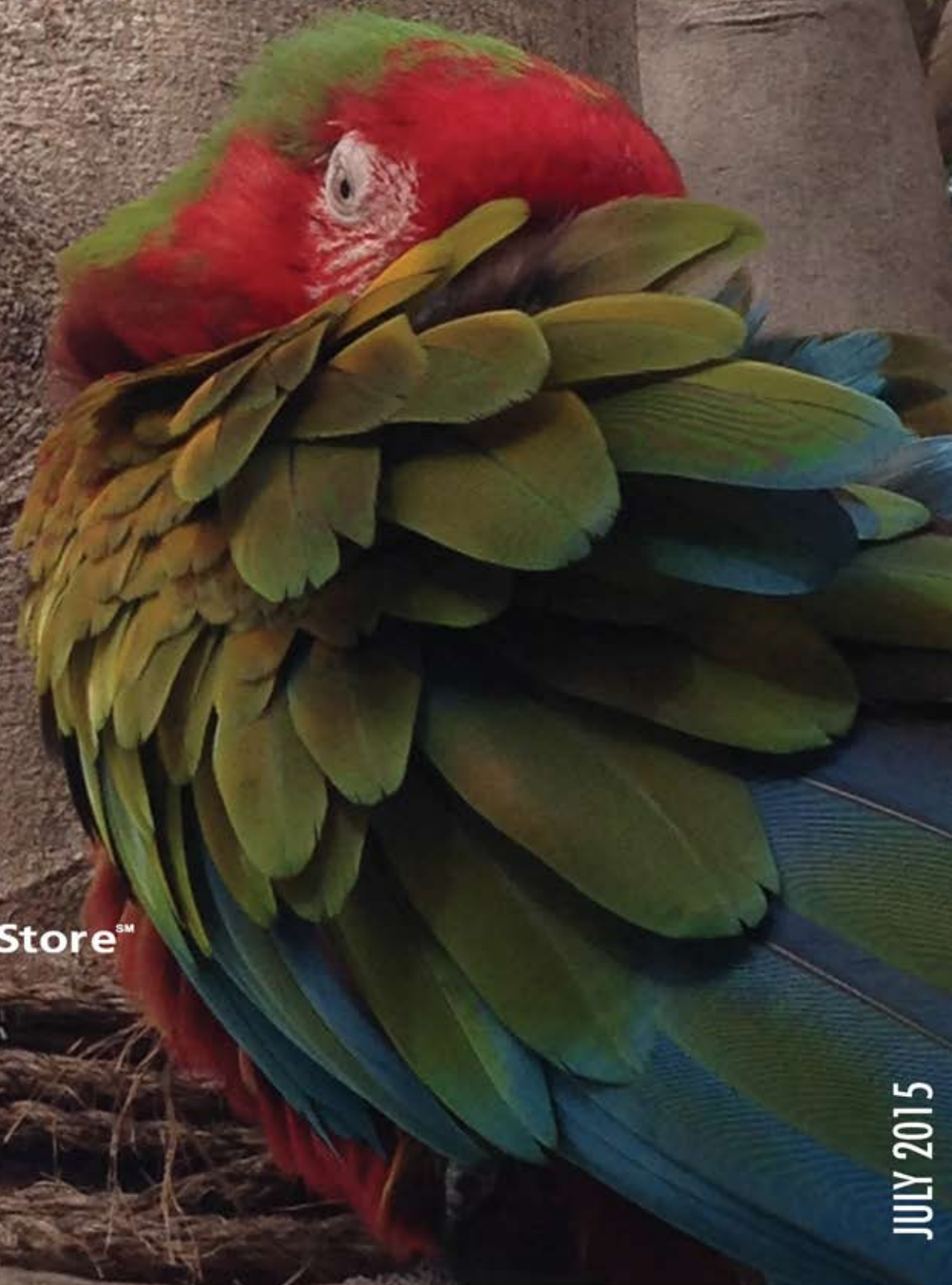


# GALT MILE NEWS

THE OFFICIAL PUBLICATION OF THE GMCA



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JULY 2015



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# THE BROWARD BEACH BRASS RING

By Eric Berkowitz

After reviving the dormant Segment II beach project in 2011, former Broward Beach Administrator Eric Myers spent the next 3 years chasing the required State and Federal permits. When he retired after a bitter, yet successful struggle for the State permit, Broward Natural Resource Administrator Nicole Sharp donned Myers' mantle as beach boss. Joined by District 4 Broward Commissioner Chip LaMarca, Sharp hunted the remaining regulatory brass ring – a Federal Permit to reclaim vanishing Segment II beaches – until she ran into a bureaucratic brick wall.

## NOAA Fisheries Shell Game

Last year, LaMarca asked his District 4 constituents for help circumventing a federal beach renourishment roadblock. NOAA Fisheries (AKA the National Marine Fisheries Service - or NMFS), an agency in Penny Pritzker's Commerce Department, was intransigently sitting on a key puzzle piece required for a Federal Permit – an "opinion letter" featuring recommendations to minimize collateral damage to the marine environment.

For more than a year, agency bureaucrats ignored County requests for the opinion letter, although every other major State and Federal environmental watchdog agency endorsed the beach project as critically important to salvaging fast-diminishing nesting and foraging habitat for a laundry list of species deemed endangered or threatened under the Endangered Species Act (ESA). As cited in the Army Corps of Engineers' original Final Environmental Impact Statement (FEIS), Leatherback, Green, Kemp's Ridley, Hawksbill and Loggerhead Sea Turtles, the Piping Plover and scores of other threatened species rely on the shrinking beach ecosystem for their survival. Ironically, NMFS bureaucrats blew off as "irrelevant" the Corps conclusion that a fortified beach will also save thousands of lives at risk from cyclonic storm surge while shielding more than \$4 billion in upland property. As spun by an pretentious NMFS policy wonk in St. Petersburg, "Human survival is not our problem."

While shrugging off public officials from Broward County, Fort Lauderdale, Lauderdale-by-the-Sea and Pompano Beach, the agency also ignored supplications by Statehouse Representative George Moraitis, Florida Senator Jeremy Ring and other members of the

Broward Legislative Delegation. Anticipating that our Federal representatives might more effectively access a heavily cloistered federal agency, LaMarca and the Galt Mile Community Association recruited Senators Bill Nelson and Marco Rubio along with Congresswoman Lois Frankel to help pierce the seemingly impenetrable bureaucratic membrane. When the agency finally responded with an enigmatic claim that they lacked the resources to meet the County request (i.e. write an opinion letter), an incredulous Chip LaMarca visited the NOAA Fisheries Southeast Regional office in St. Petersburg, where he found the Broward request under a pile of unopened documents collecting dust at an empty desk.

