



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

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

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

Members Absent: Mark Denkler.

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

Guests: Sgt. Schmidt, Paul Fazzino, Andrea Fazzino, Anthony Marino, James Hardenbergh, Mavis Benson, Mickey Axelband, Sandra Dezelan, Henry Thompson, Elise Nail, Rob Evans, Max Zengage, Jeff Oris, Dani Moschella, Gary Ferreri, Donna Walsh, Sherry Davis, Charlotte G. Durante, Irene Revelas, Christine Tibbs, Renee Jadusingh, Robert Cantwell, Patty Jones, Daniel Hartwell.

Zoom: Richard Angles, Susanne Boyd, Stephanie Immelman, John, Marusca Gatto, Eric Fernandez, Deborah Dowd, Julen Blakenship, Price Patton, Gregg Weiss, Lori J. Durante, Christine Tibbs, Alan Costilo, Lori Johnson, Gina Carter, Lynn Gelin, Anthea Gianniotis, Donna Walsh, Missie Barletto, Mavis Benson and 1 more attendee through "Dial In".

2. Approval of Consent Agenda:

Motion by Christina Godbout, seconded by Cole Devitt, to approve the consent agenda (Items Ai. - Sep. 6, 2023 Special Board Meeting Minutes, Aii. - Sep. 11, 2023 Board Meeting Minutes B - Finances of Sep. 2023) as presented. Motion carries (6-0) through roll call (Mark Denkler not present):

Rick Burgess – Yes

Cole Devitt – Yes

Brian Rosen – Yes

Christina Godbout – Yes

T. Aaron Hallyburton – Yes

Vera Woodson – Yes

3. Approval of Regular Agenda – October 10, 2023

Motion by Aaron Hallyburton, seconded by Christina Godbout, to approve the agenda with the addition of the 7B - DDA Attorney representation discussion. Motion carries (5-1) through roll call (Mark Denkler not present).

Rick Burgess – Yes

Cole Devitt – Yes

Brian Rosen – Yes

Christina Godbout – Yes.

T. Aaron Hallyburton – Yes

Vera Woodson – **No**

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

City Partners Reports:

- Report by Sgt. Schmidt, Delray Beach Police Department Sergeant;
- Report by Henry Thompson, City of Delray Beach, Clean and Safe Department, Administrator
- Report by Stephanie Immelman, Delray Beach Chamber of Commerce, Chief Executive Officer;
- Report by Mavis Benson, Downtown Merchant and Businesses Association, Chair.

Public Comments:

Public Comment by Donna Walsh (Plein Air Palm Beach, Board Member)

Ms. Donna Walsh presents the mission of Plein Air Palm Beach (PAPB) organization. She informs the DDA Board that in 2024 Plein Air Palm Beach is celebrating the 10th anniversary, and they are planning to do an art exhibition. For such PAPB is requesting the collaboration of the Cornell Art Museum to be the venue for this exhibition.

Public comment by Andrea Fazzino (Beach Keepers Inc., President, and Founder)

Mr. Andrea Fazzino gives updates on the work of the Beach Keepers team and informs that the organization is preparing a fundraising event.

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

Ms. Mavis Benson gives updates on the Downtown Merchant and Business Association Merchant Association.

Public comment by Paul Fazzino (Beach Keepers Inc., Vice-President)

Mr. Paul Fazzino gives updates on the work of the Beach Keepers team and informs that the team is adding some extra hours to their schedule, including some evening hours.

Public comment by Mickey Axelband (Dezzy's Second Chance Animal Rescue, Board Member)

Mr. Mickey Axelband voices his (and the non-profit he's representing) disappointment, after Dezzy's Second Chance Animal Rescue non-profit organization being excluded, as a vendor, from the Delray Beach Green Market. He explains that the non-profit has been part of the Delray Beach Green Market for 16 years, but, without cause, was not invited back for this current season (starting on October 21st), since the market was crowded with paid vendors. Mr. Mickey Axelband also enquires on the accountable for approval of the different vendors, the type and quantity of vendors chosen, the different booth fees, and fees reconciliation. He requests, then, that their application be considered.

