



MINUTES
DOWNTOWN DEVELOPMENT AUTHORITY BOARD MEETING
Monday – January 8th, 2024 – 12:00 NOON
Downtown Development Authority
350 SE 1st Street, Delray Beach, FL

1. Call to order/Roll Call – 12:02 Noon

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

Members Absent: None.

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

Guests: David Tolces, R. Max Lohman, Ron Platt, Jacob Horowitz, Rebakah Dasari, Quentin Morgan, Robert Cantwell, Brett Schneider, Deb Davenport, Henry Thompson, Christopher Cope, Blake Ian, Jeff Oris, Sgt. Rodner Guillaume, Rob Evans.

Zoom: Kim Thomas, Jeff Dash, Missie Barletto, Lee Cohen, Lynn Gelin, Mavis Benson, Anthea Gianniotis, G. Garter, Trey Nazarro, and 1 more attendee through "Dial In".

2. Approval of Consent Agenda:

Motion by Mark Denkler, seconded by Vera Woodson, to approve the consent agenda (Items Ai. – Dec.11th, 2023 Board Meeting Minutes; B - Finances of Dec. 2023) as presented. Motion carries (6-0) through roll call (Christina Godbout not present):

Rick Burgess – Yes

Mark Denkler – Yes

Brian Rosen – Yes

Vera Woodson – Yes

Cole Devitt – Yes

Aaron Hallyburton – Yes.

3. Approval of Regular Agenda – January 8, 2024

Motion by Vera Woodson, seconded by Cole Devitt, to approve the agenda postponing the item Dada Of Delray Beach – DDA Art & Activation Grant Request FY23/24 to a future agenda. Motion carries (6-0) through roll call (Christina Godbout not present).

Aaron Hallyburton – Yes

Cole Devitt – Yes

Vera Woodson – Yes

Brian Rosen – Yes

Mark Denkler – Yes

Rick Burgess – Yes.

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

City Partners Reports:

- Report by Sgt. Guillaume, Delray Beach Police Department Sergeant
- Report by Henry Thompson, City of Delray Beach, Clean and Safe Department, Administrator.

12:39pm - Ms. Christina Godbout arrives at the meeting (via Zoom).

Public Comments:

There were no public comments.

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

A. West Atlantic Sub-district Parking Exemption – LDR Amendment – Rebekah Dasari

Ms. Rebekah Dasari (City of Delray Beach, Development Services Department, Planning & Zoning, Long Range Planning Division, Principal Planner, Long Range Planning - CNU-A, LEED Green Assoc.) presents item West Atlantic Sub-district Parking Exemption – LDR Amendment. According to the presentation provided she clarifies that the Ordinance No. 39-17 exempted existing commercial buildings within the West Atlantic Neighborhood Sub-district east of SW/NW 12th Avenue and west of SW/NW 4th Avenue from providing additional on-site parking for a change in use; the exemption was approved to sunset December 31, 2020. (City Initiated). Later Ordinance No. 01-20 extended the sunset date to December 31, 2023, and expanded the exemption to include outdoor areas at existing commercial buildings. Today, before the DDA Board, for discussion, is the request to extend through December 31, 2026.

Mr. Brian Rosen agrees with this extension as it brings benefit to the West Atlantic area. For instance, if a retail store changes its use to a restaurant, that will bring more activity to the area. He reminds that was the case for the Pour & Famous business.

Mr. Mark Denkler suggests delaying altering the rules instead of allowing in-lieu parking. He does not agree with approving in-lieu applications because if any applicant is allowed the in-lieu parking that will be a benefit that business will have as long as they keep the business and do not add any square footage, which means it can cause parking issues in the long run.

Ms. Vera Woodson comments that she agrees on Mr. Mark Denkler opinion that allowing this extension will not be beneficial in the long run. She adds that the in-lieu program should cease on the West Atlantic area before any major development happens and to require any new development to require the correct percentage of parking spots to avoid any future parking problems in the West Atlantic area.

