

New commissioner selected

After a few weeks of politicking, commissioners selected former Mayor Jay Alperin to serve out the remainder of Fred Fetzter's term.

As you may recall, Fetzter quit last month.

Eleven candidates emerged to take his spot, including former Commissioner Patricia Archer, who hasn't been very active in the community since leaving office in 2005. After spending six years in office she disappeared only to reappear this month. Other notables include Young Professionals of Delray President Kurt Lehmann, attorney Jason Dollard, Planning Board member Al Jacquet, Tropic Isles Civic Association President Kelli Freeman, and civic activist Shelly Weil.

These processes are interesting on a number of levels. First, they flesh out future candidates. Second, they attract opportunists who were never heard from before and often never heard from again. Third, they force politicians to take sides.

One of the groups that typically weigh in is DELPAC, the Delray Economic Leaders Political Action Committee. DELPAC held two meetings to consider candidates but ended up sitting out by declining to endorse—an odd choice considering that DELPAC is trying to find a way to restore its relevance. (DELPAC if you remember is the Chamber of Commerce affiliated PAC)

Regardless, it appears the process will spur DELPAC to begin to meet regularly so that they can make an impact in the near future. The next two election cycles will be critical for the city, with all five seats up for grabs. In 2013, there will be an open mayor's seat.

The selection of Alperin did not surprise too many political watchers. In his application, the former 10-year elected official said he could help the city with his budget experience. He also mentioned a need to improve the city's "responsiveness."

Interestingly, he ruled out running for a full-term in March. Many would like to see an even playing field in 2012.

The vote for Alperin was 3-1, with Mayor McDuffie supporting Jacquet. Interestingly, Jacquet's boss Mackenson Bernard was the last commissioner to resign during the budget season. Fetzter's departure marks the third time in recent years that a commissioner left during budget deliberations, a disturbing trend.

For some, the vote was based on the candidate promising not to run for reelection. Although we understand the rationale, we believe that new ideas and new faces are needed now to move our City ahead. We have great respect for the involvement of Dr. Alperin over many years, but we would have opted for a fresh face. One of our loyal readers, who herself was a candidate for the position, sent us the following message:

"This choice speaks volumes for the current Commission and the fact we have to go back a decade instead of move forward in our thinking. This will sound like sour grapes since I was not selected, but there were SEVERAL very qualified candidates that would move Delray Beach forward."

Kelli Freeman

President, Tropic Isle Civic Association

Talking the Talk or Walking the Walk?

You may have seen the groups of smiling folks on Segway machines touring downtown Delray. In a short time the service has become a hit with visitors and residents alike. Well, it looks as if Delray bureaucracy almost crushed this popular activity.

The Intelligence Report got wind that the operators of the Segway tours were having a rough go of making it through the planning department's approval process. The issue came before the commission and the tours were approved with some onerous conditions that almost closed the operation. The owner had to spend money he had not anticipated, and there were numerous delays.

At that point, the tour's landlord stepped in and worked out a deal saving the day.

But we wonder what message this sends to the Segway owner and other business owners considering Delray Beach.

Are we sincere about economic development or is it merely lip service?

Bottom line: It just shouldn't be this difficult or costly in time or money to open a business in Delray.

This is where the Chamber of Commerce should be weighing in forcefully. It also where elected officials should be exerting leadership by sending a message to city staff that we are town friendly to business and job creation

Retail Mix

For several weeks now, the talk of the town has been how to stimulate retail and how to prevent sections of the downtown, (particularly Cluster 4, the first few blocks of Atlantic Avenue east of Swinton) from turning into a food court.

One of the suggestions was to increase the parking requirements for restaurants, a proposal shot down by commissioners.

It's an interesting issue. Atlantic Avenue was built on the success of restaurants, but the Downtown Master Plan created by the community and adopted by the commission in 2002 called for a healthy mix of restaurants, offices, retail stores, services and residential. Still, few can quantify what a healthy mix looks like—they'll just know it when they see it.

Along with the Downtown Master Plan, the city earlier in the last decade commissioned a "cluster study" which took inventory of each cluster of the downtown. The intent of the study was to keep an eye on the mix and to provide economic developers with a tool to attract businesses. It was supposed to be updated every few years—but really hasn't. This information is critical, because you may have noticed that the world has changed.