Public comment by Sandra Dezelan (Dezzy's Second Chance Animal Rescue, Board Member)

Ms. Sandra Dezelan reports that the non-profit has sent the application to the CRA about a month and half ago and as no response was sent from the CRA, she enquired Lori Johnson on the matter. Ms. Sandra Dezelan mentions that Lori Johnson answered that she has not seen the application come through. After a few back-and-forth Ms. Sandra Dezelan mentions that Lori Johnson informed her that after a few changes made to the non-profit application, it was sent to the City Attorney for review. After some unfruitful calls Ms. Sandra Dezelan receives the information, from Lori Johnson, that the Delray Beach Green Market was out of capacity because there were more applications for the upcoming season than for the previous season.

Ms. Laura Simon informs that Ms. Renee Jadusingh (Community Redevelopment Agency, Executive Director) was attending the meeting via Zoom communications, and she was on her way to discuss the matter with the non-profit. The Delray Beach Green Market is managed by the Community Redevelopment Agency (CRA).

Mr. Rick Burgess advocates for the CRA to review the non-profit application as they have a longstanding presence at the Green Market. He also advocates, seeing that the market is at capacity, to relocate the market to a location West of Swinton Avenue.

It is the DDA Board members' consensus to add to a future DDA board meeting agenda, a discussion item on the expansion options for the Delray Beach Green Market, to be discussed with the CRA.

5. DDA Monthly Activity Presentation – DDA Team

Ms. Suzanne Boyd gives updates regarding the Restaurant Month (September 2023) results, reports on Old School Square initiatives and updates on upcoming DDA events and upcoming events at Old School Square.

Ms. Marusca Gatto reports on the Cornell Art Museum initiatives (museum tours, rentals, museum attendance, donations) and on upcoming events and exhibitions at the museum.

Ms. BJ Sklar reports on the September data and initiatives for the Visitor Information Center.

6. New Business

A. Downtown Delray Bed Races - DDA Placemaking Art and Activation Grant Application

Mr. Max Zengage (Delray Beach Concours D'Elegance, Founder) presents the DDA Placemaking Art and Activation Grant Application Request for the Downtown Delray Bed Races event of October 7, 2023.

Motion by Vera Woodson seconded by T. Aaron Hallyburton to approve the Downtown Delray Bed Races - DDA Placemaking Art and Activation Grant Application request as presented. Motion carried through a roll call - 5-0 (Mark Denkler not present and Mr. Brian Rosen recused himself due to conflict):

Rick Burgess – Yes

Cole Devitt – Yes

Christina Godbout – Yes

T. Aaron Hallyburton – Yes

Vera Woodson – Yes

B. DB Police Department RTCC Camera program and request – Lieutenant Ferreri

Lieutenant Ferreri (City of Delray Beach, Police Department, Special Investigations Division, Commander) presents the Delray Beach Police Department Real Time Crime Center (RTCC) Camera program and request. Lieutenant Ferreri informs the DDA Board that the cameras are also able to make a proximate count to the number of people that are within the camera's reach.

Mr. Jim Chard (Old School Square Center for the Arts, Treasurer, through public comment) asks how long is the data collected by the cameras stored for and who can have access to those records.

Lieutenant Ferreri answers that the recordings are retained for 30 days, for legal purposes, and cannot be accessed through public records request, unless by subpoena.

Lieutenant Ferreri explains that the Real Time Crime Center program will be able to show where the calls are being reported from, in terms of map location. He also explains that any business that has a camera at their location is able, if they so decide, to register that camera for future live image access from that

location in case of incidents. He adds that having access to live images will allow the authorities to build a perimeter faster and act more accurately.

Mr. Brian Rosen suggests the DDA educate the downtown businesses on this program and the benefits of having their cameras registered.

Motion by Vera Woodson seconded by Cole Devitt to approve the DB Police Department RTCC Camera program request as presented. Motion carried through a roll call - 6-0 (Mark Denkler not present):

Rick Burgess – Yes

Cole Devitt – Yes

Brian Rosen – Yes

Christina Godbout – Yes

T. Aaron Hallyburton – Yes

Vera Woodson – Yes

7. OLD Business

A. Downtown Safety Ambassador Program overview – L. Simon and PSC

Mrs. Laura Simon gives an overview on the Downtown Safety Ambassador Program with the following suggestions for adjustment:

- DAY SHIFT CHANGES: 6:30am - 3pm Sunday – Saturday; 4 Officers adding two officers for morning and day coverage;
- EVENING CHANGES: 3pm – 9pm Sunday – Thursday - 2 officers; 3pm – 11pm Friday and Saturday - 2 officers or 4 officers
- Golf Cart, Foot, and Bike patrol; additional golf cart may be required;
- Adjust hourly rates;
- Estimated Cost: \$350,000 - \$424,000/YEAR based on total hours.

