

GALT MILE NEWS

NOVEMBER 2011

THE OFFICIAL NEWSLETTER OF THE GMCA

MONSTER in the ELEVATOR

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There have been many changes in Broward over the past 40 years but we've always been able to count on A Atlantic Hearing Aid Center! In the same location since 1971, this office has also seen many changes in the hearing industry. The one thing that hasn't changed is the compassionate caring attitude of the specialists at A Atlantic.



**Owners: Irving Roth (1971-1994);
Maria D. Rosa (2006-Present); Barry Katz (1994-2006)**

Meet Maria D. Rosa, Board Certified Hearing Instrument Specialist and owner of A Atlantic Hearing Aid Center. Hired over 15 years ago she quickly discovered her passion for helping people hear. 'I always had a curiosity about hearing impairment as I grew up surrounded by family members who were hearing impaired. I remember giggling as a child when I'd give my grandma a hug and her ear would 'sing' to me!' So after completing her studies she started fulfilling her dream of helping people hear better. 'My father is a great example. After we started working together I discovered he has a 50% hearing loss. So I fit him with a set of hearing aids and now he's doing fantastic! When you call our office he hears you without any issues!'

By providing free hearing tests and consultations, implementing financing programs with 0% interest, and offering a full range of instruments for all types of hearing impairments, this family business has helped thousands of patients from all over the world. 'We have patients from all over the U.S., to Europe and South America, to right next door! With South Florida being such a tourist hot spot we've got quite the colorful rainbow of cultures in our clientele list!'

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Ms. Rosa attends educational seminars throughout the year to learn all the latest developments, from technological breakthroughs to Capital Hill. 'We are excited by all the advance-

ments of this past year. Also, the hearing industry has been trying to get Congress to pass a 'Hearing Aid Tax Credit'. We've written letters to our State Representatives in support and are closely following the developments.'

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MONSTER in the ELEVATOR

By Eric Berkowitz

Florida association members living in high rise buildings spent the eight years from 2002 to 2010 anxiously awaiting an assessment that would have exploded family budgets and pushed marginally solvent associations off a cliff. The 2002 mandate to retrofit existing structures with a sprinkler system was drafted by lobbyists for Sprinkler Associations representing international conglomerates like Tyco and Allied Signal-Honeywell that engineer, manufacture, distribute and install the equipment required for compliance with the statute. Nice work if you can get it.

When Florida lawmakers twice passed bills (unanimously) meant to relieve cash-strapped association members from coughing up a \$million plus assessment, they were subsequently vetoed by two distracted Governors. Despite these disappointing reversals, common interest communities from all over Florida banded behind then Statehouse Gatekeeper Ellyn Bogdanoff to support a third relief bill in 2010. Drawing on resources provided by legal sledgehammers Katzman, Garfinkel Berger and Becker & Poliakoff, association officials drove Bogdanoff's relief legislation through a hostile gauntlet of Tallahassee's most powerful vested interests - right to the Governor's desk. When Charlie Crist signed the bill into law, two million association members breathed easy.

Bogdanoff's 2010 bill acquired statewide prominence for allowing associations to forego the onerous sprinkler retrofit, doubling the financial obligation of foreclosing association lenders and curing a litany of statutory insurance conflicts. It provided long awaited relief from several other ill-conceived mandated expenses. Associations three stories or less with two means of ground level egress were excused from installing a manual fire safety system that the NFPA previously characterized as unnecessary. Actualizing recommendations from Interim Report 2009-125 by the Senate Committee on Regulated Industries, the bill repealed s. 553.509(2), F.S., a statutory obligation to install double redundant power sources for elevators in high rise buildings. Bogdanoff's bill saved us a bundle. Since then,

thousands of associations voted to forego the sprinkler retrofit. No longer threatened with the huge attendant assessment, finance committees all over the state turned their attention to addressing the economic downturn's budgetary pitfalls.

At the October 3, 2011 GMCA Presidents Council meeting in the Commodore Condominium, Bogdanoff's District 91 successor in the Statehouse - George Moraitis - informed attendees that due to lawmaker preoccupation with redistricting issues and Florida's controversial role in the upcoming Presidential election, the 2012 legislative session will be productively barren. Moraitis is correct. Only the most high profile, politically remunerative bills will make it past the first vetting committee. Until legislators are no longer focused on engineering districts prepackaged with ideologically sympathetic voters, the mundane business of making laws will remain consigned to the back burner.

Later in the meeting, association attorney Donna Berger confirmed Moraitis' evaluation of the upcoming legislative session, adding that associations will have to postpone all but the most critical elements of their legislative agenda until 2013. The lost year in Tallahassee concerned Berger for another, more ominous reason. Berger repeated a warning she wrote about in her Condo and HOA Law blog a few days earlier. In three years, members of associations with elevators will face another budget busting assessment.

One of the lesser known provisions in Senator Bogdanoff's 2010 legislation deferred compliance with a law requiring associations to upgrade their existing elevators by adding "Phase II Firefighters' Service", a questionable code modification with potentially disastrous consequences for cash-strapped associations. The "upgrade" was considered so fiscally egregious that similar provisions in three different 2010 bills postponing its implementation until 2015 were simultaneously enacted into law.

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Measuring the toll that the funding assessment would place on unit owners, Berger said, "estimates run from hundreds of thousands of dollars into the millions." A majority of the attending association officials were understandably shaken by her reference to the fiscal monster lurking in their elevators.

The Elevator Safety Act, chapter 399, Florida Statutes, provides minimum safety standards for elevators and minimum training and/or required experience for elevator personnel working under the Florida Building Code. The Act is enforced by the Bureau of Elevator Safety (bureau) of the Division of Hotels and Restaurants within the Department of Business and Professional Regulation (DBPR).

