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THE CODE LETTERS...



BEACH LIGHTING LAW

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BEACH LIGHTS: THE CODE LETTERS

By Eric Berkowitz

When Fort Lauderdale passed its 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 enacted 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, Commissioners sought to pad their environmental credibility by aggressively enhancing the ordinance. Their scheme backfired when the Florida Fish and Wildlife Conservation Commission (FWC) reversed its policy in 2006, and prohibited moving the nests without good cause. Overnight, the City was faced with a dilemma. If the ordinance was enforced as written, the City might knowingly endanger its citizens and eviscerate the backbone of its tourist economy.

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 political opportunists who view Fort Lauderdale residents as environmental impediments whose needs - and rights - are immaterial to their agenda.

The First Notice

Although enacted in 2003, enforcement of the beach lighting ordinance was postponed until 2007 - allowing for the City's recovery from the serial hurricanes of 2005 and 2006. Unfortunately, the City's first enforcement attempt - a letter threatening residents of beachfront neighborhoods with endless fines unless they blacked out their homes for nine months each year - sparked a wholesale rebellion against compliance, as entire communities prepared to file class action and Constitutional lawsuits against the City. Trapped at ground zero of this quagmire was the City's first liaison to Florida Fish and Wildlife, a Code officer named Al Lovingshimer.

Confronted by a tidal wave of angry residents, Lovingshimer sought to quell the firestorm inadvertently triggered by Code Enforcement's ill-conceived letter. A pragmatist who took pride in his role as a Public Safety official, Lovingshimer informed City officials and Galt Mile residents that the ordinance could only be successfully enforced by balancing the needs of Sea Turtles with those of City residents. Unless he could win cooperation from beachfront neighborhoods, the ordinance would remain little more than a flashpoint for controversy, and never meet its objective.

Reaching out to the Galt Mile Community Association (GMCA), Lovingshimer apologized for the antagonistic notice and asked how he could elicit voluntary cooperation with this effort to protect shrinking sea turtle populations. Setting aside the ordinance, Lovingshimer and Galt Mile officials negotiated a plan that would promote compliance without sacrificing safety, security or mangle association budgets. Beginning with the Presidents Council meeting on May 7, 2007, a series of community caucuses was organized to discuss the plan's terms with local residents and association officials. Accompanying Lovingshimer at these meetings were officials from Building Services, Code Enforcement and the City Manager's office.



The Galt Mile Plan

The deal was simple. If an association lamp that illuminated the beach could be fitted with a simple shield or screen or redirected in a manner that cured the problem without compromising association security, the resolution would be approved by Code Enforcement. If the lamp was critical to association security, or required to temporarily light an area, associations could achieve compliance by controlling illumination with a manual switch or a motion detector.

However, if the lamp was part of an approved statutory lighting plan, such as those component to a parking field, egress catwalk or fire exit, compliance would be postponed until the fixtures were budgeted for replacement at the end of their useful life, or if the association opted to upgrade its lighting plan, either in conjunction with a comprehensive concrete rehabilitation or as a stand-alone project. In applying for the required permits, the association would incorporate turtle-safe fixtures into a new lighting plan designed with the input and approval of Florida Fish & Wildlife. Whether funded by a special assessment or accumulated reserves, by waiting until the association opted to replace its aging lamps, the cost would be absorbed as an ordinary maintenance expense, not an incremental burden assessed to unit owners.

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Galt Mile associations would also post notices on association bulletin boards and websites reminding unit owners to turn off lights when leaving a room with a window overlooking the beach, thereby saving money and Marine Turtles.

The plan ran without a hitch. The city worked with each association to develop a reasonable set of objectives which were inexpensively met. Within six months, almost 90% of the Galt Mile violations were remediated - including many of the most egregious - without compromising association security. Most associations were able to effect compliance by dipping into petty cash. After reporting that the Galt Mile neighborhood delivered the greatest turtle-safe lighting improvement of any Fort Lauderdale beachfront community, Lovingshimer announced his intention to use the Galt Mile plan as a blueprint for other beachfront neighborhoods. Fate held other cards.

Derailed

Within months of announcing the plan's official approval, former Code Manager Cate McCaffrey was promoted to Director of Business Enterprise. A week before he was posthumously named the City's first "Code Enforcement Officer of the Year", an annual award initiated in his honor at the November 20, 2007 City Commission meeting, Lovingshimer succumbed to cancer, leaving no one in Code Enforcement conversant with the neighborhood's beach lighting agreement. A year later, after rummaging through Code Department files in search of a beach lighting compliance notification to residents, McCaffrey's replacement as code manager - Mike Maloney - unwittingly mailed the same bellicose letter that precipitated the previous year's fireworks. This time, the gaffe was quickly rectified when neighborhood association officials met with Maloney - who endorsed the agreement and dispelled community concerns.

Ironically, this gap in institutional memory would resurface whenever the City reshuffled management in Building Department agencies. In 2010, when Code Enforcement was rocked by a scandal and administratively reconstituted on the fly, those who filled the Code management vacuum implemented policies that stigmatized cooperation, issuing directives that turned public safety professionals into hitmen. In 2011, Code officers began violating associations for lamps or shields they had previously approved for installation - and for reflected light not sourced on the property - including cloudlight. Lovingshimer's replacement as Code Enforcement liaison to Florida Fish and Wildlife, and the City's most experienced proponent of cooperatively working with communities to mitigate lighting issues, Senior Code Officer Mario Sotolongo was skull-blocked by the Division's regressive enforcement policies.

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At an impromptu meeting with Galt Mile officials, Sotolongo and Senior Code officer Ingrid Gottlieb (newly assigned to the Galt Mile) complained that they were placed in an impossible situation.

