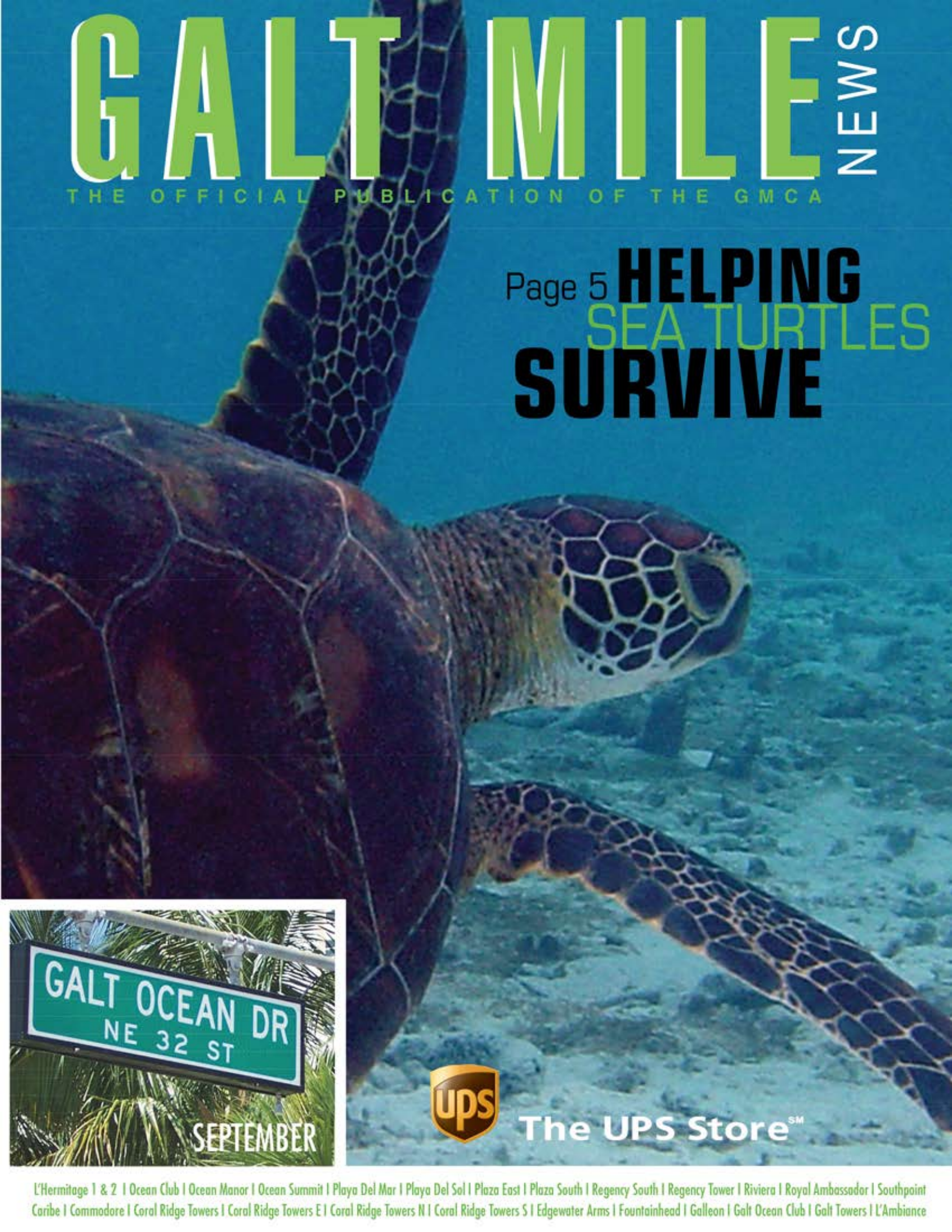


GALT MILE NEWS

THE OFFICIAL PUBLICATION OF THE GMCA

Page 5 **HELPING**
SEA TURTLES
SURVIVE

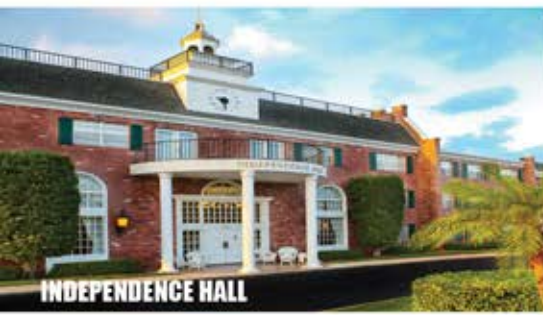


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Fixing a Broken Law

The City Decides to Act

By Eric Berkowitz

On October 30, 2012, City Manager Lee Feldman convened a round table meeting to examine the City's Sea Turtle policies. Joining Feldman in City Hall - around a score of utility tables - were officials from the Galt Mile Community Association, the Central Beach Alliance and other beachfront neighborhoods, District 1 City Commissioner Bruce Roberts, Assistant City Manager Susanne Torriente (the City Manager's liaison to Sustainable Development - parent agency to the building and code enforcement departments), Building Department chief Terry Burgess, Director Greg Brewton of Sustainable Development, Code Enforcement Manager Skip Margerum, Assistant City Attorney Carrie Sarver, former Director Al Carbon from Public Works (who's 9-year tenure with the city ended in May, when he took a job as project manager for LBTS after completing a 20-year modernization of Ft. Lauderdale's water and sewer system in 9 years) as well as a half dozen departmental and divisional support staffers. Problems stemming from the City's 2003 Beach Lighting Ordinance and Florida Fish and Wildlife Conservation Commission (FWC) nest marking policies had soured neighborhoods, stigmatized tourism and devolved the City's beaches into demilitarized zones.

For decades, thousands of visitors and resident beachgoers enjoyed sharing the beach with nest sites enveloped in 10-foot square protective zones. In 2012, the Florida Fish and Wildlife Conservation Commission (FWC) made an insipid decision to expand each site by a factor of ten, exploding 100 square-foot nest sites to 1000 square feet. Coupled with an unanticipated 50% increase in nesting activity throughout the 9-month season, residents and vacationers in coastal communities across Florida complained bitterly about being functionally ousted from their beaches. After meeting with Galt Mile officials, former manager Lou Fisher of Broward County's Sea Turtle program contacted FWC and elicited a revised ruling for future nest sites. Thanks to Fisher, nest sites were returned to an average 5-foot radius, allowing the beach to once again become a shared resource.

