



MINUTES
DOWNTOWN DEVELOPMENT AUTHORITY BOARD MEETING
Monday – September 11th, 2023 – 12:00PM
Downtown Development Authority
350 SE 1st Street, Delray Beach, FL

1. Call to order/Roll Call – 12:05pm

Members Present: Mark Denkler, Vera Woodson, Christina Godbout (via Zoom), Brian Rosen, Richard Burgess, Cole Devitt, T. Aaron Hallyburton.

Members Absent: None.

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

Guests: Jeff Oris, Deborah Dowd, Joe Josemond, Mavis Benson, Rob Evans, Elise Nail, Judy Fenney, Ariana Ciano, Alex Srulovic, Roy Simon, Lori J. Durante, Hilary Roche, Bob Cantwell, Juli Casale, Judy Mollica, Alan Costilo, Christina Morrison, Sgt. James Schmidt, Ofc. Anthony Perez, Robert Santucci, Steven Myott, Rita Rana, Dani Moschella, Patty Jones, Yan Heim.

Zoom: Stephanie Immelman, Suzanne Perrotto, Lee Cohen, Lynn Gelin, Kim Thomas, Gregg Weiss, Larry and Maggie Barszewski, Jeff Dash, Anthea Gianniotis, Eric Fernandez, Missie Barletto, Julie Casale, Judi Mollica.

2. Approval of Consent Agenda:

Motion by Mark Denkler, seconded by Vera Woodson, to approve the consent agenda (Items A.i. – Aug 14, 2023, DDA Board Meeting Minutes; A.ii. – Aug. 14, 2023 DDA Budget Workshop Meeting Minutes; B - Finances of August 2023. Motion carries (7-0).

3. Approval of Regular Agenda – September 11, 2023

Motion by Mark Denkler, seconded by Vera Woodson, to approve the regular agenda as presented. Motion carries (7-0).

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

Public Comment by Lori J. Durante (Delray Beach, resident)

Ms. Lori J. Durante comments that the the September 7th, 2023 City Commission Workshop Meeting held between the City, the DDA and the Old School Square Center For The Arts (OSSCFA) did not allow for other non-profit organizations to be able to participate. Ms. Lori J. Durante informs that she filed a lawsuit pursuant to this matter.

Public Comment by Juli Casale (Delray Beach, resident)

Ms. Juli Casale (Commissioner at the time when the City of Delray Beach rescinded the lease with OSSCFA) At the time of the lease termination their financial reporting requirements were two years late and the OSSCFA informed that it was due to the pandemic and that they had a couple of auditors that were not able to do service, but and e-mail from the Community Redevelopment Agency (CRA) director states

otherwise. It states this fact is inaccurate and that one of the auditors said that their (OSSCFA) books could not be reconciled for a long period of time and that that auditor ultimately disengaged along with another auditor. On the night of the vote to terminate the lease the Delray Beach City Auditor reported that there were Paycheck Protection Program improprieties and the CRA director confirming that OSSCFA was misinforming regarding their financial conditions regarding their audits. Therefore, the City voted to terminate their lease. She also informs that any entity interested in knowing more details on this matter can contact the Community Redevelopment Agency and the City.

Public Comment by Rita Rana (Delray Beach, resident)

Ms. Rita Rana comments that she echoes Ms. Juli Casale concerns in future partnerships of OSSCFA on the Old School Square Project and comments that other organizations should have their opportunity of presenting their ideas for the Old School Square project.

Public Comment by Roy Simon (Delray Beach, resident)

Mr. Roy Simon (previous DDA Chair and one of the original trustees of the Old School Square campus) comments that it is important to keep active the Old School Square campus, either by the DDA or other entity and congratulates the DDA for the great work on the Old School Square project.

Public Comment by Patty Jones (Old School Square Center For The Arts, Chair)

Ms. Patty Jones informs that in regard to ongoing statements regarding OSSCFA being under investigation, she confirms that there are no records of it. She also clarifies that OSSCFA has never been contacted by any Federal entity. The audits were backed up because of the lack of staff due to COVID, but they were submitted in August and September of 2021, and they were revised clean.

