

MINUTES
DOWNTOWN DEVELOPMENT AUTHORITY BOARD MEETING
Monday – July 10th, 2023 – 12:00PM
Downtown Development Authority
350 SE 1st Street, Delray Beach, FL

1. Call to order/Roll Call – 12:01pm

Members Present: Mark Denkler, Vera Woodson, Christina Godbout, Brian Rosen, Richard Burgess, Cole Devitt, Aaron Hallyburton.

Members Absent: None.

Staff: Laura Simon, Marusca Gatto, Suzanne Boyd, Liliana Fino, Danielle Morien (via Zoom), Devin Dewane.

Guests: Gary Oliphant, Kathy Redpath, David Caruso, Russel Davis, Rita Rana, Ron Platt, Mike Tegler, Patty Jones, Michael Schippiani, Patti Maguire, Yvonne L. Odom, Christina Morrison, Lori J. Durante, Gregg Weiss, Max Zengage, Rodner Guillaume, Jeff Costello, Jim Chard, Angela Burns, Jim Vepper, Edward Depenbrock, Elizabeth Laurence, Frances Bourque, Janice Rustin, Jeffrey L. Oris.

Zoom: Mavis Benson, Stephanie Immelman, Kim Thomas, Grisel Rodriguez, Julen Blakenship, Donna, Danielle Morien, Nan Krushinski, Danielle Pearson, Missie Barletto, Amy Alvarez, Montre Bennet, Susana Rodrigues, Lynn Gelin, Garrett Singer, Dan de Oliveira, Jennifer Buce, Ingrid Lee, Gina Carter, Fran Marincola, Julian Gdaniec, Alan Costilo, Adam F, Robert Cantwell, Jay Oberfield, Edward Glatz, Ruby Evans, Matt Hammer, Alexis Johnson, Matt Sebert, Laura Mitchell, Maureen Olm.

2. Board Member Introductions

Introductions by DDA Board Members Vera Woodson, Aaron Hallyburton, Christina Godbout, Brian Rosen, Cole Devitt, Richard Burgess and Mark Denkler.

3. Approval of Consent Agenda:

Motion by Vera Woodson, seconded by Christina Godbout, to approve the consent agenda (Items A.i. – June 12, 2023, Regular DDA Board Meeting Minutes, A.ii. - June 27, 2023 Special DDA Board Meeting Minutes B - Finances of June 2023, and C - Safety Ambassador Report, DDA June Report). Motion carries (7-0).

4. Approval of Regular Agenda – July 10, 2023

Motion by Vera Woodson, seconded by Aaron Hallyburton, to approve the regular agenda with the addition of the item 8D - Special Event Policy DDA Board discussion. Motion carries (7-0).

5. Public Comments and Delray Beach Partner Reports (City, CRA, Chamber, etc.) – Comments limited to 2 Minutes

City Partners Reports:

- Report by Stephanie Immelman, Delray Beach Chamber of Commerce, Chief Executive Officer;
- Report by Sgt. Guillaume, Delray Beach Police Department, Sergeant;

350 SE 1st Street, Delray Beach, FL 33483
Tel: 561-243-1077 Fax: 561-243-1079

- Report by Henry Thompson, City of Delray Beach, Clean and Safe Department, Administrator.
- Report by Jeff Oris, (City of Delray Beach, City Manager Department, City Manager, Executive Leadership Division, Assistant City Manager)

Public Comments:

Ms. Yvonne L. Odom (Delray Beach Community Development Corporation, President) advocates for the support in funding the non-profit Hilltopper's Plus (future reactivation of the Hilltopper's Club). Hilltopper's Plus will support athletic football programs such as the ones at Atlantic High School and Village Academy. She explains that Hilltopper's Plus will be the fiscal agent for the athletic programs (writing the checks for the supported school's athletic programs).

Lori J. Durante (Delray Beach citizen) advocates for a diversity of programming for the Old School Square project.

Ms. Rita Rana (Delray Beach, Resident) shows her concerns regarding Old School Square Center for the Arts foundation having future partnerships in the Old School Square project, (the Delray Beach City Commission terminated the lease agreement between the City and this foundation in August 2021) whilst this foundation might be under investigation for legal matters.

Mr. Montre Bennet (via zoom) thanks the DDA for replacing The Set banners. He also advocates for more development projects to be placed in the West Atlantic Avenue area to bring growth to the area.