While pleased about Fisher's successful initiative, Fish and Wildlife

directives fall outside the City's purview. Officials at the October meeting were primarily focused on mitigating unintended consequences of the City's poorly drafted 2003 Beach Lighting Ordinance. In addition to wreaking havoc on the City's tourism industry, a policy that forced the entire beach area into darkness for 75% of the year was fatally crippling the beach neighborhood's viability as an economic engine, imperiling drivers and pedestrians along A1A and opening serious security and safety breaches in beachfront residential communities.

In beachfront hotels, management personnel reported complaints by scores of visiting tourists that "fear of crossing the street" would preclude their return. Equally frightened local residents don't have the option of not returning. As observed by Mayor Jack Seiler, "The problem is there's a safety issue down there. It's gotten too dark. As much as I think every one of us has been very involved in trying to protect the sea turtles, you can't do that at the expense of human life. You've got traffic, pedestrian issues, cycling issues." Since consequences of the ordinance that were marginalized when passed in 2003 have since mushroomed into significant threats, officials would have to reshape the ordinance to promote Sea Turtle survival without crippling the City or endangering its residents.

As the meeting progressed, it became clear that the public safety pitfalls were exacerbated by the City's enigmatic enforcement policies. Representatives from the city's beach neighborhoods complained about the cost of satisfying inconsistent and ever-changing enforcement protocols, regulatory conflicts between the beach lighting ordinance and building code-mandated lighting requirements for resident safety and security (on parking decks, public access areas, fire exits, etc.), enigmatic violations for reflected light (or cloudlight) and confusion over security lighting, whether insurer-required or in response to the increasing number of assaults on association residents and property launched from the beach.

Continued on page 6

Enforcement Dilemmas

Although the current ordinance was passed in 2003, enforcement was postponed until after the City recovered from the serial hurricanes of 2004 and 2005. In March of 2007, the first violation notices awoke perplexed neighborhoods to its existence. Following a late 2010 upheaval in the building department, one of the casualties of a turnover in the department's administration was an agreement hammered out in 2007 between the Galt Mile neighborhood and the City. A balanced set of code enforcement protocols for beach lighting enabled the Galt Mile to achieve more than 90% compliance within the first two years of the agreement. Associations worked closely with Code officials to create a series of specific objectives en route to full compliance with the lighting ordinance.

After 2010, enforcement officials began waffling about infractions. The open two-way communication that facilitated compliance lapsed overnight. Code officers would issue violations for lighting plans approved as compliant one year earlier. Instead of working with associations to resolve possible violations, they made general suggestions, albeit with a caveat that following their suggestions would not assure compliance.

Only after an association expended resources to implement the officer's suggestion, student volunteers from NOVA University would assess corrected violations during evening patrols of the shoreline. NOVA students recruited by the Broward County Sea Turtle program - a licensee of Florida Fish and Wildlife - would note perceived lighting violations from an ATV traveling across the beach. Based on the few minutes they flew by each building at night, they would submit complaints to the City's Code Enforcement Department. Included in their complaints were lights previously deemed compliant by a Code Officer, such as lamps fitted with motion detectors that toggle on and off automatically when a resident needs to safely navigate a walkway or a trespasser invades association property from the darkened beach.

To mitigate the perception that the City's Code Enforcement Administration ceded their enforcement responsibilities to NOVA students, they provided a loophole. Any association that was actively working with a code enforcement officer would temporarily be spared a violation notice. As associations grew leery of funding code officer-recommended lighting solutions that were subsequently and systematically rejected, "working with a code officer" became spin for funneling scarce association resources into a black hole.

To learn why code officials refused to approve their own recommendations for resolving violations, neighborhood association officials met with 2 code officers. Frustrated and angry, they admitted they no longer have the authority to assist property owners seeking to comply with the city's ordinance. Agreements they hashed out with homeowners or associations that were approved by supervisors were later abrogated by Code managers leery of political missteps. Instead, officers were told to suggest that the property owner contact Fish and Wildlife - a state agency - about correcting a City violation.

Meant to deter illumination of the beach, the ordinance prohibits either direct or reflected artificial light from reaching the beach. Given its inherent ambiguities, depending on how an Enforcement Officer elects to interpret the current ordinance, virtually anything visible from the beach is arguably evidence of a violation. When this unintended standard is applied, a property can only achieve compliance when an observer on the beach looks westward toward the City and sees a pitch black horizon. By creatively misinterpreting the ordinance, a Code officer with an "agenda" can penalize property owners for any artificial light, whether or not it illuminates the beach.

GMCA & Code Enforcement

While discussing enforcement dilemmas in beachfront neighborhoods at the October 30th meeting, Vice Mayor Bruce Roberts asked how these problems might be specifically resolved in the Galt Mile neighborhood. When he suggested a meeting with GMCA and Code Enforcement officials, GMCA President Pio Ieraci and Code Manager Skip Margerum agreed.



President Pio Ieraci and Vice President Eric Berkowitz Meet with City Officials to Address the Pooly Drafted Beach Lighting Ordinance.

Continued on page 7

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On November 27, Ieraci and GMCA Vice President Eric Berkowitz met with Margerum and his two senior Code officers assigned to beach lighting enforcement. At the outset, both sides agreed to revive an understanding critical to associations. If a violation involves a major fixture, such as a security or parking deck lamp, the officer would recommend an inexpensive shield to temporarily block light from reaching the beach. To achieve permanent compliance without unnecessarily burdening association budgets or creating a gauntlet of dangerous tripping hazards, when the fixture approached the end of its useful life and was budgeted for replacement, the association would incorporate a turtle-safe substitute into its new lighting plan.