Mr. Rick Burgess comments that the parking spots in front of the Library, and the Tennis Center, the by the City Hall parking lot, the on-street parking spaces on NW 1st Ave and parking lot, they are always free and, therefore he suggests to meter those spots, during the evening, on the weekends for a revenue stream, instead of making use of the in-lieu fees.

Ms. Rebekah Dasari answers that she will communicate these suggestions to the City team.

The City request is for the DDA to review this item according to the below:

Pursuant to Land Development Regulations Article 8.2, the Downtown Development Authority (DDA) for the City of Delray Beach recommends as follows:

1. *That the proposed request implements the Downtown development plans (Downtown Master Plan, Pineapple Grove Master Plan, West Atlantic Master Plan, and the Shopability Analysis).*

2. *That the proposed request encourages economic development and promotes the Downtown as a prosperous Downtown Area.*

Motion by Vera Woodson, seconded by Mark Denkler, to DENY the West Atlantic Sub-district Parking Exemption – LDR Amendment as presented. Motion fails (3-3) (Christina Godbout not present) through roll call:

Aaron Hallyburton – No

Cole Devitt – No

Vera Woodson – Yes

Brian Rosen – No

Mark Denkler – Yes

Rick Burgess – Yes.

6. NEW Business

A. Delray Beach DDA – Legal Representation Selection

Weiss Serota expertise:

Brett Schneider experience:

- Worked with the City of Delray Beach
- Office is located in close proximity (Boca Raton)
- Personally invested in the Delray Beach community
- Experience in counseling multiple entities in South Florida
- The law firm has in-house experts in every matter of the law.

David Tolces Experience:

- Inside knowledge on Delray Beach
- Experience as previous City Attorney of Delray Beach
- Expertise in special districts
- Experience as previous council of the Delray Beach CRA
- Currently representing the Delray Beach Housing Authority.

Goren, Cherof, Doody & Ezrol, P.A. expertise:

Quentin Morgan experience:

- Expertise in legal issues

Jacob Horowitz experience:

- Special counsel to the Delray Beach CRA

12:57pm - Ms. Christina Godbout leaves the meeting (via Zoom).

12:58pm - Ms. Christina Godbout arrives at the meeting (in person).

Mr. Jacob Horowitz answers that the law firm will represent the entity (DDA) as a whole and not the board members individually. If there is any particular item a board member wants to discuss it should be put on an Agenda to be discussed among the board and voted on.

Mr. Quentin Morgan adds that in alignment with the Florida state statutes they do not take instructions from individuals within the organization in its total, but the organization in its total.

Lohman Law Group, P.A. expertise

R. Max Lohman experience:

- Represented the West Palm Beach DDA
- Previous board member of the Delray Beach DDA
- Previous Delray Beach city attorney
- Previous Palm Beach Gardens city attorney.

Mr. Cole Devitt comments that Mr. R. Max Lohman having represented at the West Plam Beach DDA previously is a plus.

Ms. Vera Woodson comments that previously she has shown her preference for Goren, Cherof, Doody & Ezrol, P.A., and that she keeps that preference. She adds that all the law firms presenting have great knowledge to apply as the DDA attorney. She adds that the DDA CEO, Laura Simon, should have a say seeing that she will be making the majority of the contacts on-on-one.

Mr. Mark Denkler comments that all the law firms present are qualified. He adds that he prefers those who have institutional and local knowledge.

Ms. Christina Godbout agrees that all organizations are qualified but that she is leaning towards Goren, Cherof, Doody & Ezrol, P.A.

Mr. Rick Burgess comments that having Mr. R. Max Lohman had previous connections with Delray Beach City staff and having been a previous DDA board member might raise some concerns in his opinion. He also adds that the law firm chosen will not be the DDA CEO only but also the DDA board. He finishes by saying that Ms. Renee Jadusingh (Delray Beach CRA, Executive Director) gave good references regarding Goren, Cherof, Doody & Ezrol, P.A. and that is leaning towards choosing them to represent the DDA.