Ms. Ingrid Lee (Delray Beach, Resident; via zoom) also advocates for a diversity of programming for the Old School Square project.

Ms. Christina Morrison (Delray Beach, resident) advocates for the placement of the mural "observations" by Dana Donaty at the Delray Beach Camera shop exterior wall, which has been taken a while to be executed.

Ms. Laura Simon answers that regarding Ms. Christina Morrison the project could not be installed (the mural is painted on removable panels) for a period due to the adjacent construction project of the Hampton Inn Hotel that is now finished. The step is now for the mural to go through the required approval process before placement.

6. DDA Monthly Activity Presentation – DDA Team

Ms. Suzanne Boyd reports on June's DDA activities and initiatives (The Summer of #LoveDelray, economic development, events, DDA website analytics, social media results, email marketing report, updates on the Visitor Information Center activities and stats and public relations initiatives for the DDA and Old School Square project). Ms. Suzanne also gives updates on the upcoming DDA events and initiatives: Art & Jazz on the Avenue, on July 26th, and Restaurant Month, all September long.

Ms. Laura Simon reports on the Safety Ambassador's program for the month of June.

Mr. Richard Burgess asks if the influencers, used for some of the programs such as The Summer of #LoveDelray, are paid for their services.

Ms. Suzanne Boyd confirms that they are being paid.

7. Development Services: Downtown Delray Beach Site Plan review and approvals:

A. A439 East Atlantic Avenue – Class I Site Plan Modification (awning) - Gary Oliphant

Mr. David Caruso (DAC Hospitality LLC dba DalMoros Fresh Pasta To Go, CEO) presents item 439 East Atlantic Avenue – Class I Site Plan Modification (awning). Mr. David Caruso observes that this business

(DalMoros Pasta) is a franchise out of Venice, Italy and the Delray Beach location will be the fourth location in the United States. There is no seating inside. The pasta is produced by the window and therefore we need the awning for protection of the food and for the patron's protection from the sun and rain (food is being sold out of the window).

Ms. Jennifer Buce explains that the awnings of projects 439 E Atlantic Avenue and 441 East Atlantic Avenue are different. They are different projects, and the awnings are not at the same height.

Mr. Brian Rosen states that the awning will protect the patrons from the sun and from the rain and therefore he is favor of this project.

Mr. Richard Burgess states that he is in favor of this project, also.

Ms. Christina Godbout is, also, in favor of this project that has a clean design.

Motion by Vera Woodson seconded by Thomas Hallyburton to approve 439 East Atlantic Avenue – Class I Site Plan Modification (awning) request as presented. Motion carries with 7 votes in favor, through roll call vote:

Brian Rosen - Yes

Richard Burgess - Yes

Cole Devitt - Yes

Mark Denkler - Yes

Vera Woodson - Yes

Thomas Hallyburton - Yes

Christina Godbout - Yes

B. 441 East Atlantic Avenue – Class I Site Plan Modification - Jeffrey Costello

Mr. Jeffrey Costello (J. C. Planning Solutions, Principal) presents item 441 East Atlantic Avenue – Class I Site Plan Modification.

Mr. Brian Rosen enquires about the type of business that will occupy this location.

Ms. Elizabeth Lawrence (CIAO Boutique LLC) answers that it will be a women's apparel store.

Motion by Vera Woodson seconded by Thomas Hallyburton to approve 441 East Atlantic Avenue – Class I Site Plan Modification request as presented. Motion carries with 7 votes in favor, through roll call vote:

Brian Rosen - Yes

Richard Burgess - Yes

Cole Devitt - Yes

Mark Denkler - Yes

Vera Woodson - Yes

Thomas Hallyburton - Yes

Christina Godbout - Yes

C. 319 NE 3rd Avenue – Sushi Restaurant - Class III Site Plan - Jeffrey Costello

Mr. Jeffrey Costello presents item 319 NE 3rd Avenue – Sushi Restaurant - Class III Site Plan.

Mr. Max Zengage (representing Josh Abrahams, the adjacent property owner at 325 NE 3rd Avenue, Delray Beach, FL 33444) observes that Mr. Josh Abrahams is not in accordance with the parking spot being

taking some space in front of his property. As this will block the view to the landscaping project in front of his business.

Mr. Jeff Costello explains that the corner on this project that is in front of Josh Abraham's property is a continuation of the public right of way and does not use make use of any private property area.