Having agreed to reopen unfettered communication, the Department and the neighborhood association would otherwise work together to identify and cure violations. The discussion then turned to why the Code Department issues violations for lighting plans recommended by their own officers. Apologizing for any confusion, Margerum said that even if an association corrects the problem; due to how the ordinance is worded, it may technically remain in violation. Conceding that many of its provisions are unclear and open to interpretation, Margerum declared that he must enforce the ordinance as he understands it. He said that his officers would work with any association to find an acceptable and reasonable solution, adding that associations could always request guidance from Fish and Wildlife. In closing, Margerum announced that unless the City changes the law, we would just have to work together to make the best of it.

Shaping a New Law

Convinced that the law should protect both people and turtles, Feldman closely scrutinized the Fort Lauderdale ordinance. In 1993, the state of Florida developed a model lighting ordinance (62B-55, F.A.C.) to guide local governments in creating turtle-safe lighting laws. Broward County adopted Chapter 39, Article IX, Sec 39-107 in 1989. Ten years later, Pompano Beach followed their lead (Title XV, Chapter 155, Section 155.139), Deerfield Beach in 2000 (Chapter 34, Article V, Sec 34-96), Hallandale Beach in 2001 (Ch. 6, Art I, Sec 6-10), Lauderdale-by-the-Sea in 2002 - Chapter 30 Article V Division 2 Subdivision I Sec 30-313 (o), Fort Lauderdale in 2003 (Chapter 6, Article III, Div. 2, Sec. 6-51), Hillsboro Beach in 2007 (Ord 232), and Hollywood in 2011 (Title IX, Chapter 108).

The State template was based on research by FWS scientists. State environmentalists realized that every beachfront jurisdiction experiences a unique blend of economic, social, structural, environmental and political problems. Commercial beachfront neighborhoods face different structural lighting challenges than communities where high-rise buildings shield the beach from street lights. Cities also had to avoid inadvertently undermining the municipal economies that fuel their survival. Most importantly, municipalities had to guard against implementing provisions that placed city residents and/or visitors at risk.

After examining the original state template, Feldman reviewed the Broward County Ordinance, variations enacted by other Broward municipalities and the local beach lighting laws of coastal communities throughout Florida. Most jurisdictions treated the State Template like a supermarket, selecting those provisions that best suited their needs. Some deployed all or most of the provisions while others chose one or two. Certain cities and counties dumped the State model and created their own homegrown regulations while others - like Miami-Dade - refused to pass a lighting law. Since most of Florida's coastal cities and towns depend on their beach economy to survive, many performed an economic impact study to minimize unintended consequences.

Continued on page 10

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OCTOBER/SEPT

SUN	MON	TUE	WED
8 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436	9 Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m.	10 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268 Monthly Art Round Table Museum of Art 12 to 1:30 p.m. RSVP: 954-262-0221	11 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
15 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 Optime 5K Run Markham Park 6 to 11 a.m. Registration: 954-217-7085	16 Vice Mayor Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m.	17 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268 Fort Lauderdale City Commission Meeting City Hall, 6 p.m.	18 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 Erev Sukkot Lionel Richie Hard Rock Live! , 8 p.m. Tix.: www.hardrocklivehollywoodfl.com
22 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 Riverwalk Sunday Arts Esplanade Park along the New River 11 a.m. to 2 p.m. Info.: 954-468-1541	23	24 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	25 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
29 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 Taste of Paradise IGFA - Fishing Hall of Fame & Museum 6 to 10 p.m. Info./Tix.: www.tasteofparadise.com	30 Stone Soup Broward Center 10 a.m. Info.: 954-462-0222 Vice Mayor Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m.	1 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268 Fort Lauderdale City Commission Meeting City Hall, 6 p.m.	2 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063
6 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436 Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985	7	8 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Songer: 954-563-7268	9 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063 Chicago (Through 10/20) Broward Center for the Performing Arts Tix.: 954-462-0222

SEPTEMBER 15: Depeche Mode, BB&T Center in Sunrise, Tix.: 954-835-7000

SEPTEMBER 18: Fun. with Tegan and Sara, Mizner Park Amphitheater, Tix.: mybocalus/pages/mizneramphi or for VIP Seating: mizneramp@mybocalus

SEPTEMBER 19: G.M.C.A. Advisory Board Meeting, Nick's Italian Restaurant, 11 a.m.

SEPTEMBER 20: South Florida Fall Boat Show, South Florida Fairgrounds WPB, Info.: 561-866-7323

SEPTEMBER 21-22: Fort Lauderdale Gun & Knife Show, War Memorial Auditorium, Info.: 954-828-5380

SEPTEMBER 28: MyCharityRun 5K/10K Run/Walk, Hollywood Beach Broadwalk (101 N. Ocean Drive), 7 to 11 a.m., Info.: 305-515-3833

OCTOBER 5: Smoke on the Water BBQ Feast, Esplanade Park, 1 to 5 p.m., Info.: 954-468-1541

OCTOBER 5: Fight For Air 5K Run/Walk, Huizenga Plaza, 7:30 to 10 a.m., Info.: 954-524-4658

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Tix.: myboca.us/pages/mizneramphi

19 Art Walk Las Olas
Las Olas Blvd.
5 to 9 p.m.
Info.: 954-258-8382

Fall Business Expo
Broward County Convention Center (Hall A)
3 to 8 p.m.
Info.: 954-838-9644

26
Simchat Torah

3

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Gulfstream Park Racing & Casino
1 to 7 p.m.
Info.: 816-0661

10 Lord & Taylor Opening
Mizner Park

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Fairchild Tropical Garden
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Info.: www.fairchildgarden.org

13 Jazz on the Square
El Mar Drive & Commercial Blvd
6:30 to 10:30 p.m.
Info.: 954-776-5092

Erev Yom Kippur

20 Jazz on the Square
El Mar Drive & Commercial Blvd
6:30 to 10:30 p.m.
Info.: 954-776-5092

4th Annual Palm Beach Marine Flea Market
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South Florida Fairgrounds
Info.: 954-205-7813

27 Jazz on the Square
El Mar Drive & Commercial Blvd
6:30 to 10:30 p.m.
Info.: 954-776-5092

4 Jazz on the Square
El Mar Drive & Commercial Blvd
6:30 to 10:30 p.m.
Info.: 954-776-5092

Scrapbook Expo
Broward County Convention Center (Hall A)
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11