## Running the Roadblock

Since the agency is openly disdainful of local politicians and only marginally more responsive to members of Congress (unless, of course, they sit on a budget committee charged with pulling agency purse strings), Broward officials realized they were spitting into the wind. Reconsidering their options, County officials turned to another federal agency for help. To further its agenda, NOAA Fisheries needs a functional relationship with the Army Corps of Engineers (ACOE). Also, nobody can navigate the federal regulatory labyrinth like local Corps personnel, who consider it their back yard. LaMarca contacted the Army Corps of Engineers Palm Beach Gardens Regulatory office, where Supervisory Biologist and office chief Susan Kaynor and Project Manager Garrett Lips agreed to help pinwheel NOAA Fisheries – and push the beach project to fruition.

NOAA Fisheries could have milked their dilatory tactics for years; fortunately, this wasn't the first dance for ACOE Project Manager Garrett Lips. When a local NOAA Fisheries bureaucrat continued stonewalling the project after the February 28th response deadline mandated by federal law, Lips drew down on his intimate familiarity with the Federal playbook. A 1992 Memorandum of Agreement between the Department of Commerce and the Department of the Army spells out a procedure for breaking an impasse created when NMFS casually blocks a permit approved by the Corps; specifically, it kicks the problem upstairs to the Under Secretary for Oceans and Atmosphere (USOA) and the Assistant Secretary of the Army for Civil Works (ASA/CW), a forum reserved for aquatic resources of national importance.

Continued on page 4

Sand Being Spread Across Broward Beach





Lips sent a "3c" letter, forcing the agency bureaucrat to either rescind or elevate the objections within 10 days (by March 9). Since elevating borderline specious objections would expose the agency to crushing public and internal criticism for its willingness to arbitrarily eviscerate one of the world's major Sea Turtle nesting habitats, scuttle a regional economy, and leave the entire beachfront population unprotected from cataclysmic storm surge, they threw in the towel. Having finally fleshed out the Corps' regulatory dance card with the NOAA Fisheries opinion letter, ACOE District Commander Colonel Alan Dodd issued Permit Number SAJ-1999-05545(SP-GGL) in Jacksonville a few days later.

Lips' timing was providential. After 3 years as District Commander of the of the U.S. Army Corps of Engineers, Jacksonville District, and 32 years in scores of domestic and overseas commands (including combat commands in Kuwait, Iraq and Afghanistan) where he earned countless citations and awards, West Point graduate Colonel Alan M. Dodd is preparing to retire from active service. Had he done so before signing off on the Broward permit, a new Commander might have required the County to revisit specific regulatory issues or re-navigate the entire gauntlet, prospectively threatening years of additional delays. Before officials in Fort Lauderdale and the Galt Mile had an opportunity to thank Lips for sewing up the big win, the 45-year old biologist suddenly passed away on April 28.

As a parting shot, NOAA Fisheries salted the permit with a conditional requirement. The permit does not authorize the "taking" of an endangered species, in particular Acropora and other listed corals. Buried in their opinion letter, NOAA Fisheries specifies a set of "reasonable and prudent measures" when navigating the hardbottom environment. If implemented, responsibility for an "incidental taking" would be mitigated, leaving Broward off the hook, blocking threatened NMFS project interference.

#### Debunking Permit Myths – What Really Happened?

When news of the Federal authorization spread through the neighborhood, pool talk fueled speculative misconceptions about the State and Federal permits. At a recent Presidents Council Meeting in L'Hermitage I, a GMCA Advisory Board member – understandably angered by years of frustrating delays – took a potshot at those who worked to secure the Federal Permit, contending that a federal permit issued in 2004 was blown when irresponsible County officials sat on their thumbs – and allowed it to expire on July 16, 2009. Another official held that the original permit hadn't expired, obviating the need for a new permit. Like most urban legends, these myths were built on grains of truth. A Federal permit was received 11 years ago, although it never authorized a Segment II beach fix.

Issued on July 16, 2004, Federal Permit No. SAJ-1999-5545(IP-SLN) was limited to bulking south county Segment III beaches in Hollywood, Hallandale and Dania Beach. Since Galt Mile officials have been playing "Where's Waldo" with State and Federal Beach Permits for almost two decades, the mix-up comes as no surprise, especially since a State permit that expired during a prolonged episode of bureaucratic foot-dragging fell prey to a countywide battle over replacement sand.

Initially issued by the Florida Department of Environmental Protection (FDEP), State Permit No. 0163435-001-JC authorizing Segment II on May 12, 2003 was reissued a year later (June 4, 2004) as Permit No. 0163435-005-JC following an administrative hearing convened to address project challenges.

A few months earlier, scientists from the County's Biological Resources Division addressed the Florida Cabinet at a Tallahassee public hearing, along with officials from Broward beachfront municipalities, renowned environmentalist (and former head of the Nature Conservancy) Roy Rogers and a contingent of Galt Mile residents. When project opponents – many funded by the scuba industry – informed former Governor Jeb Bush's Cabinet members that Broward's beachfront homeowners opposed the beach renourishment, the baseless spin was refuted by beachfront residents from the Galt Mile, whose testimony convinced the Cabinet to approve the project.

To avoid the appearance of environmental impropriety, the Cabinet added a permit provision requiring an 18-month monitoring period following the Segment III renourishment. Data collected about environmental impacts would be used to enhance safety mitigations applied to the Segment II project. When monitors from Nova Southeast University Oceanographic Center and a coalition of outside engineers (Coastal Planning and Engineering, Inc., Olsen Associates, Inc., etc.) joined county scientists in submitting the anticipated report in 2007, among the scores of coral species listed in their findings were small colonies of endangered Staghorn (*Acropora cervicornis*) and Elkhorn (*Acropora palmata*) coral.