When lighting complaints were lodged by NOVA University students who video possible infractions while cruising the beach at night, instead of dismissing those that proved baseless and working with an association to correct those that had merit, officers were ordered to systematically issue violations and stonewall homeowners who asked how to correct them, stating "We are prohibited from commenting on whether a solution is acceptable until after its been implemented." When subsequent costly correction measures were also rejected, including those designed by Florida Fish and Wildlife – associations refused to waste additional resources on violations unless solutions were pre-approved in writing by Code management. Regretful for their part in burdening association homeowners with an irresolvable dogma, the Code officers also decried how the Department's actions brought progress to a standstill.

The turmoil caused by enforcement abuse was inflamed by growing statewide frustration and animosity during the 2011 and 2012 nesting seasons. An acrimonious nest marking policy hatched in the State Capitol antagonized beachfront communities all over Florida. For years, turtle nests were protected by cordoning off an area that measured 5 feet from the center of the nest, a modest-sized reminder that the beach is a shared bioniche. When a Tallahassee bureaucrat from Florida Fish and Wildlife decided to arbitrarily expand each protected zone by a factor of ten, nest sites that used to take up 100 square feet of beach suddenly consumed nearly 1000 square feet, effectively squeezing out residents and tourists from hundreds of Florida beaches – including the Galt Mile beach. Thanks to Lou Fisher, who founded Broward's Sea Turtle program, and scores of tourist groups that threatened to shift their business to the Bahamas, Fish and Wildlife relented, quashing their directive and reducing the nest sites to a three foot radius (roughly 28 sq. ft.).

When Commissioner Roberts learned that the City's Code Managers had patterned their enforcement policies after the collection practices of a dysfunctional Mafia shylock, he agreed to help reinstate the Galt Mile agreement at the May 17, 2012 Advisory Board meeting. After discussing its terms with Galt Mile officials at a meeting arranged by Roberts, the Code Enforcement Manager conceded that it had produced far better results than the eclectic combination of strong-arming associations while bleeding their residents. Thanks to Roberts, City Manager Lee Feldman and Assistant City Manager Susanne Torriente (Feldman's Liaison to the Department of Sustainable Development), Code Enforcement reversed course, as City officials finally took a hard look at the short-sighted policies that nourished soap box demagogues on both sides of this issue.

Having witnessed how blacking out entire neighborhoods and darkening State Road A1A left coastal residents fearful of walking down their own block after dusk, endangered drivers and pedestrians, sent angry tourists racing home and flattened faltering commercial beach neighborhoods, 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. 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."

Concluding that minor policy adjustments were at best a temporary fix, City Manager Feldman and Commissioner Roberts informed Galt Mile officials that after the Segment II beach renourishment, the City would configure a solution that protected the residents of every beachfront neighborhood as well as visiting tourists, revising the ordinance language to insure enforcement consistency and deter capricious discretionary violations. As for Sotolongo, after courageously risking his job to end the pointless fiscal bloodletting in beachfront neighborhoods, he was snatched up by Pompano Beach, where he runs that City's entire Code Enforcement program.

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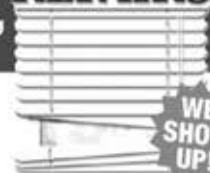
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<p>16 Las Olas Outdoor Green Market 333 E Las Olas Blvd. & SE 4th Ave. 9 a.m. to 2 p.m. Info.: 954-426-8436</p> <p>Fairchild's 16th Annual Mango Brunch Fairchild Tropical Garden, 11 a.m. Tix.: www.fairchildgarden.org</p>	<p>17</p> <p>Commissioner Bruce Roberts: Pre-Agenda Meeting Beach Community Center, 6 p.m. Info.: 954-828-5033</p>	<p>18 BINGO Galt Towers Social Room (4250 Galt Ocean Drive) 7:30 p.m. Info.: Cyndi Sanger: 954-563-7268</p> <p>Fort Lauderdale City Commission Meeting City Hall Regular Agenda: 6 p.m.</p>	<p>19 BINGO Regency South Party Room 7 p.m. Info.: Bob Pearlman: 954-547-4063</p> <p>Summer Tri County Business Expo Shula's Hotel and Golf Club (6842 Main Street, Miami Lakes) 5 to 8 p.m. Info.: 954-838-9644</p>
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AUGUST 15-16: South Florida Bike Expo, War Memorial Auditorium, Info.: 954-977-2806

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

AUGUST 18: Rickie Lee Jones, Paarker Playhouse, 8 p.m., Tix.: ticketmaster.com

SEPTEMBER 6: 9th Annual King of the Hill 5K Challenge and 5K Color Run, Vista View Park, 7:30 a.m., Info.: email at raceinfo@kingofthehill5kchallenge.com

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20	21	22 Be You! Back to School Jam War Memorial Auditorium, 7 p.m. Performer: Jimmy Stowe & the Stowaways Info.: 678-718-8276
27	28 Bed and Sofa (Through 9/14) Broward Center for the Performing Arts Info.: www.browardcenter.org/events Chefs Up Front 401 N. Fort Lauderdale Beach Blvd., 6 to 11 p.m. Info.: chefsupfront.org	29
3	4 Miami Fall Home Design & Remodeling Show (Through 9/8) Info.: 305-667-9299 West Palm Beach Antiques Festival (Through 9/6) South Florida Fairgrounds, WPB Info.: 941-697-7475	5
10	11	12 LBTS Craft Festival (Through 9/13) ATA and Commercial Blvd. 10 a.m. to 5 p.m. Info.: 954-472-3755 Household Hazardous Waste and Electronics Drop-off Events City Hall (4800 West Copans Rd, Coconut Creek) 9 a.m. to 2 p.m. Info.: 954-828-8000

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

After decades of serving as a keystone in the City's growth, when longtime planning and zoning Guru Greg Brewton retired as Director of the Department of Sustainable Development, City Manager Lee Feldman cleaned house. Dismantling powerful fiefdoms that safeguarded their turf while making their own rules - he rebuilt the Department from the ground up. Jenni Morejon stepped into Brewton's mythic size fourteen at Sustainable Development. Answerable to her are Building Official John Travers at the apex of Building Services, Manager Sharon Ragoonan at a restructured Code Compliance Division, Housing and Community Development managed by Jonathan B. Brown, Manager Ella Parker at Urban Design and Planning, while new teams guide Economic Development and the Community Redevelopment Agency (CRA). To insure that thereorganized divisions in Sustainable Development operate seamlessly, Feldman teamed Morejon with Assistant City Manager Susanne Torriente, who actualized Miami-Dade's Sustainability program before her recruitment to Feldman's inner circle.

