of the Committee without At-Large applicants; 2) to appoint the committee and utilize names submitted by each organization to help fill the At-Large positions, or 3) wait until applications are received for the At-Large position.

Mr. Levinson moved that the Creative City Collaborative Incorporators would be: Jay Alperin, representing the Chamber of Commerce, Mohammed Emran, representing the Asian Festival, Alberta McCarthy representing Roots, Janie Ramirez representing Cinco de Mayo, Nancy Stewart representing the Garlic Festival, Heidi Sargent representing the Delray Beach Public Library, Rich McGloin representing the Downtown Development Authority, Vera Farrington representing EPOCH (Expanding and Preserving Our Cultural Heritage), Frances Bourque representing Old School Square, John K. Harris, Jr. representing Sandoway House, and at the time of the meeting, Former Mayor Jeff Perlman representing the City of Delray Beach, seconded by Mr. Fetzer. Upon roll call, the Commission voted as follows: Mrs. Montague – Yes; Mayor Perlman – Yes; Mrs. Ellis – Yes; Mr. Fetzer – Yes; Mr. Levinson – Yes. Said motion passed 5-0.

4. **AUTHORIZATION/TRANSFER OF OWNERSHIP:** Authorization for staff to send a letter regarding the transfer of ownership of Barwick Road from West Atlantic Avenue to the L-32 canal from Palm Beach County to the City of Delray Beach, provided that Palm Beach County contribute \$125,000.00 toward future resurfacing of the road.

David T. Harden, City Manager, presented background information on the item.

Mr. Levinson moved to direct staff to send a letter regarding the transfer of ownership of Barwick Road from West Atlantic Avenue to the L-32 Canal from Palm Beach County to the City of Delray Beach, seconded by Mrs. Ellis. Upon roll call, the Commission voted as follows: Mayor Perlman – Yes; Mrs. Ellis – Yes; Mr. Fetzer – Yes; Mr. Levinson – Yes; Mrs. Montague – Yes. Said motion passed 5-0.

5. **APPEAL OF WAIVER DENIAL/BRU'S ROOM:** Consider an appeal received from Mr. Brudzinski regarding the City Manager's denial of his request to allow the consumption of alcoholic beverages on the property outside his business on St. Patrick's Day. Staff recommends denial of the appeal. (Quasi-Judicial Hearing)

Mayor Perlman read into the record the City of Delray Beach Quasi-Judicial Hearing Rules for this item.

Janet K. Whipple, Deputy City Clerk, swore in those individuals who wished to give testimony on this item.

Mayor Perlman asked the Commission to disclose their ex parte communications. The Commission had no ex parte communications to disclose.

Robert A. Barcinski, Assistant City Manager, provided background information, and stated the reason staff denied the request was the concern that other restaurants and/or bars would ask for the same privileges.

Bob Brudzinski, owner of Bru's Room, requested an extension of his liquor license to extend to a 60' x 23' tent adjacent to his business on Saint Patrick's Day.

Andrew Dunkes, General Manager of Bru's Room, elaborated on the security and crowd control that will be available. Food would also be served outside.

The City Attorney briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Mr. Levinson moved to approve the Board Order with conditions as set forth, approving the request for an extension of the Bru's Room liquor license to a 60' by 23' tent adjacent to the business on Saint Patrick's Day, seconded by Mr. Fetzer. Upon roll call, the Commission voted as follows: Mrs. Ellis – Yes; Mr. Fetzer – Yes; Mr. Levinson – Yes; Mrs. Montague – Yes; Mayor Perlman – Yes. Said motion passed 5-0.

Mayor Perlman adjourned the Special Meeting at 6:20 p.m.

WORKSHOP AGENDA

1. Capital Project Financing Needs.

David T Harden, City Manager, provided information on the Proposed Utility Tax Bond Issue. Total Funding needed for construction would be approximately \$40 million. Discussion between staff and the Commission followed.

It was the consensus of the Commission to bring the item back to the March 20, 2007 Regular Commission Meeting for review, and to include the newly elected Commissioners in the discussion.

Mayor Perlman adjourned the Workshop Meeting at 7:15 p.m.

Chenelle D. Nubini
City Clerk

ATTEST:

Jerry Z. Park
MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Special/Workshop Meeting of the City Commission held on Thursday, March 15, 2007 which Minutes were formally approved and adopted by the City Commission on March 20, 2007.

Chenelle D. Nubini
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 amendments, additions or deletions to the Minutes as set forth above.

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

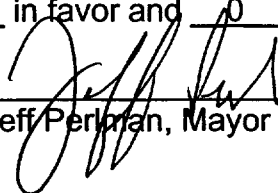
**ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA**

1. This appeal of the denial of an administrative waiver request to allow the consumption of alcoholic beverages on property outside his business pursuant to Ordinance Section 113.02(B) has come before the City Commission on March 15, 2007.

2. The Appellants, Appellee and City staff presented documentary evidence and testimony to the City Commission pertaining to the appeal of the denial of an administrative waiver request to allow the consumption of alcoholic beverages on property outside his business pursuant to Ordinance Section 113.02(B). All of the evidence is part of the record in this case.

