

Welcome to the July Intelligence Report. It's summertime and the living is easy. Fish are jumping and the cotton is high...

In response to a paragraph entitled "Speculation", Commissioner Adam Frankel has submitted the following letter. We are pleased to print it in full.

*To the Friends of Delray:*

*Your July 2011 Intelligence Report article "Speculation" stating that I had any interaction with or related to the Palm Beach County State Attorney is False. I never had any conversation of any kind that may have ever suggested or mentioned the issue of working for the Palm Beach County State Attorney.*

*Your careless disregard for the truth:*

*1. Adversely affects relationships with my current clients when you imply I am no longer 100% committed to my criminal defense practice.*

*2. Adversely affects future clients and referrals when you state I may not be in my legal practice anymore.*

*3. Reflects a failure for both the Palm Beach County State Attorney and myself to disclose a conflict for both of us as required under Florida law. (It is my understanding that the Palm Beach County State Attorney's office did in fact contact you directly about this.)*

*All of the above could have been avoided if you or any member of the Friends of Delray had contacted me prior to his article being distributed. As you state on your website, "We make every effort to verify the facts . . ." At*

*no time did I receive a phone call or email from you or your organization relating to the subject matter you reported.*

*You assert that you relied on "Delray's political and business elite" as a basis for your article. As such, I offer you an opportunity to simply identify two (2) or more of this "elite group" who directly provided you with this erroneous information so I can "make every effort to verify the facts".*

*I look forward to an immediate response so that I may be able to speak directly with these elite individuals.*

*Sincerely,*

*Adam L. Frankel, Esq.*

#### **A Suggestion...**

On a particularly hot, humid day your editor was confined to his house. Having nothing better to do, he examined the record of the current Commission since its formation in March. Believing that different opinions are helpful in setting policy, he wanted to see examples of split votes among Commissioners. The record shows the following:

April 11, 2011 10 votes taken, all 5-0

May 3, 2011 9 votes taken, all 4-0

May 17, 2011 11 votes taken, all 5-0

June 7, 2011 8 votes taken, all 5-0

June 21, 2011 37 votes taken, all 5-0

A total of 75 votes have been taken so far by the current Commission. Not one dissenting vote has been cast. As we have pointed out in the past, this is a truly harmonious group. But as budget constraints are

looming, the Intelligence Report has a suggestion: eliminate 4 of the 5 paid positions and pay just one person to do the voting.

### **Economic Development and the City Commission**

For many elected officials, the topic of economic development is at the top of the priority list. Poll after poll after poll indicates that the number one issue on voters' minds is jobs, jobs and more jobs.

Elected officials often see their jobs as being the salesmen or evangelists for their cities—touting their community's benefits for companies, tourists, investment etc.

In Delray Beach at the present time, it appears that Economic Development is something of an afterthought.

Consider the following:

- According to our sources at the chamber, the mayor and the commission have yet to attend a single meeting of the chamber's active Economic Development Committee. Former Commissioner Eliopoulos showed a few times but Mayor McDuffie, Vice Mayor Gray, Commissioners Frankel and Fetzer have not attended the early morning meetings held once a month.
- The City of Delray has not really engaged with the county's Business Development Board (BDB) in a meaningful way, in contrast to neighboring Boca Raton which is very engaged and has helped to shift the BDB's focus southward. Mayor McDuffie participated in a meeting of Site Selection consultants a few years ago along with Boca Mayor Susan Whelchel and former Boynton mayor Jerry Taylor. Their performance was ...how should we phrase it...lackluster. As a result, the BDB huddled with the local chambers to create an "Economic Development 101" program for elected officials to help them sell their cities more effectively.
- Several months ago, Friend of Delray Board member Peter Arts, also a CRA Commissioner and then-Economic Development Director Francisco Perez-Azua addressed the commission seeking approval to extend downtown incentives for office space and jobs to other parts of the city; namely Congress Avenue. By all accounts, they were greeted warmly. Yet, to date, there has been no action from the commission to extend the incentives. We wonder why?

So when CRA director Diane Colonna and Chamber Chair Gregg Weiss approached the commission about a replacement for Perez, it was interesting to note the reaction.