Cantankerous Courtesy?

In late April, 2015, oceanfront Galt Mile associations received a disturbing notice from the City of Fort Lauderdale Code Compliance Division. Entitled "Complaint Notification", and addressed to a generic "Dear Property Owner," the correspondence opened with "The City of Fort Lauderdale Code Enforcement Division is providing this INFORMATIONAL NOTICE because a complaint was registered regarding the following code violation at your property located at:" followed by the respective building address. Inferring a supposed infraction, the notice announced "To Wit: Lighting is visible from the beach at nighttime during turtle nesting season from your property in violation of City of Fort Lauderdale's Beach Area Artificial Lighting Restriction ordinance." If the language seemed familiar to longtime Galt managers and board members, it's because Code Enforcement has been sending out variations of this steel toed welcome mat for nearly a decade.

It's claimed status as a neighborly "Courtesy Notice" was contradicted by the attached message - a bold-fonted "Warning" that threatened a Violation punctuated by a Civil Fine. Depending on each association's administrative hierarchy, building managers passed the threatened violation either to the board president, the association attorney, or their association's representative to the neighborhood Advisory Board. If answerable to a management company, the notice was also copied to the corporate legal department, where a "billable hours clock" began ticking. Within a week, nearly a dozen member buildings forwarded copies to the neighborhood association. The threats were boilerplate, differing only by the building address and ten handwritten digits atop the page - presumably a case number. Galt Mile officials promised to investigate.

A few days later, at the May 4 Presidents Council meeting in L'Hermitage, City Commissioner Bruce Roberts was pummeled by angry inquiries from irate association officials. Although unable to justify why identical threats were suddenly rubber-stamped to an entire neighborhood, Roberts - and veteran Galt Mile officials - recognized this as another ham-handed bureaucratic blunder. When Roberts linked Code Enforcement improprieties to the neighborhood meltdown at the next City Commission meeting, Code Supervisor Dick Eaton agreed to autopsy the dilemma and explore a resolution. Eaton followed through by contacting Galt Mile officials with an olive branch - who agreed to meet in early July.

Renewing the Commitment

On July 8, GMCA President and Vice President Pio Ieraci and Eric Berkowitz met Eaton in Building Services Headquarters (The Greg Brewton Sustainable Development Center) at 700 NW 19th Avenue in Fort Lauderdale. Eaton also invited Senior Code Officer Ingrid Gottlieb (formerly assigned to the Galt Mile, Gottlieb serves with Eaton as the City's Code liaisons to FWC) and her post-shakeup Galt Mile replacement - Senior Code Officer Adam Feldman. Two issues filled the agenda, the Galt Mile beach lighting agreement and the enigmatic threat.

When Berkowitz asked Eaton if Code Compliance officers would ad-

here to the 2007 understanding, Eaton rated progress along the Galt Mile as excellent, and applauded associations for creatively correcting violations while preserving a safe and secure environment for those in residence. "What about lamps in an approved lighting plan," asked Berkowitz, "The City is supposed to delay enforcement until these fixtures reach the end of their useful life and are budgeted for replacement?"

On parking decks filled with 10 to 20 identical elevated fixtures, the City-enforced Florida Building Code (423.10.3.5.1 Parking areas) requires an engineer-designed lighting plan that minimally illuminates every square inch of the deck floor with 1 foot-candle (10 lux) increasing to 5 foot-candles (50 lux) near a building entrance (423.10.3.6.1 Entrances). If any of the included lamps are removed, screened, fitted with low-wattage bulbs or otherwise altered to diminish illumination of the deck, the lighting plan no longer complies with Florida Law. Since the fixtures, pedestals, poles and preliminary engineering are extremely costly (ranging from \$150,000 to \$600,000, depending on the number, design and placement of lamps); they are usually funded by reserves accumulated over the useful life of the existing lamps, as detailed in Chapters 718 and 719, Florida Statutes. As such, the City had agreed to wait until an association was prepared to replace its aging lamps with new fixtures installed under a revised lighting plan - which would be approved by Florida Fish and Wildlife (FWC). The agreement covers other lamps as well, including those mandated by the fire code (illuminating the stairwells and corridors used by residents to escape a fire), which overlook the beach in buildings with exterior egresses (catwalks, etc.).

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Ieraci and Berkowitz recalled a November 2012 meeting, when the former Code Manager questioned whether Galt associations would keep their word when replacing their high-end deck lamps. Since then, several Galt Mile associations completed extensive concrete rehabilitation projects, and their new lighting plans were each approved by FWC lighting sharpshooter Karen Schanzle. The stunning results at Plaza South and Plaza East - which were previously cited annually for egregious violations, also dispelled unwarranted fears that compliance would turn association decks into shadowy "Ghost Towns". Instead, the properties smack of plush French Mediterranean resorts, while their adjacent beaches are only illuminated by moonlight. Addressing the Code officers, Berkowitz asked "We kept our word, the question is - will you keep yours?"