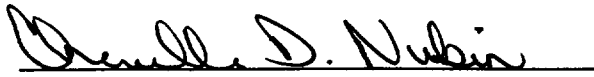
3. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained in the record including but not limited to the staff reports, testimony of experts and other competent witnesses supporting these findings.

4. Based on the entire record before it, the City Commission approves X denies ____ the appeal subject to having two detail officers present from 1:30 p.m. to 8:00 p.m. during the parade and one detail officer from 8:00 p.m. to 2:00 a.m., subject to the limit and placement of tables shown in Exhibit "A" and hereby adopts this Order this 15th day of March, 2007, by a vote of 5 in favor and 0 opposed.



Jeff Perlman, Mayor

ATTEST:



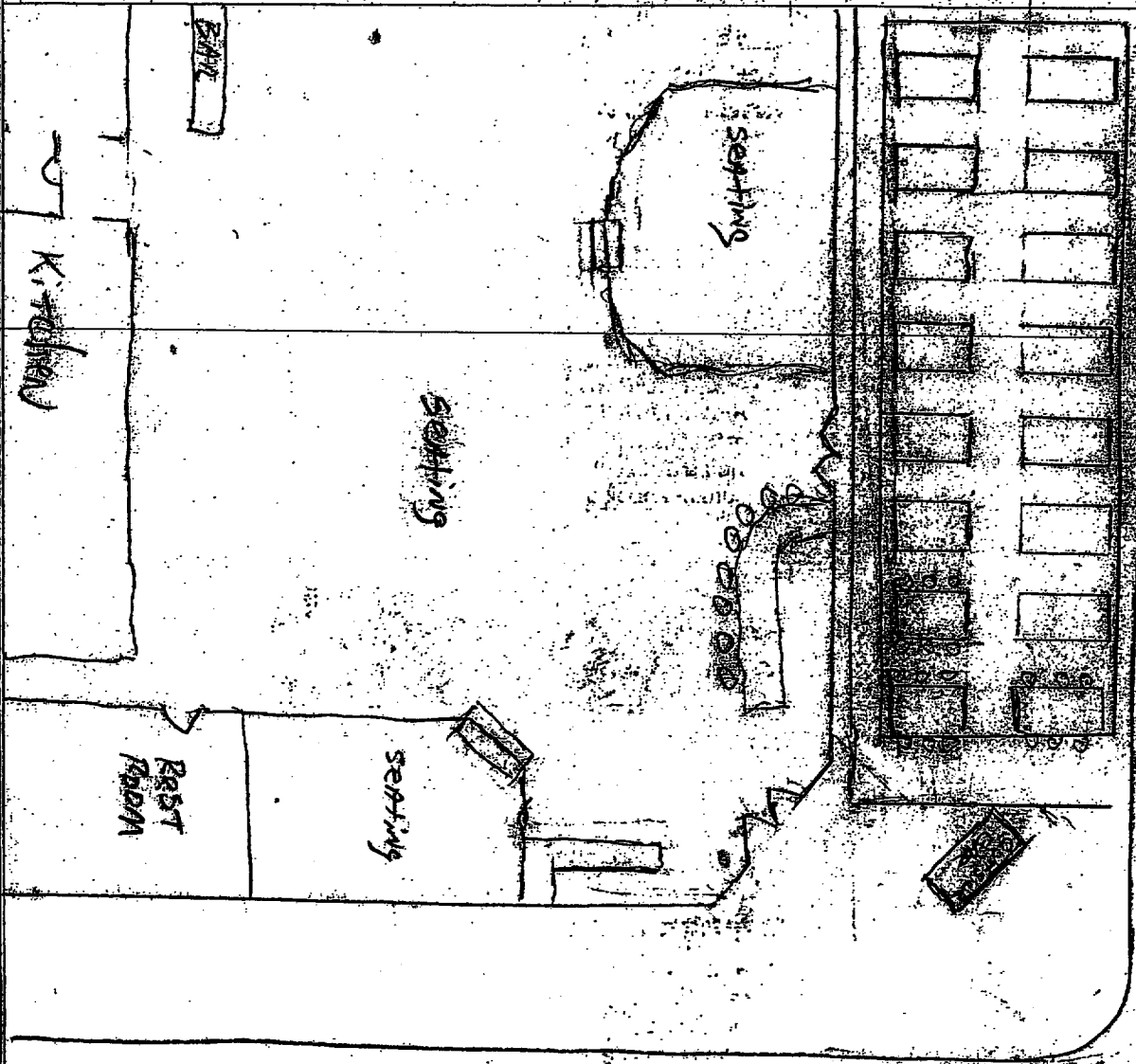
Chevelle Nubin
City Clerk

Item SP.5

SECTION 4 - DESCRIPTION OF PREMISES TO BE LICENSED
AB&T AUTHORIZED SIGNATURE REQUIRED

Sketches should be drawn in ink and include all walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show each floor.

Trade Name (D/B/A) _____



Receipt Number _____ Date of Receipt _____

Extension Fee _____ Date _____

AB&T Authorized Signature _____ Approved Disapproved