

July 2012

Wait. The Summer is supposed to be a quiet time. No real news. We intended to be on our porch, cool libation in hand. Well, no such luck....

City Manager to retire after 22 years

Delray Beach City Manager David T. Harden has announced that he will be leaving his post in January, 2013.

Mr. Harden, 69, was hired by a commission led by Mayor Tom Lynch in 1990.

As the accolades roll-in for his "leadership", "stability" and the city's two All America City Awards, we feel it is important to tell both sides of the story.

When the commission gave Harden a standing ovation upon his announcement we were reminded that it was only a short time ago that the commission gave Harden a vote of "no confidence" for his handling of billing errors relating to Waste Management, the city's waste hauler.

The same Waste Management is now asking for a 10 year extension without a competitive bid, an item that mysteriously keeps appearing and then disappearing from the commission's agenda—an agenda prepared by the City Manager. So this issue is not over and so we feel it is fair to raise it yet again and to once again ask our commissioners to open the city's biggest contract to competitive bidding.

There is no question that Delray Beach enjoyed success during Harden's long tenure. The city did win two All America City Awards in 1993 and 2001. Atlantic Avenue went from dead street to the region's main street. Dull Ray became Delray. Along the way, the city attracted a huge amount of private investment from businesses flocking downtown to residents deciding to buy and or fix up homes in neighborhoods once given up for dead.

Certainly, a fair-minded person would give Mr. Harden some credit for the aforementioned. But the city's success has many authors—visionary Mayors, hardworking city commissioners, a dedicated staff, outstanding police officers and firefighters, a cadre of key volunteers and most important of all—a citizenry that set the course for the city's success with a series of charettes and visioning conferences beginning in the 1980s (pre-Harden) and continuing until 2007 when efforts to meaningfully engage the public strangely and sadly stopped.

In the past, we have expressed concern that David Harden and not our elected leadership has been driving the city. For that, the blame falls squarely on the commission. We have challenged the city's "leadership" to lead and to hold Harden and his staff accountable.

There is a chance for a new day and some new thinking with the hiring of a new City Manager. We urge the commission to initiate a national search for a candidate, one that might include any internal candidates interested. Like bidding a city contract, it helps to see what's out there before making the most important hire in city government. Why not seek the best City Manager in the US?

Finally, we wish a happy retirement for David Harden, and hope that he remains in Delray to enjoy the town it has become.

Candidate Announces for Mayor

In a surprise move, Cary Glickstein announced recently that he has filed to run for Mayor in March. He explained that his reason for filing so soon is that our current Mayor will be resigning early because of his run for a County position. Mr. Glickstein is the current Chairman of the city's Planning and Zoning Board and is President of Ironwood Properties, headquartered in Delray. He said, in part, "There has been a leadership vacuum in the city for far too long. We need proactive thinking, not more complacency, band-aid solutions or missed opportunities to accelerate the economic recovery for our city". No one else has come forward at this point.

We are sure to have more to report as the campaign gets underway.

Delray-Caron Settlement

At its July 16th meeting the commission voted to accept the settlement that was worked out by lawyers representing the Caron Foundation and the City regarding the operation of two recovery houses in the beach area. You recall from our earlier reporting that Caron bought two expensive houses in the residential neighborhood using local attorney Michael Weiner as a proxy. After complaints from residents, the City challenged the use of these properties and initiated new zoning requirements. It soon became a lawsuit.

The settlement allows Caron to operate the 2 houses, but it limits Caron to operating only these 2 houses in the neighborhood. It cannot purchase more property. It restricts the number of inhabitants below what Caron initially intended, and it limits the turnover of beds and the number of cars parked in front of the houses.

We believe it is a good result for the City, which has established that it has the right to implement reasonable restrictions on how such facilities can operate. In all such settlements, no one side gains all it wants. But on balance we applaud the City for seeking outside counsel and for putting up the challenge. This was a fight worth having. It resulted in an agreement that we believe will benefit the City.

Here's some July tidbits to chew on as you seek air conditioned comfort.

- **Delray was thwarted in its attempt to win a third All America City Award earlier this month.** Here's a few thoughts on the matter.
 1. The All America City Award has changed—dramatically. At one time it recognized cities for their accomplishments in trying to tackle community problems. Now, it's about what you *will* do. A big difference. The award seeks to honor cities for impacting third grade reading---a subject that's primarily the responsibility of the School District and parents; at least in Florida. Not that cities can't or shouldn't be involved in schools, but this is far from a core city function.
 2. We were puzzled that our Mayor Nelson "Woodie" McDuffie would use the occasion to solicit funds for his Supervisor of Elections campaign. His "On the Way to Denver" solicitation was passed around town via email, with some amusing comments. A couple of days later, unable to announce a win, McDuffie's campaign sent out a final email under his daughter's signature

asking for a “birthday contribution” to the campaign. Apparently, the mayor celebrated his birthday on a plane back to Delray.

3. The city’s past three bids for the All America City Award yielded two wins and a finalist spot. All three efforts were a success because the bids emphasized community projects, involvement and achievements. That’s the most valuable parts of those awards and those elements seemed to be AWOL this go round.

Which raises a good question: now that the award is out of range, will the city pursue its goal of lifting reading scores?

- **Charter Changes**

After resisting a charter review committee, the commission finally relented after voters resoundingly destroyed their bid to lengthen their own terms.

The committee is looking at several changes from lengthening terms from two to three years (a maximum six years would stay in place), to allowing a commissioner who gets elected mayor to have a fresh six year limit. One interesting proposal is a suggestion to eliminate the need for a four vote “super majority” to ditch the city manager.

The policy change is intriguing.

The super majority requiring 4 of 5 votes was put into place in the early 90s after the city went through a series of managerial changes in the 80s.

Proponents say the rule promotes stability and that if it changes we will be unable to attract top tier talent.

Those who want to see it change argue that it gives inordinate power to an unelected bureaucrat who the voters can’t vote in or out. It also allows a minority of commissioners to keep the manager in place even if a majority of elected officials want a change.

In reality, it’s hard to get even three votes to dismiss the manager.

Regardless, we think a simple majority makes sense. There are few places where employees—and that’s what the manager is (not a potentate)—can work without the support of a majority of their bosses.

Will it harm talent attraction? Doubtful.

Our guess is that there are plenty of talented administrators who would want to work for a two-time All America City where you can earn close to \$200,000, accrue a pension and live in Delray.

Stay cool friends, and remember: it’s hotter up north than in Florida.