

# GALT MILE NEWS

THE OFFICIAL PUBLICATION OF THE GMCA

MARCH 2017

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# ELSS LEGISLATIVE UPDATE FROM ELLYN BOGDANOFF

## SOME BACKGROUND

*\*In 2002, Florida lawmakers passed a clandestine bill crafted by Fire Sprinkler Association lobbyists that required every Florida Community Association housed in a structure 75 feet above grade - without an exterior exit access from every dwelling unit - to install a full fire sprinkler system. In 2010, former Statehouse Representative (and later State Senator) Ellyn Bogdanoff filed House Bill 561. Unanimously approved in the House and Senate, the statute empowered association unit owners to decide by a full membership vote whether or not it was in their best interests to retrofit their home with a \$multimillion fire sprinkler system. Unit owners in tens of thousands of Florida Associations voted to opt-out of the retrofit requirement.*

*On May 4, 2016, a State official issued a questionable interpretation of the Florida Fire Code (AKA: a Declaratory Statement) that would require associations to alternatively install an Emergency Life Safety System (ELSS). An undefined blend of fire safety elements (which once again includes fire sprinklers), Fort Lauderdale Fire Marshal Jeff Lucas characterized an ELSS as "more expensive than a full sprinkler retrofit". Upon learning how a bureaucrat circumvented State Law, Statehouse Representative George Moraitis filed House Bill 653 on February 6, 2017. The bill will empower association unit owners to decide - by a full membership vote - whether their association should fund a \$multimillion ELSS. On February 7, 2017, Senator Kathleen Passidomo filed companion Senate Bill 744 in the other chamber.*

*Having authored the original sprinkler opt-out legislation, associations across the State - including the Galt Mile - contacted Bogdanoff to help address a regulatory ambush launched on behalf of Fire Sprinkler Association lobbyists. Before heading to Tallahassee in support of Moraitis' ELSS opt-out legislation, Bogdanoff warned "This will be a huge fight against the special interests that profit from this requirement and those that have little evidence that installing an ELSS is necessary for the safety of residents."*

*Working with Association Advocates Donna Berger and Executive Director Yeline Goin of the Community Association Leadership Lobby (CALL), Bogdanoff updates thousands of concerned unit owners across the State with a weekly legislative progress report, while interactively harvesting current information relevant to this issue. The following message was received on March 17, 2017. - [editor]\**

## WEEK 2 OF SESSION

By Ellyn Setnor Bogdanoff

Last week I reported that the ELSS bill would be up in committee. Unfortunately, that did not happen. I contacted Rep. Moraitis' office and they advised me the bill was not ready and would be up this week. I have confirmed that it is on the agenda on 3/21 at 8AM in the Careers & Competition Subcommittee. I will be there to listen to the comments and concerns so we are prepared to respond. I will also testify if needed.

Second, I had the opportunity to have a conversation with CFO Atwater on Thursday to talk about the associations that are being pressured to hire consultants immediately. If you could give me brief feedback on whether you are experiencing this with your Fire Marshall, that would be helpful. I suggested a statement from the CFO that would allow us a delay until May 5, close of session, in the hope that we pass this bill. He asked me to follow up, but if I have specific examples that will assist with this endeavor. Feel free to include the cost of the consultant if you received a proposal.

Last, I have attached the bill that will be heard in committee and as of 6:20 on Friday evening, no amendments have been filed...YET. I will give you an update after the meeting on Tuesday with a vote sheet so we can talk to those that do not support the bill, if any, and thank those that did. Perhaps you may know some of the legislators. I have attached the link that provides the list of committee members. If you know any of them personally or if they represent your association, please reach out to them before Tuesday morning and ask them to support Rep. Moraitis' good bill.

Have a great weekend. Until next time...  
Ellyn

*\*As promised, on Tuesday, March 21, 2017, we were further notified that Rep. Moraitis' House Bill 653 was voted favorably in the House Careers and Competition Subcommittee. The bill will now be scheduled for review in the House Civil Justice and Claims Subcommittee, followed by the House Commerce Committee. More to come.... - [editor]\**