While nearly everyone wants to see more retail, the commission and others were concerned about policies that might squash new restaurants. Nobody wants to be seen as the group that killed the goose that laid the golden egg. So the policy to increase parking requirements was shot down by the commission—but where does that leave us?

Good question. It seems logical that the city should be thinking about retail incentives but planners should also be keenly aware how difficult it is to sustain retail in a tough economy (that is still seasonal), where high rents still prevail and landlords can get more dollars per square foot leasing to a restaurant.

The chamber's Economic Development Committee and the city's Downtown Development Authority have been highly engaged in the debate and it's a good one. Absent so far, are the policymakers (i.e the Commissioners).

It would seem that we need the commission to engage rather than just be waiting at the end of the process to either endorse or reject policy prescriptions. Any takers?

Parking

Another major debate brewing that cries out for Commission leadership is what to do about recommendations made in the recently completed and reasonably expensive city parking study.

Chief among the issues is whether or not to charge for parking.

Proponents of meters (or others forms of payment) argue that there is no such thing as free parking. After all, as taxpayers, we are paying for the garages so the question becomes whether we want to continue to subsidize users who park free downtown. There's also the seeming inequity of meters in the beach area but not in other clusters that has some crying foul.

Opponents, many of them downtown merchants, strongly oppose meters saying it will hurt business. Lately, they have been pointing to Sarasota which put bags on its downtown meters after sales reportedly plummeted downtown.

Still, others argue that merchants will benefit from the turnover of cars and that validation systems, resident discounts and other programs could mitigate the impact while raising revenue.

Again...an interesting debate.

September is when the city is supposed to weigh in with costs of instituting paid parking and other economic information to see what the city would net should it proceed.

Regardless, of where you stand on this controversial issue, it seems that the commission needs to take some control of the debate and take the lead armed with facts.

Stay tuned.

US 1 project proceeds

Construction is set to begin in 2012 on a plan that will narrow and beautify Federal Highway between Southwest 10th Street and George Bush Boulevard.

The \$11 million project is funded by the city, CRA and grant monies. The goal is to make the corridor safer and more pedestrian friendly.

The project has been kicking around for years and has been very controversial at times. Opponents say it will unnecessarily snarl traffic, while proponents say it will make the corridor safer and more business and pedestrian friendly.

Some have argued that the project is being done at the behest of downtown residents who bought condos and townhouses along the corridor. But true students of Delray history know that slowing down traffic and making the corridor more neighborhood-like has been a goal of some city and business leaders since the early 90s, **long** before the advent of downtown housing. In fact, a trial which you might have seen over the last couple of years showed significant decrease in both speeds and accidents.

Regardless, the project's details can be viewed on the CRA's website at <http://www.delraycra.org/> click on "Projects" and scroll down to find U.S. 1 Corridor Project.

Leadership

We are pleased that Commissioner Carney is showing leadership on the Commission. In recent votes during July he led the Commission to outcomes that were favorable to the residents. One such vote involved the use of public sidewalks. At a regular meeting he had a lengthy debate with local attorney Michael Weiner. You may recall from earlier issues of the Intelligence Report that Mr. Weiner has been an important source of financing for Mayor McDuffie, Commissioner Gray and Commissioner Frankel. Mr. Weiner came to the Commission to represent the request of the Office restaurant to renew the seating on the curb on its 2nd Avenue side. The City had given the restaurant a one year right to the

seating, but had declined to extend it because it proved to be a potential safety hazard. Mr Weiner argued that by allowing the restaurant a year ago to place seating on the curb it had granted a permanent, vested right Mr. Weiner had a court reporter sitting in the front row taking down the arguments, and he suggested that the matter could end in a court case against Delray if he did not prevail. It seemed to your Editor that the other Commissioners were prepared to vote in Mr. Weiner's favor. However, Commissioner Carney took vigorous exception to Mr. Weiner's assertion of a vested right. After Carney made his argument, Commissioner Frankel agreed with Carney that no rights had been granted. Thereafter the remaining Commissioners followed Carney's lead and the request was denied. It would have been a dangerous precedent to have granted a vested interest in public property, and we applaud Commissioner Carney for holding out and reinforcing an important point. The sidewalks belong to the City, not to the restaurants. We were disappointed that the City Attorney did not speak up in defense of the residents. We suspect that Mr. Weiner will be back on this issue, and suspect that Mr. Shutt will be ready.