Comedy Central Live Presents:
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Parker playhouse, 8 p.m.
Tix.: 954-462-0222

14 Music-By-The-Sea
A1A & Commercial Blvd
6:30 to 10:30 p.m.
Info.: 954-771-2900

Find Your Fitness
Esplanade Park along the New River
11 a.m. to 2 p.m.
Info.: 954-468-1541

21 Music-By-The-Sea
A1A & Commercial Blvd
6:30 to 10:30 p.m.
Info.: 954-771-2900

International Coastal Cleanup
9 a.m. to Noon
Info & Site Locations: 954-519-1270

28 Music-By-The-Sea
A1A & Commercial Blvd
6:30 to 10:30 p.m.
Info.: 954-771-2900

ATA Taekwondo Champions Unleashed
Broward County Convention Center (Hall A)
10 a.m. to 5 p.m.
Info.: 305-255-3877

5 Music-By-The-Sea
A1A & Commercial Blvd
6:30 to 10:30 p.m.
Info.: 954-771-2900

West Palm Beach Antiques Festival
(Through 9/6)
South Florida Fairgrounds
Info.: 941-697-7475

12 Music-By-The-Sea
A1A & Commercial Blvd
6:30 to 10:30 p.m.
Info.: 954-771-2900

Festival of Chocolate
(Through 10/13)
Nova Southeastern University Arena
Tix.: nova.festivalofchocolate.com

UPCOMING EVENTS IN OUR AREA

October 17 - 20
Caribe Arts Fest
Esplanade Park
Info.: 754-273-7166

October 18
Improvised Shakespeare — "Shake It Up!"
Broward Center for the Performing Arts, 10 a.m.
Info.: 954-462-0222

October 18
Taste Hope Warehouse Gala
f.a.t. village, 7 to 9 p.m.
Info.: 954-566-2311

October 18 - November 11
Fort Lauderdale Intl Film Festival
Info.: 954-760-9898

October 26 - 27
Fairchild's Edible Garden Festival
Fairchild Tropical Garden
9:30 a.m. to 4:30 p.m.
Info.: www.fairchildgarden.org

October 31
Howlo-ween at Fairchild (bring your dog!)
Fairchild Tropical Garden
9:30 a.m. to 4:30 p.m.
Info.: www.fairchildgarden.org

November 15 - 17
Ft Lauderdale Home Design & Remodeling Show
Broward County Convention Center
Info.: www.homeshow.net

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Fridays: Aruba Beach Café's Friday Fun Fest Pig Roast, 4 to 7 p.m.

First Saturday of Every Month: Beach Cleanup, Commercial Blvd. & the Beach LBTS (Meet at Pavilion), 9 to 9:30 a.m., Info.: 954-776-1000

First Saturday of Every Month: North Beach Art Walk, 3280 NE 32nd St, 7 to 11 p.m., Info.: 954-537-3370

Second Saturday of Every Month: Beach Sweep, 9 a.m. to 12 p.m., Info.: 954-474-1835

Sundays: Tour-the River Ghost Tour, Stranahan House & Water Taxi, 7:30 p.m., Tix.: 954-524-4736

Tuesday-Saturday: Gentle Yoga (All Levels), North patio behind Tiki Bar (Ocean Manor Resort 4040 Galt Ocean Dr.), 9:30 a.m., Info.: 754-779-7519

Sunday/Thursdays: Beginner Pilates, North patio behind Tiki Bar, Sun: 9:30 a.m.,/ Thurs. 10 a.m., Info.: 754-779-7519

Saturdays: Saturday Night Under the South Florida Stars, Fox Astronomical Observatory at Markham Park, Sunset to Midnight, Info.: 954-384-0442

Fort Lauderdale was not among them. To prove their environmental commitment, 2003 City Commissioners aggressively expanded on the State model, randomly piling on additional regulations thought to enhance its effectiveness or enlist homeowner support. Unfortunately, the ill-defined hand waving additions created enforcement dogma. Commissioners mistakenly believed that Code Enforcement would compensate for safety and security pitfalls, inadvertently forcing the Department to walk a tightrope between conflicting enforcement objectives. The sycophantic mission statement was a poor substitute for clear enforcement protocols.

The 2003 City Commission never anticipated the adverse impacts currently facing the City. In 2007, when FWC decided to stop relocating nests from well-lit "donor zones" to darkened recipient beaches, the City Commission unexpectedly came face to face with the untenable terms in an ordinance they foisted on residents. For example, canvas bags were temporarily fitted to city-owned acorn-style fixtures along the east side of A1A to shield the beach. Cobra-style lights owned by FDOT and FPL on the west side of the road were retrofitted with shielded fixtures. The City retained consultant Chen Moore & Associates to devise a compliant permanent fixture that was subsequently approved by FWC on October 15, 2008.

In 2011, the City gave Southeast Underground Utilities Corp – a Davie company – \$1.7 million to replace 110 acorn-style lamps along 2 miles of A1A with the FWC-approved recessed fixtures (The Company was simultaneously being sued by Broward County for defective work after padding a \$4.4 million low-bid contract into a \$21.3 million windfall. On February 13, 2013, owner and President Anthoneel Allen pled guilty to Federal charges for bribery, highway fraud, mail fraud, extortion under color of official right, tax fraud, and Disadvantaged Business Enterprise fraud – for greasing former Broward Traffic Engineer Jihad El Eid and gaming the system to land dozens of State, County and local municipal contracts). Although FWC approved the interim shields for 150 FDOT and FPL owned lamps on the west side of A1A, they were extinguished throughout the nine-month 2012 nesting season, transforming the world-renowned Ocean Highway into a potential death trap.

To protect residents and visitors, insure that drivers and pedestrians don't wind up in the morgue, salvage threatened beachfront neighborhood economies and provide the Code Department with a less ambiguous set of enforcement guidelines, the City Commission would have to clean up the beach lighting ordinance. Having investigated how other coastal communities tempered the State model, Feldman decided to trim most of the whimsical text added by predecessors in City Hall. He also elicited input from Broward Sea Turtle Program Manager Lou Fisher and FWC Beach Lighting expert Karen Schanzle. To secure sea turtle survival without gutting public safety, the revised City Beach Lighting ordinance would adapt standards contained in the State Model to the City's current needs.