The Elevator Safety Code contained within the Florida Building Code (FBC) is based on the minimum model standards of the American Society of Mechanical Engineers (ASME). Instead of specifically referencing the ASME standards, the department has adopted chapter 30 of the FBC

— pursuant to its rules. ASME A17 serves as the basis for the Florida Elevator Safety Act and the Florida Elevator Safety Code. ASME A17.1 provides requirements applicable to the installation, alteration, maintenance, repair, inspection and safety testing of new and existing elevators. ASME A17.3 guides retroactive requirements for existing elevators.

By amending s. 399.02, F.S., Bogdanoff's bill forestalls enforcement of the statutory requirement to update code modifications for Phase II Firefighters' Service on existing elevators (as required by ASME A17.1 and A17.3). Applicable to condominiums, cooperatives or multifamily residential buildings that were issued a certificate of occupancy as of July 1, 2008, the bill postpones compliance for a five-year period ending on July 1, 2015 or until the elevator is either replaced or undergoes major modification (whichever comes first).

Bogdanoff was not alone in her concern about the elevator retrofit. Similar relief was also provided by Cape Coral Representative Gary Aubuchon in his Building Safety bill, HB 663 (Ch. 2010-176) and Elevator Safety bill HB 1035 (Ch. 2010-110) filed by St. Petersburg Representative and Majority Whip Jim Frishe.

What does this Lego-babble mean? Elevator systems are designed with safety features for use by firefighters during an emergency. Phase I emergency recall systems are designed to automatically or manually recall the elevator to a designated level of a high rise building. This prevents riders from using the elevator and becoming trapped during a fire. If a heat sensitive or smoke detecting initiating device is located at or near the default recall level, the cab automatically proceeds to an alternate designated level.

Phase II emergency in-call operation systems are designed to allow a firefighter exclusive operation and control of the elevator(s) during a fire. In an emergency, firefighters must monopolize operational control to evacuate the physically disabled, move firefighters from floor to floor and transport equipment.

The elevator safety code requires that any alteration, relocation or reclassification of an existing elevator comply with the edition of the Florida Building Code that's in effect when the construction permit application is received. As the code evolves, ASME A17.3 requires owners to retrofit existing elevators in compliance with Building Code revisions or updates. Catch-22 — like matter and antimatter, these two incompatible requirements cannot survive in the same place at the same time.

Translation: Even if the elevator is built in strict compliance with the current code, if that code changes, the elevator is no longer compliant. The eerie blend of codes and the governing statute insure that elevators remain a perpetual work in progress. Condominium associations expressed concern over the expense of requiring elevator owners to repeatedly retrofit or modify elevators to meet code revisions. When the Phase II Firefighters' Service update was added to the code, the City of Miami Beach joined its myriad condominiums in challenging the mandate (City of Miami Beach v. Dept. of Business and Professional Regulation, DOAH Case No. 08-5188RU).

Framing its case, Miami Beach city officials pointed out a conflict between the Florida Building Code and the Florida Statutes. ASME A17.1 (part 8) and A17.3 state "...all existing elevators, regardless of the date of installation, be retrofitted to comply with the current Florida Building Code, rather than the code at the time of installation." Conversely, section 399.03(7), Florida Statutes, mandates "Each elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of application for the construction permit for the elevator."

Citing bureau statistics demonstrating virtually no statewide enforcement of the firefighter recall provision before 2008 and irregular subsequent enforcement, Miami Beach officials concluded that this "strongly suggests" that compliance with fire recall provision is not a critical life-safety issue. While the condominiums conceded that proven safety-based updates should be built into their elevator systems, City of Miami Beach officials agreed with their condo constituents that bureaucratic protocol changes shouldn't trigger an expensive retrofit.

In a final order issued on February 27, 2009, the Division of Administrative Hearings (DOAH) held that the Bureau of Elevator Safety (which enforces the Elevator Safety Act) could require elevator owners to retrofit their elevators to meet the Building Code revisions for Phase II firefighter service, despite a bureau admission that no injuries or deaths have ever been attributed to the lack of these systems. After adamantly refusing to compromise its power to require expensive elevator upgrades for virtually any code modification, the bureau sought to quell blowback from outraged condominiums by granting several owner requests for variances and waivers to soften the cost of complying with ever-changing code revisions.

In 2004, the Legislature provided for regional emergency elevator access. Public-access elevators (including service and freight elevators) in buildings six-stories or taller that were constructed or substantially improved after June 2004 had to be keyed, or retrofitted, with a master key to allow firefighters emergency access. A master key for each

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Association Attorney and Community Advocacy Network (CAN) Executive Director Donna Berger



District 91 Statehouse Representative George Moraitis



District 25 Florida Senator Elyn Bogdanoff



State of Florida CFO & State Fire Marshall Jeffrey Ahwater

of the Department of Law Enforcement's seven emergency response regions would allow emergency access to all elevators within that region. The act (s. 399.15, F.S.) also required that all existing buildings come into compliance by July 1, 2007.

In 2006, the Legislature limited the requirement to buildings that were issued a building permit after September 2006, and extended the compliance deadline to October 1, 2009.

This actually gets screwier. The Phase II firefighter service requirement restricts sole possession of a regional master access key (a universal key that allows all elevators within each of the seven state emergency response regions to operate in fire emergencies) to the local fire department. Elevators constructed to accommodate Phase I emergency recall systems (like most of those on the Galt Mile) are already fitted with access keys. As provided for in s. 399.15(3), F.S., copies may be held by the owner and distributed to the licensed servicer, state-certified inspectors, the local Fire Department and DBPR officials (the parent agency of the Bureau of Elevator Safety).

The act is enforced by Division of State Fire Marshal within the Department of Financial Services (DFS). Noncompliance subjected a property owner to administrative penalties. If it was technically, financially or physically impossible to bring a building into compliance, the local fire marshal could allow alternative measures to provide emergency access. The local fire marshal's decision could be appealed to the State Fire Marshal. As per rule 69A-47.019, F.A.C., the State Fire Marshal determined that a lock box loaded with all the elevator keys that could be opened by the regional key was an acceptable alternative. The 2010 legislation enshrined the State Fire Marshal's rule into law, confirming that placement of all the elevator keys into a lock box accessible by the master key for the relevant emergency response region could satisfy the emergency public access requirements.