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Second Studio, LLC  
954-292-6553  
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#### EDITOR

Eric Peter Berkowitz

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Second Studio, LLC  
954-292-6553  
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A few years after the 2007 monitoring report was submitted – just before the State permit expired – former Broward Beach boss Steve Higgins sent a letter to former FDEP Secretary Michael Sole on May 12, 2009, requesting that Sole extend State authorization of Segment II for another 5 years – through June 4, 2014. Sole had roots in Broward. When he was recruited by former Governor Charlie Crist to run the FDEP, Sole was working as a Marine Biologist for Broward County – arms akimbo with Steve Higgins and Eric Myers. After indicating his intention to extend the State permit, and providing Higgins with a Notice of Completeness for his application, Sole informed Higgins that a Notice to Proceed would not be forthcoming until he received a Segment II mitigation plan protecting the endangered species of coral, in compliance with the Endangered Species Act (ESA).

#### Sand Civil War

Observing that the Broward project was “The most heavily regulated Beach renourishment in the history of Florida,” Higgins began fashioning an Acropora addendum that would pass muster with Sole’s FDEP and ESA regulations. When the project’s State permit expired on June 4, 2009, all hell broke loose.

Despite that testimony from Galt Mile residents and Fort Lauderdale City officials were the deciding factors in winning Cabinet approval for the south county’s Segment III renourishment, when Segment II approval lapsed, Hollywood and Hallandale hoteliers and politicians colluded in launching a stealth campaign to hijack the sand earmarked for Fort Lauderdale’s beaches.

Enraged by the south county attempt to usurp Segment II renourishment resources, incredulous north county municipal officials went ballistic. The Fort Lauderdale City Commission immediately passed City Resolution No. 09-11, “strongly opposing” a sand bypass at Port Everglades that would replenish sand stripped from south county beaches by tidal erosion. A page was posted on the City web site entitled “Help Save Fort Lauderdale Beach,” which provided the email addresses of the County Commissioners and asked that residents “Help to make sure that Fort Lauderdale is not pushed to the back of the line” by demanding that Broward complete the promised Segment II renourishment of Fort Lauderdale’s beaches. Waves of invective for south county politicians were echoed in Lauderdale-by-the-Sea and Pompano Beach.

Higgins is a scientist, not a politician. Caught in a political dogfight between north county City officials who were promised the sand, and south county politicians who coveted the Segment II sand to bulk up their newly fattened Segment III beaches, Higgins was relentlessly pummeled by both sides. Stupefied by this deteriorating political rats’ nest, the County’s unique environmental wizard “closed down,” dropping the beach project into a black hole.

Until Higgins announced that he would retire in 2011, the beach project remained dormant. Although he would continue as a consultant, his primary duties would be assumed by his boss, Deputy Director Eric Myers of Broward’s Environmental Protection and Growth Management Department. With Broward back in the business of fixing beaches, Hollywood Mayor Peter Bober wanted in. Extending an olive branch to Fort Lauderdale, Bober announced “Hollywood is not interested in doing anything that would give us any unfair advantage or cause any detriment to Fort Lauderdale residents or the City’s reputation.”

At a February 7, 2011 Presidents Council meeting in Coral Ridge Towers (Original), Myers announced that the project’s revival hinged on two contingent benchmarks, crafting a new plan that eliminated the most egregious regulatory obstacles and unilateral cooperation by coastal jurisdictions and beachfront homeowners. Myers’ redesigned project no longer called for using sand dredged from the ocean floor by vessels dragging pipes and hoses across the hardbottom. By truncating prospective damage to the marine ecosystem, he also quashed the project’s greatest source of environmental blowback.

Continued on page 14

## INJURED?

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- NURSING HOME NEGLECT



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**5** Las Olas Outdoor Green Market  
333 E Las Olas Blvd. & SE 4th Ave.  
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Info.: 954-426-8436

**Sunday Jazz Brunch**  
Riverwalk, Downtown FL  
11 a.m. to 2 p.m.  
Info.: 954-396-3622

**6** BINGO  
SouthPoint  
7 p.m.  
Info.: 954-563-6353

Commissioner Bruce Roberts: Pre-Agenda Meeting  
Beach Community Center, 6 p.m.  
Info.: 954-828-5033

**7** BINGO  
Galt Towers Social Room  
(4250 Galt Ocean Drive)  
7:30 p.m.  
Info.: Cyndi Sanger: 954-563-7268

Fort Lauderdale City Commission Meeting  
City Hall  
Regular Agenda: 6 p.m.

**8** BINGO  
Regency South Party Room  
7 p.m.  
Info.: Bob Pearlman: 954-547-4063

**12** Las Olas Outdoor Green Market  
333 E Las Olas Blvd. & SE 4th Ave.  
9 a.m. to 2 p.m.  
Info.: 954-426-8436

Fairchild's 16th Annual Mango Brunch  
Fairchild Tropical Garden, 11 a.m.  
Tix.: www.fairchildgarden.org

**13** BINGO  
SouthPoint  
7 p.m.  
Info.: 954-563-6353

**14** BINGO  
Galt Towers Social Room  
(4250 Galt Ocean Drive)  
7:30 p.m.  
Info.: Cyndi Sanger: 954-563-7268

**15** BINGO  
Regency South Party Room  
7 p.m.  
Info.: Bob Pearlman: 954-547-4063

**19** Las Olas Outdoor Green Market  
333 E Las Olas Blvd. & SE 4th Ave.  
9 a.m. to 2 p.m.  
Info.: 954-426-8436

**20** BINGO  
SouthPoint  
7 p.m.  
Info.: 954-563-6353

**21** BINGO  
Galt Towers Social Room  
(4250 Galt Ocean Drive)  
7:30 p.m.  
Info.: Cyndi Sanger: 954-563-7268

**22** BINGO  
Regency South Party Room  
7 p.m.  
Info.: Bob Pearlman: 954-547-4063

**26** Las Olas Outdoor Green Market  
333 E Las Olas Blvd. & SE 4th Ave.  
9 a.m. to 2 p.m.  
Info.: 954-426-8436

**27** BINGO  
SouthPoint  
7 p.m.  
Info.: 954-563-6353

**28** BINGO  
Galt Towers Social Room  
(4250 Galt Ocean Drive)  
7:30 p.m.  
Info.: Cyndi Sanger: 954-563-7268

**29** BINGO  
Regency South Party Room  
7 p.m.  
Info.: Bob Pearlman: 954-547-4063

**2** 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.: 954-396-3622

**3** BINGO  
SouthPoint  
7 p.m.  
Info.: 954-563-6353

Commissioner Bruce Roberts: Pre-Agenda Meeting  
Beach Community Center, 6 p.m.  
Info.: 954-828-5033

**4** BINGO  
Galt Towers Social Room  
(4250 Galt Ocean Drive)  
7:30 p.m.  
Info.: Cyndi Sanger: 954-563-7268

Fort Lauderdale City Commission Meeting  
City Hall  
Regular Agenda: 6 p.m.