# EDITOR'S COMMENTARY:

## bruce roberts MARCH/APRIL 2017 Newsletter

By Eric Berkowitz

*\*In his March/April 2017 Newsletter, District 1 City Commissioner Bruce Roberts anticipates another attempt by Galleria developers to placate leery City planners, provides access to newly mandated seawall requirements, opposes a vacation rental bill by State lawmakers that seeks to usurp the right of City residents to govern themselves, discusses a plan to decrease the number of pedestrians annually flattened by motoring tourists, reviews the progress of A1A renovations along the Galt Mile, provides a half dozen marginally useful City telephone numbers, applauds a mobile showers program for the homeless, offers access to useful online police data, describes Symphony at the Waterways - a recently opened high-end-senior living facility, welcomes constituent participation in a spectrum of parks programs, thanks constituents for marshalling through the Segment II beach renourishment, extolls employee happy talk on You Tube, notes a libretto of accrued City accolades, updates our municipal calendar, and volunteers his participation with constituent HOA agendas. son that many of us moved here. More to come...\**

**Galleria Live: Second Bite at the Apple**  
Hoping to dodge the zoning wrath unleashed on Bahia Mar for planned skyscrapers perceived as incompatible with their beachfront locale, the developers of Live Galleria - led by FLL Development Enterprise - stripped away 390 of the 1640 residential units they originally planned to build for \$1 billion. They also scrapped a proposed 15-story office building and a 165-room hotel while clipping 18 stories from a projected 45-story tower.

To win Planning Board approval for a hand-tailored zoning designation, they would have to deliver infrastructure improvements to mitigate an ever-increasing threat of flooding, accommodate the additional traffic, create mall enhancements to attract more upscale merchants, and provide surrounding communities with a gift basket of public amenities.

While scaling back the scope of work, developers agreed to upgrade the drainage pipes, add a lift station, raise some roads to lessen flooding impacts, provide 1360 new garaged parking spaces, cushion some traffic impacts (better signal timing, new turn lanes), and add a new trolley service to the beach. For the adjacent neighborhoods, developers would snake a 1.25-mile fitness track through the property, cover the mall's roof with a park, and pepper Sunrise Boulevard with pedestrian enhancements. When vetted by the City Planning Board on October 19, 2016, the plan went over like a lead balloon - and was derailed by a 6 - 2 vote.

While the proposed infrastructure improvements were a step in the right direction, planning officials remained concerned about roadway congestion, whether three towers included in the seven new buildings were still too tall, and most importantly, they openly disparaged the planned public amenities. In short, they didn't believe that describing a skinny path around the mall as a "fitness track" would enhance its value as a destination site, nor could they envision local residents spending recreational time on the Galleria roof. As observed by Planning Board chair Leo Hansen, "There was still no compelling reason to go around the perimeter of Galleria. I didn't see that as being beneficial to the community."

Unless these shortfalls are addressed at the March meeting mentioned by Roberts, Galleria will continue deteriorate - and lose ground as a special shopping venue. Also cloaked in his March newsletter is an alarming statutory threat to local neighborhoods - a legislative attempt to divest local governments of their right to home rule.

**Vacation Rentals: State Mandate vs. Home Rule**  
While short-term vacation rentals can be a win-win for visiting tourists and local landlords, if they aren't properly regulated, they can undermine the character (and home values) in a neighborhood, increase the tax burden on local residents, and endanger prospective tenants. While few homeowners will complain if the Brady Bunch rents the property next door for the season, they will understandably object if the same property is used by the "Alien Mushrooms" biker gang as a substation for "Crank" deliveries.

The vacation rental market has long contributed to the State's tourism economy, although several sea changes during the past decade triggered a growing controversy. When upside down mortgages rendered families insolvent during the recession, speculators who swooped in to graze on hundreds of thousands of foreclosed homes either flipped selected properties or repeatedly rented them out. It was no coincidence that these rentals expanded epidemically near popular vacation sites like Walt Disney World and along coastal tourism Meccas like Miami and Fort Lauderdale. This overnight proliferation of homes in residential neighborhoods that functionally serve as commercial properties set the stage for a regulatory tug-of-war in Tallahassee.

Some of the new landlords applied for state and local lodging licenses although many did not. Local taxes collected from tourists by hotels, bed & breakfasts or vacation rentals support the maintenance of roads & infrastructure - and help fund local public services (i.e. police, fire, EMS, etc.) - which are used by millions of visiting tourists each year. Since these expenses are otherwise funded with taxpayer dollars, when landlords who operate functionally commercial properties fail to collect sales and "tourism" taxes (or pocket those revenues), you pay the resulting shortfall.

Zoning laws ordinarily protect home values by preserving the character of residential neighborhoods; and prohibiting homeowners from turning adjacent properties into industrial or commercial venues. In contrast, vacation rental advocates claim that homeowners have the right to use their properties as they see fit. By operating transient motels as vacation rentals, speculators dodge compliance with these zoning laws to make a fast buck - at the expense of nearby home values.