The degree of difficulty facing each non-compliant Galt Mile association is largely a function of when their elevators were installed or last modernized and the fire safety controls that were integrated into the system. Elevators built or last modernized prior to passage of the 2004 Elevator Safety Act may necessitate the retrofitting of both Phase I and Phase II firefighter service requirements, which will affect the cabs, the main and remote control panels, the in-car and mechanical room fire safety elements, the alarm initiating system, internal and external emergency communications and the elevator lobby stations. While modernizations performed after 2004 should have addressed the Phase I mandate, it is likely that the shifting Phase II requirements remain neglected. In short, the cost of compliance for each association will depend primarily on the inherent flexibility of its existing system.

Associations that are unable to comply by the July 1, 2015 deadline can apply to the Bureau of Elevator Safety for a variance. In accord with the requirements of Section 120.542, Florida Statutes, the application must include the statute or code from which relief is requested, the motivating hardship and an explanation of how the petitioner plans to otherwise meet the intent of the code. Associations can alternatively ask Fort Lauderdale Fire Marshal David Raines for a variance or waiver. In turn, Raines' decision can be appealed to Florida CFO and State Fire Marshal Jeffrey Atwater, our former District 25 State Senator.

On Tuesday, October 11, 2011 at 9:30 a.m., Statehouse Representative George Moraitis filed House Bill 319 (HB 319), which houses a Chinese menu of relief provisions for Associations and their members. The opening section of Moraitis' bill amends the enforcement suspension for retrofitting elevators with Phase II Firefighter Service currently mandated in s. 399.02(9), F.S. Our District 91 voice in the Statehouse seeks to remove the July 1, 2015 deadline, thereby leaving the suspension intact "until the elevator is replaced or requires major modification".

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STATES DUMP DELEGATES TO BLAST PARTY LEADERS

By Eric Berkowitz

In 2008, Florida lawmakers implemented a political strategy to heighten their state's influence over the Presidential election. In an effort to temporarily monopolize the national spotlight, Republican lawmakers enacted legislation that moved the State's Presidential Primary from March 6th to late January.

This was done in defiance of a National Republican Party rule against state primaries or caucuses convened before February. Furthermore, the National GOP strictly limited February delegate events to the Iowa caucuses and presidential primaries in New Hampshire, Nevada and South Carolina. If Florida lawmakers adhere to the State's self-mandated January 31, 2012 Presidential primary date, Florida stands to lose half of its 99 delegates, a prospect that would enrage grass-roots Republican activists. The penalty was prescribed by the Republican National Committee (RNC) to enforce a balanced and non-contentious series of State elections.

Largely in response to the rogue primaries held by Florida and Michigan in 2008, the RNC adopted a formal set of rules last year. After the early voting states hold their caucuses and primary elections in February, the RNC formal rules provides for states to hold contests in March in which delegates are allocated under various methods of proportional representation. States that schedule primaries during or after April are allowed to use a "winner-take-all" format. RNC officials claim that the structure is intended to increase nationwide participation and debunk a perception of Super Tuesday as the nation's de facto Presidential Primary.

Intimidation by the national party leadership wasn't limited to Florida Republicans. Breaking faith with the Democrat National Committee (DNC) 2008 election calendar also cost Florida Democrats dearly. Democrat presidential candidates boycotted Florida events and denied their coattails to struggling campaigns for local office.

Ironically, the 2012 Republican National Convention will be held in Tampa from August 27th through the 30th. A heated controversy has exploded among State and local Republican leaders over Florida's refusal to comply with the National party's election calendar. This national media event at the St. Pete Times Forum will provide despondent GOP diehards with a high profile backdrop for airing their conflict with intransigent lawmakers. Hoping to avoid comparable DNC penalties that could cost precious delegates, Florida Democrats are quietly supporting efforts to push the date back. Despite objections from their partisan core, Republican lawmakers have held fast to the 2008 PR strategy that has since evolved into a double-edged sword.

Lawmakers who are staunchly committed to holding the nation's opening presidential primary also believe that if they close their eyes and

hold their breath long enough, the National GOP would sympathetically whip up an eleventh hour exemption for the embattled host of their national convention. Aware that such an undeserved reprieve for impenitent rule-breakers would constitute a slap in the face to Iowa, New Hampshire, South Carolina and Nevada and precipitate a coast to coast series of leapfrogging primaries, Republican National Committee persons repeatedly announced the absence of any mechanism in their rules to shield Florida Republicans from nationwide ostracism for their unsanctioned election.

Unwilling to concede Florida's self-proclaimed Devine Right to the nation's first presidential primary, House Speaker Dean Cannon commented "My big goal is that Florida belongs early in that dialogue and we have a default setting and that is at the end of January. So unless there's a valid reason to change it and a specific plan for that, I think it belongs right where it is." Duck, Duck, Goose!

Evidently, the legislative leadership doesn't consider getting whipsawed for half the state's delegates while hosting the Republican National Convention to be a "valid reason" for negotiating a compromise with either their national or state party leaders. To further muddy the waters, the State's nonpresidential primary for local, state and federal office is scheduled for August 28th, day 2 of the 4-day Republican National Convention in Tampa. This conflict should thin the ranks of State and local Republicans available to attend the main event. Instead, prospective Republican candidates will be forced to remain in their home districts and slug it out for a spot on the ballot.

As if caught in a tar pit of political pipedreams, Republican and Democrat state party leaders have expressed a belief that State lawmakers will postpone their rebellion against the national leadership and heal the rift. Shortly before his untimely passing on September 13th, Florida Republican Party Chair David Bitner voiced an expectation that legislators will reschedule the August primary until after both the GOP convention in Tampa and the Democratic convention scheduled for September 3 - 6 in Charlotte, North Carolina. Don't hold your breath.