Mr. Brian Rosen observes that the adjacent property at 325 NE 3rd Avenue, will be a future restaurant with an outdoor dining front patio, and therefore he enquires if the project being voted for will use any of the patio area.

Mr. Jeff Costello explains that the project being presented will not use any of the patio paved brick area (patio area) from Abraham Josh's private property.

Mr. Max Zengage observes that there is a streetlamp that is located on Abraham Josh's private property.

Mr. Brian Rosen observes that it would be preferable to have the two property ones come together to an agreement before something is approved by the DDA Board.

Ms. Vera Woodson emphasizes that Josh Abraham does not agree with the project and would be preferable to hear his feedback.

Mr. Jeff Costello reinstates that this project is not taking space on anybody's private property.

Ms. Christina Godbout observes that if the project is in accordance with the rules and regulations, she has no objections.

Mr. Julian Gdaniec (City of Delray Beach, Development Services Department, Planning & Zoning Division, Senior Planner - via zoom) clarifies that the project being presented does not infringe any neighboring private property and that the corner in question is in the public right of way. He also adds that the addition of the parallel parking space is a positive addition to the project being presented.

Mr. Brian Rosen finalizes saying that he does not agree with this project as the "corner" being discussed will impede the view to the adjacent sidewalk cafe.

Motion by Cole Devitt seconded by Richard Burgess to approve 319 NE 3rd Avenue – Sushi Restaurant - Class III Site Plan request as presented. Motion carries with 6 votes in favor, 1 against, through roll call vote:

Brian Rosen - NO

Richard Burgess - Yes

Cole Devitt - Yes

Mark Denkler - Yes

Vera Woodson - Yes

Thomas Hallyburton - Yes

Christina Godbout - Yes

D. 33 SE 3rd Avenue - Delray Beach Market (Bounce) - Class I Site Plan Modification - Garrett Singer

Mr. Garrett Singer (Garrett Singer Architecture & Design, via Zoom) presents item 33 SE 3rd Avenue - Delray Beach Market (Bounce) - Class I Site Plan Modification.

Ms. Grisel Rodriguez (Development Services Departments, Planning & Zoning Division, Longe Range Planning, Senior Planner) adds that the only concern regarding this project from the city's perspective is that the addition of overhead garage doors will increase the amount of volume of sound coming from inside the business onto the street.

Ms. Vera Woodson enquires if it has been discussed at the city's planning, seeing that the business will be selling alcohol products, the flow of patrons from the business into the streets.

Ms. Grisel Rodriguez explains that this matter will be discussed later when the project is reviewed.

Ms. Vera Woodson asks the applicant representative how patrons can be prevented from going into the streets with alcohol products, specifically from the overhead garage doors area.

Mr. Garrett Singer observes that the applicant is not opposed to any kind of barrier system. He also observes that this type of connection to the streets is not specific to this business, as many other similar establishments in downtown Delray Beach possess overhead garage doors.

Ms. Vera Woodson adds that her concern is that this business will be a "sports bar" which will have a specific type of crowd other than a dining restaurant.

Ms. Laura Simon observes that there will be a cafe sitting, outside, by the overhead garage doors and the applicant will have to go through the permit application for outdoor cafe seating approval. She adds that based on the Outdoor Café Seating Permit rules and regulations, there must be a delimitation between the cafe seating and the public right-of-way, either with planters or other structures.

Motion by Richard Burgess seconded by Thomas Hallyburton to approve 439 East Atlantic Avenue – Class I Site Plan Modification (awning) request as presented. Motion carries with 7 votes in favor, through roll call vote:

Brian Rosen - Yes

Richard Burgess - Yes

Cole Devitt - Yes

Mark Denkler - Yes

Vera Woodson - Yes

Thomas Hallyburton - Yes

Christina Godbout – Yes

E. 342 NE 3rd Avenue - Mural - Kathy Redpath

Ms. Kathy Redpath (Interface Properties, Vice President) presents item 342 NE 3rd Avenue - Mural.

Ms. Jennifer Buce (City of Delray Beach, Development Services Department, Planning & Zoning Division, Planner) informs that the total area of the mural is about 442 sq. ft. and clarifies that part of the mural is already up, and she reminds that all murals in downtown Delray Beach require approval beforehand. She adds that the Code Enforcement team informed the business that they were infringing the rules and that they needed a permit for this mural. The business presented the next day the permit application to the City team. Ms. Jennifer Buce observes that the application will still have to go before the Public Art Advisory Board on July 25th, 2023.