Public Comment by Elise Nail (Old School Square Center For The Arts, Board Member)

Ms. Elise Nail states that the lease with OSSCFA was terminated without cause. She adds that acquiring funding is a hard task and as of now the campus is funded through taxpayer money. She also comments that OSSCFA has never excluded any organization from programming on the campus.

Public Comment by Mavis Benson (Downtown Merchant and Business Association, Chair)

Ms. Mavis Benson comments on a statement made at the last month DDA's meeting:

This is Marjorie Ferrer 2.0

Paraphrasing Ms. Mavis Benson public comment: (...) *It was said without giving thought of the impact for those hearing it and to the person to whom it was directed (...) It is a serious accusation, that comes with potentially devastating consequences, not only to Laura, but perhaps staff members, and most definitely the downtown. It saddens me to think of the unwarranted concern and anxiety that Laura and staff experienced (...) With a threat as this, there is an undeniable feeling of tension and uncertainty of motives towards the DDA.*

Public comment by Alan Costilo (Delray Beach, resident)

Mr. Alan Costilo (previous DDA Board Member) comments regarding the statement *This is Marjorie Ferrer 2.0* that Ms. Laura Simon has been doing an outstanding service to the DDA and that she is a very dedicated leader with extreme passion for Delray Beach.

Public comment by Hilary Roche (The Colony Hotel, Owner):

Ms. Hilary Roche comments that she supports the DDA and the great leadership of DDA under the guidance of Laura Simon that she considers a good listener, good communicator, a problem solver, good communicator, and gives businesses a unified voice.

Public comment by Suzanne Perrotto (Brule Bistro and Rose's Daughter, Owner):

Ms. Suzanne Perrotto comments that the DDA is an important resource for the downtown businesses, and that the DDA helps as liaison between the City and the businesses, supporting, guiding and informing the businesses on important information such as the city's rules and regulations.

City Partners Reports:

- Report by Sgt. Schmidt, Delray Beach Police Department, Sergeant;
- Report by Stephanie Immelman, Delray Beach Chamber of Commerce, Chief Executive Officer;
- Report by Jeff Oris, (City of Delray Beach, City Manager Department, City Manager, Executive Leadership Division, Assistant City Manager);
- Introduction by Rob Evans (City of Delray Beach, Office of Economic Development, Economic Development Manager).

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

A. 310 East Atlantic Avenue – Class III Site Plan Modification - Steven Myott

Mr. Steven Myott (Steven E. Myott Architect, Principal) presents the 310 East Atlantic Avenue – Class III Site Plan Modification request.

Motion by Vera Woodson seconded by Mark Denkler to approve the 310 East Atlantic Avenue – Class III as presented. Motion carries 7 – 0, through roll call:

Mark Denkler – Yes

T. Aaron Hallyburton – Yes

Vera Woodson – Yes

Brian Rosen – Yes

Cole Devitt – Yes

Rick Burgess – Yes

Christina Godbout – Yes.

6. DDA Monthly Activity Presentation – DDA Team

Ms. Suzanne Boyd presents updates on: Art & Jazz on the Avenue – West Atlantic (past August 23, 2023 and future dates), free Sunset Concerts, Delray Beach Restaurant Month initiative, DDA paid media, websites analytics (DDA and OSS), social media initiatives and results (OSS - @DelrayOldSchoolSquare and DDA - @DowntownDelray), email marketing initiatives and results, DDA and OSS Public Relations initiatives and results, Safety Ambassador report for the month of August, My Delray Beach app, economic development updates, and upcoming events (DDA and OSS).

Ms. Marusca Gatto gives updates on the August Cornell Art Museum initiatives and events (the City's Climate & Art Talks hosted at the museum, the First Friday Art Walk event, the Mindful Monday initiative, museum tours, donations updates) and upcoming events and initiatives.

Ms. BJ Sklar gives updates on the August data and initiatives for the Visitor Information Center.

7. NEW business

A. Resident Parking Rate and Employee Parking Program

Joe Josemond (City of Delray Beach, Public Works Department, Chief Parking Facilities Manager) presents the Downtown Delray Beach Hospitality Employee Pilot Parking Program Proposal. The Employee Parking Program is only valid for use at the Old School Square parking garage, at this stage.