**5** BINGO  
Regency South Party Room  
7 p.m.  
Info.: Bob Pearlman: 954-547-4063

Whitesnake  
Hard Rock Live, 8 p.m.  
Tix.: 800-745-3000

JULY 11: Retp Day Reptile and Exotic Animal Show, Universal Palms Hotel, 10 a.m. to 5 p.m., Info.: 863-268-4273

JULY 11: 23rd Annual International Mango Festival, Fairchild Tropical Gardens, 11 a.m., Info.: www.fairchildgarden.org

JULY 11: Summer Farmer's Market, Pompano City Centre, 10 a.m. to 3 p.m., Info.: www.pompanocitycentre.com

JULY 17-18: 4th Annual Fishing for the Dream Tournament, Lighthouse Point Yacht Club, Info.: 954-564-3512

JULY 25-26: Buckler's 9th Annual Craft Fair, War Memorial Auditorium, Info.: 366-860-0092

JULY 25 - AUGUST 1: BugFest-By-The-Sea, El Prado Park, 4 p.m. to 10 a.m., Info.: 954-640-4209

JULY 25: Christmas in July, America's Backyard, 8 a.m. to 4 p.m., Info.: 954-449-9569

JULY 25: Cruisin' Down the River with Bonnet House, Carrie B Cruises (440 N New River Dr. E), 6 p.m., Info.: 954-703-2614

AUGUST 8-9: Ice Cream Chemistry, Museum of Discovery & Science, 12 to 4 p.m., Info.: 954-713-0930

JUNE/JULY



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# UPCOMING EVENTS IN OUR AREA

August 15-16  
South Florida Bike Expo  
War Memorial Auditorium  
Info.: 954-977-2806

August 15-16  
Flamingo Gardens Wet-n-Wild Weekend II  
Flamingo Gardens, 9:30 a.m. to 4:30 p.m.  
Info.: 954-473-2955

August 15-16  
Buckler's 25th Annual Craft Fair  
South Florida Fairgrounds, WPB  
Info.: 386-860-0092

August 23  
5th Annual Animal Adoption Fair  
War Memorial Auditorium, 10 a.m. to 6 p.m.  
Info.: 305-519-0877



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**9** Tastes & Tunes Fridays  
Pompano Citi Centre  
6 to 9 p.m.  
Info.: [www.pompanociticentre.com](http://www.pompanociticentre.com)

**10** Imagine Dragons with Metric  
BB&T Center, 8 p.m.  
Tix.: 800-745-3000

**11** 4th Annual Boca Burger Battle  
Sanborn Square Park (72 N. Federal Hwy), Boca  
6 to 10 p.m.  
Info.: 561-338-7594

**16** Starlight Musicals  
Featuring: Pocket Change (Funk/Dance)  
Holiday Park, 7 to 10 p.m.  
Info.: 954-828-5363

**17** Summer Farmer's Market  
Pompano Citi Centre  
10 a.m. to 3 p.m.  
Info.: [www.pompanociticentre.com](http://www.pompanociticentre.com)

**18** Flamingo Gardens Wet-n-Wild Weekend  
(Through 7/19)  
Flamingo Gardens  
9:30 a.m. to 4:30 p.m.  
Info.: 954-473-2955

5th Annual Run Sweat & Beers 5K Run/Walk  
South County Regional Park (Glades Rd. in Boca)  
Registration - 5:30 p.m.; Race - 7 p.m.  
Info.: 561-852-3200

**23** Starlight Musicals  
Featuring: Viva Rock Band (Classic Rock)  
Holiday Park, 7 to 10 p.m.  
Info.: 954-828-5363

**24** Dig The Beach Volleyball  
Fort Lauderdale Open  
(Through 7/26)  
Ft. Lauderdale Beach Park (1100 Seabreeze Blvd.)  
7 a.m. to 7 p.m.  
Info.: 561-241-380

**23** Tastes & Tunes Fridays  
Pompano Citi Centre  
6 to 9 p.m.  
Info.: [www.pompanociticentre.com](http://www.pompanociticentre.com)

**25** The Delray Beach Bus Loop  
Cabo Flats (14851 Lyons Rd., Ste. 122) or  
Japongo (14811 Lyons Rd., #106)  
6 p.m. to Midnight  
Info.: 954-574-6000

**25** Starlight Musicals  
Featuring: Mr. Nice Guy (Classic Rock)  
Parks & Recreation Night  
Holiday Park, 7 to 10 p.m.  
Info.: 954-828-5363

**30** West Palm Beach Antiques Festival  
(Through 8/2)  
South Florida Fairgrounds, WPB  
Info.: 941-697-7475

**31** Starlight Musicals  
Featuring: Chain Reaction (Journey Tribute Band)  
Holiday Park, 7 to 10 p.m.  
Info.: 954-828-5363

**1** Household Hazardous Waste and Electronics  
Drop-off Events  
Mill Pond Park (2201 NW 9th Ave. at Powerline Rd.)  
9 a.m. to 2 p.m.  
Info.: 954-828-8000

**6** 20th Annual South Florida Tattoo Expo  
(Through 8/8)  
Coral Springs Marriott  
Info.: 954-868-7040

**7** Starlight Musicals  
Featuring: Brass Evolution (Classic Rock)  
Holiday Park, 7 to 10 p.m.  
Info.: 954-828-5363

**8** Florida Gun & Knife Show  
(Through 8/9)  
South Florida Fairgrounds, WPB  
Info.: 321-777-7455

Bowling for the Dream Tournament  
Diamond Strike Lanes, Pompano  
11 a.m. to 2 p.m.  
Info.: 954-564-3512

Tuesdays/Saturdays: Sunrise Paddleboard Bonnet House Eco Tour, 928 NE 20 Ave., 10 a.m., Info.: 954-440-4562

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

Mondays: Food Trucks at ArtsPark, 5:30 to 10 p.m., Youngs Circle in Hollywood

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

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

Daily: Yoga on the Beach, Ocean Manor Resort (4040 Galt Ocean Dr.), 9:30 a.m. (weather permitting), Mats supplied, \$10 donation, Open to the Public, Info.: 754-779-7519 or 516-840-1455



Late last year, Fort Lauderdale City Commissioner Bruce Roberts advised neighborhood association officials of a possible threat to the Sun Trolley's Galt Mile route. Along with Broward Commissioner Chip LaMarca, Roberts serves on the Board of the Downtown Fort Lauderdale Transportation Management Association (DFLTMA), the Sun Trolley's parent agency. Having learned about an inexplicable decline in ridership on the Galt Mile route segment along Oakland Park Boulevard to Federal Highway, which services the Coral Ridge Mall as well as Holy Cross and Imperial Point Hospitals, Roberts arranged a January 15 meeting with newly appointed Sun Trolley Executive Director Robyn Chiarelli and Galt Mile officials. A drop in ridership could be used to cut back or end the neighborhood's local bus service, a prospect that triggered a disconcerting flashback for Roberts - and many Galt Mile residents.