Public Input

Trawling for public opinion on the City Website, Feldman posted a copy of the current ordinance, the State model and a redlined version that distinguishes the proposed changes. To collect additional feedback, the City scheduled town hall style meetings on June 10th at the Beach Community Center and on June 26th at the International Swimming Hall of Fame.

Although organized to solicit public input about the proposed ordinance revision, those with radical views about sea turtle policies drooled over a perceived opportunity to vent. Residents and public officials who arrived at the Beach Community Center before the 6:30 PM kickoff expected an ideological prizefight pitting the life safety needs of city residents against the survival of a species. Attendees registered to speak upon entering the auditorium. Since a division that split the audience wasn't where expected, conflict junkies were disappointed.

In Round One, members of sea turtle support groups lashed out at the City for embracing changes to the ordinance. One accused public officials of breaking Federal and State laws. Not to be "theatrically trumped" by her companion, another announced that they were "initiating environmental genocide." An angry Coral Ridge resident retorted that insufficient lighting along A1A "is an invitation to disaster" for both drivers and neighborhood residents. A resident from the Birch Park Finger Streets exclaimed "I'm afraid to walk one block from my house to the beach at night, and so are all of my neighbors."

Blurring the agenda, an employee at the FAU astronomical observatory proceeded to make an evolutionary case against all artificial lighting. Insisting that we are a diurnal species ill-adapted to productive post-sundown behavior, he concluded that man-made

lighting is anathema to human health (actually, the pineal gland produces cancer-fighting melatonin in the absence of blue wavelength light (500 nm) - whether from the sun or a light bulb). It was unclear how he planned to detoxify civilization from its dependence on electric lights.

While hardliners on either side dramatically embellished their two minutes with visions of holocaust, most speakers favored a reasonable solution. A beachfront merchant complained that after installing turtle friendly lighting recommended by a Code Officer, he received another warning. "I want to do the right thing, but turning neighborhoods into ghost towns isn't the answer." A Bermuda Riviera resident said "I have been an environmental activist all my life, and I agree that we need to turn down the beach lighting, but we must also protect people." Lauderdale Beach Attorney Steve Lange commented "We want to balance sea turtle life with human life, but not at the expense of human life." Another woman who said she regularly checks on nest sites agreed that both people and nesting beaches must be protected. "It will never be perfect, but with planning and education we can have both."

GMCA President Pio Ieraci told the audience "Every beach resident understands the need to preserve our endangered Sea Turtles." Ieraci said that when kids vandalize turtle nests, they aren't chased off by members of turtle support groups or the police, but by people living on the beach. Citing their contribution to the huge explosion in nest sites last year, Ieraci remarked "Although many of our residents bought their homes twenty or thirty years ago and live on fixed incomes, they've already spent hundreds of thousands of dollars for new lighting plans to protect sea turtles." Ieraci insisted "Like every other city resident and visiting tourist, they deserve to be safe and secure. There must be a balance."

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One of the New Turtle-Safe Lamps Installed Along A1A.

A LOOK AT THE PROPOSED LAW

Galt Mile & Lauderdale Beach Residents Prepare Input To City Officials

By Eric Berkowitz

When they passed the original Beach Lighting ordinance in 2003, City Commissioners never anticipated that its strict interpretation would cripple entire neighborhoods and endanger people's lives. In their defense, when they passed the overambitious law, official State policy was to dig up turtle nests on heavily populated "donor" beaches and transplant the eggs in mostly barren "recipient" beaches. Understandably unconcerned about public safety issues on stretches of uninhabited beach, they aggressively enhanced the ordinance. When the Florida Fish and Wildlife Conservation Commission (FWC) revised its policy in 2006 to avoid nest molestation, the City was suddenly faced with the enigmatic terms of its own law.

Commissioners optimistically assumed that the City's Code Enforcement personnel would apply the ordinance constructively, and suppress poorly conceived provisions that marginalized public safety. Promising to protect people as well as sea turtles, Code Enforcement Officials repeatedly assured residents that the objective of the ordinance was improvement, not perfection. Unfortunately, this balanced approach wasn't shared by certain stakeholders who view Fort Lauderdale residents as environmental impediments whose needs - and rights - are immaterial to their agenda.

Pressured by FWC and radical members of Sea Turtle support groups to enforce the law as written, City officials blacked out entire neighborhoods and darkened State Road A1A. In the ensuing backlash, complaints poured in from coastal residents fearful of walking down their own block after dark, endangered drivers and pedestrians, angry tourists who vowed to never return, struggling merchants in faltering commercial beach neighborhoods and residents flustered by inconsistent and contradictory enforcement policies. As soap box demagogues on either side of this issue sniped at one another, City officials realized that the vast majority of City residents - including most responsible environmentalists - favored a beach lighting plan that protected both people and sea turtles. Since taking steps to protect people would actually violate the terms of the current law (a "first" for a city ordinance in the history of Fort Lauderdale), City Commissioners charged City Manager Lee Feldman with creating a vehicle for this expanded objective.

To mute speculation about the new law's goals and the City's commitment to Sea Turtle survival, Feldman decided to use the State's model Beach Lighting Ordinance as its foundation - and then exempt the City from compliance on "City maintained public walk-

ways." Unfortunately, the State's Model Beach Lighting Ordinance was never meant to be plugged into a municipal code without first being vetted for unintended adverse impacts and fitted with objective enforcement protocols.

For existing beachfront neighborhoods, the State environmentalists who drafted the model ordinance anticipated that it would be adapted to the civic, structural, political and public safety needs of affected communities in each jurisdiction. Instead of enacting a one-size-fits-all state law, they passed the responsibility for creating and enforcing a sea turtle survival strategy to local governments that are better positioned to insure that public safety is not compromised and the unavoidable unfunded mandate on beachfront homeowners is minimized. Since the State Model was designed by FWC scientists as a fluid set of guidelines and suggestions, to insure that local governments understood their role in this joint venture, they added 62B-55.004(d), which states "Local governments should develop a process for the consistent and effective enforcement of adopted guidelines."