**The Online Marketplace**  
While Florida lawmakers struggled to balance the right of investors to turn a profit, the right of homeowners to protect neighborhood home values, and the right of local governments to regulate local businesses - the playing field was turned on its head by the emergence of Airbnb, HomeAway and other "sharing" services that enable any homeowner to list a property - or a spare bedroom - on the internet. Since the listing companies' online rental transactions are nearly impossible to track, speculators that operate "below the radar" often ignore licensing requirements and dodge compliance with local laws - frustrating local governments - and taxpayers forced to pick up the fiscal slack.

Continued on page 6



The business models of these listing services differ in one key aspect. HomeAway and subsidiaries VRBO and VacationRentals.Com sell classified ads, leaving the landlords and tenants to work out payment terms. Airbnb controls the money. It charges nothing to list a property, a room, or a cot in the garage – but collects a processing fee when the listing is booked.

As local regulations increasingly threatened future profits, Airbnb raided Yahoo to accrue lobbying muscle. They hired DC insider Kim Rubey, Senator John Edwards' former press secretary, to run communications. Next, they appointed David Hantman as head of global public policy. In jurisdictions where the company was violating an ordinance, Hantman was charged with changing the law. If unable to bring local officials to an "accommodation", he would seek to preempt their regulatory authority. To accomplish this, he would also have to fend off the hospitality industry. On Hantman's recommendation, Airbnb launched a massive lobbying campaign to quash impending local regulations and make the company's transactions legal.

The \$32 billion vacation rental goliath dispatched lobbyists in key markets to shield its business model from meddling local regulations. Amid a blizzard of Airbnb legal actions against Florida jurisdictions perceived as "uncooperative", former Statehouse Representative Michael Horner (R - Kissimmee) spearheaded company plans to mute local governments, filing House Bill 883. Enacted on June 2, 2011, the law preempted cities and counties from prohibiting or regulating short term rentals. As a concession to thousands of angry homeowners and the Florida League of Cities, Horner agreed to grandfather local regulations adopted prior to June 1, 2011.

In lieu of local oversight, Horner's legislation charged the Department of Business and Professional Regulation (DBPR) with regulating vacation rentals - while cynically neglecting to provide the agency with the required resources. As a result, the DBPR simply ignored the statutory mandate - and did nothing. Horner later resigned following discovery of his name on the client list of an Orange County brothel.

The Hospitality Industry Weighs In  
Suddenly, hotel industry lobbyists awoke to the reality that the appeal of listing services wasn't limited to couch-surfing deadbeats who would never book a hotel room, given that Airbnb's millions of rental listings include thousands of luxury properties. A recent report by Morgan Stanley estimates that Airbnb currently occupies about 4 percent of traditional hotel demand, and anticipates prospective growth to 6 percent by 2018; more than 100 million U.S. and European room nights clocked by Airbnb in 2016 could mushroom to 245 million in 2018.

The Hotel industry opposed neutering the right of local governments to regulate Airbnb, since it crippled their capacity to collect taxes due on thousands of transient rentals, providing its online competition with an unfair – and illegal – advantage. As politics makes strange bedfellows, local governments and angry homeowners stumbled on an ally with sufficient resources to arm-wrestle the internet travel juggernaut.

To help level the playing field, the hotel industry jumped on a critical vulnerability of the online marketplace. In scores of jurisdictions in the U.S. and abroad, a huge number of Airbnb host listings either violated local zoning or "block-busting" laws that prohibit residential homeowners from turning their apartments or homes into transient motels to surreptitiously crash local property values (and shrink developer acquisition costs). Although the company's threat to local home values wasn't a precursor to development, it was nonetheless illegal. While focusing attention on Airbnb's legal missteps and tax violations in scores of communities, the global hotel industry took a page from its competitor's playbook - and launched related lawsuits in dozens of domestic and international markets where Airbnb does business.

Following a statewide outcry by local governments, in 2014,

Florida lawmakers passed Senate Bill 356, which eased the broad state preemption on regulation of vacation rentals, allowing local governments to regulate short-term rentals through life safety and building codes, but Section 509.032(7), Florida Statutes, preserved the prohibition on local governments against regulating the duration and frequency of these rentals, or enforcing zoning laws that bar the commercialization of residential neighborhoods.