Mr. Brian Rosen suggests the DDA team prepare a presentation to share the Downtown Safety Ambassador Program with Downtown businesses.

Mr. Cole Devitt suggests advocating for the support of the downtown businesses for this program.

Mr. Brian Rosen emphasizes the importance of the presence and work of the Ambassadors team in downtown Delray Beach.

B. DDA Attorney representation discussion

Mr. T. Aaron Hallyburton comments that he does not feel comfortable with the current DDA attorney's representation.

Ms. Christina Godbout comments that if some of the DDA Board members are not comfortable with the representation provided by the current DDA Attorney, then the board needs to work on a solution.

Ms. Vera Woodson comments that Ms. Janice Rustin has been doing a great job so far as the DDA Attorney.

Mr. Brian Rosen comments that he feels that there have been some minor communication issues between him and the DDA Attorney.

Mr. Rick Burgess presents the evidence that the DDA Board has requested in previous DDA Board meetings. He states one of the public records requests he asked for from the City of Delray Beach. (This public request, provided by Mr. Rick Burgess, at the end of the ongoing DDA meeting, was included on the DDA Board packet and it depicts a copy of an e-mail provided to the requester – Rick Burgess). He mentions that this public record's request represents an e-mail from the City Attorney (Ms. Lynn Gelin) sent to City Manager Mr. Terrence Moore dated September 11th, 2023 and reads it as follows:

"At today's DDA meeting, Mr. Devitt brought up your name stating that he had spoken to you about his email below. He told the Board that you confirmed that his name was not mentioned at our meeting with the DDA on July 27th. This is accurate. His name was never mentioned during that meeting. However, more concerning, he stated that you told him that Rick Burgess's name was also not mentioned in that meeting. This is inaccurate. My recollection from the meeting is that the DDA counsel provided us with a draft affidavit (Mr. Rick Burgess adds that this was from the DDA Attorney and that he never saw this affidavit and that he was never told about it) that would be presented to new board members to certify that they met the DDA requirements (residency/location of business). You and I were both stunned that the DDA would require their board members to execute such documents as this was unprecedented. Given the recent "concerns" over the application of Mr. Burgess (which was the precursor to our meeting), I asked if this was the "Rick Burgess affidavit."

Mr. Rick Burgess explains that this was asked to Laura Simon and the DDA Attorney who were both present at the meeting on taxpayer's dollars, regarding this issue.

Mr. Rick Burgess continues in reading as below:

"Both Laura and her counsel replied that the idea to create an affidavit"

Mr. Rick Burgess adds that the creation of such affidavit was never done prior, and continues reading as below:

"was based on the concerns over whether or not Mr. Burgess met the DDA requirements and that such a document was to be used by the DDA organization. I indicated that, while it was clear that the DDA did not "believe" the veracity of Mr. Burgess's application, the City Clerk had, in fact, certified same making it unclear why (in my opinion) such drastic action was ever necessary."

Mr. Rick Burgess explains that this was the DDA's executive Director and the DDA Attorney and continues reading:

"However, since it is not within the City's purview to dictate what forms the DDA requires so we merely expressed our distaste and moved on. Please confirm whether or not this is your recollection. I am unhappy that we (the City) are being dragged into the DDA's issues and I am more concerned that our discussions are not being properly conveyed. As you know, the attack on the City Clerk during the nomination process was out of line and our meeting was an attempt to improve communications. Unfortunately, it does not appear that there has been any improvement. I look forward to your response."

Mr. Rick Burgess then reads Mr. Terrence Moore response as follows:

"Lynn: I am very much in both agreement and alignment your summary of the dialogue as noted. Well summarized and outlined. Thank you. Terrence"

Mr. Cole Devitt notes that the documents presented do not state that Mr. Terrence told him (Cole Devitt) that.

Mr. Rick Burgess answers that that Cole Devitt was not relevant to the matter. Mr. Rick Burgess issue is if the DDA Attorney with the DDA Executive director had a conversation with the City Attorney regarding him (Rick Burgess), that the DDA Attorney supposed to defend the Board, not go after the Board and if there was a question, the DDA Attorney could have emailed him (Rick Burgess) or call him and report the concerns. He then states that was never done and adds that it has become a personal witch hunt.