In jurisdictions like Fort Lauderdale, the model would have to be amended to allow the City to protect its citizens, neighborhoods to protect their residents and homeowners to protect their families. Fort Lauderdale learned the hard way what happens if the raw language is approved without clear enforcement limits. Having exempted the City from compliance with lighting prohibitions that belabor public safety, Feldman requested input from residents to square the ordinance with their needs. Consider this an invitation to participate while you can still make a difference.

Over the past 6 years, in consultation with Code Enforcement Officers, homeowners in Galt Mile associations preemptively fitted hundreds of fixtures with shields; screens; motion detectors, bulbs recommended by the officers and approved by FWC; or turned off certain lamps at sundown during the nesting season. Hundreds of other lamps were replaced, funded in large part from the retirement savings of longtime residents - many on fixed incomes. Residents who annually share their homes with nesting Sea Turtles are among the staunchest advocates of their well-being and survival - long before it became politically fashionable. As first explained by Broward Sea Turtle icon Lou Fisher at a 2007 educational meeting convened by the neighborhood association, the objective was always to block light from illuminating the beach.

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In the past two years, certain associations were informed that lamps casting no direct or reflected light on the beach violated the ordinance because whatever they did illuminate – cars, people, landscaping, etc. – was visible from the beach. Since neither the light source of these lamps nor their reflecting surfaces were visible from the beach, this enigmatic interpretation of the ordinance would hold beachfront neighborhoods responsible for blacking out the City to an observer on the beach. Upon asking a Code Official about applying this standard, which isn't in the current law, he answered "I interpret the ordinance as I understand it." This kind of subjective enforcement has forced many associations to replace the same lamps 2 or 3 times. After approving the deck lighting plan of one Galt Mile association, a year later waffling Code Officials issued a violation for the lamps, and expressed an expectation that the lamps would be replaced again – casually flushing tens of \$thousands in association funds expended to protect Sea Turtles while threatening unit owners with a second assessment. No worthwhile cause can afford to frivolously waste resources and any City law that arbitrarily abuses citizens is broken.

For beach neighborhoods and homeowners, the ordinance should provide clear and objective compliance protocols, never compromise safety and security and – since they are footing the bill for 95% of this project – be implemented in a manner that achieves its objective without unnecessarily pillaging family – or association – budgets. By addressing these concerns, the new law can mitigate much of the controversy surrounding this effort, and expedite compliance.

The following is a compilation of concerns expressed by Galt Mile and Lauderdale Beach residents who've read the proposed ordinance. With two exceptions (a Lauderdale Beach homeowner and a Galt Mile official), they support a balanced law that seeks improvement, not perfection. To help add perspective to each comment, the proposed ordinance is available for easy reference after the observations.

To promote the revised Ordinance, the City created a presentation entitled "Balancing Marine Turtle Protections with Life Safety Lighting" and posted it on the City of Fort Lauderdale website. The presentation cites four features drawn from the State Model that are addressed in the ordinance, 1) Point Source of Light, 2) Consistency between New Development and Existing Development Artificial Lighting Requirements, 3) Use of Dunes and Vegetation to Create Compliance and 4) Interior Artificial Lighting Requirements.

In featuring "Point Source of Light" - provision (1)(a) in sections for both new and existing beach lighting - as a key element of the revised ordinance, City Officials offer homeowners and associations a clear and achievable compliance benchmark. In providing that "Existing artificial light fixtures shall be repositioned, modified, or removed so that the point source of light or any reflective surface of the light fixture is not directly visible from the beach," the new ordinance seemingly eliminates speculative confusion about compliance standards. If the bulb or the fixture's reflecting surface isn't visible from the beach, the fixture is compliant - and not subject to a violation.

Provision (1)(b) requires that "Existing artificial light fixtures shall be repositioned, modified, or removed so that areas seaward of the frontal dune are not directly or indirectly illuminated." Since the ordinance defines "Directly illuminated" as "illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to an observer on the beach," this is consistent with provision (1)(a) and gives associations, businesses and homeowners an objective and measurable compliance standard. After getting off to a good start, the proposed ordinance melts down. The ordinance defines "Indirectly illuminated" as "illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to an observer on the beach."

That's the actual language. Without additional clarification, any artificial light source which is NOT visible to an observer on the beach will be eligible for a violation. Since this includes every lamp on Planet Earth that doesn't directly illuminate the beach, homeowners would be justified in wondering just how the this provision will be enforced, given the absence of any objective criteria.

The second plan element featured by City Officials is "Consistency between New Development and Existing Development Artificial Lighting Requirements." For all its unanticipated pitfalls, the current ordinance recognizes that retrofitting a lighting plan is far more expensive and structurally difficult than designing one from scratch. As such, most of Florida's local lighting laws productively differentiate lighting requirements for new and existing structures. Inexplicably, this distinction is tossed out in the proposed revision.

The new "uniform" requirements for existing lighting are listed in Section (2), which states "The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting," followed by a list of required adaptations. Although the list appears to be a series of available FWC options for correcting prospective lighting violations, it doesn't limit the required changes to lamps illuminating the beach. As worded, it could apply to all exterior lighting. Since the City's Beach Lighting ordinance should be limited to preventing lamps from illuminating the beach, a clarification is in order.

Since professional deck lighting plans rarely feature off-the-shelf fixtures from Home Depot or K-Mart, many of the bulbs mandated by provision (2)(c) as replacements in existing fixtures simply do not exist (as any Code Officer will confirm). Provisions (2)(h) and (i) are particularly special, since they would require associations and homeowners to transform walkways, patios, swimming pools, parking decks and barbecue areas into planters. Since they were presumably drafted to some other purpose, such as a suggestion that might be taken instead of a mandate that must be taken, these measures should also be clarified.