Seeking to re-empower local governments and salvage home values without capping the \$31 billion rental market, Senate sponsor John Thrasher (R - St. Augustine) explained "I'm not trying to put vacation rentals out of business; nobody is. It's too valuable to our economy. We just want a balance of regulations between the rights of the people who have them and the rights of the people who live around them." Its South Florida impact was expressed by former Senator Jeremy Ring - a local co-sponsor, "Sometimes we don't know the consequences until it's in our face. We shouldn't be telling the cities of Hollywood and Fort Lauderdale how to handle their vacation rentals. Let the residents of the cities make that decision, it's their homes, it's their communities."

The Statutory amendment - aptly named "home rule" - enabled local jurisdictions to enforce noise, parking and signage regulations disallowed for vacation rentals in the earlier State law - although enforced elsewhere in local residential and commercial neighborhoods. Cities could finally deter groups of young sociopaths from parking their cars - and their garbage - on the front lawn, monkey-wrench week-long 24-hour parties on otherwise quiet streets, and require landlords to register vacation properties, insuring that Transient Rental and sales tax revenues are collected and remitted.

#### Bad Blood Spreads

Faulting Airbnb's business model for lost tax revenues, host zoning violations, and sliding home values in previously stable neighborhoods, governments in major markets went ballistic. On May 1, 2016, a German court banned Airbnb listings in Berlin, a top European travel destination, threatening stiff fines of up to 100,000 Euros. Earlier, the company spent \$8 million to fend off a similar prohibition in San Francisco, the company's corporate headquarters. As of December 2016, the city has issued \$1.19 million in fines to hosts for illegally renting unregistered properties. Listing companies are also responsible for affordable housing shortages both here and abroad, as otherwise rentable apartments are illegally morphed into year-round motels. Airbnb has also been under siege in Quebec, Chattanooga, Austin and elsewhere. They've been challenged abroad in Australia, Ireland, Spain and Israel.

One month after the Berlin ruling, in June, 2016, New York State lawmakers passed a ban against the type of short-term rentals that comprise most of Airbnb's New York City listings. To secure a subpoena, New York State Attorney General Eric Schneiderman compiled a report disclosing how more than 72% of Airbnb rentals in New York City violated state law, 66% of Airbnb revenue comes from illegal units, 38% of the fees Airbnb received in 2013 were from units illegally converted from long-term housing and the tax liability between 2010 and 2014 is at least \$33.5 million.

Schneiderman demonstrated that many of the listings weren't homes occupied by their owners - as repeatedly asserted by Airbnb - but properties acquired solely for commercial purposes, and include properties that were leased or sublet - often without the owner's permission or knowledge. New York State Senator Liz Krueger commented "It is no wonder that Airbnb fought to keep this data in the dark. The picture it paints is clear: nearly three quarters of Airbnb's New York rentals are illegal, and commercial operators account for a large portion of its business."

#### Airbnb Bites Back

In Florida, listing companies threw additional \$millions at reviving the 2011 Statutory prohibitions against local interference with their white hot business models. Florida lawmakers generally go berserk when Congress preempts their authority to address State issues, citing Home Rule as a far more effective remedy. However, for a sawbuck at campaign time, those same lawmakers will gladly handcuff every Florida City and County to flesh out their benefactor's bottom line.



# BRUCE ROBERTS

## MARCH 2017 DISTRICT 1 Newsletter

### Vision Zero Bus Bench Awareness Campaign

Since the adoption of Vision Zero Fort Lauderdale by the Commission in November 2015, staff and partners have been working together to implement initial steps while developing the 5 year Strategic Action Plan to chart the path of comprehensive efforts toward a vision of zero fatalities and serious injuries. Part of that campaign involves the utilization of advertising on bus benches to spread awareness through messaging of safe behaviors and Vision Zero across the City. The first phase of the campaign, installed last month, includes messaging on safe behaviors such as "Slow Down," "Cross at Crosswalks," and "Stop Texting." There are 13 locations distributed across the City targeting common behaviors that have contributed to crashes at those locations. Transportation and Mobility, Public Affairs and Information Technology Services staff worked together to develop this campaign that uses crash data from the last five years to identify concentrations of high crashes near available advertising bus benches managed by Gold Coast Bench. The key contributing behaviors of crashes surrounding each of those available benches were identified and messaging was developed to best target each of those hot spot locations.

### Galleria Mall Redevelopment

Neighborhood compatibility and ID zoning discussions continue between the developer and several neighborhoods. Staff is also facilitating a potential developer's agreement. It appears as if this issue may be brought before the Commission for resolution in March. We will keep you advised.