Mr. Aaron Hallyburton informs that he has been informed by the Silverball Retro Arcade staff that the employees that work in the Downtown area take the parking spots for its customers and staff.

Mr. Biran Rosen asks how the employees sign up for the Employee Pilot Parking Program.

Mr. Joe Josemond answers that they will need a list of the employees from the business owners/ managers so that the Parking Department can confirm the identity of an employee when they sign up for the program.

Mr. Brian Rosen asks about how the residents can sign up for the City of Delray Beach's different parking permits.

Mr. Joe Josemond answers that they only need to go to the Parking Department's office located at the Old School Square garage and ask for the permit they want and present their driver's license.

Mr. Richard Burgess asks, having an employee a parking permit, how are the employees identified when using the garage.

Mr. Joe Josemond answers that they are identified through their license plate. He reminds that this program is only valid if they park on the 5th floor of the Old School Square parking garage.

Mr. Rick Burgess asks if it is possible to use a QR code instead.

Mr. Joe Josemond answers that the current system does not support the use of QR codes.

Ms. Vera Woodson asks if the employee is no longer with the employer, and still tries to use the program, if the employee will be charged for parking.

Mr. Joe Josemond answers that they will be charged.

Ms. Christina Godbout asks if there are security measures in place at the garage.

Mr. Joe Josemond confirms the existence of security measures in place through the presence of Law Enforcement and the use of adequate lighting and cameras.

B. Clean and Safe Update regarding Downtown Issues

Ms. Laura Simon informs on the matter of Clean and Safe Updates that panhandling is a rising issue in Downtown Delray Beach. She also informs that the DDA has been working closely with the Police Department and the Safety Ambassadors Team on this matter.

Ms. Vera Woodson informs that there are ongoing issues taking place in the West Atlantic by the bus stops. She also suggests moving the services provided to the homeless population at the Public Library parking lot to another location.

Ms. Laura Simon answers that multiple religious organizations are addressing this matter, and these services are now being rotated through the week between different organizations and the Public Library.

Ms. Vera Woodson comments that during COVID the Public Library started providing services to the homeless population at their parking lot, services that are still ongoing to this date, and there have been concerns from citizens about being afraid to go to the Public Library as its parking lot has been a hangout spot for homeless individuals.

Ms. Laura Simon answers that the services are being spread through multiple religious organizations outside of the downtown area. The services at the Public Library lot are reduced to once per week as of now. She also adds that there are multiple issues that need to be addressed such as trespassing issues, the use in public of open containers, loitering, panhandling incidents, and others.

Mr. Richard Burgess observes that the issues regarding homelessness are a pressing matter.

Mr. Jeff Oris (City of Delray Beach, City Manager Department, City Manager, Executive Leadership Division, Assistant City Manager) comments that being homeless is not a crime, but certain behaviors are, and the Law Enforcement is on top of this matter to legally charge the infractions.

Mr. Richard Burgess comments that the presence of the homeless population in the area of Boca Raton is not as visible as in Delray Beach.

Ms. Vera Woodson suggests confirming the housing status of the homeless population present in Delray Beach.

Mr. Aaron Hallyburton suggests finding a solution to transfer to some other location the services provided to the homeless in the Public Library parking lot.

Ms. Vera Woodson adds that according to the Safety Ambassadors' previous months reports there are many incidents happening at the Public Library parking lot.

Mr. Brian Rosen comments that it is important for the community to be proactive in reporting incidents with open containers, vandalism, and others.

Mr. Richard Burgess comments that at Riviera Beach there is a task force that goes out every morning.

Mr. Jeff Oris reports that there have been efforts to work on a solution with several religious organizations but there have been hurdles. He adds that, furthermore, some homeless individuals do not accept to be helped.

8. NEW business

A. FY23-24 DDA Budget Review and Approval

Ms. Laura Simon gives details on the DDA's top 4 priorities for the Fiscal Year (FY) 2023-24 (enhance the downtown experience, create a resident engagement strategy, focus on West Atlantic Avenue District, create a plan for Old School Square), DDA's top 10 priorities for FY 2023-24 (vibrant downtown management, downtown beautification, parking matters, public parks enhancements, downtown residents engagement, marketing, West Atlantic enhancements, data collection, events streamline, increase funding to the DDA Art & Activation Grant, proactive advocacy to help shape policy), budget review for FY 2023-24, breakdown on priorities for FY 2023-24 regarding marketing and events, placemaking, economic vitality, DDA Art & Activation Grant program, and operations. She also reports on the FY 2023-24 proposed budget for the DDA and for the OSS project.

