

Intelligence Report

January, 2013

Happy 2013!

Things are moving fast in our beloved Village by The Sea.

Here's a recap of the action:

Atlantic Plaza Development

Despite solid opposition from the public, City Commissioners voted 3-2 to approve Atlantic Plaza II now being called Atlantic Crossings. The approval allows 50,000 square feet of retail space, 30,000 square feet of office and 342 apartment units, most of which are rental. Part of the development would be 5 stories tall. At a December meeting of the Commission, hundreds of residents filled City Hall, almost all of whom stated that the project was too massive, not compatible with adjacent neighborhoods and would change the character of Delray forever.

We will spare you all of the details, but the Commission approval led a group of residents to hire a lawyer and sue the City to stop construction. The matter is now in court.

It is sad that residents feel they must sue their own city to be heard. This is the biggest redevelopment that will be proposed in downtown Delray. It is perhaps the most visible site in town – along Atlantic Avenue from Veterans Park to Federal North and up to 1st Street NE.

Interestingly, most residents, including those who are suing, support redevelopment of the site. We believe that if there is goodwill on both sides and with continuing dialog, an acceptable resolution can be reached. The objective is to allow redevelopment but also maintain what is special about our Village by the Sea. No one wants another City Place or Mizner Park with 342 residential units stacked on top located on Atlantic Avenue.

Because your Editor lives near the project and is not impartial we will not comment further on the matter. The site is so large and important to the character of our Village, we recommend that you follow the story in the Sun Sentinel and Coastal Star newspapers.

Congratulations

Once again Delray's Art Garage has distinguished itself. During December it was awarded two prizes by the prestigious John S. and James L. Knight Foundation in Miami. It was given the \$20,000 Peoples Choice Award for its outstanding success in art, jazz and theater performances which sell out on a regular basis. In addition, it was given a \$30,000 Knight Arts Challenge award. The Knight Foundation will match every dollar raised up to the \$30,000 limit.

Our homegrown Arts Garage is one of the great achievements of our community in recent years. We encourage all readers to check out the website www.artsgarage.org for upcoming events. Give it a try, and we bet you will be hooked.

Much of the credit goes to the Board headed by Chuck Halberg, and the always dynamic Executive Director Alyona Ushe.

Even Better Entertainment

However, as good as the programming is at the Arts Garage it cannot match the entertainment at Commission meetings. The Intelligence Report views it as live theater. The actors remain the same, but the dialog changes and the humor is consistently high.

The current drama concerns the replacement for the City Manager. A couple of months ago the City began a formal process to find a replacement for Mr. Harden. There seemed to be a great rush to get the replacement chosen and in place by the beginning of January. Many knowledgeable people believed the process was designed to select Mr. Doug Smith, the current Assistant City Manager, before Mayor McDuffie retired. It was believed that by including Mr. McDuffie there were the 3 votes needed to select Mr. Smith after the proper window dressing had taken place.

Five finalists were selected, then interviewed by Commissioners. Dutifully, all Commissioners said they were impressed with the credentials of all five, and a couple of the Commissioners made sure to say that all were "outstanding". Then the script seemed to fall apart.

Mr Carney suggested that since it takes 4 votes to remove the City Manager it would make sense to require 4 votes to hire him. This was not in the original script and caused much consternation. The meeting that was to have made a final decision was then adjourned. When the meeting began again a couple of days later Mr. Carney made no further reference to 4 votes. But the preliminary indication showed only 2 firm votes for Mr. Smith (from Mayor McDuffie and Commissioner Frankel). There were two firm votes from Commissioner Jacquet and Commissioner Gray for Mr. Louis Chapman, City Manager of Bloomfield, Connecticut. Mr. Frankel stated that he was troubled by some of the negative information he had received on Mr. Chapman's personal conduct. Commissioner Carney replied that he had conducted his own investigation into Mr. Chapman by contacting the local newspaper and sources in the City. He said he could vouch for Mr. Chapman's suitability.

It seemed that Mr. Chapman suddenly had the 3 votes needed. However, Mr. Frankel continued to state his concerns, as did the Mayor. Mr. Jacquet then leaned toward Mr. Frankel and reminded him forcefully that he had been one of those pushing for a quick appointment. Mr. Frankel denied it, and there was tension in the air.

After a good bit of entertaining dialog, the matter was put to a vote and it was decided to offer Mr. Chapman a contract.

But a good drama has twists and turns. As the terms of the contract were discussed Mr. Harden stepped into the lights. He said he was insulted that the Commission would offer Mr. Chapman the same salary as he had after working for 22 years. He also pointed out that the City of Bloomfield is less than half the size of Delray without its own fire department and a smaller City staff. "Bloomfield is a run of the mill town", Mr Harden announced to a stunned audience. Ouch. Now you might ask why Mr. Harden inserted himself into a Commission matter, but it makes sense if Doug Smith was supposed to get the nod. Ultimately the Commission directed staff to prepare a contract offer to Mr. Chapman. Mr. Chapman quickly accepted the terms, and was set to have it signed.