Section (3) is anathematic. Although several jurisdictions have plunked it into their local adaptations of the State model, since it carries some serious legal and Constitutional baggage, it has only been enforced against rooms from which lamps directly illuminate the beach. As currently drafted, it anticipates forcing tens of thousands of Fort Lauderdale residents to coat some 400,000 windows that overlook the beach – some from a half mile away – at \$15 - \$20/sq. ft. or \$270 - \$360 a pop for simple casement windows, between \$450 and \$700 for glass doors or up to \$3600 for large floor-to-ceiling sliders. Also, after spending between \$6000 and \$60,000 to install hurricane impact glass windows or doors in homes and/or offices – as strongly recommended by the State as well as every insurance carrier – film applied after installation can void manufacturer and/or installer warranties on the glass (although not on the frame). Since the Citizens Insurance campaign to dump policyholders has sharply limited windstorm coverage, the thousands of supplemental insurance policies and riders purchased by homeowners, businesses and associations to specifically cover costly storm-damaged impact glass windows and doors could also become confetti. Going forward, the City can easily remedy this issue by changing a tinting option in the permitting process into a tinting requirement for affected new windows.

Given the inherent implausibility of effectively enforcing this roughly \$150 million unfunded mandate, Code Enforcement had already implemented two strategies that more realistically address the issue. In 2007, the City's first Code Enforcement liaison to FWC, Al Lovingshimer, warned neighborhood officials about this dogmatic requirement. Explaining that it was designed as a suggested objective more appropriate to new development, Lovingshimer – and successor Mario Sotolongo – implemented alternative strategies based on education and cooperation.

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Learning from Our Mistakes

By adapting or replacing selected lamps with turtle-safe fixtures, the revised beach lighting ordinance will allow the City to reasonably illuminate coastal roads and neighborhoods. During the meeting, City Commissioner Dean Trantalis and Sea Turtle Aficionado Lou Fisher discussed how to best illuminate A1A while District 1 Commissioner Bruce Roberts explained the proposed ordinance revisions to constituents.

Commissioner Roberts assured residents that lamps are compliant under the new ordinance as long as the "point source of light" (bulb) and reflecting surfaces of a fixture are not visible from the beach. Unfortunately, other provisions in the ordinance appear to contradict this attempted clarification. In fact, unless they are addressed before the new law is finalized; every lamp in beach neighborhoods could be targeted for violation, whether or not it illuminates the beach.

While a step in the right direction, some of the new public safety standards apply exclusively to City properties; and not those of its citizens. As the City continues to collect input over the next month or two, homeowners in beachfront neighborhoods will have an opportunity to insure that reasonable enforcement protocols apply to their homes as well.

For instance, the compliance glide path for an association's major lighting fixtures – although agreed to by Code Enforcement – should be spelled out in the ordinance. The ordinance should also provide for security lighting – whether affixed to motion detectors and/or integrated into a home's video surveillance protection. Additionally, some of the proposed provisions should be adequately clarified and/or better defined. For example, a constitutionally questionable provision mandating costly upgrades to nearly a half million windows throughout the city (some more than a quarter mile from the beach) needs to be "better tailored" to its intended purpose. To review some of the pitfalls in Feldman's variation of the state model, read "A Look at the New Law." Based on observations made by Galt Mile and Lauderdale Beach homeowners and association officials, these concerns will be presented to city officials in response to their request for input.

More to Come... •



On a case by case basis, Code Officials work with homeowners to minimize the impact of lights emanating from any room that egregiously illuminates the beach. To address the minimally productive larger objective, instead of exploring the Constitutional tar pit of dictating when thousands of people can turn on and off the lights in their own homes, or prosecute an unprecedented legal obligation to retroactively purchase hundreds of thousands of "window treatments", they met with neighborhood associations to elicit the voluntary cooperation of member buildings.

Along the Galt Mile, as per the 2007 agreement with Code Enforcement, beachfront associations posted notices on association bulletin boards and websites that unit owners should turn off lights when leaving a room with a window overlooking the beach, thereby saving money and Marine Turtles. In many buildings, this is also conveyed to visitors and guests. To lead by example, the associations apply this to all interior common area lighting as well.

Having read some of the concerns expressed by your neighbors, it's your turn to step to the plate. Following are the terms of the proposed ordinance. Since Galt Mile associations are primarily impacted by the section entitled, "Standards for Existing Beachfront Lighting," read the handful of provisions. Don't forget to see how the law defines key terms in Section 6-46. Members of associations planning an overall deck lighting replacement should also review "Standards for New Beachfront Lighting." Keeping in mind that your objective is to frugally block illumination of the beach without compromising the safety and security of any resident, see if you can find provisions that need clarification or amending. Since beach residents will be obliged to fund and abide by its mandates once enacted, take a few minutes to look over the revised ordinance.

You might take another 60 seconds and send an email to neighbor-support@fortlauderdale.gov with your questions, suggestions, concerns, recommendations and comments. If you hate computers, inform your association's GMCA Advisory Board members (listed elsewhere in this newsletter) about your observations. In turn, they will be conveyed to City Commissioner Bruce Roberts, who can help us differentiate possible misconceptions about the new law from concerns that should be addressed. Two pedestrian closing comments: 1) There is strength in numbers and 2) speak now or forever hold your peace.

CODE OF ORDINANCES
Chapter 6 - ANIMALS
ARTICLE III - SEA TURTLES
DIVISION 2 - BEACH AREA ARTIFICIAL LIGHTING
RESTRICTIONS

- Sec. 6-45.** - Purpose.
- Sec. 6-46.** - Definitions.
- Sec. 6-47.** - Prohibition of activities disruptive to marine turtles.
- Sec. 6-48.** - Lighting standards for new Beach Front Lighting.
- Sec. 6-49.** - Lighting standards for existing Beach Front Lighting.
- Sec. 6-50.** - Penalty.
- Sec. 6-45.** - Purpose.

Sec. 6-45. - Purpose.
The purpose of this division is to reduce the impacts of artificial coastal lighting on threatened and endangered sea turtles that nest on the beaches of Fort Lauderdale by restricting artificial lighting that disorients turtles hatchlings, causing them to crawl toward land rather than toward the ocean. The restrictions and constraints of this division shall be effective within the incorporated areas of Fort Lauderdale and apply to any coastal lighting activity that has the potential to adversely impact sea turtles within city limits.

Sec. 6-46. - Definitions.
For purposes of this section, the following definitions shall apply:

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Artificial light means the light emanating from any human-made device.