The CRA funds 75 percent of the position which is housed in the CRA's offices. But in order for the Economic Development Director to market all of Delray Beach, the city needs to kick in—in this case

about \$20k assuming the position costs about \$80,000 a year. Not a bad deal, considering that if successful, the director may bring jobs and an expanded tax base to a revenue starved city.

But although the commission ultimately supported the contribution it was not without some kicking and screaming notably from Commissioner Adam Frankel, who wasn't convinced (at first) that the position was needed and effective.

We believe that for Delray to survive and thrive we have to grow the city's economic base. It cannot be all about great pasta on the Avenue. Considering that the CRA is footing 75 percent of the bill, this appears to be money well-spent by the city—especially measured against some other expenditures.

Another interesting comment came from City Manager David Harden who asked that the city to defer payments on the position until the next fiscal year, an offer accepted by the CRA.

Why? The city is running a deficit, due Harden says, to a delay in securing labor contracts. What?

We are talking about a few thousand dollars—pro-rated of course and the city's fiscal condition has not stopped commissioners from extending the Champions Tour for 20 years at a cost exceeding \$7million. But we digress...

### **Dare 2 Be Great**

At the last "in-person live meeting" of Friends of Delray, we heard a riveting presentation from local philanthropist Morgan Russell regarding a new scholarship foundation he started a few months ago.

Dare 2 Be Great ([www.dare2begreat.org](http://www.dare2begreat.org)) seeks to provide "gap" funding for worthy students heading to college. The scholars must live in Delray and the foundation is seeking students who are "game changers".

According to the website, founding board members are: City Education Coordinator Janet Meeks, Community Improvement Director Lula Butler, mentoring expert Patrick Hidalgo, Police Lt. Michael Coleman and former mayor Jeff Perlman.

The foundation recently selected nine winners From Atlantic Community High in its first year. They are: Joseph Elisma—heading to University of Florida to study Criminal Justice, Nicole Dagata—UF to study medicine, Dina Deneus—UF to study medicine, Cody Jackson—UF for medical research, Jacqueline Lowell—UF for International Relations, Shekinah Fashaw—UCF for medicine, Jazmine Tolliver—FAU Honors College to study psychotherapy and journalism, Maria Gracia—Drexel to study Public Relations and Marketing and Stephanie Brown—Savannah College of Art and Design to study photography.

The foundation provides financing over and above scholarships awarded so that students can go to the college of their choice and not be constrained by funding. Its goal is to mentor the students and add more winners each year. The long term aim is to bring many scholars back to Delray so they can grow our community.

Friends of Delray congratulates Dare 2 Be Great on a successful launch and its investment in Delray's future. We look forward to hearing about future progress.

### **Max's Harvest opens**

Famed restaurateur Dennis Max has chosen Delray's Pineapple Grove for his latest store—the aptly titled Max's Harvest.

The restaurant will use local sources of food and vegetables and tap into the growing trend of “localism.”

Max is a famed operator and his decision to invest in Pineapple Grove is a good sign for the neighborhood's health.

The street has also attracted a promising new Turkish restaurant—Sefa and our trips down Second Avenue seem to indicate robust business at Brule' and Joseph's Wine Bar.

There seems to be a niche for restaurants that want to contrast themselves with the bustling—and often noisy—avenue.

The Arts Garage's successful Jazz series has increased traffic in the Grove and well-known restaurants such as Christina's, Dolce Amore and Yama are also drawing pedestrians north of the Ave.

Another good sign: plans for the Hyatt across from the Old School Square garage. These are serious investments in still uncertain times and bode well for Delray's future.

Speaking of the Hyatt—this project is indeed for real and the hotel's developers are taking advantage of incentives put in place by the CRA's economic development efforts.

Site work is already underway.

### **Parking**

Battle lines are being drawn over the age-old issue of parking in downtown Delray.

“To meter or not to meter?” That is the question.

On one side, a group of merchants who feel meters will kill the goose that laid the golden egg.

On the other side, other business leaders and civic leaders who feel that paid parking makes sense in order to bring needed revenue to the city and to promote turnover of cars, which will ultimately help merchants.

All agree that the city needs an employee parking plan and a strategy for the downtown garages.

One thing is certain: parking is NOT FREE. Somebody is paying for it. If parking remains free —the taxpayer pays the freight. If meters are installed the cost of the garages, maintenance etc., is shared by visitors to the avenue—a user tax.