"We still have to enforce the ordinance," admonished Eaton, "but any association working with an enforcement officer to achieve compliance will not be penalized. If we know that an association plans to correct violations at some point, we will postpone taking additional enforcement action." However, in order to leave the case open, Eaton explained "we need to hear this from the association. We can't just assume that the violation will be cured."

Expunging the Toxic Notice

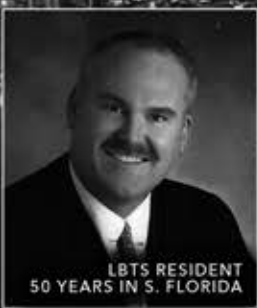
Moving on to the controversial complaint notice, Pio Ieraci asked if the targeted associations were actually in violation of City law. Adam Feldman - the Code officer who sent the notices - said "No." When asked why he threatened every building along the Galt Mile beach, Feldman insisted that he simply wanted to discuss the complaints with the respective association officials. "At this point, all we know is that a student from NOVA claims to have noticed a light while on the beach," said Feldman. "Until I can determine if the complaint has merit, there is no violation."

Assuring Feldman that his notice was not interpreted as a casual invitation to cooperate, Ieraci commented, "Inserting the phrase 'This is only a Courtesy Notice' next to a threatened civil fine at best sends a mixed message." Ieraci explained that association officials believed they were either being arbitrarily penalized for an undisclosed infraction or otherwise vicariously bullied by the City - a perception shared by Commissioner Roberts. "Instead of calling you to make an appointment, many associations called the association attorney and registered complaints with the neighborhood association and the City," added Ieraci. Both Galt officials suggested that the misleading notice either be revised to better communicate its purpose, or expunged from the divisional database.

Surprised and confounded by the unanticipated rancor, an apologetic Feldman lamented "I didn't mean to anger or confuse local homeowners. This will only make my job more difficult." Hoping to avoid future confusion, Feldman asked how he could solicit cooperation from associations facing a complaint - without alienating them. "We can help," said Ieraci. "In the past, we've placed the issue on a meeting agenda before Sea Turtle nesting season begins in March, providing for a community presentation by Code Enforcement, a question & answer forum for residents and an opportunity for association officials and Code officers to discuss problems and arrange appointments." Having attended several of these town-hall style outreach events on the Galt Mile, Eaton indicated that Code officials would gladly participate. Ieraci agreed to place the issue on the February Presidents Council meeting agenda.

Also - no more provocative threats. Eaton agreed to revise the complaint notification and send a draft to the neighborhood association for review and - if necessary - constructive editing. In the meantime, noticed associations should contact Adam Feldman at 954-828-5254 to arrange a meeting. As often as not, NOVA students misconstrue sources of beach illumination, or mistakenly target compliant lamps. A longtime Code Division veteran, Officer Feldman is patient and reasonable. If there is a violation, he will consider any security impacts before recommending an inexpensive quick fix. If still confronted by a seemingly irresolvable lighting dilemma, member associations are invited to contact the GMCA, either directly or through one of its representatives on the Advisory Board. •

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Commissioner Chip LaMarca's June 2015 Newsletter

repeated an earlier threat to abandon the County, declaring the regulations terminally onerous. In fact, the company's reaction wasn't unique to Broward's ordinance. Uber responds with comparable rhetoric in every jurisdiction that aspires to regulate its business.

Following its inception in 2009, the San Francisco-based Uber and other TNCs skated under the regulatory radar until 2011, when the California Public Utilities Commission (CPUC) fined each company \$20,000 for operating an unlicensed limousine dispatch and mandated driver background checks, driver training, drug and alcohol policies, minimum insurance coverage of \$1 million, and company licensing by the Commission.

Tangling with CPUC triggered a corporate epiphany. Since laws governing Uber's traditional competition were inapplicable to a business that neither owned vehicles nor employed drivers, elected officials in new markets would have to craft new regulations to protect consumers. If Uber could influence that process, it could either circumvent or minimize costly consumer protections, and sidestep a significant operational pitfall.

TNC popularity usually derives from a quicker response and lower cost than traditional taxis, but that functionality is largely dependent on an Olympic-size driver pool. When demand ramps up, they need to cycle in more drivers and fewer when demand recedes. Excluding drivers lost to criminal background checks, inadequate insurance or failed inspections would crimp a TNC's capacity to respond when demand spikes. While reducing the driver pool and constricting competition would benefit the company's top-rated drivers (TNC customers rate their drivers), the TNC would lose business. Although aware that drivers with rap sheets are probably not the best candidates for driving schoolchildren to class, TNCs are fearful that tainting their eligibility will mangle profits.

To help snatch control of its regulatory environment, Uber hired an army of lobbyists credentialed in each of its new markets. In turn, they recruit drivers and customers to pressure local governments into curtailing consumer protections while lobbying State lawmakers to file TNC-friendly bills that would supersede local regulations. In the interim, the company ignores local laws and pays fines accrued by drivers while intermittently levying threats to leave the market. These tactics also marked Uber's expansion into other countries.

Since similar strategies by corporate predecessors yielded mixed results, Uber put a unique spin on its game plan. In every new market, when officials even whisper their intent to regulate TNCs, Uber mimics a petulant teenager threatening to leave home unless provided with keys to the family car. Blending invective with vitriolic recriminations while repeatedly slamming the bedroom door, the willful juvenile will climb out the window and hide in the garage - before returning in time for dinner. Like the cantankerous child, the company has an abiding appreciation for where its bread is buttered.

Although the strategy was initially surprisingly successful, eventually the need to protect consumers from rapists and murderers driving 4-wheeled death traps - the same concerns that had previously prompted the regulation of traditional livery businesses - caught up with the TNCs. As a result, the protective regulations originally applied by CPUC and later approved by the Federal Trade Commission are being increasingly supported by public officials when TNCs enter their markets.