In 2008, while promising neighborhood officials that he would protect the Galt Mile route from recessionary cutbacks, former Sun Trolley Executive Director Les Hollingsworth sought to mask his managerial missteps by furtively filing a route termination notice. When the Galt Mile Community Association (GMCA) uncovered his plan to unilaterally euthanize this unique neighborhood asset, every member condo and co-op was forwarded irrefutable evidence of his duplicity for posting on Mail Room bulletin boards, association newsletters, blogs and websites. After the surreptitious plan was disclosed in the Galt Mile News and website, it was picked up by the Sun-Sentinel. Almost overnight, the neighborhood association and City Hall were flooded with impassioned objections by angry Galt Mile residents.

A City investigation revealed that the problem had less to do with declining ridership than inept leadership - and an obsolete mission protocol. After ejecting the scheming bureaucrat, interim Director Chris Wren (a longtime Trolley honcho who runs the City's Downtown Development Authority), Commissioner Bruce Roberts and Galt Mile officials explored a long-neglected incremental revenue source. Instead of carrying clueless vacationers from Port Everglades and beachfront hotels to the usual tourist clip joints, by restructuring the service to accommodate the shopping and medical needs of local residents, the anticipated boost in ridership would also pump new life into local businesses crippled by the recession.

Over the next five years, new Managing Director Patricia Zeiler and Wren tailored the Sun Trolley to better connect shoppers, patients and

other consumers with customer-hungry vendors and service providers. By linking the reconfigured routes, they provided Galt Mile residents with free transportation to venues along Fort Lauderdale Beach, Las Olas Boulevard, the Galleria and the Harbor Shoppes - without having to find or finance scarce and overpriced parking. They also gave patients unfettered access to Holy Cross and Imperial Point Hospitals, and the panoply of healthcare support services that orbit each medical center. When Zeiler floated her now-stellar resume in the private sector, she was quickly snatched up by the prestigious Fort Lauderdale Historical Society, where she now serves as Executive Director.

Following a frenetic search for Zeiler's replacement, on December 2, 2014 DFLTMA Chairman Alan Hooper announced the appointment of Robyn Chiarelli as Sun Trolley Executive Director. An acclaimed management virtuoso whose career in public transportation was built on leadership roles with the South Florida Regional Transportation Authority (SFRTA), Tri-Rail, and a term as Florida Department of Transportation (FDOT) District 4 Project Manager, when Chiarelli supervised a laundry list of State-approved transportation projects in Broward and 4 other Southeast Florida counties. After scoring a Prudential-Davis Productivity Award, Chiarelli was recognized in November as the 2014 WTS (Women's Transportation Seminars) South Florida Chapter Woman of the Year (a hallmark annual honorarium for Women in Transportation).

At the meeting with Chiarelli, Roberts and Galt Mile officials stressed the need to maintain the neighborhood bus service - citing its importance to elderly hospital patients, Library and Community Center patrons - and residents for whom the Trolley is an indispensable element of a self-sufficient retirement. On February 2, 2015, Chiarelli joined Roberts at the Fountainhead Condominium to address the Presidents Council. She affirmed that ridership was strong on the Galt Mile route section along A1A south to Sunrise, as hundreds of Galt Mile residents mount regular excursions to Las Olas Boulevard and the Galleria. When recounting the disturbing ridership data for the Oakland Park Boulevard route segment, Chiarelli assured attendees that although the route was not in immediate danger, its future was uncertain.

While Chiarelli was on maternity leave (she had a little girl on June 12), interim Director Tara Crawford attended the June 18th GMCA

Continued on page 5



Advisory Board meeting. Afterwards, Crawford met with Galt Mile officials Pio Ieraci and Eric Berkowitz to discuss the underutilized Oakland Park Boulevard route segment. Although the route still exceeds the County's contractual survival standard of 7.1 riders per hour, Crawford said that staffers are exploring a "reallocation of resources," in case the decline in ridership is evidence of the neighborhood's changing transportation proclivities.

As per Crawford, Sun Trolley route planners suggested severing Holy Cross Hospital and the Imperial Point Medical Center as destination sites, thereby terminating the Oakland Park Boulevard route at the Coral Ridge Mall. Concerned about the burden it would place on fixed-income Galt Mile patients who rely on the service, and blowback from a neighborhood that reacts poorly to municipal policies harmful to its most vulnerable residents, Sun Trolley officials sought to offset the lost access to both medical centers by cutting a deal with the Pelican Hopper, the Community Bus Service for Lauderdale-by-the-Sea (LBTS). Crawford said that discussions were underway to partially fill the void created by a venue change.

Chiarelli has been cultivating political capital in Lauderdale-by-the-Sea since March, when she partnered with the boutique town's officials to reconfigure the Sun Trolley's free tracking software. Developed with technical input from Leadership Broward in 2012, the downloadable Tracker App enables passengers with smartphones, tablets or computers to track the location of Sun Trolleys in real time across all seven routes - including the Riverwalk Water Trolley. By empowering riders to position themselves anywhere along the route to flag down a trolley precisely as it approaches, the Tracker App virtually eliminates the need to wait at a designated stop. Noting how the Galt Mile Sun Trolley and the Pelican Hopper intersect at multiple locations and "share a similar customer base," when Chiarelli added Pelican Hoppers to the Tracker App, she banked a marker from LBTS officials. Whether the marker holds enough juice to sufficiently alter the Pelican Hopper route to mitigate the lost destination sites is questionable.

