

August 10, 2021

City Watch

Delray Pride Intersection Vandal Charged, Boca Brightline Update & More



Delray Beach pride intersection, photo courtesy of the City of Delray Beach

It took Delray Beach almost a year to create the LGBTQ Pride streetscape in Pineapple Grove. It took Alexander Jerich just a few seconds to [deface it](#).

Last week, Palm Beach County State Attorney Dave Aronberg declined to charge Jerich with a hate crime. The statute, Aronberg said, requires a specific victim.



Because the city owns the streetscape and is not a specific victim, the law doesn't apply.

On June 14, Jerich performed a "burnout" move with his truck that left 15-foot skid marks on the streetscape that the city had dedicated two days earlier. Jerich was at the intersection as part of a birthday parade for Donald Trump. Someone else in the parade had yelled at Jerich to "tear up that gay intersection."

Delray Beach police investigators believed that Jerich's action met the hate-crime standard. If Aronberg had agreed, Jerich would be facing a second-degree felony charge that carries a maximum sentence of 15 years. Instead, he faces third-degree felony charge and a maximum of five years. He also faces a misdemeanor charge with a maximum sentence of one year.



a

City Commissioner Ryan Boylston got the idea for the streetscape after seeing something similar that St. Petersburg dedicated last year. Boylston said he contacted Nicholas Coppola, a Delray Beach resident who is on the board of Compass, the Lake Worth Beach-based LGBTQ advocacy group.

Based on what St. Petersburg had done, Delray Beach officials knew to pick a location that the city owned. As in St. Petersburg, the location is in an arts district. Colors apparently don't matter as long as they're striped.

Though staff members working the project didn't need to secure board approvals, they did so anyway. Boylston said all were enthusiastic except the Downtown Development Authority, which worried about precedent.

Last fall, as the project was in motion, Boylston said he and Coppola bought big supplies of Oreos and handed them out at the city's green market. They did so



because social conservatives had called for a boycott after Oreo launched a version with Rainbow Pride frosting and backed it with a commercial showing a same-sex couple.

After all that work, the city dedicated the streetscape on June 12. Two days later came the Trump parade.

I asked Boylston about Aronberg's decision. "Hate crime," he responded. "Can you prove that? I don't know. I trust our state attorney."

Rand Hoch, the founder and past president of the Palm Beach County Human Rights Council, was less charitable. "Every element of the (hate-crime) law was met." Hoch also believes that Aronberg had grounds to charge Jerich under the so-called "anti-riot" law that makes it a crime to damage a monument.

"What if," Hoch asked, "someone painted swastikas on the window of a kosher deli in Delray Beach? Wouldn't that be considered a hate crime?"

Coppola and Compass raised money to pay for the streetscape. The city estimates that repainting will cost \$7,000. Hoch believes that Jerich should have to pay for it and "do serious time." A plea conference is set for Sept. 13.

Brightline to return soon



Brightline expects to resume service in November.



During a Tuesday morning virtual news conference, President Patrick Goddard did not give a specific date for trains to start running between West Palm Beach and Miami. Service likely will start in the first half of November. After being idle since March 2020, Brightline must work with federal rail officials to make sure that the control systems are adequate.

Goddard said Brightline will require all employees to receive the COVID-19 vaccine and to wear masks. The company also has hired a chief safety officer.

Construction of Brightline's Boca Raton station is supposed to start later this summer or in early fall. Goddard said the company is starting two test programs to improve safety at grade crossings. Both are designed to alert trains when drivers or pedestrians are on the tracks.

Uptown Boca residences sold



Uptown Boca's developers have sold the residential portion of the project for \$230 million. According to a news release, it's the largest multi-family residential transaction this year in Florida.

The Residences at Uptown includes 456 apartments up to four bedrooms in size. It's part of the mixed-use project on Glades Road just east of U.S. 441.



The sale again underscores the pandemic-era demand for housing that features lots of self-contained amenities but also is part of a neighborhood. Tenants at Uptown Boca have access to a fitness center, theater and lounge, dog parks and playgrounds.

Developers Schmier Property and Rosemurgy Properties will retain the retail portion of the project. It includes stores and 15 restaurants. Amazon Fresh reportedly will bring its first store in the Southeastern United States to Uptown Boca. Patrons can use their smart phones to shop.

School mask policies scrambled



It has been a crazy run-up to the opening of schools. Between Monday and Saturday last week, the Palm Beach County School District changed its [position on masks](#) three times in response to Gov. DeSantis.

A week ago Friday, DeSantis issued an executive order banning school districts from requiring masks. He acted as large districts were considering mask requirements based on Florida's soaring COVID-19 metrics and resultant guidance from public health and medical groups.

School Board Chairman Frank Barbieri—who represents Boca Raton and West Boca—said the governor's order would prevent him and his colleagues from enacting a requirement. Barbieri also did not want to risk the loss of state



money that DeSantis had threatened to withhold from districts that defied him and stuck with the science.

But as the state kept setting records for new cases, Interim Superintendent Mike Burke went from making masks optional to strongly recommending them. Then on Friday, the Board of Education and Florida Department of Health rushed out a plan that would allow mask mandates if parents could send a letter exempting their children.

On Saturday, three days before classes start, the board approved such a mandate. The Classroom Teachers Association immediately criticized the plan because there's no opt-out for teachers.

Burke said the plan could change if the surge eases and vaccinations increase. Shots could be available for children 12 and under by the end of the year.

Delray board openings

In Delray Beach, the planning and zoning board and site plan review and appearance board are big deals. The city's odd system vests more authority in those boards than their counterparts in other cities.

Because city commissioners appoint the board members—seven for each—the boards tend to reflect the commission factions. Mayor Shelly Petrolia and Commissioner Julie Casale are the most anti-development members of the commission. Commissioners Ryan Boylston, Adam Frankel and Shirley Johnson generally are more open to development.

Two members of each board are end at the end of their terms and are seeking reappointment. Under the rotation system, Casale has one appointment to each board at today's meeting. Boylston and Frankel have one each. So the balance is unlikely to shift on either board.