Instead of funding compliance with Broward's new TNC ordinance, Uber used corporate petty cash to pay for infractions by drivers encouraged to ignore the new law. Mistakenly convinced that Uber would reverse its systematic defiance of the new TNC ordinance by upping the price tag for non-compliance, on June 9, the Broward Commission substantially increased civil penalties for violating the ordinance. Following a month of unsuccessfully negotiating for the repeal of various ordinance provisions, like dockwork, Uber has once again threatened to pack its bags and hit the road.

Uber's lightning-like evolution into a corporate goliath was founded on a singular premise - follow the money. Uber doesn't voluntarily leave lucrative markets - and the company's projected Broward income exponentially exceeds compliance costs. In world-class markets like South Florida, where the company is spending \$millions on promoting its arrival, signed a lease at Brickell City Tower for a new Miami office while negotiating for access in Palm Beach (which plans to duplicate Broward's ordinance.), emotionally charged announcements to leave the region hint at histrionic bluster. If consistent, the company will claim to suspend operations while feverishly working with the county to jointly choreograph its "triumphant" return.

The toughest obstacle isn't parsing a regulatory framework acceptable to Uber and the county, but spinning the compromise in a way that politically vindicates entrenched antagonists for rolling the dice. Unless all parties can appear to emerge victorious, this dog won't hunt.

More than two weeks after Uber's announced departure, on July 22, the Sun-Sentinel published an article by reporter Daniel Vasquez entitled "Uber will not quit Broward, You heard it here first." Vasquez asks Broward drivers and customers with a stake in Uber's future to look past the street theater and focus on financial objectives shaped by Uber's corporate DNA, admonishing "Even if Uber takes its ball and leaves on July 31, you better believe behind the scenes the company will scramble to find a way back." For LaMarca's take on this issue, and the rest of his July 2015 Newsletter, read on...

- [editor]*

Broward Commissioner Chip LaMarca's July 2015 Newsletter Preface

In his July 2015 Newsletter, District 4 Broward Commissioner Chip LaMarca laments the threatened departure of transportation network companies (TNCs) Uber and Lyft from Broward County, reviews an honorarium for 28 Broward County centenarians, announces newly available online access to Business Tax Receipts required by the County for all Broward businesses, celebrates July as Park and Recreation Month by citing benefits available in Broward parks, promotes a Defensive Driving Course to curb preventable collisions in deference to National Safety Month, seeks to protect pets from the adverse impacts of stressful Independence Day festivities and helps Broward building trades entrepreneurs reap a competitive advantage from a training course sponsored by the Office of Economic and Small Business Development.

Transportation Network Companies - Part III

On Monday, July 6, Uber announced plans to blow town by the end of the month. Three days later, competitor Lyft announced that it will also bail out of Broward. Their press releases raised no eyebrows among those keeping tabs on the soapy melodrama starring the transportation network companies (TNCs) and the County Board. Having continuously violated County law since first arriving in Broward, Uber forked over \$35,000 for 250 driver and corporate infractions through February, and another \$25,000 by May (totaling more than 600 accrued citations), claiming that it's simply a matchmaking service powered by an online platform, and should not be subject to regulations governing traditional taxicabs and car services. Conceding that existing county law was ill-adapted to this new business model, County Commissioners customized a unique regulatory framework for TNCs.

On April 28, the County Commission approved an ordinance featuring consumer protections recommended by the Federal Trade Commission and consistent with State Law. The ordinance provides for level 2 State and national background checks (with fingerprinting to deter identity fraud), 24/7 commercial insurance coverage, county-issued permits for vehicles inspected by county-approved mechanics, chauffeur registrations for drivers and a local corporate office. In contrast with the County law governing traditional taxicab & livery companies, the new ordinance accommodates an unlimited number of vehicles and discretionary rates set by each TNC - except for county-regulated fares at Port Everglades and Fort Lauderdale-Hollywood International Airport, which insulates tourists from price-gouging.

Describing the ordinance as a compromise that balanced TNC and County concerns, Broward Mayor Tim Ryan exclaimed "We want transportation network companies to be able to operate here along with taxicabs and other for hire vehicle services. We also want to protect the public and do what is in the best interest of Broward County." Minutes after the ordinance was approved, Uber officials

UBER

In April Broward County Commissioners approved an ordinance that prioritized public safety and allowed transportation network companies (TNCs) to legally operate in Broward County. The action followed months of debate, public comment and input from companies and individuals who provide transportation services. The ordinance requires that TNCs be licensed by Broward County and requires drivers to undergo a national and state background check, carry state mandated insurance and have their vehicles inspected by a licensed mechanic. The Commission did not set limitations on the number of transportation network company vehicles operating in the county or regulate TNC fares.

On Monday, one transportation network company, Uber, issued a media announcement stating that the company would suspend operations as of July 31st in Broward County. Shortly after on July 9th, Lyft, another TNC, announced they would suspend operations in Broward County as well. In June, Broward County Commissioners established fines and civil penalties for all for hire vehicle operators who violate county laws. The fines range from \$250 for first time offenders and incrementally increase up to \$1,000 for four or more violations. I voted against these over-reaching punitive penalties. Commissioners also authorized the County Attorney to file litigation, as and when appropriate, against TNCs that fail to comply with Broward County's regulations. I voted against taking legal action at this time.

Please read my statement below on the decision by TNCs to suspend operations in Broward County:

I have been supportive of Broward County residents and visitors having the opportunity to utilize all modes of transportation for hire. For me this has never been about politics — only public safety. Both the riders and drivers agreed that we should know who is driving our loved ones around. However, when regulations become so onerous that it appears as if government is looking to exact a punishment against those who look to make their lives better, then I have to break with the majority. I did that by voting against these over-reaching regulations. Our goal should be to bring back this ordinance and make the necessary changes that allow for open competition without jeopardizing public safety.

