



MINUTES
DOWNTOWN DEVELOPMENT AUTHORITY BOARD MEETING
Monday – March 11th, 2024 – 12:00 NOON
CITY HALL COMMISSION CHAMBERS
100 NW 1st Ave, Delray Beach, FL 33444

1. Call to order/Roll Call – 12:00 Noon

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

Members Absent: None.

Staff: Laura Simon, Liliana Fino, Suzanne Boyd, Marusca Gatto, BJ Sklar, Danielle Morien, Devin Dewane, Victoria DeSilvio, Alexandra Cosenza, Quentin Morgan

Mr. Brian Rosen informs the DDA Board and the public present at the meeting that there has been an ethics violation regarding one of the DDA's Board members and that this issue was brought to the DDA Board's attention the previous week. He also clarifies that the City Commission is the entity that appoints or dismisses the DDA Board Members. Regarding this violation, he suggests Mr. Rick Burgess refrain from making motions or from seconding a motion. He also suggests the DDA Board table item 6A - Exec. Director Performance Evaluation FY22-23 due to the recent events.

Motion by Cole Devitt, seconded by Aaron Hallyburton, to table agenda item 6A - Exec. Director Performance Evaluation FY22-23.

Motion carries (7 - 0) through roll call:

Rick Burgess – Yes

Vera Woodson – Yes

Christina Godbout – Yes

Mark Denkler – Yes

Brian Rosen – Yes

Cole Devitt – Yes

Aaron Hallyburton – Yes.

Mr. Mark Denkler suggests cancelling the meeting in progress on the grounds that the DDA Board Chair, Mr. Brian Rosen, verbalized concerns regarding the fact that Mr. Rick Burgess is not able to vote on the items on the table.

Mr. Brian Rosen clarifies that his concerns are about the fact that Mr. Rick Burgess cannot make motions or second them.

Ms. Vera Woodson comments that it is within the DDA Board responsibility to ensure that there is credibility within the DDA Board systems and procedures. She adds that if there is an ethics violation that needs to be discussed, she suggests tabling the ongoing meeting until the issue is resolved to ensure that the city citizens that have entrusted the DDA Board with the DDA organization are doing their due diligence and responsibly handling the businesses of the City.

Mr. Brian Rosen shows concerns regarding tabling the meeting, as it might slow down the City development services items on the Agenda for the ongoing meeting.

Mr. Quentin Morgan (Goren, Cherof, Doody & Ezrol, P.A, DDA Legal Counsel representative) elucidates the DDA Board that there are no pressing matters and elucidates the DDA Board regarding the issue with Mr. Rick Burgess's application that he discussed with City's Attorney Lynn Gelin that she mentioned that the City Commission will not have this issue on the City's Commission Meeting Agenda before April 9.

Discussion ensued regarding the issues with of Mr. Rick Burgess application and the decision of canceling or not the ongoing and any future DDA Board meetings before the issues are resolved.

Mr. Question Morgan states that he is not concerned about Mr. Rick Burgess voting at future meetings, but about Mr. Rick Burgess making motions or seconding them.

Motion by Vera Woodson Mark Denkler, seconded by, to table the current meeting until the issues with Mr. Richard Burgess application be resolved.

Motion fails (3 - 4) through roll call:

Rick Burgess – No
Vera Woodson – Yes
Christina Godbout – No
Mark Denkler – Yes
Brian Rosen – No
Cole Devitt – Yes
Aaron Hallyburton – No.

2. Approval of Consent Agenda:

Motion by Mark Denkler, seconded by Cole Devitt, to approve the consent agenda (Items Ai. – Feb. 12th, 2024 Board Meeting Minutes; B - Finances of Feb. 2024; C – DDA Priorities report; D – Monthly Program Updates) as presented.

Motion carries (6-1) through roll call:

Rick Burgess – Yes
Vera Woodson – No
Christina Godbout – Yes
Mark Denkler – Yes
Brian Rosen – Yes
Cole Devitt – Yes
Aaron Hallyburton – Yes.

3. Approval of Regular Agenda – February 12, 2024

Motion by Mark Denkler, seconded by Christina Godbout, to approve the agenda moving up agenda item "9. Board Comments" to position 4A.

Motion carries (6 - 1) through roll call:

Aaron Hallyburton – Yes
Cole Devitt – Yes
Brian Rosen – Yes
Mark Denkler – Yes
Christina Godbout – Yes
Vera Woodson – No
Rick Burgess – Yes.