Mr. Aaron Hallyburton enquires about having a more detailed breakdown of the different budget items such as marketing expenses.

Ms. Laura Simon answers that those values can be found on the proposed budget for FY 2023-24 exposed on agenda item 2B.

Mr. Brian Rosen comments that on the economic vitality basket \$52,000 goes towards the Visitor Information Center (which represents about 50% of the total spending for this basket). He suggests moving the employee salary included on this basket under another budget item (salary) so that the budget available under economic vitality be available for use on other matters such as improvements in downtown Delray Beach regarding Clean and Safe and Beautification.

Mr. Richard Burgess asks if it is possible to include in this report the breakdown of the DDA employees' salaries (as of now only the total is shown).

Ms. Vera Woodson does not agree with adding the breakdown of the DDA employees' salaries to the budget.

Mr. Mark Denkler adds that the City of Delray Beach Budget report does not break down this item.

Mr. Brian Rosen suggests a breakdown of expenses by project (with each different initiative and event that the DDA produces).

Mr. Richard Burgess suggests itemizing expenses detailing costs with each of the DDA's vendors.

Mr. Brian Rosen comments that Mr. Richard Burgess can request a ledger which can detail those items.

Mr. Mark Denkler comments that the DDA Board, as a seat of a macro unit, is not versed towards micromanagement.

Motion by Mark Denkler seconded by Vera Woodson to approve the FY23-24 DDA Budget as presented.

Motion carries 7 – 2, through roll call:

Rick Burgess – No

Cole Devitt – Yes

Christina Godbout – Yes

Brian Rosen – Yes

Vera Woodson – Yes

T. Aaron Hallyburton – No

Mark Denkler – Yes

B. Consideration of moving the DDA Board Monthly Meeting time from 12pm

Laura Simon, presenting data on the history of the board meetings times. She also presents the feedback from the City team and from the public and schedules of other DDA's in the surrounding areas.

Mr. Rick Burgess comments that the current schedule might be a challenge seeing that many of the partners, businesses and general public work during the day and that other city partners' boards meet at late day hours.

Ms. Vera Woodson comments that, having been a former retailer, the best time for a meeting is during the lunch hours. If the time is changed it might work for a 9-to-5 type of work, but not for the majority of the merchants in the downtown area. She adds that the meeting has to be at a convenient time for the DDA board members but also for the city partners and for the public.

Mr. Cole Devitt agrees with the current time for the DDA Board meeting.

Mr. Mark Denkler comments that, personally, having a meeting starting later than 12PM is a challenge.

Ms. Christina Godbout comments while the current schedule is a challenge, she was aware of the time and will make it work.

Mr. Brian Rosen comments that the current schedule works for him.

After discussion regarding the consideration of moving the DDA Board Monthly Meeting time (set to 12PM as of now) it is the DDA Board Members consensus to keep the DDA Monthly Board Meetings time at 12PM.

C. DDA Attorney representation discussion

Ms. Laura Simon comments that Ms. Janice Rustin entered the service of the DDA highly recommended, and that Ms. Janice Rustin has been served the DDA with distinction.

Ms. Vera Woodson comments that proof has to be given regarding the accusations made against Ms. Janice Rustin.

Mr. Richard Burgess comments that at the July 27th meeting between the City Manager, the City Attorney, the City Clerk, the DDA Executive Director and the DDA's Attorney, no other name was spoken but his own and therefore Ms. Janice Rustin (as the DDA Attorney) should have contacted him regarding this matter. He follows by saying that on his original application for a seat at the DDA Board, sent to the City Commission, the City clerk informed him that his application did not fit within the parameters and Mr. Richard Burgess answered that one of his businesses was in the 110 Building within the DDA district. He then reviewed his application and sent it back to the City and that application was reviewed by the City Commission.