On weekdays, the Pelican Hopper duplicates three Sun Trolley stops in the Galt Mile neighborhood, at the Beach Community center, the

Galt Mile Library and the corner of Galt Ocean Drive and NE 41st Street. It also connects to Holy Cross Hospital, albeit via Commercial Boulevard instead of Oakland Park Boulevard. However, since the Pelican Hopper only extends south to Palm Avenue and A1A in Lauderdale-by-the-Sea on weekends, Galt Mile residents would lose their current Saturday service to Holy Cross. Also, the Pelican Hopper doesn't service Imperial Point Hospital - regular destination sites for scores of Galt Mile medical patients who lack a vehicle - or driver's license.

The Downtown Business District and the Galt Mile neighborhood are the City's two most lucrative sources of Ad Valorem revenue - by far. In return, the community asks for - and receives - almost nothing. While an infusion of new families is slowly cultivating a younger demographic, the Galt Mile remains home to a major senior population - many of whom are struggling to make ends meet. The Sun Trolley is one of the few municipal benefits provided to Galt Mile residents.

Unless Sun Trolley officials are able to add Imperial Point Hospital to the existing Pelican Hopper route and extend the route south into the Galt Mile on weekends, Galt Mile residents will lose their free transportation to Imperial Point Medical Center - and their access to Holy Cross will be sharply curtailed. Spinning a service cutback as a "reallocation of resources" is unlikely to convince Galt Mile residents that they aren't being stripped of an important resource.

When Crawford admitted that she didn't know what precipitated the slide in ridership, Galt Mile officials offered an explanation, and a methodology for vetting its viability. Given the usual board member turnover due to annual association elections, and the timely hiring of new association managers, many newly constituted association administrations know little or nothing about the service. Also, Sun Trolley Galt Mile outreach hit a brick wall when Zeiler departed last year. As a result, many associations are ill-equipped to inform their members about the Sun Trolley - especially new owners, tenants or visitors. As such, Galt officials asked Crawford to consider spending the next few months intensively reaching out to Galt Mile associations, providing informational flyers for association bulletin boards and handouts that owners might pick up in the Mail Room, building office or security desk.

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# Commissioner Chip LaMarca's

## June 2015 Newsletter

corporate office. Within minutes of enactment, Uber officials repeated an earlier threat to book, disparaging the new regulations as anathematic to the company's business model.

The threat came as no surprise, as several Commissioners observed, "They will either follow the new law or they won't," radiating skepticism about Uber intentions. Noting how the Commission had downplayed a company policy that encouraged blatant violations of county law - exemplified by an Uber email instructing drivers how to dodge law enforcement while making illegal pickups at South Florida Airports - LaMarca remarked "If they do the wrong thing and break the law, we come down on them like a ton of bricks, like we would anyone else, That's it."

Although TNCs claim that their drivers are already covered by corporate insurance, the coverage is perforated with significant gaps. TNC policies are only in force when the app is turned on and a ride is in service. If involved in a collision while the app is turned on and awaiting a fare, although working for the company, the driver wouldn't be covered by the company's insurance. After a San Francisco Uber driver plowed into a family and killed six-year old Sofia Liu on New Year's Eve, Uber hung the driver - and the family - out to dry, prompting a wrongful death lawsuit and a nationwide spotlight.

Unfortunately, a driver's personal vehicle insurance doesn't serve as a safety net. Since standard personal vehicle policies in Florida are precluded for vehicles preforming commercial services, the carrier can terminate a TNC driver's policy for breach - either after-the-fact or retroactively - stripping any coverage. In several other states, insurance statutes were revised to provide for a slightly more costly "hybrid" policy that dovetails with TNC coverage, effectively closing the gap. If and until Florida lawmakers enable carriers to offer such "hybrid" coverage, only a 24/7 commercial policy - as required in the Broward Ordinance - can fully protect drivers and passengers.

When the company complained that drivers would be "inconvenienced" by requirements for fingerprinting, vehicle registration, or applying for a chauffeur's registration, Broward tailored an online application process and arranged for the full-time recording of fingerprints at Government Center West or by visiting any Florida Department of Law Enforcement (FDLE) approved fingerprint provider. County facilitation efforts made little difference. Instead of allocating funds for compliance, the company persisted in snubbing regulations it considered incompatible with operational tenets.

This, too, came as no surprise. After months of negotiations failed to convince Uber to legally pick up and discharge fares at Fort Lauderdale-Hollywood International Airport, Aviation Director Kent George stated the obvious, "Fines levied by the county don't appear to be making much of an impression." It's no secret that the company reassures drivers that reimbursed fines and legal support will be provided if snagged for violations. A \$41 billion privately owned fiscal juggernaut can well afford to throw petty cash at the steady stream of corporate and driver infractions.

Uber drivers who ignored the new law racked up another \$25,000 in fines by mid-May - which were systematically reimbursed by the company. Faced with a corporate strategy that functionally neutered their well-publicized consumer protections, Broward officials upped the table stakes. At the June 9, 2015 Public Commission meeting, the Broward Board hiked civil penalties for violating the County Motor Carriers Ordinance. Fines for a first offense were increased to \$250, \$500 for a second offense and \$750 for a third violation. Fourth and subsequent infractions will cost scofflaws \$1000. The Ordinance finally approved by the Commission is actually a watered down version of the original measure crafted by Director Leonard Vialpando of the Environmental Licensing and Building Permitting Division, which would have punished third violations with a \$1000 fine, and placed a hefty \$5000 price tag on all repeat offenses. For a violation deemed irreparable or irreversible, a hearing officer would have been empowered to levy a fine of up to \$15,000.

Also rejected was a schedule of civil penalties proposed by Commissioner Lois Wexler, who sought to cap fines at \$500. Since the "Equal Protection" constitutional benchmark precluded the Commission from using the ordinance as a missile with a warhead that sniffed out TNCs, the stiffened civil penalties would apply to all livery companies and their drivers. Although the local livery industry supported Commission efforts to strong-arm TNCs into complying with consumer protections, Commissioners - and licensed operators - grew concerned about tossing the baby with the bathwater. After haggling, the Commission approved the costly schedule of penalties by a vote of 8 Yeas vs. 1 Nay - Commissioner LaMarca the sole opponent.