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

A. Board Comments

Mr. Mark Denkler shows his disappointment with the ethics violation from Mr. Rick Burgess and adds that that brings up trust issues. He also comments that he should be removed as a DDA Board Member as he was not tax qualified at the time of his application. He adds that his application removal should not depend on the City's Commission decision. He suggests that a DDA Board Workshop Meeting should be held during the current month, because in his opinion the DDA Board does not act as a cohesive unit and therefore those issues should be addressed.

Ms. Christina Godbout comments that she likes the DDA's Board meetings newly set up at the City Hall Chambers. She also thanks all the attendees participating and supporting the DDA and comments she is looking forward to hearing the public comments.

Ms. Vera Woodson comments that she is in line with Mr. Mark Denkler's concerns. She adds that Mr. Rick Burgess has the right to be heard regarding the issues with his application, but if there is an issue with his application that needs to be addressed, it should be addressed by the City Commission. She also thanks the attendees of this meeting for coming to support the DDA.

Mr. Rick Burgess explains that his company is listed on the Sunbiz (Division of Corporations, from the State of Florida) as within the DDA district and that his business is paying tax within the DDA district.

Mr. Aaron Hallyburton comments that the current situation is ridiculous and that the DDA needs to focus on its mission.

Mr. Cole Devitt shows concerns regarding Mr. Rick Burgess application to the DDA Board commenting that at the time of his application he, knowingly lied, stating that his business was within the DDA District when it wasn't. He comments that it is not fair to the downtown business owners to have someone falsifying his/her application.

Mr. Brian Rosen comments that he hopes that this issue regarding Mr. Rick Burgess application gets resolved soon. He also comments that he welcomes the idea of having a the DDA Board Meeting Workshop where the DDA Board can discuss items such as the budget. He comments that he would like to discuss this matter in more detail, such as itemized costs for each event and the result on the events returns (he mentions that the Placer AI application will help gathering insight), to see what events work or not so that the DDA can make better decisions when budgeting in the future. He also comments that he would like to have on the agenda for that working discussion on parking matters. He mentions that he has seen the recent DDA campaign on the City Resident Parking Program and he suggests adding to that campaign "5 things residents should know about downtown resident parking".

Mr. Mark Denkler clarifies his previous comment. He comments that the Florida Commission on Ethics confirm that he gave a false address to become tax qualified which raised his odds to be appointed.

Mr. Brian Rosen suggests the DDA Board to vehiculate their concerns to the City Commission because e they will be the ones deciding regarding the matter with Mr. Rick Burgess's application.

The DDA Board expressed consensus on moving forward on scheduling a DDA Board Meeting Workshop with the items suggested.

12:28PM – Mr. Aaron Hallyburton leaves the meeting.

B. Public Comments

Public comments were expressed by 30 speakers. The comments presented by the speakers showed support for the DDA organization/Team and in particular for the DDA's Executive Director Ms. Laura Simon and expressed concern with the Ethics Violation.

City Partners Reports:

- Report by Stephanie Immelman, Delray Beach Chamber of Commerce, Chief Executive Officer;
- Report by Henry Thompson, City of Delray Beach, Clean and Safe Department, Administrator.

5. NEW Business

A. 220 NE 1st Street - Level 1 Site Plan Modification (previously CI3) - Christina Bilenki

Ms. Christina Bilenki (Dunay, Miskel & Backman, Partner) presents item 220 NE 1st Street - Level 1 Site Plan Modification.

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 Cole Devitt, to approve the 220 NE 1st Street - Level 1 Site Plan Modification as presented.

Motion carries (6-0), through roll call (Aaron Hallyburton not present):

Cole Devitt – Yes
Brian Rosen – Yes
Mark Denkler – Yes
Christina Godbout – Yes
Vera Woodson – Yes
Rick Burgess – Yes.

Ms. Vera Woodson comments that she likes the exterior design and the enhancements being made to that area.

Ms. Christina Godbout comments that she likes the project presented.

Mr. Cole Devitt comments adds that this project will tie Atlantic Avenue to the Pineapple Grove area.

Mr. Brian Rosen comments that this project represents a great use for that location.

6. NEW Business

A. Exec. Director Performance Evaluation FY22-23 – C. Devitt

This item was tabled, previously, at the beginning of the current meeting.

B. FY22-23 Delray DDA Financial Audit – Scott Montgomery, MARCUM

Mr. Scott Montgomery (MARCUM, LOP) presents item FY22-23 Delray DDA Financial Audit. He states that overall, the DDA Financial statements were fairly presented in all material respects. He adds that everything was positive and there were no items for concern. He proceeds that there was no report of

material weaknesses, no significant deficiencies or any management findings which is a credit to the work of the DDA organization and its Board.