Mr. Brian Roses explains that is concerns regarding the current DDA Attorney where regarding the millage discussions with the City and the possibility of the Old School Square funds be pulled and the fact that there no agreement seemed to be coming out of the discussion.

Motion by T. Aaron Hallyburton seconded by Rick Burgess to remove Ms. Janice Rustin as DDA Attorney, in the next 30/60 days and move forward with a solicitation for a new Attorney (prepare a RFP, with the assistance of the City Attorney). Motion carried through a roll call (5-1). Mark Denkler not present:

Rick Burgess – Yes

Cole Devitt – Yes

Brian Rosen – Yes

Christina Godbout – Yes

T. Aaron Hallyburton – Yes

Vera Woodson – **No**.

Discussion ensued.

8. OLD Business

A. Delray Beach Preservation Trust Resolution: DDA Strategic Partnership – Price Patton

Mr. Price Patton (Delray Beach Preservation Trust, President) presents the Delray Beach Preservation Trust Resolution: DDA Strategic Partnership request.

Ms. Irene Revelas (representing Delray Beach Preservation Trust, Lawyer) informs that there are two grant programs available (they are federal programs available at the national level) that the City of Delray Beach could apply for: the African American Civil Rights grant program and the History of Equal Rights. She adds that the Delray Beach Preservation Trust filed an application the previous year (for Carver High School, now Delray Full Service Center Schools), but they were told that the Delray Beach Preservation Trust was not a valid applicant for the Grant. Therefore, they decided to re-apply this year with a slightly different concept. The deadline to present the application is November 1st (results come out end of March, beginning of April 2024) and they are requesting a partnership with the DDA for an opportunity of having an exhibition on African American Civil Rights at the site of the sundown line (which was Swinton Avenue) and the Cornell Art Museum, representing part of that story, has great significance and, therefore, would be a great candidate to receive the exhibition. The partnership will include collaboration in the preparation and execution of an African American Civil Rights Heritage Story told indoor exhibition in 2024 at the Cornell Art Museum and outdoors in the front lawn and at the Old School Square Park. Ms. Irene C. Campus Activation & Programing Updates also asks for the collaboration of the DDA to cover the application fee costs in the amount of \$7500. Spady Cultural Heritage Museum would also be involved in this project. She also adds that the partnership with the DDA includes a request for collaboration on the preparation for this application with a minimum of 8-hour collaboration time. She adds that the Spady Cultural Heritage Museum will also be involved. Ms. Irene Revelas informs that the federal government will be the entity to provide the grant money as well as the directions on how it can be used. She also adds that the exhibition would be temporary, not permanent, and that the grant is for the sole purpose of the exhibition.

Mr. Aaron Hallyburton asks why only now the Delray Beach Preservation Trust is asking for the partnership of the DDA.

Ms. Irene Revelas answers that happens because the organization shifted the plan regarding last year's application (from Carver High School), to become an exhibition on African American Civil Rights at the site of the sundown line now the line, and the DDA runs Old School Square (which borders that line and as historic relevance to the exhibition).

Mr. Brian Rosen reminds the board that whatever support is given by the DDA in the preparation for this grant application and on the application fees, the attribution of the grant to this project is not guaranteed.

Ms. Marusca Gatto suggests incorporating some artistic elements into the exhibition, seeing that the museum is not history based but art oriented. She also suggests spreading the exhibition city wide, instead of concentrating it at the museum only.

Mr. Cole Devitt suggests providing the Delray Beach Preservation Trust with the amount of \$2500 for the application processing fee.

Ms. Vera Woodson mentions that highlighting the African American history is important but refers that applying for the grant does not guarantee that the grant will be attributed and therefore, in case it is not attributed, the processing fee cost will be nonrefundable.

Mr. T. Aaron Hallyburton comments that the objective of this application is within the scope of the DDA mission and that he agrees with collaborating with the Delray Beach Preservation Trust and the Spady Cultural Heritage Museum to apply for this grant.

Mr. Rick Burgess asks when are the application fee costs due.

Mr. Irene Revelas says that they are due the day the application is filed (being the last date to apply November 1st).