The key to this systemic scheduling breakdown was the Republican National Committee. The traditional early voting states grew increasingly angry while futilely waiting for the RNC to intensify its castigation of Florida. A suggested presidential boycott of media events in the Sunshine State was largely ignored. Considering the boost Florida gave to Republican candidate John McCain in 2008, the RNC thought better of throwing Florida under a bus.

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In a last ditch effort to maintain the early voting states' historically significant primary pecking order and preserve the RNC's credibility, on September 29, 2011 – two days before the October 1st RNC deadline for scheduling elections – Nevada GOP leaders suggested some compromise measures to address Florida's scheduling indiscretions. Instead of punishing non-compliance, their proposals would reward compliance. For instance, they suggested that the RNC offer Florida preferential treatment on the convention floor or invitations to special VIP events if they would agree to follow the rules. When the RNC balked, the early voting states realized that the national committee planned to impotently tolerate Florida attempts to usurp their election standing.

Having measured the extent of RNC resolve (or lack thereof), Nevada decided to sacrifice half of its 28 delegates and move its election from February 18 to January, monkey wrenching Florida's plan to corner the politically potent first presidential primary. Not to be outdone by their fellow early voting state, Iowa, New Hampshire and South Carolina followed Nevada GOP Chair Amy Tarkanian's lead and mirrored Nevada's move to January. While half of New Hampshire's 27 delegates, South Carolina's 50 delegates and Florida's 99 delegates are headed for the dumpster, Iowa will preserve its 28 delegates since its caucuses are non-binding. The RNC violation only applies to states that actually elect delegates during their rogue elections. Also defying a joint RNC-DNC scheduling rule are Michigan and Arizona. Arizona decided to forego soliciting the RNC's blessing before moving its presidential primary from March 6th to February 28, 2012. In 2008, Michigan joined Florida in flouting the national party leadership and unilaterally opted to move forward its nominating contest. Its state lawmakers have since enacted a statute setting their unsanctioned primary on the 4th Tuesday in February.

When Florida and Michigan broke the RNC and DNC rules in 2008 with their unauthorized January primaries, the DNC initially threatened to void their pro-Hillary Clinton election results and later agreed to a 50% vote penalty (however, when Obama ultimately locked up the nomination and the DNC was no longer concerned about a rule-breaker determining an important electoral outcome, Democrat Party leaders agreed to fully reinstate their vote totals). Alternatively, the RNC responded with a partial carrot and stick approach. After penalizing the non-compliant Florida and Michigan presidential primaries by ousting half their delegates, the RNC actually rewarded Florida with a political plum – the 2012 Republican National Convention. The mixed signals sent by the RNC evidently emboldened Florida's legislative leaders, who thereafter decided to ignore RNC attempts to prevent their elbowing their way past the early voting states.

The stepped up flouting of RNC and DNC rules will force party leaders on both sides of the aisle to closely scrutinize the delegate system and decide whether it is an arcane, largely ceremonial holdover that begs wholesale replacement or a salvageable process that can be revitalized. When Nevada Republicans decided to surrender half their delegates by leapfrogging Florida and moving their election to January, former Nevada Governor and Executive Board member Robert List explained, "We think the convention has become a bit of a formality. Our nominee will be decided by then. Forfeiting a few delegates is not nearly as important as preserving the very important role Nevada has now as an early voting state."

There is no reason to believe that the States have finished leapfrogging their primaries. When the RNC passed the rule imposing a 50% delegate penalty on states that go out of their allotted turn, it left them no discretion to either reverse or strengthen the penalty. Any State willing to sacrifice half its delegates will suffer no incremental punishment for changing its primary date after the October 1st deadline.

In a testament to irony, for all of Florida's maneuvers to bulk up its electoral influence by staging an early primary, our lawmakers' strategy could easily backfire. Since states holding elections before April

must award delegates proportionally, the 48 delegates left to Florida after the RNC penalty will be distributed by congressional district, further diluting the state's diminished delegate impact. In 2008, the momentum provided by Florida's January 29th Primary influenced the huge delegate allocation from the February 5th, 24-State Super Tuesday event a week later. In 2012 – because of Florida's unilateral decision to move up its election – the early voting states sacrificed half their delegates, a handful of primaries remain in February and only ten states are planning to participate in Super Tuesday on March 6th – more than a month after Florida's rogue primary. By the end of February in 2008, 1400 delegates were bound to candidates. Since ten times fewer delegates will be committed by late February in 2012, the 48 delegates that Florida must divide among the surviving candidates should generate little more than a predictive ripple, not the kind of decisive outcome that drives public opinion and sweeps candidates into office.

After the planned rescheduling of their respective primary events, California's 172 delegates will be allocated in June and New York's 95 delegates will be doled out in April, allowing both mega-states to award all their delegates to the popular winner of each election. Since it is unlikely that the contest will be decided by February, the spotlight coveted by Florida legislators will probably illuminate either California or New York's winner-take-all primary.

Unless the RNC and DNC can agree on effective enforcement for rules governing State elections, the message that States will take from these rogue primaries is that it's better to ask for forgiveness than to ask for permission. If the national committees continue to sit on their thumbs, we may soon see half the nation's primaries before the ball drops in Times Square. •



FROM THE DESK OF COMMISSIONER ROBERTS



Hall of Fame, which will, among many new features, add an aquatic theater and a physical therapy pool.

Visioning Process The City of Fort Lauderdale recently launched a visioning initiative, "Fort Lauderdale – Our City, Our Vision," to craft a vision for the future that reflects input from the entire community. The public input will help identify community priorities that will provide direction for future policy and decision-making. The citywide program kicked off with a series of Open House Meetings in early October. The open house meetings provided an opportunity for neighbors to share ideas and learn the critical role the public will play throughout the process.