Mr. Cole Devitt agrees that if this situation was to happen to him, we would also prefer to be informed by the DDA's Attorney. He also adds that he contacted the City Manager about this meeting and asked if any board members' name was mentioned and the answer was negative.

Mr. Brian Rosen asks if the DDA Attorney (Ms. Janice Rustin) has been present before in similar meetings. Mr. Mark Denkler answers that she was at this meeting because the City Team and the DDA were working on the DDA By-laws.

Ms. Vera Woodson comments that it is important to refer who was the person, present at this meeting, mentioning Mr. Richard Burgess name.

Discussion ensued.

Mr. Rick Burgess comments that he will get the proof needed. He also adds that if it is the decision of the majority of the DDA Board members to keep Ms. Janice Rustin as the DDA's Attorney that he respects that choice.

9. Old School Square Business:

A. September and Fall Programing – Marusca Gatto and Team

Ms. Laura Simon updates the DDA Board on the September and fall programming and initiatives for the Old School Square project regarding the narrative, staffing, marketing, the Cornell Art Museum plan, plans for the Amphitheatre and Old School Square Park and grounds, Vintage Gym, and the Crest Theatre building.

Mr. Brian Rosen comments that if the DDA goes forward with a partnership with a third-party, the conditions need to be set on paper.

Ms. Vera Woodson comments that the Delray Beach Greenmarket (held in front of the Cornell Art Museum) should spread to the Old School Square Park and include selling other products other than produce.

Mr. Brian Rosen suggests that the Greenmarket should be moved to the west Atlantic area, seeing that the activities of this event damage the Cornell Art Museum front lawn. Also, moving it to the West Atlantic area provides the opportunity of scaling up the market and activates a different part of the town.

Ms. Marusca Gatto adds that, in the past, the market was spread through the Old School Square Park. She confirms that the activities of this event damage the lawn, adding that the public for the Greenmarket is not a good fit for the museum.

Ms. Laura Simon informs that the matter is being discussed with the Community Redevelopment Agency (that manages this event) and the City's Special Events Technical Advisory Committee team.

B. Follow up from September 7, 2023 City Commission Workshop

Ms. Laura Simon asks the Board members about their expectations for the Crest Theatre building for this upcoming fiscal year.

Mr. Richard Burgess answers that, according to the discussion held during the September 7th City Workshop meeting with the DDA and the Old School Square Center for the Arts (OSSCFA) a 30 days' open solicitation notice should be put in place, to give opportunity for other entities in town be able to expose their ideas.

Ms. Vera Woodson comments that regarding the presentation given by Ms. Missie Barletto during that meeting, an additional \$4 million need still to be spent to finish the renovations of the Crest Building, on top of the previous expenses (\$2million for the Cornell Art Museum renovations). This will generate a total of \$6 million deficit. She comments that part of the renovations include reinstating equipment that was removed by the OSSCFA (it was their property). Therefore, Ms. Vera Wodson does not agree in going forward with an agreement between the DDA and the OSSCFA.

Mr. Brian Rosen comments that probably \$6 million per year is being spent to manage and maintain the grounds.

Mr. T. Aaron Hallyburton agrees with the suggestion of creating an open solicitation.

Ms. Laura Simon explains that, under the current agreement with the City, the DDA can only rent out the facilities, but she adds that the DDA can propose to amend the agreement to separate the Crest building so that the City can make the proper arrangements to open the building to operation mode, if they so decide.

Ms. Vera Woodson suggests requesting a timeline from the City Manager, so that the DDA can also make proper planning (seeing that the City reported that there will be future community feedback meetings).

Mr. Brian Rosen suggests putting up a plan to be ready in January (seeing that the classrooms renovations will then be completed).

Ms. Vera Woodson comments that the DDA and its board must be good stewards of the community voice.

Ms. Christina Godbout suggests putting up the open solicitation by November, so that the DDA can review the applications and prepare a plan before the classrooms are officially reopened in January.

Mr. Brian Rosen suggests the DDA team prepare the plan to be reviewed by the DDA Board at a future meeting.

10. Board and DDA Staff Comments

There were no board comments.


11. Adjournment

The meeting was adjourned at 2:59pm through board consensus.

Respectfully submitted,
Liliana Fino



Cole Devitt, DDA Secretary



DATE