Mr. Rick Burgess asks if the grant writer for the Carver High School application is the same for this project.

Ms. Irene Revelas answers that there is a team working on this application as they were on the previous one.

Motion by Rick Burgess seconded by Christina Godbout to allocate \$2500 in funds to move forward with the grant application to develop a program to acknowledge the Northwest and Southwest of Atlantic Avenue neighborhoods and their communities. Motion dropped.

Ms. Christina Godbout suggests involving Marusca Gatto and the Cornell Art Museum in the preparation and planning of the grant application and future project if grant is attributed.

Mr. Brian Rosen asks the DDA Board if is willing to provide the total application fee amount or just part of it.

The DDA Board agrees in supporting with the full amount or a part of it.

The DDA Board agrees with the full amount \$7500.

Mr. T. Aaron Hallyburton reminds that the application costs are nonrefundable.

Motion by Christina Godbout, seconded by Rick Burgess to approve the Delray Beach Preservation Trust Resolution: DDA Strategic Partnership request with the caveat that the amount requested of \$7500 be split into \$2500 initial fund and remainder \$5000 once the application is completed as well as involving Ms. Marusca Gatto (Cornell Art Museum - Cultural Arts Director) and the Cornell Art Museum in the preparation and planning of the exhibition. Motion carried through a roll call (6-0). Mark Denkler not present:

Rick Burgess – Yes

Cole Devitt – Yes

Brian Rosen – Yes

Christina Godbout – Yes

T. Aaron Hallyburton – Yes

Vera Woodson – Yes.

B. Inter Local Agreement OSS DDA /City of Delray Beach Amendment – L. Simon

Ms. Laura Simon updates the DDA board that the new the amendment for the Inter Local Agreement OSS DDA /City of Delray Beach reflects the DDA board orientations discussed at the last DDA Board meeting of removing the Crest Theatre Building from the current agreement, as well as other details.

Ms. Vera Woodson asks if having the Crest Theatre Building removed from the agreement will also represent a decrease in funding coming from the City of Delray Beach for the Old School Square project. Ms. Laura Simon answers that there will be not cuts seeing that when the DDA presented the plan to the City there was no funded attributed to the Crest Theater Building seeing that the building is still undergoing remodeling and that amount was allocated to the activation of the Vintage Gym.

Motion by Christina Godbout, seconded by T. Aaron Hallyburton to approve the Inter Local Agreement OSS DDA /City of Delray Beach Amendment as presented. Motion carried through a roll call (6-0). Mark Denkler not present:

Rick Burgess – Yes

Cole Devitt – Yes

Brian Rosen – Yes

Christina Godbout – Yes

T. Aaron Hallyburton – Yes

Vera Woodson – Yes.

C. Campus Activation & Programing Updates

Mr. Daniel Hartwell (United We Rock - Event Productions, President) reporting on events and initiatives at Old School Square.

9. Board Comments

Mr. Cole Devitt shows his concerns on the matter of having the DDA Attorney removed not solving the concerns present by Mr. Rick Burgess, referring to Mr. Rick Burgess words after the voting (to agenda item discussion to item of these minutes):

"The worst thing you can do is chasing a rabbit down the hole, there is more to come."

Mr. Rick Burgess reiterates his dissatisfaction in not being contacted by the DDA Attorney when his application for a seat at the DDA Board was questioned, stating that he was completely bypassed. And adds that he does not want to see any other DDA Board Members go through the same issues.

Ms. Vera Woodson comments how great was the "Free Sunset Concert: Vagabond Revue & Night Market" (held on September 2023), and that she is excited for the approach of high season.

Ms. Laura Simon comments that it is her job to ensure applicants and Board Members fulfill all qualifications according to the statutes and that whenever there are questions the DDA conveys their concerns with the City of Delray. She adds that at times questions arise, such as during Frank Frione's (tax qualification) term as a DDA Board Member, retired from his business, the City Attorney (Ms. Lynn Gelin) questioned Ms. Laura Simon on this matter. At that time Mr. Fank Frione qualification for a seat at the DDA Board still stood seeing that, although he retired from his business, he was still working part-time.

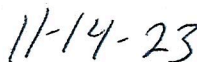
10. Adjournment

The meeting was adjourned at 3:21pm by Board consensus.

Respectfully submitted,
Liliana Fino



Cole Devitt, DDA Secretary



DATE