To stay current and continue to participate in the visioning initiative:

- Visit the Visioning website at www.fortlauderdalevision.org
- Like us on Facebook: Fort Lauderdale Visioning
- Follow us on Twitter: @OurVisionFTL
- Sign up to receive blast emails from the City at www.fortlauderdale.gov

Sign Action Plan Beginning August 6, 2011, the Code Enforcement Division implemented rotating schedules for code inspectors to allow for Saturday/Sunday coverage. A top priority will be to address the proliferation of signs that are placed out on weekends, illegal vendors and illegal "weekend" businesses. A citywide sign action plan was initiated on February 21, 2011 focusing on the main arteries within the City. The purpose of this action plan was twofold. First, to educate business and property owners about the 20-month pilot sign ordinance drafted by Planning and Zoning and adopted by the City Commission on December 7, 2010, and second, to address any types of signs on private property prohibited under our sign ordinance. The pilot ordinance was adopted to address concerns of businesses that have been impacted by the economic downturn. Basically, it allows business owners to obtain permits for banner or sandwich board signs, subject to certain safety and aesthetic criteria. While the pilot ordinance is beneficial to certain businesses that meet the criteria, most of the signs that Code Enforcement is addressing are not permitted under our existing sign ordinance or the pilot ordinance. To be consistent and fair to all businesses, our division has initially used an education approach, even if a given business with signs were in violation and did not fall within the criteria for a permit. We provide businesses with a packet on information as to whether they may be able to have a temporary sign if they meet the criteria of the pilot ordinance. If a business fails to obtain the required permit, or remove non-permitted signs, an inspection report (violation notice) is issued. If non-compliance continues, a final notice is issued and subsequently followed by a notice of hearing to appear before the Special Magistrate.

Landscaping Along Oakland Park Blvd. Eighty (80) new trees were planted along Oakland Park Blvd. from Federal Highway to the Bridge. They are being watered manually by our water truck until they are established which should take approximately 6-8 months. We owe A BIG thank-you to our Parks and Recreation staff for this project.

Sun Trolley New Expanded Beach Route Beginning July 1, Sun Trolley expanded its current A1A and Galt service. The current Galt Route served the neighborhoods of Galt Ocean Mile with connection to Coral Ridge Mall and Holy Cross Hospital. This service expanded with the addition of a second trolley and southbound service to The Galleria Mall on Monday, Wednesday and Friday from 8:30 a.m. to 4:30 p.m. At The Galleria, Galt residents are able to connect to the A1A trolley on Mondays and Fridays. The A1A route (Harbor Shops to The Galleria Mall) expanded service from 2 trolleys to 3, significantly reducing wait time for passengers. Beach visitors and local residents alike simply need to wave at the trolley driver, who will stop to pick them up along either route.

Continued on page 11

Budget As you probably know by now, this Commission has passed the 2012 budget. For the third consecutive year, we have not raised the millage rate or the fire assessment fee. Our millage rate is the 2nd lowest among Florida's twenty largest cities. We have the lowest water/sewer rate in Broward County. In the past three years, we have reduced the General Fund Operating budget by \$15 million. We have eliminated approximately 200 personnel positions. Our new City Manager, Lee Feldman, has reduced the number of City Departments from sixteen (16) to nine (9), and he is in the process of developing the initiatives necessary to shrink government while delivering the expected vital services. This reorganization included the creation of the new Department of Transportation and Mobility. In our future newsletters, I hope to include a segment on each Department.

Projects Several major projects continue to be developed within the City of Fort Lauderdale. The Sistrunk Boulevard improvements should be completed in the Spring. The parties affiliated with Bahia Mar and the Boat Show are continuing their negotiations and we hope to have that concluded within the next few months. You may recall that this agreement must be in place within a few more months before the City itself negotiates its final agreement with the developer. Likewise, negotiations between the City, the FAA, School Board and Schlitterbahn are progressing for the development of a water theme park with hotel rooms at Executive Airport's old Oriole Stadium. Lockhart Stadium would be incorporated into the park and enhanced as an athletic facility. Lastly, we are moving in the direction of an affordable renovation of the Aquatic Complex and International Swimming

The two routes intersect at The Galleria Mall, where Galt riders can hop on the A1A trolley to reach beach hotels or Harbor Shops to the south. Sun Trolley is managed by the Downtown Fort Lauderdale Transportation Management Association (TMA) and is the community bus service of the City of Fort Lauderdale. Besides managing five different routes, TMA oversees a carpooling service with incentives for employees who elect to carpool, connects Fort Lauderdale neighborhoods to Broward County Transit and TriRail, and coordinates employee transit programs in local businesses. TMA has served residents and tourists to the Fort Lauderdale area since 1993.

Social Fusion Fort Lauderdale You may be aware of electronic coupon offerings such as Groupon and LivingSocial that have been generating a lot of interest lately. Social Fusion Fort Lauderdale is a locally developed system of quality products and services by Chamber of Commerce members, which will be delivered to over 150,000 consumers. Social Fusion Fort Lauderdale allows you to enjoy select products and services that you otherwise might have missed at discounts of up to 50% to drive growth and new customers to those merchants. The great part of this Chamber-centric model is that it keeps the money local to reinvest in our community and will help support our regional free enterprise system. Now more than ever we need to continue to aggressively pursue quality programs that maintain and enhance our South Florida business environment. If you are curious go to www.socialfusionfortlauderdale.com.

Abandoned Residential Property Registration - Code Amendment Commission and staff are working on a proposed ordinance that would require any bank and/or lender (mortgagee) who files for lis pendens and/or action for foreclosure upon a mortgaged residential property, to be responsible for registering any such property that is vacant with the City and for maintenance pursuant to applicable City Ordinances. Establishing a registration program for these types of residential properties will provide the City a mechanism to protect neighborhoods from becoming blighted due to lack of adequate maintenance and security of abandoned properties that are under foreclosure action. This program will place the responsibility for maintenance on the mortgagee during the period of time the property remains vacant and in foreclosure. The maintenance responsibility would only shift from the mortgagee once the property is sold or transferred to a new owner, or the foreclosure action is dismissed. Holding the mortgagee accountable and subject to punitive penalties will serve to promote a more proactive approach by the mortgagee's in the proper maintenance of vacant properties. A review was conducted of existing registration ordinances that are in effect in the City of Coral Springs, City of Palm Bay and Miami-Dade County. Feedback from these agencies was positive as to the effectiveness of adopting this type of ordinance as well as generating revenue.