Mr. Richard Burgess asks if the mural is completed.

Ms. Kathy Redpath answers that it is about 50% completed.

Mr. Richard Burgess suggests the use of local artists for murals located in downtown Delray Beach.

Mr. Brian Rosen approves this project.

Mr. Thomas Hallyburton shows concerns that if the DDA Board approves this project it sets a precedent for future projects of murals to be started without presenting a previous approval application first.

Ms. Buce Jennifer clarifies that before the City approves the projects, even if approved by the DDA Board, the project still needs to go before the Public Art Advisory Board and if it is not approved it will need to be painted over.

Mr. Cole Devitt asks if there are other murals in downtown Delray Beach facing main streets that cover completely the wall area.

Ms. Jennifer Buce clarifies that there are rules for murals facing public streets, and if they are located within the Delray Beach Historic Districts area, they have more restrictive regulations. She also confirms that there are other murals, facing main streets in downtown Delray Beach, which cover completely walls (on 524 W Atlantic Ave, Delray Beach, FL 33444; on 137 E Atlantic Ave, Delray Beach, FL 33444...).

Motion by Brian Rosen seconded by Christina Godbout to approve 342 NE 3rd Avenue - Mural request as presented. Motion carries with 5 votes in favor, 2 against, through roll call vote:

Brian Rosen - Yes

Richard Burgess - Yes

Cole Devitt - Yes

Mark Denkler - Yes

Vera Woodson - NO

Thomas Hallyburton - NO

Christina Godbout - Yes

8. OLD business

A. DDA Bylaws Amendment – Janice Rustin, Lewis, Longman, Walker, P.A.

Ms. Janice Rustin (DDA attorney) after reviewing the DDA Bylaws and according to suggestions previously given by the DDA Board at the DDA regular Board meeting on June 12, 2023, she suggests the following changes to the DDA By-Laws:

“Section 3.3 “Term Limits”

The revision to this section memorializes the Board's desire to adopt the City rules regarding term limits for other City advisory boards:

- *A Board member shall be limited to two successive three-year terms.*
- *If a Board member is appointed to fill an unexpired term, the member may be appointed for two successive three-year terms after the unexpired term ends.*
- *If a Board member is term limited, he or she will be eligible for reappointment after one year.*

Changes to Section 3.4 “Qualifications”

As per the City's direction, the DDA will no longer assist the City in reviewing the qualifications of the candidates seeking Board appointment. Under the proposed revision to this section, the City's certification of the results of appointments and removals will be sufficient documentation that the appointment or removal complies with requirements of the DDA Special Act.

Changes to Section 4.2 “Quorum, Voting, and Attendance”

In an effort to ensure consistent attendance and participation by Board members at DDA Board meetings, the Board expressed an interest in allowing Board members to attend electronically.

The revision creating subsection (a) provides that if a member cannot attend a Board meeting due to extraordinary circumstances, the member may attend by electronic means, such as videoconferencing, so long so as the member is visible to the other Board members throughout the meeting. A member who attends a meeting electronically may vote on matters but will not count toward the quorum.

The revision creating subsection (b) adopts the City's definition of what constitutes inadequate attendance at Board meetings.

Section 4.3 "Officers"

The revision to this section permits the Board to authorize the Executive Director to execute Authority contracts and other legal documents on a case-by-case basis. The revision to subsection (b) permits checks to be signed by the Executive Director and one board officer, instead of 2 board officers. This revision also removes an editorial error under subsection (c) "Secretary".

Section 4.4 "Meetings"

(a) Place of Authority Meetings: delete Greater Chamber of Commerce with DDA Conference Room at 350 SE 1st Street, Delray Beach.

(G) Order of Business: The order of business at the regular meeting of the board shall include the following. The meeting agenda shall be set by the DDA Chair and Executive Director.

7.3: Holding of Funds by the City: *Currently the city does not hold our funds. DDA has own banking and financial system.*

Mr. Brian Rosen enquires about the reason for changing section "4.3 "Officers" to permit checks to be signed by the Executive Director and one board officer, instead of 2 board officers.

Mr. Mark Denkler answers that, sometimes, it happens the 2 assigned DDA Board members are not available to sign the checks in due diligence.

Mr. Thomas Hallyburton suggests limiting to 3 the number of electronic presences that a DDA board member can have in a fiscal year.