Residents 100 years or older join Centennial Celebration

Broward County's Centennial Citizens received special recognition from Broward Commissioners as the county celebrates its 100th birthday. Twenty-eight residents, all 100 years old or older attended a special reception and ceremony held in their honor at the Broward Governmental Center as part of the Broward 100-Celebrating the Art of the Community Centennial celebration.

Online Services for County Tax Receipts Now Available

The County's Records, Taxes and Treasury Division is enhancing services offered to County businesses beginning Wednesday, July 1st. Broward County businesses will now be able to file an application for a new Business Tax Receipt and/or change address information on an existing Business Tax Receipt online. All individuals and business entities that conduct business activities in Broward County are required to obtain a Business Tax Receipt. For the year 2015-16, the renewal period to obtain a Business Tax Receipt that is valid from Oct. 1, 2015 to Sept. 30, 2016 runs through Sept. 30, 2015. On Oct. 1, 2015, unpaid Business Tax Receipts for the 2015-16 year become delinquent and are subject to additional penalties and fees. For additional information and assistance, please call 954-357-6200. For more information on the Records, Taxes and Treasury Division, visit our <http://www.broward.org/recordstaxestreasury>

July is Park and Recreation Month

The National Recreation and Park Association and the Florida Recreation and Park Association (supports the initiative. Among the benefits of parks and recreation:

- Parks and recreation programs enhance our quality of life by contributing to a healthy lifestyle, increasing communication skills, building self-esteem, teaching life skills, and providing places for enjoyment.
- Parks and recreation programs boost the economy, enhance property values, attract new business, increase tourism, and reduce crime.
- Recreation builds family unity, strengthens neighborhood involvement, offers opportunity for social interaction, enhances education, develops creativity, and promotes cultural diversity.
- Our parks and trails ensure ecological beauty, provide space to enjoy nature, help maintain clean air and water, and preserve plant and animal wildlife.
- Recreation, therapeutic recreation, and leisure education are essential to the rehabilitation of individuals who have been ill or disabled.

In other words, "Find It All – At a Broward County Park." Get out and enjoy. For more information on Broward County Parks, visit Broward.org/Parks

Continued on page 13

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COMMISSIONER BRUCE ROBERTS



"In his July 2015 message to constituents, District 1 City Commissioner Bruce Roberts explains how the City complemented its hurricane preparedness strategy with planned applications for Federal funding, distilled its highly technical Comprehensive Annual Financial Report (CAFR) into a user-friendly fiscal primer, credits Fleet Services Program Manager Carlos Berriz for the City Fleet clinching the 36th top spot in a field of 38,000 American public fleets, details how the Uptown Link - a shuttle bus launched last summer to service the Cypress Creek corridor - was administratively melded into a Sun Trolley and lists noteworthy municipal events through September. Jumping on two incidents recently splashed in the media as attacks by the "Silent Killer," Roberts takes a hard look at Carbon Monoxide (CO) poisoning.

On April 13, Carbon Monoxide killed a Wilton Manors man who's Ford Escape SUV ran for 6 hours in his attached garage. Minutes after opening the garage door but before he could release the ignition, 43 year-old Louis Argo collapsed and died. His final act saved the lives of his wife and 11 year-old daughter, who were revived after being overcome inside the house - as well as two neighbors who were treated for the effects of CO exposure. A week later, a CO-alarm in the Harbor Vista townhomes on the 700 block of SE 15th Street narrowly prevented a second tragedy, as Fire-Rescue paramedics rescued an unconscious man inside while his car's motor was still running in the garage. On July 9th, a Fort Lauderdale couple, along with their dog, were found dead of carbon monoxide poisoning in their 15th floor high-rise unit at 1010 Seminole Drive in Sunrise Harbor - adjacent to the Galleria Mall.

A toxic consequence of incomplete organic fuel combustion, Carbon Monoxide is invisible, odorless and otherwise undetectable to human senses. When carbon-based fuels are burned in an oxygen-rich environment (i.e. methane (natural gas), ethane, propane, butane, and the longer carbon chains in gasoline (octane), coal, wood, kerosene, charcoal and diesel fuel), the central chemical reaction ordinarily yields water (H₂O) and carbon dioxide (CO₂). However, if an insufficient oxygen supply curtails oxidation, each carbon atom is limited to coupling with a single oxygen atom (CO), instead of the two oxygen atoms that comprise a Carbon Dioxide (CO₂) molecule.

Once inhaled and absorbed into the bloodstream, the oxygen-hungry CO molecules combine with hemoglobin to form carboxyhemoglobin (HbCO), crippling the hemoglobin's capacity for dispersing oxygen from the lungs to the tissues. Since this precursor to hypoxia symptomatically mimics influenza after a brief exposure (albeit without a fever), the condition and cause are commonly misdiagnosed. Converting sufficient hemoglobin to carboxyhemoglobin results in death, medically known as carboxyhemoglobinemia or carbon monoxide poisoning.

Roberts observes that CO is often sourced "from charcoal grills, portable generators, vehicles in closed spaces, or any other wood or gas fueled appliance," and strongly recommends installing CO detectors or alarms in our homes. Galt Mile condo and co-op owners who rely on electricity to cook and warm their homes are of the impression that they aren't at-risk because their apartments lack the fuel-burning appliances that typically generate excess carbon monoxide, and their basement-level garages comply with Florida Building Code ventilation requirements.

Drawing on his 50 years as Consumer Safety Director for Underwriters Laboratories (UL) in Northbrook, Illinois (since 1966), John Drengenberg is uniquely conversant with the underlying reasons for the average 400 CO poisoning deaths annually reported in the United States, along with 20,000 annual emergency room visits and 4000 hospital admissions. While a majority are ascribed to vehicles running in enclosed garages (accidentally or intentionally - given its widespread use in attempted suicides), roughly 43% of the deaths (170 averaged annually) are from non-vehicular sources. A staunch advocate of installing CO detectors, a few years ago Drengenberg admonished "I've had people ask me why they even needed one, since they live in an apartment with electric heat, and yet right here in our area we had two people die over the weekend because somebody left their car running in the underground garage in the apartment building."