Mr. Brian Rosen comments that Goren, Cherof, Doody & Ezrol, P.A. law firm presenting collaborates with the Delray Beach CRA, and therefore have inside local knowledge. He adds that Ms. Renee Jadusingh (Delray Beach CRA, Executive Director) gave good references regarding this law firm. He also refers that due to its experience, Goren, Cherof, Doody & Ezrol, P.A., is up to speed with what's happening in town and therefore, in his opinion would be a good fit for the DDA.

Motion by Vera Woodson seconded by Rick Burgess to select Goren, Cherof, Doody & Ezrol, P.A. as the law firm for the DDA's Legal representation. Motion carries (7-0) through roll call:

Christina Godbout - Yes

Rick Burgess – Yes

Mark Denkler – Yes

Brian Rosen – Yes

Vera Woodson – Yes

Cole Devitt – Yes

Aaron Hallyburton – Yes.

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

A. West Atlantic Sub-district Parking Exemption – LDR Amendment – Rebekah Dasari

Mr. Brian Rosen requests that the item West Atlantic Sub-district Parking Exemption – LDR Amendment be reconsidered. The DDA Board members decide, through board consensus, to reopen the discussion for this item, after receiving input from one of the Attorneys (present at the meeting) that items can be reopened after voted on and fail, if the Board so decides (this item was firstly voted 3-3 – fail). Meantime, DDA Board Member Christina Godbout arrives at the meeting and therefore the DDA Board decides to continue the discussion and have a new vote round including Ms. Christina Godbout in the discussion and voting.

Mr. Brian Rosen explains that the exemption proposed on this amendment is being extended for 3 more years through December 31, 2026. This exemption intends to incentivize development in the West Atlantic area. He follows by saying that the DDA Board previously (during this same meeting) voted 3-3, therefore the motion failed, but that he reopens the discussion. He reminds that this only applies for changes of use, not for new developments. It will allow, for instance, for businesses to activate their backyards or to have outdoor seating in front of their business (as per the regulations).

The City request is for the DDA to review this item according to the below:

Pursuant to Land Development Regulations Article 8.2, the Downtown Development Authority (DDA) for the City of Delray Beach recommends as follows:

- 2. That the proposed request implements the Downtown development plans (Downtown Master Plan, Pineapple Grove Master Plan, West Atlantic Master Plan, and the Shopability Analysis).*
- 2. That the proposed request encourages economic development and promotes the Downtown as a prosperous Downtown Area.*

Motion by Cole Devitt, seconded by Rick Burgess, to approve the West Atlantic Sub-District Parking Exemption – LDR Amendment as presented. Motion carries (4-3) through roll call:

Aaron Hallyburton – Yes

Cole Devitt – Yes

Vera Woodson – No

Brian Rosen – Yes

Mark Denkler – No

Rick Burgess – No

Christina Godbout – Yes.

7. OLD Business

A. DDA Program Update – L. Simon and Team

Ms. Suzanne Boyd gives updates on First Friday Art Walk revamping, Delray Beach Holiday Parade, DDA holiday events (staff volunteer event, Safety Ambassadors staff event and DDA team event), on the downtown Window Décor Contest initiative, website (DDA and OSS) analytics, social media initiatives and analytics (for DDA and OSS), public relations initiatives (for DDA and OSS), digital paid advertising campaigns (for DDA and OSS), digital footprint fixes, e-mail marketing initiatives and analytics (for DDA and OSS), Visitor Information Center updates, economic development updates, and upcoming DDA events and OSS events.

Ms. Laura Simon updates the DDA Board members on the use of the applications Placer AI and Gingko by the DDA team which will help track data for downtown economic development reports. She also updates the DDA Board on the Old School Square business.

i. Placemaking: Litter abatement and Recycling update

Ms. Laura Simon informs that last week at a meeting with the City team the DDA suggested bringing recycling bins to downtown Delray Beach. She adds that the DDA sent a survey to the businesses to get feedback regarding recycling matters. She adds that the DDA would like to recycle at the Old School Square campus, throughout the downtown area and to clean and beautify the dumpsters throughout the downtown area.