End of the story? Not yet. Soon, reports of potential problems with Mr. Chapman began to surface. There was a report that he had dated a City employee, that he had used a City automobile for personal use. Mr. Chapman stated that there was no policy regarding dating by City employees and that his contract with Bloomfield called for him to be given the personal use of a City automobile. But Mr. Frankel and Mayor McDuffie were anguished by this and other information, and once again called for the process to be delayed. Suddenly Mr. Carney was also disturbed. (No mention of his own investigation.) The Commission decided not to sign the contract it had offered, and to continue an investigation.

As of the date of this report, Mr. Smith has been appointed interim City Manager while our Commissioners investigate....long after the Commission proudly announced its 5 "outstanding" candidates. Stay tuned. As we said, it's the best entertainment in town.

The Joke is on Us

As loyal readers know we have been highly critical of the Commission for its continued granting of no-bid contracts – the \$60,000,000 contract to Waste Management being the most prominent. But the Commission has found a way to turn the tables on us. Now it requests bids from contractors then ignores the results! Recently it requested bids to rake the beach to keep it clean. This is a separate contract from the chair rentals that the Commission continues to refuse to bid out. There were 3 responses including one for \$95,000 from Universal Beach Services Company, the current provider and a Delray company, and one for \$57,000 from the Beach Raker Company. In accordance with procedure, the city staff reviewed all three. They found all three to be from reliable vendors that were all capable of doing an excellent job for Delray. They ranked them on a variety of criteria, not limited to cost. The company with the highest rank, Beach Raker was recommended by staff for approval by the Commission. But when it came time to vote, the Commission by 5-0 voted to give the contract to the more expensive bidder. There was much scrambling to justify the vote, including a question to City Attorney Shutt about the ability of the Commission to do so. There was discussion of wanting to support the local company. A reason given for turning down the lower bid was that it was too low. (Vendors wanting to do business in Delray: take note not to bid low.)

Mr. Andrew Greener, a representative of the losing firm, asked to address the Commission and explained that his firm was currently doing the same work in Pompano, Dania, Lauderdale by the Sea and several private beaches. He said his company could spread overhead and equipment expenses over a larger area and save Delray money. He also addressed Mr. Carney pointing out, "You stated earlier that you were very concerned that new bidders be given an opportunity in Delray". Commissioner Carney said he made no such statement. Greener said he was referring to Carney's earlier statement about engineering awards. When reminded, Mr. Carney fell silent.

It might be that the real reason for selecting the higher bid was simple: the winner is a local resident who is a favorite of the Commissioners. Also, as Mayor McDuffie stated, "we all would have heard from Andre Fladell" if there were a problem. (Thus the Mayor earns the Honesty of the Month Award.)

We know some of you might conclude that the Commissioners gave away \$38,000 of taxpayer money, but keep in mind that this is election season.

So our hats are off to the Commissioners for finding a way to have a bid process and then ignoring the results.

Chamber of Commerce in the News

Recently Delray's Chamber of Commerce managed to be the focus of interest in local media. The Chamber invited former County Commissioner Mary McCarty, who pleaded guilty to a felony and served time in federal prison, to speak on her experience in the justice system. This was to be a closed meeting for Chamber members only. The Palm Beach Post, which has largely ignored Delray in recent years, ran a couple of articles on the appearance and questioned the wisdom of having someone currently on parole to be a featured speaker. The Post ran an editorial that said, in part:

"At her sentencing on June 4, 2009, McCarty said: "My carelessness and irresponsible behavior have humbled me. I never thought of myself as a criminal, but I am one." Since then, the county has added an ethics commission and the Office of Inspector General. In 2010, voters by nearly 3-to-1 approved the inspector general's oversight of all Palm Beach County cities. Yet this year, Delray Beach ignored advice from the inspector general and doled out a no-bid trash-hauling contract.

The public does not want a return to back-room deals. A private audience between McCarty and members of the Delray Beach Chamber of Commerce does not provide that assurance."

Jac Wilder VerSteeg – Palm Beach Post Editorial Board

Tidbits

The Commission recently voted to institute a noise ordinance that limits the noise that spills into the streets from commercial establishments. But complaints from restaurants ranging from Deck 84 to Jonnie Brown's caused the Commission to backtrack and put the ordinance on hold. It seems that noise is good for business.

...Christina Morrison was selected to serve as interim Commissioner until March. She will fill a vacancy created when Mayor McDuffie resigned earlier this month. We wish her well, and are particularly pleased that there will now be 2 women on the Commission. We hope it will lead to better decision making.

...The Delray Land Trust has built and sold 53 single family houses in its short existence, making it the most successful Land Trust in the State of Florida. Under the outstanding leadership of Evelyn Dobson it has provided new houses to many local families and has strengthened neighborhoods in the process. We often point out the shortcomings of our City administration. The Land Trust is an example of its achievements.

In Summary

On a final note, there will be an election for Mayor and 2 Commission seats in March. This represents the majority of the 5 member Commission. There will also be a few Ballot Initiatives requiring a vote. We will provide more details in the next issue.

The number of voters in Delray municipal elections in the past has been pitifully low, generally about 5% of registered voters. We should be ashamed. We urge readers to pay attention to the issues, attend candidate forums and plan to vote in March.