While Galt Mile residents needn't worry about clogged chimney pipes or flues, gas-fired appliances, wood-burning fireplaces, or other fuel-based amenities, we aren't off the hook. The gas-fired heaters that warm some association pools can become clogged or otherwise deteriorate, emitting a plume of carbon monoxide. With the growing popularity of remote and/or keyless vehicle ignitions, association security notifies an annually increasing number of grateful residents that the engines in their garaged cars are still running. As the aging garage level ventilation system functionally sputters, or a clueless association administration risks a code infraction to save money by cycling the garage fan on and off, a vehicle inadvertently left running can soon overwhelm the residents living above. If undetected overnight, emissions can rise through structural plenums to the penthouse units.

Association homeowners are invariably impacted by our neighbors' questionable decisions. Despite the labeled warning "for use in well ventilated areas", hundreds of fuel-burning space heaters stashed in Galt Mile closets are pressed into service during rare South Florida cold spells, when the windows are all shut tight. Many buildings have a few residents who skirt the rules against balcony barbecues by setting up a ventless hibachi near a kitchen window or some other fuel-burning stovetop cookware featured in a 3 AM infomercial. The risk of CO exposure increases exponentially during power outages, when association back-up generators that burn natural gas or diesel fuel swing into action.

Galt Mile association homeowners admittedly face far fewer fuel-burning sources of carbon monoxide gas than those living in single-family homes. That said, condo owners suffering from carbon monoxide poisoning are treated in the same emergency rooms, admitted to the same hospitals or wind up in the same morgues as their less at-risk neighbors. At the end of the day, you can either purchase a few inexpensive CO detectors or play the odds. It's your call. For the balance of Commissioner Roberts July 2015 Newsletter, read on... - [editor]"

JULY 2015 DISTRICT 1 NEWSLETTER COMMISSIONER BRUCE G. ROBERTS

2015 Hurricane Season: The Atlantic Hurricane season has started but the City's preparations began months ago. City departments developed "Continuity of Operations Plans" with comprehensive strategies to provide essential services to our neighbors in the event of an emergency. The City has also trained staff, providing detailed instructions on how to complete required Federal Emergency Management Agency (FEMA) forms for the Public Assistance Grant Program. The City of Fort Lauderdale is ready- hopefully you are too. If you would like more information on preparedness, please go to www.fortlauderdale.gov/departments/fire-rescue/emergency-management/hurricane-preparedness

Annual Financial Report: The City's Popular Annual Financial Report (PAFR) is now available! Neighbors can review the report for a basic overview of City finances in straightforward terms and plain language! The information in the PAFR is drawn from the City's Comprehensive Annual Financial Report, which provides a more technical and detailed look at the City's financial position and operating activities. The financial reports can be viewed at www.fortlauderdale.gov/departments/finance/financial-reports

National Safety Month: Car Crashes

Car crashes are a leading cause of preventable deaths. Nearly 100 people die every day on the nation's roadways in preventable car crashes. Alcohol, speeding, fatigue and distraction are the most common crash factors. Remember to stay alert while driving a vehicle, and always wear your seatbelt. Wearing your seatbelt can reduce your risk of dying in a traffic crash by 45 percent in a car and by as much as 60 percent in a truck or SUV.

Sign-up to take the National Safety Council's 4-Hour Defensive Driving Course, free to County employees, on the Learning Center's website. To request additional training information or general information from the Safety & Occupational Health Section of Risk Management Division, contact Consuelo Avila-Ramsey at 954-357-7207.

Keeping Your Pets Cool in the Summertime

Summertime, and the living is easy, right? Just because you're enjoying sun and surf, however, don't neglect your pet's summer needs. Did you know, for instance, that July 5 is the busiest day for animal shelters? That's because many pet owners don't take precautions to prevent Independence Day stress. The fireworks you and friends and family find exciting may provoke confusion and exhaustion in your pet. Dogs, especially, are sometimes upset enough to crash through windows, jump fences, or break chains to escape, and are found the next day miles from home, exhausted and disoriented.

If loud noises disturb your pet - its reactions to thunderstorms should provide a clue - consider leaving the animal behind while you go out for Fourth of July festivities. At home, have someone remain inside with your pet while fireworks go off outside. For particularly sensitive animals, consult a vet about possibly prescribing tranquilizers.

Another summer hazard, especially in subtropical South Florida, is heat stress. Never take a pet with you in the car if it will be unattended for any length of time. An outdoor temperature of 85 degrees can translate to an interior temperature of 120 degrees in just 30 minutes.

Even at home, supply drinking water and shade if your pet is to be left outside on hot days. And if you "strut your mutt" in one of our parks, remember that early morning and after sundown are easier on the heat-sensitive pads of your dog's paws.

And remember that well-behaved dogs on six-foot leashes are welcome in our regional and neighborhood parks but not in our nature centers and natural areas.

Growing Successful Businesses in Broward

Have you identified the perfect solicitation for your firm but need help calculating costs? Register now for Broward County's Office of Economic and Small Business Development Training Course on "How to do Bid Estimating," Wednesday, July 29th, 3 to 5 PM, Broward County Government Center, 115 S. Andrews Avenue, Room A680, Fort Lauderdale. This course will assist business owners in the construction trade with project planning and scheduling, creating an effective cash flow and improving essential business operations. Register online or call the Community Relations and Outreach Section at 954-357-6400. To learn more about this and other business events visit our website.