The CRA and city paid for a parking study and the implementation of that study has lagged and lacked a sense of urgency and yes—leadership.

Regardless, the issue of meters is lumbering forward and promises to be a major debate.

What are your thoughts? Share them with us and we’ll share them with Delray. Just click on “Contact Us” at the top of the page.

### **South Federal Study**

Is it rude to gloat?

If it is, we sincerely apologize, but we do feel that we played a role in getting some movement on a follow-up to meetings held to determine a future vision for South Federal Highway.

Mayor Ellis had called for a charrette more than three years ago and there was no action whatsoever until a Wal-Mart proposal scared local residents and rallied local neighborhood leaders to push the city for a plan.

Once Wal-Mart took a pass, momentum for a plan seemed to slow, before meetings were finally held and then once again—silence.

We have discussed this topic in previous issues. Now the city is holding up follow-up meetings hopefully to enact a plan and define a vision for this important corridor.

Congratulations to Kelli Freeman and Tropic Isle Civic Association for sticking with the issue.

## **2013 Mayoral Race underway**

In what may be a first for Delray Beach, a candidate has declared for mayor on her Facebook page—a full 21 months before the 2013 election. And oh by the way, said candidate has to defend her seat before running for Mayor.

Angie Gray, current Vice Mayor, announced her decision on Father's Day and two days later the city's PR machine cranked into gear—issuing press releases on Gray's trip to the National League of Cities where she met (gasp) with federal officials to discuss the issues of the day.

This may be the earliest in an election cycle that a candidate has declared for mayor, nearly 21 months before the next election.

So what gives?

Well, it could be that Gray is marking her territory and hoping to scare off all comers. Or it could be a really good way to bring attention to her performance on the commission, which to date, has not been without its fair share of bumps and bruises.

First, there was the controversial vote to approve "The Villages" a vote that went counter to city staff recommendations and more importantly neighborhood sentiment and advisory board decisions. More troubling was that Gray was a vocal opponent of the project while a CRA commissioner. Why the change of heart? A lot of voters are left with that question.

At her first meeting as a declared mayoral candidate, Gray left lots of city leaders scratching their heads when she failed to re-appoint Brian Cheslack to the CRA board. Cheslack served all of three months filling the CRA position left vacant by Tom Carney when he joined the City Commission.

Is it right to dismiss Cheslack who has served the city in a multitude of capacities from Old School Square President, Library Board, Chamber Chairman, youth sports leader etc. etc. etc. so abruptly?

Well, we can answer that last question: no.

Annette Gray has a reasonable resume, but relatively little involvement in the city over the past decade. She has served on the city's Public Arts Advisory Board. Meanwhile, Cheslack has been one of Delray's most involved citizens and showing him the door so soon is a mistake.

There's plenty of blame to go around here and in fairness to Commissioner Gray, the rest of the commission should not have endorsed her decision. At the very least, they should have debated it.

We analyzed the tape of the vote and noted that Commissioner Frankel happily seconded the appointment. Why is he so willing to dump his appointment so soon? The only commissioner who seemed to stop momentarily was Carney. But sadly, the vote went 5-0 to dump Cheslack. Why no

debate? Should commissioners roll over and simply ratify the appointments of other commissioners?  
We think not.

At press time, there was a strong rumor that Commissioner Fetzner would move to reconsider the appointment. We hope so. That's not a shot at Annette Gray, but we think Brian Cheslack deserves better.

But back to our story...

Since we are now entering the era of two-year campaigns (we won't complain if it ends up in an actual election) we thought we'd share some traits we are looking for in our next mayor, courtesy of leadership expert Mike Myatt.

### 1.Integrity

- Always does the right thing regardless of sentiment, and never compromises values. If you cannot build trust and engender confidence with your stakeholders you cannot succeed. No amount of talent can overcome illegal, immoral or otherwise ill-advised actions. A leader void of integrity will not survive over the long-haul.

### 2.Excellent Decision Making Skills

- As a leader you will live or die by the quality of the decisions you make. When you're the leader good decisions are expected, poor decisions won't be tolerated, and great decisions will set you apart from the masses.

### 3.Ability to Focus



- If you cannot focus, you cannot perform at the level necessary to remain in leadership for very long. The ability to do nothing more than understand and lock-onto priorities will place you in the top 10% of all leaders.