Advisory Boards/Committees We have several vacancies that need to be filled. Please note that you do not have to be from your own District to apply. We have an application book of all applications turned in that Commissioners look at when there is a vacancy (also if it is a consensus appointed vacancy). For your interest you can always go to <http://www.fortlauderdale.gov/clerk/boards.htm> to see what is available, what qualifications there are for that vacancy, and to fill out an application. We appreciate your interest.

Pre-Agenda Meetings A reminder that our meetings are always on the Monday before a Commission Meeting (unless that Monday is a holiday). The agenda is discussed, as well as any other topics that may arise. The first Monday of the month is at the Beach Community Center, and the third Monday of the month is at Imperial Point Hospital (south entrance) - always at 6 p.m. Please call the office if you have any questions or need more information.

Continued on page 12

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Office Contact Robbi Uptegrove – 954-828-5033; or ruptegrove@fortlauderdale.gov. In addition to hosting the pre-agenda meetings twice a month, I am also available to attend your HOA meetings to update your neighborhood on what is going on in the City as well as answer any questions/concerns you may have. Please contact Robbi to schedule. If you would like to be on our email list to receive information, notifications or general information, please email and you will be added.

Newsletter Commentary

**Along with the issue updates in his October 2011 Newsletter, District 1 City Commissioner Bruce Roberts reviews a series of key local projects in various stages of comprehensive, often contentious, long-term negotiations. If successfully concluded, several promise to ply the local economy with tax dollars and jobs while providing quality of life dividends to both visitors and residents. How the city finalizes plans for Bahia Mar, Lockhart Stadium, the Aquatic Center and the Sun Trolley could either alleviate – or inflame – the regional economic instability. The nearly completed Sistrunk Boulevard project allowed a long-neglected community to finally catch up with major municipal arteries in more affluent neighborhoods.*

The Sistrunk Boulevard Infrastructure Project improves the neighborhood thoroughfare with intermittent lane reductions that accommodate widened sidewalks and additional on-street parking, interred utilities, median and landscape enhancements, decorative streetlights and new bus shelters. If these upgrades sound familiar, it's because they were in large part previously installed along Galt Ocean Drive, except Galt Mile residents were assessed from \$375 to \$625 apiece for implementation. Most city residents mistakenly believe that the Bahia Mar property is privately owned by the entrepreneurs who originally invested in the project's construction and development. In fact, Bahia Mar sits on city-owned land. The negotiations referenced by Roberts will determine future prospects for a unique asset in which we are all stakeholders.

On June 21, 2011, LXR Resorts, a developer parented by the Blackstone equity group, cut a deal with the city to build a new five-star Waldorf-Astoria, stamp their Doubletree brand on a renovated Bahia Mar hotel, carve out a waterfront park and create a permanent home for the annual International Boat Show. The \$250 million project scaled back an original \$500 million twin condo towers configuration to a single, 26-story tiered tower featuring 28 condo units, a two-acre park on the Intra-coastal bordered by a mile-long 20-foot wide promenade, a beach community center, a police command center, a trolley stop and whatever improvements are required to permanently snag the International Boat Show event. Since the Boat Show annually dumps \$500 million into the local economy, its integration is a negotiating keystone. As a municipal cherry, no tax dollars are committed to the project.

While the city was tasked with subsequently tightening up overly broad land-use regulations and creatively circumventing some city charter-based leasing obstacles, the slam-dunk deal satisfied beach activists, the neighborhood association (Central Beach Alliance), planning and zoning officials and the City Commission – except for Charlotte Rodstrom – who predictably cast the project's only dissenting vote while accusing her commission peers of violating their oaths of office. Angered by Rodstrom's self-righteous recrimination, the normally reserved Commissioner Roberts blasted "Commissioner NO", characterizing her schoolyard tantrum as "an insult".

The third project addressed in Roberts' newsletter describes city negotiations with the Schlitterbahn Development Group (SDG) to transform the former Baltimore Orioles' Spring Training site, Lockhart Stadium, into a tournament-sized multi-use athletic field. A renovated 18,500 seat arena will anchor a sports complex and a state-of-the-art water theme park. Having opened and operated a series of award winning water parks in the Texas towns of New Braunfels, South Padre Island and Galveston Island along with one in Kansas City, Kansas, Schlitterbahn has demonstrated the required financial wherewithal, technical expertise and an intimate familiarity with a highly specialized niche market. The \$110 million sports Mecca will also serve as the permanent home of the Broward County Sports Hall of Fame, recognizing legendary local inductees Angelo Dundee, Chris Evert, Andy Granatelli, Dan Marino and Danny Kanell. Project funding includes no tax revenues.

Roberts identifies the Federal Aviation Administration (FAA) and the Broward County School Board as parties to the negotiations. Football teams from Stranahan, Fort Lauderdale, Dillard and Branche Ely High Schools play games in Lockhart Stadium as do the Fort Lauderdale Strikers professional soccer team. Donating the land under Executive Airport and the adjacent Lockhart and Fort Lauderdale Stadiums to the city in 1947 earned the FAA a say over its use. Although the city received 4 viable development proposals for the Stadium site, only the Schlitterbahn plan elicited FAA approval. The powerful federal bureaucracy has also seen fit to extort the Broward School system for a cut of their high school sports revenues. After initially demanding 100% of the Stadium profits, local congressional representatives convinced the agency to accept 10% for a 6-month lease extension, doubling their historical share.