Contact Us

The Resident's Guide to Government provides a convenient resource to help people stay connected to their local government. It includes contact information for County officials and Federal, State, and local agencies. Visitors can Stay Connected by subscribing to E-news and social media sites. Sign up at Broward.org/District4 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.

As always, it is my honor to serve you. Have a wonderful summer with family and friends.

Chip LaMarca
Broward County Commissioner, District 4 •

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100 Best Fleets In The Americas: The City of Fort Lauderdale was recently ranked in the 100 Best Fleets in the Americas as the #36th Best Fleet in 2015. The award was announced at the 2015 National Association of Fleet Administrators (NAFA) Institute & Expo that took place in April at the Orange County Convention Center. With more than 38,000 public fleets in North America, this is a significant accomplishment. The 100 Best Fleets program identifies peak performing fleet operations, reviewing 12 areas of operations, and reviewing 12 areas of competency including accountability, use of technology, collaboration, efficient turnaround and resources stewardship to name a few. Fleet operations has transformed in the last few years under the leadership of the Fleet Service Program Manager, Carlos Berriz. We have better procedures in place to track fuel use, idling and vehicle performance. Our vehicle replacement program takes a comprehensive view in collaboration with the stakeholder departments to get the right vehicle for the right job. By including the fleet fenceline as a site for ISO 14001 certification for Environment and Sustainability Management System, we have improved safety, waste diversion and chemical management at the site. As our next step in continual improvement for fleet operations, Public Works Sustainability Division Fleet Services plans to apply for NAFA Sustainable Fleet Accreditation Program. This new program is designed to recognize fleet operations working towards improving air quality in reducing emissions, increasing fuel efficiency and reducing fuel use. The program will give us access to benchmarking data that will help us identify areas for improvement, and measure progress in comparison to other similar fleets. The Sustainable Fleet Accreditation Program will support initiatives listed in our Sustainability Action Plan and in the Press Play Strategic Plan to further our commitment to a sustainable community.

Carbon Monoxide: Midnight, April 23, Fort Lauderdale Fire Rescue received a call for a fire alarm with a carbon monoxide detector activation. Fire crews and the Hazardous Materials team responded. Upon arrival, firefighters found a car that was left running in a garage of a three-story townhouse. Crews entered the home wearing their air packs. They found a man unconscious on the third floor, who was transported in serious condition to Broward Health. Firefighters searched the three remaining rooms and evacuated the occupants. Fortunately, one of the rooms was equipped with a Carbon Monoxide detector. Had it not been for their carbon monoxide alarm, which detected the CO gas as it began to spread throughout the entire complex, it is likely that we would have had another tragedy similar to the incident in Wilton Manors where a family and neighbors were overcome by CO gas. Carbon monoxide is a colorless odorless "silent killer" that robs the body of oxygen. It comes from charcoal grills, portable generators, vehicles in closed spaces, or any other wood or gas fueled appliance. Many new vehicles run very quietly and use a keyless ignition. This often causes drivers to falsely think that they have turned off their vehicles, which could prove fatal if there is not a car-

bon monoxide detector to warn occupants. We urge all of our neighbors to learn how to prevent Carbon Monoxide Poisoning and to purchase carbon monoxide detectors for their homes.

Sun Trolley Expands Service: The FREE Uptown Link joined the Sun Trolley's fleet in April. With this addition, the Downtown Fort Lauderdale Transportation Management Association, which administers the Sun Trolley and Riverwalk Water Trolley, now serves passengers in the Uptown Business District, located off Cypress Creek Road in Fort Lauderdale. The Uptown Link Route is a free midday shuttle service, operating between 10am and 3pm, Monday to Friday. Passengers can Wave N'Ride anywhere along the two routes to travel to and from Calvary Chapel, the Cypress Creek Tri-Rail Station, the Citrix Loop, Kaplan University, the Radice Corporate Park, and lunch spots in the area. The vehicles are comfortably air-conditioned, offer bike racks and are wheelchair accessible. For more information on the Uptown Link routes, visit www.suntrolley.com/uptown-link. Additionally, the Sun Trolley operates seven other routes as well as the FREE Riverwalk Water Trolley. To learn more, visit www.suntrolley.com

Important Calendar Dates:

8/17: Pre-agenda Meeting, Imperial Point Hospital, 6 p.m., South Entrance
8/18: Commission Meetings, City Hall, 1:30 p.m., 6 p.m.
8/31: Pre-agenda Meeting, Beach Community Center, 6 p.m.
9/1: Commission Meetings, City Hall, 1:30 p.m., 6 p.m.
9/3: First Budget Hearing, City Hall, 6 p.m.
9/8: Second Budget Hearing, City Hall, 6 p.m.

More City News: For additional City news, please visit "City News: June Newsletter" at www.fortlauderdale.gov/departments/city-manager-s-office/public-affairs-office/city-newsletter

Office Contact: Robbi Uptegrove - 954-828-5033;
email: ruptegrove@fortlauderdale.gov

In addition to hosting two pre-agenda meetings twice a month, I am also available to attend your HOA meetings to update your neighborhood on what is going on in the City as well as answer any questions/concerns you may have. Please contact Robbi to schedule.

Email List: If you would like to be on our email list so that you receive information pertaining to the City - especially District 1 (i.e. news releases, meeting notices, events), please let Robbi know and she will add you. •

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Broward Health Imperial Point is the first and only hospital in Broward County to be recognized as a “Exemplar” designated NICHE (Nurses Improving Care for Healthsystem Elders) hospital – affirming that Broward Health Imperial Point is at the forefront of elder care.

NICHE is the only national designation indicating a hospital's commitment to excellence in senior care and confirms that our highly-skilled and compassionate healthcare team is specially trained in the care of older adults.

Here are some of the many free resources that we offer for the older adult:

- Senior Supper Club discount on breakfast, lunch and dinner
- Monthly physician lecture series
- Monthly senior life safety classes
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