Mr. Rick Burgess suggests inviting the Waste Management organization manager to the next DDA Board meeting. He also adds that we would like the DDA Board to have access to the current Waste Management contract with the City for the DDA Board to review. Mr. Rick Burgess comments that trash gathers on the dumpster's enclosures, and that it is the business owner's responsibility to keep the enclosures clean and that if they don't do it becomes a local enforcement issue.

Ms. Laura Simon answers that the DDA will collaborate with the City Team, the Waste Management company and in collaboration with property owners and business owners to place more dumpsters enclosures throughout downtown.

Mr. Jeff Oris informs the DDA Board that in certain places like alleyways it is not possible to create dumpsters enclosures as the way needs to be always clear for vehicle traffic. Also, he informs that the business and property owners do not need to use the Waste Management company as they can use another company to provide this service if they so decide.

Mr. T. Aaron Hallyburton comments that a Code Enforcement representative should be invited to every DDA Board meeting as Code Enforcement issues are being discussed over and over at the meetings and results have not been accomplished.

Mr. Cole Devitt suggests requesting a list of violations in the downtown area regarding trash violations.

Mr. Rick Burgess comments that there are some issues happening in the downtown area that the Code Enforcement team is not aware of.

Mr. Brian Rosen suggests requesting the Neighborhood Services team for a list of violations for the past 6 months.

Ms. Vera Woodson comments that having a representative from Code enforcement present at the DDA Board meetings, even if quarterly, would be beneficial to help resolve some matters that have been happening for a while.

Ms. Laura Simon comments that regarding the litter abatement pilot program, the Beach Keepers Inc. organization has been collaborating in cleaning the downtown area and on beach cleanups. She adds that the Beach Keepers Inc. organization has an important role in keeping the downtown area clean, especially during times when the City team is off duty. She adds that the DDA donates to this organization on a monthly basis.

Mr. T. Aaron Hallyburton suggests inviting Ms. Missie Barletto (City of Delray Beach, Public Works Department, Director) to be present at the DDA Board meetings.

Ms. Laura Simon comments that the DDA will invite Ms. Missie Barletto and Mr. Sammie Walthour (City of Delray Beach Neighborhood & Community Services Department, Director) to be present at the next DDA Board meeting.

Mr. Rick Burgess comments that the issues with the homeless community need to be addressed. He adds that many people that help them by giving them food do not know that there are food services available in the city of Delray Beach for that purpose. He adds that the public does not know also that some individuals refuse help from these programs available to them.

Ms. Vera Woodson comments that the homeless issues are getting worse not only in Delray Beach, but also across the nation. She adds that if the existent programs in Delray Beach are not working, they need to be reviewed and perhaps changed. Ms. Vera Woodson adds that if the homeless issues keep getting worse that will deter businesses and visitors coming to downtown Delray Beach.

8. Old School Square Business:

Ms. Marusca Gatto gives updates on the Cornell Art Museum initiatives: December and January events, data on museum attendance and donations, museum store data, staff and volunteers data.

Ms. Suzanne Boyd gives updates on previous and upcoming events at the Old School Square campus, and data on the Vintage Gym rentals.

9. Board Comments

Mr. Brian Rosen comments that regarding parking matters the DDA needs to help communicate the City resident parking programs to the public. He suggests the DDA Board discuss ideas to help communicate this program at the next DDA next meeting.

Mr. Cole Devitt suggests requesting data on trash violations for the DDA Board to review.

Mr. Mark Denkler comments that the DDA CEO salary has not been reviewed since 2022, and that since then the DDA has taken more workload since starting to manage the Old School Square campus. He suggests having a special DDA Board Meeting or adding this item to the next monthly DDA Board meeting agenda. Mr. Mark Denkler also suggests the DDA recruit more sponsors, including the DDA Board, seeing that one of the sponsors (Menin Development Inc) has not renewed this year.


10. Staff Comments

There were no Staff comments.

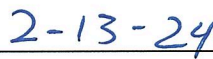
Adjournment

The meeting was adjourned at 2:58pm through **motion** by Cole Devitt, seconded by Vera Woodson. All in favor (7-0).

Respectfully submitted,
Liliana Fino



Cole Devitt, DDA Secretary



DATE