Continued on page 16

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Elevators...Continued

Since an elevator modernization upgrades the system's access capabilities and intrinsically satisfies Phase I and Phase II Firefighter Service requirements, there are no incremental compliance costs. If associations are allowed to postpone compliance until they modernize their elevators, their unit owners won't have to fund an extraordinarily expensive additional project dedicated solely to retrofitting access requirements. If Moraitis' bill is successful, the budgetary impact of compliance will become a function of attrition rather than an assessment time bomb.

As required in s. 399.15(8), F.S., the Department of Financial Services adopted rules to determine the master key to be used in each of the emergency response regions. Galt Mile elevators must be retrofitted with the master key indicated for Emergency Response Region 7, which includes Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie and Indian River Counties. As provided by rule 69A-47.015, F.A.C., the master key prescribed for region 7 is Yale Key No. R-80833-2006-7. If the reprieve in Moraitis' HB 319 fails to survive the 2012 legislative gauntlet, Galt Mile associations will have until July 1, 2015 to retrofit their elevators, plead out to the bureau or cut a deal with the Fire Marshal. Tick Tock. •

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NOVEMBER/DEC

SUN	MON	TUE	WED
13 Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166 20 Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166 27 Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166 4 Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166 Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985 11 Urban Gourmet Market 1201 E. Las Olas Blvd. 9 a.m. to 4 p.m. Info.: 954-462-4166 Pompano Beach Holiday Boat Parade Introcoastal Waterway, Pompano Beach 6 to 10 p.m. Info.: 954-941-2940	14 Jay-Z & Kanye West BankAtlantic Center 7:30 Tix.: www.ticketmaster.com 21 Citizens' Crime Alert City Hall, 7 p.m. Info.: 54-828-5377 28 Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m. 5 Daryl Hall & John Oates Hard Rock Live 12 Sounds of the Season: A Holiday Extravaganza Broward Center for the Performing Arts 8:15 p.m. Tix.: 954-462-0222	15 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268 Disney's Beauty and the Beast (Through 11/27) Broward Center for the Performing Arts Tix.: 954-462-0222 22 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268 29 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268 Christmas on Las Olas Las Olas Blvd. 5 to 10 p.m. Info.: 954-258-8382 6 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268 13 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	16 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 23 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 Black Eyed Peas Sun Life Stadium 6 p.m. Tix.: www.ticketmaster.com 30 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 7 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 Christmas By The Sea Pelican Square (Commercial Blvd & El Mar Dr) 5 to 9 p.m. 14 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063

ADDITIONAL EVENTS

NOVEMBER 13: Cajun-Zydeco Festival, Seminole Hard Rock Hotel & Casino, Info.: www.cajun-fest.com/site/
 NOVEMBER 13: Cadillac Culinary Challenge, Galleria Mall (parking lot in front of Macy's), 11:30 a.m., 2 p.m. & 4 p.m., Info.: www.CadillacChallenge.com
 NOVEMBER 13: Ft. Lauderdale Home Design & Remodeling Expo, Broward County Convention Center, Info.: www.ftlauderdalecc.com
 NOVEMBER 13: Jamaican Jerk Festival, Markham Park, Info.: www.jerkfestival.com
 NOVEMBER 13: Bike Night, Tradewinds Park, 6 p.m., Info.: www.holidaylightsdrivethru.com
 NOVEMBER 17 - 27: A Midsummer Night's Dream, Broward Center for the Performing Arts, Info.: 954-462-0222
 NOVEMBER 18: Gridiron Grill-Off Food, Wine, & Tailgate Festival, Pompano Beach Amphitheatre, 4 to 11 p.m., Info.: 954-303-3448
 NOVEMBER 18 - JANUARY 2: Holiday Fantasy of Lights, Tradewinds Park, 6 to 10 p.m., Info.: www.holidaylightsdrivethru.com

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UPCOMING EVENTS IN OUR AREA

December 31

New Year's Eve Downtown Celebration
Downtown Fort Lauderdale

January 11 - 29

Jersey Boys

Broward Center for the Performing Arts
Tix.: 954-462-0222

January 20 - 22

6th Annual Intl Chocolate Festival with Coffee & Tea
Fairchild Tropical Botanic Garden, 9:30 a.m. to 4:30 p.m.
Info.: www.fairchildgarden.org

February 18 - 19

Riverwalk Blues & Music Festival
Bubier Park, Ft Lauderdale
Info.: 954-399-BLUE



17 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards Annual Broward County Fair (Through 11/27) Pembroke Pines City Center Info.: 954-922-2224	18 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Ft Lauderdale Bus Loop Reservations: 954-574-6000 Celebrating Women Broward Center for the Performing Arts 8 p.m. Info.: 954-462-0222	19 Riverwalk Urban Market 227 SW 2nd Ave. 8 a.m. to 1 p.m. Info.: 954-298-5607 Happy Feet 2 Opening Weekend IMAX Theatre, 12 to 4 p.m. "The Harvest" at Miami-Dade Fair Expo (Through 11/20) Dade Fair Expo Center Info.: 386-860-0092
24 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr), 7 p.m. \$5/person for 3 boards Thanksgiving	25 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092	26 Riverwalk Urban Market 227 SW 2nd Ave. 8 a.m. to 1 p.m. Info.: 954-298-5607 LBTS Craft Festival (Through 11/27) A1A & Commercial Blvd. 10 a.m. to 5 p.m. Info.: 386-860-0092
1 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr), 7 p.m. \$5/person for 3 boards Smokey Robinson Hard Rock Live	2 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.	3 Riverwalk Urban Market 227 SW 2nd Ave. 8 a.m. to 1 p.m. Info.: 954-298-5607 Hollywood Beach Candy Cane Parade Hollywood Beach Broadwalk 7 p.m. Info.: 954-921-3404
8 2nd on 2nd Thursdays Block Party 200 Block SW 2nd Street 5 to 9 p.m. Info.: 954-468-1541 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards	9 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.	10 Riverwalk Urban Market 227 SW 2nd Ave. 8 a.m. to 1 p.m. Info.: 954-298-5607 Seminole Hardrock Winterfest Boat Parade Starts: Dnwtwn Ft Lauderdale @ New River Ends: Lake Santa Barbara in Pompano 6 p.m. Info.: 954-767-0686
15 BINGO Southpoint's North Lounge (3400 Galt Ocean Dr) 7 p.m. \$5/person for 3 boards	16 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m.	17 Riverwalk Urban Market 227 SW 2nd Ave. 8 a.m. to 1 p.m. Info.: 954-298-5607 Forces of Nature Weekend Museum of Discovery & Science 12 to 4 p.m. Info.: www.mods.org