Continued on page 11

*In his May - June 2015 Newsletter, Commissioner Chip LaMarca adds another chapter to last month's missive about legalizing Transportation Network Companies in Broward. The District 4 Broward Commissioner also describes County plans to open a Broward County Animal Care and Adoption Center that will house approximately 400 dogs and cats in a more comfortable environment than many of the homes they might be adopted into. LaMarca closes his message with an infrastructure update, applauding the structural health of county bridges.*

### Transportation Network Companies - Part II

Asserting a need to enhance the safety of residents and visitors who use taxis, chauffeured limousines, car services and Transportation Network Companies (TNCs) like Uber and Lyft, last month LaMarca reported that the County Commission was considering a new set of regulatory protections applicable to all for-hire vehicles. Cited in the media as the Commission's main proponent of enabling TNCs to operate legally in the County, LaMarca advocated establishing a regulatory framework within which drivers could use their personal vehicles to perform livery services for TNCs in Broward.

On April 28, 2015, the County Commission approved an ordinance featuring the consumer protections discussed in LaMarca's previous and current Newsletters, along with a black eye for the County's Consumer Protection Board. When an application for a Chauffeur Registration is submitted for approval, staffers run a background check to help weed out candidates rendered ineligible by past "indiscretions". Responding to an April Sun-Sentinel article exposing how 62% of the candidates rejected by staffers for cause (between 2012 and 2014) were later approved by the Board, the Commission amended the ordinance with stringent and specific eligibility criteria for a chauffeur's registration, prospectively ending the abuse by stripping the Board of unfettered discretion in approving applicants. While a step in the right direction, the measure doesn't clean up the mess. The Board's sleazy legacy is a battalion of licensees with multi-page yellow sheets - including violent crimes and DUIs - who will continue to cruise Broward streets.

The consumer protections approved by the County Commission were drawn down from a template shaped by the Federal Trade Commission and State Law. It blends level 2 State and national background checks (which require fingerprinting to deter locally epidemic identity fraud) with 24/7 commercial insurance coverage, vehicle inspections by approved mechanics, chauffeur registrations for drivers and a local



Despite their dog and pony show staged in response to TNC non-compliance, Commissioners remain uncertain about its impact. Unlike Kansas, where Uber pulled the plug after the State approved TNC regulations, South Florida is one of the world's most lucrative markets. Any TNC that abandoned Miami, Broward or Palm Beach would create a vacuum soon filled by competitors. Top-tier investors are tripping over one another for a place at Uber's corporate table largely because the company's light speed expansion is driven by opening new markets.

The company's seemingly erratic behavior is less a function of corporate mood swings than a carefully prosecuted political agenda shaped by the local lobbyists it retains upon entering new markets. Like a clever willful child, it will storm off and return as necessary – using drivers and consumers as political pawns (as observed by Kansas Senate President Susan Wagle) – in order to engineer regulatory concessions in each jurisdiction. Given Uber's 6-year history, there's little chance that this fast-moving corporate Pac-Man would push brinksmanship past the point of profitability.

**Broward Bridgework**

Consistent with his consuming interest in County infrastructure, LaMarca savors how Broward fared in a quarterly bridge report issued by the Florida Department of Transportation (FDOT) Office of Maintenance. To assess Florida's bridge inventory, FDOT uses an arsenal of software tools, including AASHTOWare Bridge Management (formerly Pontis) for storing bridge inventory and inspection data, the Citrix MetaFrame Access Suite (developed by Fort Lauderdale-based Citrix Systems) to provide transportation officials, engineers and lawmakers with a single point of access from any location over any platform (enabling spontaneous real-time assessments), and the Project-Level Analysis Tool (PLAT), which makes routine policy, programming, and budgeting decisions.

The data is dumped into an Oracle database and vetted against assessment standards in the National Bridge Inventory (NBI), a continuously updated nationwide database that warehouses information about all 607,380 bridges in the country. Every three months, an FDOT bridge maintenance tech flips the crunch switch to generate a status update for Florida's 11,987 bridges, including the 660 spans that pepper Broward County.

Prominently featured in the quarterly FDOT reports is the Bridge Health Index (BHI), a rating referenced by LaMarca in his May Newsletter. A bridge performance measure based on the condition of the bridge elements, the BHI is computed as the ratio of remaining value of the bridge structure to the initial value of the structure. Expressed as a percentage, the BHI is not only used by bridge engineers for comparative purposes, but provides an intuitive measure for lawmakers and public officials concerned with infrastructure budgets – like LaMarca.

Also included in the reports are bridge status fields that reflect whether a structure is Structurally Deficient (SD) or Functionally Obsolete (FO). Primarily used for federal funding purposes, calculations that determine a "bridge sufficiency rating" are based 55% on structural condition, 30% on the obsolescence of its design, and 15% on its importance to the public. Most states – and the Federal Highway Administration (FHWA) – view the "bridge sufficiency rating" and the Health Index as inclusive factors, and use them to determine funding candidacy. Generally, a sufficiency rating of 80 or less is required for federal repair funding, and 50 or less for replacement on the federal dime.

Since most Galt Mile residents have a vested interest in the Intracoastal Waterway spans at Oakland Park Boulevard and Commercial Boulevard, a quick peek at the Oakland Park Boulevard Bridge stats revealed a respectable Health Index of 88.22 and a less than sterling "Sufficiency Rating" of 46.2 (yes – out of 100). With a Health Index of 85.61, the Commercial Boulevard Bridge features a similarly mediocre "Sufficiency Rating" of 53.6. Both spans also earned a National Bridge Index (NBI) rating of "Functionally Obsolete" (FO).

Not to worry! A "Functionally Obsolete" NBI rating does not communicate anything of a structural nature. Instead, it describes a bridge that, by design, is no longer functionally adequate for its task. Although perfectly safe and structurally sound, a "Functionally Obsolete" bridge may be the source of traffic jams, blocked emergency vehicles, or – due to insufficient clearance – require a significantly greater number of daily road closures to accommodate underlying marine traffic. Sound familiar??? State policy for replacing "Functionally Obsolete" bridges is opportunistic (i.e. if and when the tooth fairy puts money in the budget). For Commissioner Chip LaMarca's May – June 2015 constituent message, read on... - [editor]"

June 2015 Newsletter  
By Commissioner Chip LaMarca

**Broward County Commissioners Approve Ordinance Regulating Transportation Network Companies**

Transportation Network Companies (TNCs) can now legally operate in Broward County under defined rules and regulations as specified in an ordinance approved by the Broward County Commission. TNCs operating in the county, such as Uber and Lyft, use a digital internet application to match up drivers to customers who are seeking transportation. The new ordinance requires TNCs to obtain a company license to operate in Broward County, along with chauffeur registrations for every driver employed by a TNC. There is no limit to the number of vehicles authorized to operate under a transportation network company license. Under the new rules, TNC's must also carry insurance consistent with Florida law.