(Latest: At the August 16th Commission meeting Mr Weiner's firm was back, as predicted. His partner requested a waiver for his client to keep seating on the curb. In a 4-1 vote, the Commission voted to approve the waiver. We do not agree with the vote, and feel that seating so close to a roadway is dangerous, as Commissioner Frankel stated in his dissent. But at least the City held firm that no vested interest had been granted. Moreover, Commissioner Alperin pointed out that the City specifically stated that it was not creating a precedent for other restaurants to use in the future.)

Police Department accepts unwanted meds

The Delray Beach Police Department has installed a "Med Return" machine in its lobby, located at 300 West Atlantic Avenue. This machine accepts expired and/or unwanted medications and prescription drugs to ensure safe and proper disposal. The "Med Return" machine is available during Police Department lobby hours, Monday thru Friday from 8:00 am to - 8:00 pm (no hours on Saturday or Sunday).

This program, which was funded with Police forfeiture funds, has become increasingly important and assists with the prevention of overuse and/or misuse of prescription medication. Unwanted drugs and medications may be dropped off anonymously and all medications that are received are deposited into a locked and secured machine within the City's Police Department.

Overuse and/or misuse of prescription medications have become a significant problem throughout the United States of America as evidenced by the recent "pill mill" legislation and crack downs. The public is encouraged to assist law enforcement by properly disposing of their unused prescription medication. This is a safer and more sustainable method of disposal than throwing away pills (keeps the medication

out of the hands of children) and/or flushing them down the toilet and into the City's wastewater treatment process.

For more information, please contact the City of Delray Beach Police Department at (561) 243-7888.

No more use of Roller Skates, Skateboards & Bicycles in City Parking Garages

Recently, the City Commission held a Public Hearing and took action to approve an amendment to the City's Code (Ordinance No. 18-11) - "Offenses Against Public Peace and Safety" - to prohibit the use of roller skates, skateboards and bicycles in any City-owned parking garage, including the Robert W. Federspiel Parking Garage, 22 SE 1st Avenue, and the Old School Square Parking Garage, 95 NE 1st Avenue.

This Ordinance was approved to minimize the various safety concerns to roller skaters, skateboarders, cyclists and patrons of the parking garages as well as the potential damage that could result to parked, private vehicles within these types of parking structures. In addition, they may cause damage to the City's buildings, sidewalks, walkways, steps and/or other areas over which they traverse.

This Ordinance became effective immediately upon passage by the City Commission on June 21, 2011. We offer a hearty thanks since we have received reports of cars almost hitting errant skateboarders careening around our garages. We hope this ordinance is enforced.

Confession

Your editor has a confession. He does not spend all his time reporting on Delray. He can be distracted by friends, good food, laughter and fashionable women. As he expects to be distracted in the weeks ahead, there will be no Intelligence Report in September. We will be back in October.

Letters to the Editor

"In a memo to the City Commission dated July 5, 2011, City Manager David Harden presented four (4) options that may be considered to balance the FY2012 Budget. His first option:

1. Eliminate all staff training, defer maintenance and postpone all capital improvements. He stated, **"While there would be little immediate effect, we would inevitably begin the slow slide back to the run down, mediocre city Delray became during the 1980's."**

I find it inappropriate and irresponsible that our City Manager would make such a comment on this option. If our City Manager cannot identify more creative ways to reduce spending - like every Delray Beach resident has to do when their income is reduced - maybe it is time for him to step down.

City Staff needs to look at ALL expenditures to see how we can cut spending significantly. There is a big difference between critical services, nice to haves and discretionary spending. And as far as revenues go, raising taxes is not the only answer. Don't take the easy way out!

Come on City Staff - be creative!

Kelli Freeman
President
Tropic Isle Civic Association