#### Leveraging Experience

- Inexperience, a lack of maturity, needing to be the center of attention, not recognizing limitations, a lack of judgment, an inferior knowledge base, or any number of other common mistakes made by rookie leaders can cause your house of cards to fall.

#### Command Presence

- Great leaders possess a strong presence and bearing. They are unflappable individuals that never let you see them sweat (unless of course it serves a purpose). Everything from how they carry themselves to how they speak and dress, messages that they are in charge.

#### Embracing Change

- Great leaders have a strong bias to action. They don't rest upon past accomplishments, and are always seeking to improve through change and innovation.

#### Boundless Energy

- Great leaders have a boundless amount of energy. They are positive in their outlook, and their attitude is contagious. A low energy leader is not motivating, convincing, or credible.

#### Subject Matter Expertise

- Great leaders have a deep understanding of their subject matter, and a strong orientation toward achievement. Great leaders possess what often appears to be a sixth sense, or an almost instinctive feel for what the needs to occur in order to leverage their knowledge into a competitive advantage.

#### People Acumen

- Great leaders have a nose for talent.

#### Organizational Acumen

- Great leaders know how to engender trust, when and how to share information, and are expert listeners. They develop strong and positive team/organizational cultures driven to performance by aligned motivations. They can quickly diagnose whether the team/organization is performing at full potential, delivering on commitments, and whether the team is changing and growing versus just operating.

#### Curiosity

- Great leaders possess a powerful motivation to increase their knowledge base and to convert their learning into actionable initiatives. They question, challenge, confront and are never accepting of the status quo.

#### Intellectual Capacity

- Great leaders are also great thinkers...both at the strategic and tactical levels. They are quick on their feet, and know how to get to the root of an issue faster than anyone else. I've never met a great leader who wasn't extremely discerning.

### Big Thinkers

- Regardless of the physical or geographical boundaries of their current role, great CEOs think big and add a zero. Limited thinking results in limited results. Great leaders are externally oriented, hungry for knowledge of the world, and adept at connecting developments and spotting patterns.

### Never Quit

- Great leaders refuse to lose. They have an insatiable appetite for accomplishment and results. While they may reengineer or change direction, they will never lose sight of the end game.

So ask yourself, how does our commission stack up?

Send us your thoughts.

### **Easy Rider**

Bon Voyage to Friend of Delray board member Chuck Halberg and his friend Jimmy C and their mascot Flat Stanley. They embark on a 22 state motorcycle trip across the Midwest, through the Badlands and heading west into the sunset. As is Chuck's way, the trip will benefit 5 Delray charities. On June 29 Chuck hosted a kick-off fund raiser at Deck 84. So far, he has raised about \$10,000 for the charities, and more is expected. There were several opportunities to sponsor including \$3 per salad eaten during the trip, \$10 per photo in front of a courthouse, \$5 per photo of a sunset. Follow Chuck's exploits via Facebook at [www.facebook.com/flatstanleyridesforcharity](http://www.facebook.com/flatstanleyridesforcharity) He will be posting photos daily.

### **Fetzer vs. Gray**

By now, you have probably read or heard about the flap in which Vice Mayor Gray took a trip to Washington D.C. and was called out by Commissioner Fetzer. Maria Herrera at the Sun-Sentinel has written on the matter.

Fetzer's beef seems to be three-fold.

1. He is under the impression that commissioners must get approval for out-of-state travel. In typical "soft shoe" fashion City Manager David Harden couldn't recall whether the commission had such a policy. But he and the City Clerk are researching the minutes to rule definitively. Regardless, it is good policy, especially in these difficult times and will stop commissioners from traipsing around the country without the consent of their peers.
2. Fetzer took issue with Gray's contention that she went to D.C. to bring "dollars" and programs back to Delray. Fetzer questions whether a deficit riddled Washington will give money to Delray and says the city has enough programs on its plate that it is struggling to pay for and call ill afford more.
3. Fetzer took issue with the aforementioned press releases issued about Gray's trip. He found them political in nature which would violate the city's newly minted policy on press releases.

Gray disagrees and said Fetzer was entitled to his own opinion.

So why two press releases on the same subject? Well, it seems the second release had more information. Which begs the question, who didn't like the first release and who directed the additional info? Travelgate in Delray?