Beach means the zone of unconsolidated material that extends landward from the mean low-water line of the Atlantic Ocean, to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

Beach Front Lighting means all artificial light visible from the sand that shall illuminate any area of the beach.

Coastal construction activities means any work or activity that is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.

Cumulatively illuminated means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.

Directly illuminated means illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to an observer on the beach.

Dune means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by any natural or artificial mechanism.

Filmed glass means window glass that has been covered with a film such that the material has a shading coefficient of forty-five (45) percent or less, adhesive as an integral part, and has performance claims that are supported by approved testing procedures and documentation.

Frontal dune means the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity and configuration to offer protective value.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground which prevents beachfront lighting from shining directly onto the beach-dune system.

Hatchling means any species of marine turtle, within or outside of a nest, that has recently hatched from an egg.

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Indirectly illuminated means illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to an observer on the beach.

Marine turtle means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricate* (hawksbill), and *Lepidochelys kempi* (Kemp's ridley). For purposes of this rule, marine turtle is synonymous with sea turtle.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season means the period from March 1 through October 31 of each year.

Nighttime means the time period between sunset and sunrise within incorporated Fort Lauderdale.

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Solar screens means screens that are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed on the outside of the glass and must have a shading coefficient of forty-five (45) percent or less and have performance claims supported by approved testing procedures and documentation.

Tinted glass means any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of forty-five (45) percent or less. Such transmittance is limited to the visible spectrum (four hundred (400) to seven hundred (700) nanometers) and is measured as the percent-

age of light that is transmitted through the glass.

Sec. 6-47. - Prohibition of activities disruptive to marine turtles.

The following activities involving direct illumination of portions of the beach are prohibited on the beach at nighttime during the nesting season for the protection of nesting females, nests and hatchlings:

1. The operation of all motorized vehicles, except emergency and enforcement vehicles or those permitted on the beach for marine turtle conservation, research or beach maintenance.
2. The building of campfires or bonfires.

Sec. 6-48. - Standards for new Beachfront lighting

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards apply to artificial light sources on all new coastal construction:

1. Existing artificial light fixtures shall be designed and positioned so that:
 - a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
 - c. Areas seaward of the frontal dune are not cumulatively illuminated.
2. Exterior artificial light fixtures within direct line-of-sight of the beach are considered appropriately designed if;
 - a. Completely shielded downlight only fixtures, or recessed fixtures having low wattage consistent with Florida Fish and Wildlife Conservation Commission requirements and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers or cut-off features may also be used if they are in compliance with the requirements of paragraphs (1)(a), (b), and (c) above; and
 - b. All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures.
3. Floodlights, up lights or spotlights for decorative and accent purposes that are directly visible from the beach, or indirectly or cumulatively illuminate the beach, shall not be used excepting City use on City maintained public walkways.
4. Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functioning role(s). The use of motion detector switches that keep lights off except when approached, and that switch lights on for the minimum duration possible are preferred.
5. Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:
 - a. Set on a base which raises the source of light no higher than 48 inches off the ground; and
 - b. Positioned or shielded so that the light is cast downward and the

source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.

6. Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.
7. Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short or long-term damage to the beach/dune system.
8. Tinted glass shall be installed on all windows and glass doors of single and multi-story structures within line-of-sight of the beach.
9. Parking areas and structures shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach. Parking area and parking structure lighting shall be shielded from the beach through the use of shields that direct light away from the beach, and ground-level barriers designed in conformance to the CPTED principals. Such ground-level barriers shall not interfere with marine turtle nesting or hatchling emergence and shall not cause short or long-term damage to the beach/dune system. Entrances and exits to parking structures shall not face the ocean. Surfaces of parking areas shall not contain ground glass or other reflexive material.



Turtle Hatchlings Head for the Ocean.

Continued on page 16

10. Use of appropriately shielded low pressure sodium vapor lamps and fixtures shall be preferred for high-intensity lighting applications such as lighting parking areas and roadways, providing security, and similar applications.
11. No roof top advertising sign that is illuminated in any fashion shall be permitted.
12. Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimum amount necessary and shall incorporate all of the standards of this section.

Sec. 6-49. - Standards for existing beachfront lighting.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards apply to existing artificial beachfront lighting sources:

1. Existing artificial light fixtures shall be repositioned, modified, or removed so that:
 - a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
 - c. Areas seaward of the frontal dune are not cumulatively illuminated.
2. The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:
 - a. Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
 - b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;
 - c. Replace traditional light bulbs with bulbs consistent with Florida Fish and Wildlife Conservation Commission requirements;
 - d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - f. Replace pole lamps with low-profile, low-level lumi-

naries so that the light source or any reflective surface of the light fixture is not visible from the beach;

- g. Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low pressure sodium vapor lighting possible for the specific application;
 - h. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
 - i. Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short-or long-term damage to the beach/dune system and must be approved by Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission and the City of Fort Lauderdale;
 - j. Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards.
3. The following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach;
 - a. Apply window tint or film that meets the standards for tinted glass;
 - b. Rearrange lamps and other moveable fixtures away from windows;
 - c. Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; and
 - d. Turn off unnecessary lights.

Sec. 6-50. - Penalty.

Violation of the provisions of this division or failure to comply with any of its requirements shall constitute an offense. When it has been determined that a violation has occurred, notice of the violation and an opportunity for a hearing shall be served on the person or persons responsible. Upon refusal, failure or neglect of the person or persons served with a notice of violation to cure the violation, and when the violator or the violator's representatives do not appear at the hearing granted pursuant to this Code or as otherwise provided by law, or when an order finding a violation is entered against the violator, the enforcing agency shall notify the violator, in writing, that an external lighting source causing the violation may be removed by the city within ten (10) business days thereafter, or that a fine may be assessed against the violator, with said fine to begin to be assessed within ten (10) business days thereafter, and to be continuously assessed until the conclusion of nesting season or until the violation is corrected. Costs associated with the removal by the city of external lighting sources causing violations shall be recovered from the person or persons causing the violation, and, if not recovered from the person or persons, shall be placed as a lien against the property and reimbursed to the city at time of sale of the property.

(Ord. No. C-03-9, § 1, 2-18-03) •

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