Ms. Vera Woodson comments that one of her concerns lies in maintaining the employee's retirement benefits in the future and asks if the DDA should be funding any types of programming to avoid hiccups in the future, to make sure the DDA employees are taken care of.

Mr. Scott Montgomery answers that the DDA has a simplified employee pension, which has a defined contribution fair which means that both the employee and the employer. This type of contribution depends more on in what the employee decides to invest their money. The DDA does not need to make any further arrangements.

Motion by Mark Denkler, seconded by Vera Woodson, to approve the 220 NE 1st Street - Level 1 Site Plan Modification as presented.

Motion carries (6-0), through roll call (Aaron Hallyburton not present):

Rick Burgess – Yes

Vera Woodson – Yes

Christina Godbout – Yes

Mark Denkler – Yes

Brian Rosen – Yes

Cole Devitt – Yes.

C. Legislative Update: Q. Morgan, DDA Attorney

Mr. Quentin Morgan informs the DDA Board regarding the recent State of Florida Legislative updates that there was no specific bill regarding Special Dependent Districts (which encompasses districts such as the Delray Beach Downtown Development Authority District), but there were some items discussed such as regulations regarding public records, that the DDA Organization and DDA Board should be informed about.

Mr. Rick Burgess comments that he read online that the state of Florida was set to vote on a bill regarding homeless people sleeping in public property, and I would like to know the status of that bill.

Mr. Quentin Morgan answers that the bill was headed to the Governor and adds that he will research this subject and send an update to the board.

7. OLD Business

A. City Updates – Jeff Oris, ACM

Mr. Jeff Oris (City of Delray Beach, City Manager Department, City Manager, Executive Leadership Division, Assistant City Manager) informs that the Delray Beach Open event was a great success, with higher attendance than in previous years. He also informs that there were around 100 to 120 people attending the ribbon cutting ceremony for the Crest Theatre renovations (March 1st). He adds that this event was to provide the public with information on the renovation's progress. He also updates the DDA Board that on March 16th, the City will host the Saint Patrick's Day parade and Festival, when the City expects a great influx of people. He adds that as far as events are concerned the City will also host an Automobile Job Fair on March 28th, explaining that this job fair will be a template for how the City wants to move forward with other industries' job fairs in the future (such as a future hospitality industry job fair). He updates the DDA Board that regarding the Wayfinding Project the City is in communication with the producer to perceive what will be the delivery date for the signage.

i. Downtown Dumpsters and Recycling – M. Wozny

Ms. Mary Wosny (City of Delray Beach, Neighborhood & Community Services Department, Sanitation Administrator). She informs regarding the survey the DDA sent out to the downtown business regarding recycling services, and according to the responses to that survey, where 16 businesses showed interest in knowing more about recycling, the SWA organization will get in contact with them, to meet with them to get their recycling program set up. She adds that the biggest concerns regarding instating a recycling program at a business, from the businesses point of view and City’s perspective are space availability, logistics and costs for recycling.

B. DDA Workshop Schedule – L. Simon

Ms. Laura Simon updates the DDA Board on the proposed dates for future DDA Board special workshop meetings and DDA Town Hall event.

8. DDA Team Comments

The DDA Team (Ms. Marusca Gatto, Ms. Suzanne Boy, Mr. Devin Dewane, Ms. BJ Sklar, Ms. Danielle Morien, Ms. Alexandra Cosenza, Ms. Victoria DeSilvio, Ms. Liliana Fino) shows their support for the work the DDA does, and for the leadership of Ms. Laura Simon.

1:52pm – Mr. Brian Roses leaves the meeting.

2:05pm – Mr. Mark Denkler leaves the meeting.

9. Board Comments

Ms. Vera Woodson shows her support for what the DDA Team does and for the DDA’s organization mission.

Mr. Cole Devitt comments that when attending events hosted by the DDA he always notices that Ms. Laura Simon is the first person on-site and the last one to leave. He also comments that the DDA Team does a great job.


Ms. Laura Simon encourages the DDA Board to meet with her and the DDA Team every time they have questions or want to get updates on the work of the DDA.

Mr. Rick Burgess comments that there is rational thinking and that there is emotional thinking. He comments that multiple times he asked what does the DDA team need from the DDA Board members to help the DDA mission. He states that he does not have a personal issue with the DDA’s affairs. He feels that some matters he questions, such as liability issues, are disregarded. 2:22

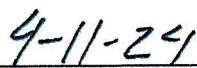
Adjournment

The meeting was adjourned at 2:41pm through board consensus.

Respectfully submitted,
Liliana Fino



Cole Devitt, DDA Secretary



DATE