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### **Cops angry**

The men and women of the Delray Beach Police Department responded to our calls 33,976 times in 2010 will the public respond to their pleas for help?

The Palm Beach County PBA, which represents our Police Officers and Sergeants have worked without a contract for nine months.

After failing to reach agreement late last month, the labor talks were declared an impasse and now an independent arbitrator will rule on the issues. The City Commission can accept the arbitrator's findings or impose a contract.

This clash has been brewing for quite some time. Now admittedly, there needs to be compromise.

Given the city's fiscal situation, the PBA should be willing to budge on wages and benefits. The city's fire union—after long and contentious talks—ultimately accepted a contract with \$600,000 (fire union figures) in concessions.

But, the city also has an obligation to treat its officers as well as it can afford to. The Police and Fire Departments are arguably the city's most important functions—they are all about the public's health, safety and welfare.

The PBA contends that the city has frozen officers' hourly pay and benefits for longer than any other hourly paid city employees. Further, they argue that the city spent more than \$200,000 in taxpayer money to fight officers in "courts and administrative proceedings."

The PBA asserts that the city has "lost every fight they picked" but continues spending on legal fees.

The officers are willing to forgo a raise for another year but they do not want their pay, benefits or pensions slashed.

While city manager has expressed concerns about pension costs, the officers contend that the Police and Fire Pension Board has been advised that their fund was fiscally sound.

There is no doubt that the stakes are high in this confrontation—on a lot of levels.

First, we need a first rate Police Department. And the officers assert that "morale is at an all-time low, and deteriorating every day," according to fliers handed out at a recent Art and Jazz event.

Second, the fate of the officers and our firefighters has major financial implications for taxpayers. We have to be careful since these departments represent half of the city's budget.

Spend too much and we are endangered, spend too little and we will end up with a situation that we had in 2000-01 when a decade of poor labor relations left a new commission with a \$1 million bill (for police alone) in order to catch-up to neighboring departments. At that time, the city was down over 20 police and 20 firefighters and did not offer competitive packages to recruit or retain officers. There is a high cost to starving a department and or training officers at our expense only to see them leave for other communities.

Today, officers don't have a choice. Jobs are scarce. But conditions change and we can be back in the same fix if we are not careful.

That said, there is an intangible harm done to officers, firefighters and general city employees if they feel put upon.

Quite simply, this labor impasse is a failure of leadership.

Tough spending decisions need to be made. Pensions and benefits need to be reformed. But there are two ways you can do that.

One is collaborative, the other contentious.

Officers we have spoken to are willing to talk and willing to give up some things if not others to help the city financially. The Fire Union has already done so.

What's missing is a partnership willing to make the tough decisions but in a way that does not destroy the fabric of a great and a proud department.

There is a fiscal reckoning that we all have to deal with. It will be more productive to deal with it together than to spend money on labor lawyers. The costs of this fight will prove far greater than simply fiscal.

To be continued.....

### **Odds and ends**

- The powers that be continue to debate the restaurant/retail mix downtown. This is a subject first brought to you by your Intelligence Report. The city's planning staff is bringing the commission a plan that would raise the parking requirements for restaurants to put them in line with other uses. The thought is not to punish or prevent restaurants but to level the playing field and no longer provide incentives for restaurants. The issue will be decided in July. On one side are free market adherents who say Atlantic and Delray was built on restaurants and that hindering them in any way is bad policy. On the other, folks who think that making downtown a food court will hurt the downtown's long term viability.
- Check out a very vibrant new group: The Young Professionals of Delray. Led by Kurt Lehmann and housed at our Chamber, the group's meetings are attracting big crowds hungry to network and have fun. Next meeting, 6:30 p.m. July 14 at Solita in Pineapple Grove. The term young is relative in Delray. If you are young in spirit, they will let you in.
- The city is processing an application from Delray Detox Center, located on US 1 and Northeast Third Street in property formerly known as the Delray Inn. The application seeks to convert the motel into a residential licensed service provider. Meetings have yet to be announced. Your opinion: does Delray need another rehab facility?

That's your July Intelligence Report. Until next month.

We are grateful for the many comments you have made. Please send tips and new comments to [info@friendsofdelray.com](mailto:info@friendsofdelray.com)