Mr. Brian Rosen agrees with Mr. Thomas Hallyburton.

Ms. Vera Woodson also suggests limiting to 1 board member maximum to be allowed to have an electronic present per meeting.

Mr. Thomas Hallyburton makes a new suggestion limiting to 4 the number of electronic presences.

B. The SET Banner update – L. Simon

Ms. Laura Simon observes that The SET banners should be delivered by Wednesday, July 12th and would be started to be installed by the 1st of August.

Mr. Richard Burgess asks if t these types of projects are going through a bid process.

Ms. Laura confirms that the projects are going through a bid process.

C. Goal Setting Meeting July 19 planning – L. Simon

Ms. Laura Simon informs the board that the DDA FY23/24 Goal Setting meeting will take place on July 19th at the Courtyard by Marriott Delray Beach from 9am to 3pm.

D. Special Event Policy DDA Board discussion – C. Godbout

This concerns the item Downtown Special Events DDA Board, which was added to the agenda on the July 10, 2023, for review by the DDA board of directors, to provide recommendation to the City Commission. Mr. Jeff Oris (City of Delray Beach, City Manager Department, City Manager, Executive Leadership Division, Assistant City Manager) does a brief introduction on the City's recommendations based on the Friday, July 7th, 2023 meeting between Howard Alan Events, INC and City staff, and explains the directions resulted from this meeting were to change the location of the Annual Downtown Delray Beach Festival of the Arts (happening in January) from East Atlantic Avenue (on Atlantic Avenue from SE 5th Avenue all the way to A1A, in January 2023) to West Atlantic Avenue (tentatively on Atlantic Avenue from NW 5th Ave to west of Swinton Avenue, for the upcoming 2024 January event).

Mr. Aaron Hallyburton suggests not closing the Atlantic Avenue Bridge to traffic for non-City events. He received feedback from some businesses (Big Al Steak's, Scoopy Doo's, Opal Grand Resort & Spa, Sazio Express) and feedback from the Police Chief that they would not like to see the bridge closed to traffic for non-City events.

Mr. Richard Burgess suggests not closing the bridge to traffic for non-City events, seeing that he had feedback from local residents stating that bridge closures create difficulties navigating the City. Also, he had feedback from the Police Department and Fire Department showing concerns regarding bridge closures and some businesses east of the Atlantic Avenue bridge also reported concerns regarding the inconvenience it brings to their patrons to close the connection between the beachside (east of the bridge) and the Delray Beach Downtown area (west of the bridge) making them do a detour that might take up to 30 min. He also mentions that bringing events such as the Annual Downtown Delray Beach Festival of the Arts to the West Atlantic Avenue area will bring a positive impact to that area.

Motion by Brian Rosen seconded by Aaron Hallyburton to recommend to the City Commission, based on the importance of the bridge as an important way of communication between the beach and the Delray Beach downtown area, to not close the Atlantic Avenue bridge to traffic for non-City events. All in favor. Motion carries through board consensus.

9. NEW business

A. FY23-24 Budget Workshop Dates

It is the DDA Board consensus to set the FY23-24 Budget Workshop meeting to take place on August 14th, 2023, from 11am to 12pm.

B. Florida Downtowns Association Meeting July 13-14 – Delray Beach & Ft Lauderdale DDA's

Ms. Laura Simon invites the DDA Board for the Florida Downtown Associations meeting happening July 13-14, starting Thursday, July 13 in downtown Delray Beach and headed to Fort Lauderdale on July 14.

10. Non-Agenda items.

Introductions by the DDA Staff to the new DDA Board members.

11. Board Comments

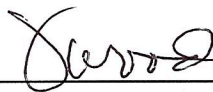
Ms. Vera Woodson suggests placing an archway (like the one over NE 2nd Street – Pineapple Grove), with the wording “West Settlers District” over NW 5th Avenue, to bring awareness to the area.

Mr. Richard Burgess suggests changing the times of the DDA meetings, enhancing the relationship between the DDA and the downtown residents, enhancing the downtown landscape and suggests creating regulations around the pricing of private parking lots (that is, in most cases, excessive compared to city’s public lots).


12. Adjournment

The meeting was adjourned at 2:57pm through motion by Vera Woodson seconded by Brian Rosen. Motion carries (7-0).

Respectfully submitted,
Liliana Fino



Vera Woodson, DDA Vice-Chair



DATE