Continued on page 14

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Instead, sand from upstate mines will be trucked to beachfront staging areas via a route approved by the Florida Department of Transportation (FDOT) before being spread across each Segment II beach. To authorize this revised Segment II project, FDEP issued Permit Number 0314535-001-JC on January 31, 2014. In contrast with the 5-year lifespan of previous State Permits, the current authorization expires on January 31, 2029. As explained by Broward Natural Resource Administrator Nicole Sharp, the extended authorization will enable the County to expeditiously fill "hot spots" carved by coastal storms, without spending years wandering through another regulatory House of Horrors. Thanks to the late Garrett Lips, federal authorities are also on board.

### Final Preparations

With the State and Federal permits in hand, the County began drafting a Project Participation Agreement (PPA), which will serve as a Federal reimbursement blueprint once the project is fully farmed out. Truckloads of sand will begin arriving after the staging areas are prepared in November, 2015, following Sea Turtle nesting season. Given the abbreviated construction window annually imposed by the eight-month nesting season (March – October), project duration was initially projected for two years.

However, at the February 2, 2015 Presidents Council meeting in Fountainhead Condominium, LaMarca agreed to explore an alternative timetable suggested by association officials. Instead of selecting an initial staging site and sending the construction crew either up or down the coast, attending GMCA officials proposed coordinating a project launch from several beachfront staging areas, with multiple construction teams operating simultaneously. This expedited plan would scotch the two-year timetable in favor of a single season completion. Nicole Sharp gave assurances that each association will be notified about when its respective beach will be closed to receive sand.

At several subsequent GMCA Advisory Board meetings, officials stressed the importance of conveying the construction schedule to Galt Mile residents as soon as possible. Unit owners who expect visiting friends and family after the project begins need to know when beach access will be restricted by construction. As such, county and/or FDOT beach updates will be immediately forwarded to member associations by email blast, posted on the Galt Mile website and detailed in the monthly Galt Mile News. For expanded status reports, unit owners can also check with their Advisory Board Representatives. More to come...•

### LaMarca...Continued

Commissioners also approved national and state background checks requiring fingerprinting for transportation network companies, taxicabs and all for hire vehicle drivers. In addition, annual or semiannual inspections must be conducted on all for hire vehicles by a licensed mechanic. The ordinance also states that TNC companies could set their own fares or rates for transportation based on distance travelled or time elapsed during service, a flat prearranged fare, or a suggested donation. However, Broward Commissioners can regulate the fares that TNCs may charge passengers for pickups at Port Everglades and the Fort Lauderdale Hollywood International Airport, the terms of which will be discussed and voted on at a later date.

### Broward County Animal Care & Adoption News

Broward County Animal Care will soon get a state-of-the-art \$15.2 million contemporary animal shelter and adoption center. A new 40,000-square-foot Broward County Animal Care and Adoption Center is being constructed in unincorporated Broward County directly across from the long-term economy airport parking lot. The new shelter will replace the current aging and outdated Adoption Center. The state-of-the-art shelter will feature the latest in sheltering technology and air-conditioning throughout the entire structure. Estimated completion date is Spring 2016. Construction of our new Adoption Center kicked off with a special Ground "Digging" event that I had the pleasure to bring our rescue dog Gibby to dig in. In celebration, residents are invited to "Name Your Price" and pay an amount of their choice to adopt a new pet – from adults dogs and cats to puppies and kittens.

### County Maintained Bridges Among the Safest in the State

County-maintained bridges are structurally sound (with none rated as "structurally deficient") and just received an average Health Index of 92

out of a possible 100, making them among the safest in the State of Florida, according to the recently-released Florida Bridge Information report from the Florida Department of Transportation. Broward County Highway and Bridge Maintenance Division oversees the design, construction and maintenance of the County's bridge inventory which consists of 89 fixed and movable bridges.

Stay connected with by visiting [Broward.org/District4](http://Broward.org/District4) and sign up to receive email updates from our office. If there is anything that we can do to assist you with your vision for a better Broward, please do not hesitate to contact our office at 954-357-7004 or by email at [clamarca@broward.org](mailto:clamarca@broward.org).

As always, it is my honor to serve you.

**Chip LaMarca**

Broward County Commissioner, District 4•

### Sun Trolley...Continued

If each association's unit owners and management are brought up to speed about the free Community Bus service, yet decide against utilizing the Sun Trolley for patient visits at the Holy Cross or Imperial Point Medical Centers, Sun Trolley officials will have afforded the neighborhood a reasonable opportunity to demonstrate that the existing route should remain intact – subject to the caveat "Use it or lose it!"

So - the next time you have an appointment with a Holy Cross or Imperial Point medical provider; please consider taking the Sun Trolley. You can catch the air-conditioned Trolley in front of your building by simply waving your arm on approach – and once aboard, the driver will pull over and drop you wherever you indicate. You will spend nothing for gas or parking, and the trip home will terminate where it began - at the entrance of your building.

Once you use the Trolley, you'll find yourself jumping on and off like a seasoned road warrior, and perhaps regret not having tried it sooner. More importantly, using it for visits to the Holy Cross or Imperial Point Medical Centers will help preserve them as destination sites – for all of us. Make no mistake, whether or not Sun Trolley officials embark on a high octane association outreach effort, ridership statistics in the upcoming months will dictate where the route terminates. Once a destination site is eliminated, prospects for reinstatement are comparable to those of a snowball in hell.

### No Appointment Required

By the way – you don't need a medical appointment to log in some Trolley time useful for this purpose. The Silver Sneakers program at Holy Cross offers the same equipment as a top private gym – for free (with Medicare or other insurance) – and unlike commercial gyms that charge \$thousands annually, the fitness personnel actually know what they're talking about. The Zachariah Wellness Center offers 50 classes each month, including Yoga, Pilates, Latin or Ballroom Dance, Zumba, Strength Training, Boot Camp and more. Imperial Point features comparable programs. With Medicare or any private insurance, the instructed sessions won't cost a dime, including transportation to and from your front door – unless the Galt Sun Trolley route gets a haircut while we snooze. •



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