ADDITIONAL EVENTS

NOVEMBER 26 - JANUARY 4: Light Up Lauderdale, Downtown Ft. Lauderdale, Info.: 954-468-1541
 DECEMBER 3: Jingle Bell Jog 5K, Sawgrass Technology Park in Ft. Lauderdale, 7:30 a.m., Info.: www.gflrc.org
 DECEMBER 4: Holiday Music at Fairchild, Fairchild Tropical Gardens, 6 to 10 p.m., Info.: www.fairchildgarden.org
 DECEMBER 4: Hanukkah Fest, Fort Lauderdale Stadium, 10 a.m. to 5 p.m., Info.: 954-252-6958 or <http://hanukkahfestival.org>
 DECEMBER 11: Toys In The Sun Run, Markham Park, Motorcycle Parade/Event Info.: www.toysinthesunrun.com
 First Saturday of every Month: Beach Cleanup, Commercial Blvd & the Beach LBTS, 9 to 9:30 a.m., Info.: www.lbts.com
 Wednesdays: Yoga in the Garden, Bonnett House, 8 to 9 a.m., Info.: 954-563-5393 ext. 137

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A fourth project described by Roberts as "an affordable renovation of the Aquatic Complex and International Swimming Hall of Fame," is recovering from an unsettling kickoff. Responding to last year's city initiative to renovate the Aquatic Center, sole bidder Recreational Design & Construction (RDC) submitted an ambitious \$76 million plan which was quickly trimmed by \$10 million when the city balked. The plan featured two Olympic-size pools, a dive well, a swimming museum and restaurant along with hi-tech artificial surf machines.

The economic underpinnings of the RDC project were challenged in assessments compiled by Ballard*King and Associates and the Aquatic Design Group, two companies whose impeccable reputations were shaped by more than 40 years of combined experience building aquatic recreational facilities. In reports commissioned by the International Swimming Hall of Fame's (ISHOF) Board of Directors, the consulting firms refuted RDC's estimated annual income projections of \$2.3 million from programs and events that historically never exceeded \$500,000, the unsubstantiated trebling of swim lessons income and a somewhat mysterious quadrupling of dive meet revenues. Another RDC assumption that the facility would draw 450,000 visitors annually was based on the experience of their development partner - Wave House - which operated Belmont Park in San Diego until creditors took control of the bankrupt facility, fueling an acrimonious conflict between Wave House and the city. While the City Commission is hard-pressed to bring home a world-class "swimming palace", they are also committed to avoiding world-class subsidies. Negotiations hinge on realizing both objectives.

As the Sun Trolley was going down for the third time in response to the vapid management practices of former Executive Director Les Hollingsworth, Roberts set a meeting with Galt Mile officials and Christopher Wren, who ran the Sun Trolley's parent Downtown Fort Lauderdale Transportation Management Association (TMA) and took the operational reins when Hollingsworth got the boot. As suggested at the meeting, Wren and Roberts explored a new operational strategy that would target the shopping needs of local residents instead of the sightseeing proclivities of visiting tourists. By extending the existing Galt Mile route to the Galleria Mall, the local bus service would connect Galt Mile and north beach customers to the signature shopping mall as well as the Harbor Shops. In this win-win no-brainer, residents from the Galt Mile, Coral Ridge, Lauderdale Beach and North Beach neighborhoods would realize convenient and cheap transportation to the popular shopping venues

while Galleria and Harbor Shops merchants netted access to 30,000 new customers during an economic downturn.

The city ordinance mandating that "mortgagees" register properties they functionally control via lien superiority should resonate with association members. For years, banks arrogantly skirted statutory financial obligations to associations for dues, assessments and baseline upkeep of properties launched into foreclosure limbo. Whenever possible, bankers tap dance around similar obligations to local governments for tax liability and property maintenance. To avoid the carefully crafted liability abyss fashioned by lenders for structures in their non-producing municipal property portfolio, do what City Manager Lee Feldman does, force dead-beat mortgagees to register their financially fallow properties.

When local residents complain about some neighborhood eyesore or an unsuspecting pedestrian heatedly reports a deteriorating storefront eave that missed his head by 6 inches when it suddenly detached, the city won't have to pierce an obscure set of ownership veils before enforcing compliance with maintenance and safety ordinances. Apparently, Feldman didn't pull this productive approach to code enforcement out of a hat.

Our innovative City Manager engineered a comparable protective ordinance while employed by the City of Palm Bay. Along with Feldman's September 16, 2010 Palm Bay Ordinance No. 2010-44, Roberts points out that similar ordinances in Coral Springs and Miami-Dade County were scrutinized and evaluated by the City Commission prior to opting for implementation. With Assistant City Manager Susan Torriente fresh off the Tri-Rail from Miami-Dade County, Feldman had the inside skinny on two of the three ordinances vetted by city staff.

According to a background detail compiled by the Building Department to edify City Commissioners, a review of his pendens filings revealed that "approximately 1000 single family homes in the city are vacated on an annual basis. It is estimated that should the city adopt an abandoned property Registration Ordinance, approximately \$150,000 in revenue would be generated the first year it is implemented, with increased revenue generated in subsequent years." If Feldman sticks to his current pace of plugging loopholes and generating income, next year's budget will become substantially less intimidating. - [editor]*

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