### Enforcement of Seawall Ordinance

A "Frequently Asked Questions" document is now available online to answer some questions about receiving a citation under the ordinance and your responsibilities as a property owner. Please see <http://www.fortlauderdale.gov/seawall> <<http://www.fortlauderdale.gov/seawall>>

### Vacation Rentals

State Senator Greg Steube (R - Dist. 23) has introduced SB 188 to prohibit local governments from regulating short-term vacation rentals. The City opposes this bill, as does the Florida League of Cities (Mayor Seiler is on this board). Please communicate your position to your State House and Senate members.

### Construction on State Rd. A1A Between Oakland Park Blvd. & Flamingo Ave.

The \$9.3 million project is schedule to be completed this summer. Work includes repaving four vehicle lanes and two bicycle lanes, upgrading sidewalks and ramps, improving drainage, upgrading some intersections with mast arm traffic signals, countdown timers for pedestrian signals, upgrading signs and pavement markings, and installing adjustable street lighting that is sea-turtle friendly during nesting season, among other improvements. Until then, access from northbound Galt Ocean Drive to A1A will be restricted through March. Motorists can access A1A via North-east 41st, 36th and 35th streets. Meanwhile, northbound A1A traffic is shifted slightly west toward the center of the road and southbound traffic will remain on the west side of the road through March.

### City Contact Numbers to Keep Handy

We receive many calls from neighbors who need to report findings for such things as code issues, illegal vacation rentals, legal vacation rentals that get out of hand, water is turned off, question about your water bill, prowler in the neighborhood, etc. Many call during the evening or weekend, and by the time my office can get back with you, it could be 2-3 days old. Below are numbers you can call 24/7 to report. Your concern is logged and given a tracking number as soon as you call the number. You can still call my office, but these numbers can get you there quicker!

**Code Issue** During Office Hours: 954-828-5207; After Hours: 954-828-8000

**Code Complaint** During Office Hours: 954-828-5207; After Hours: 954-828-8000; or online at: <http://www.fortlauderdale.gov/departments/sustainable-development/code-compliance/report-code-concerns>

Continued on page 8





**Vacation Rentals** During Office Hours: 954-828-5201; After Hours: 954-828-8000

NOTE: If a noise concern happens after business hours please call the non-emergency number at the Police Department (954-764-4357) where it is logged and kept track of.

**Downed Signs (Stop or Street)** 954-847-2600

**Mosquito Control** 954-765-4062

### **Groups Begin Program to Offer More Showers to Homeless in Broward**

It is not a cure of the bigger problem, but organizers of Broward's first mobile shower program say a little bit of hot water will at least make the homeless feel better. A trailer is equipped with six stalls — each with a sink, toilet and shower — to allow the homeless daily showers. There also will be donations of toothbrushes and toiletries on site, and even clean clothes. The initiative, aimed at raising the self-esteem of the homeless, was organized through Live Fresh Inc., an organization that created a mobile shower program last year in Palm Beach County, and Broward's HOPE South Florida, a Christian-based nonprofit that provides assistance to the homeless. The mobile showers will be set up at HOPE feeding sites at churches in Pompano Beach and Fort Lauderdale. The trailer is equipped with a hot water heater and propane tanks and can run between 30 to 35 showers if no running water is available. If water is available at a church, organizers just attach a hose to hook into water and sewer lines. That number excludes the homeless in shelters or staying with friends or relatives. The Broward project is funded with a \$50,000 donation from an anonymous donor.

### **Ft. Lauderdale Police Data Now Online**

Thanks to The Fort Lauderdale Police Department participating residents and staff, anyone with an internet connection can now access, download, and review information about Arrests, Incidents, Calls for Services, Citations, Accidents and Employees in our city. Check the full catalog out here: <https://fortlauderdale.data.socrata.com/reports/Data-Catalogs-1>

### **Symphony at the Waterways Offers A Refreshing Lifestyle for Senior Residents at Ft. Lauderdale's Intracoastal**

The Mayor, Commissioner McKenzie and I recently attended the grand opening ribbon cutting ceremony for the Symphony at the Waterways, which opened its doors to the senior community on December 7, 2016. Located at 3001 E. Oakland Boulevard, the community offers independent, assisted living and memory care assistance. Symphony's goal is for seniors to continue the lifestyle they have grown accustomed to and more. Symphony is conveniently located at the Intracoastal in the same location as the old and favorite Yesterday's restaurant. So far, residents have enjoyed Fort Lauderdale's annual Winterfest Boat Parade and exercise classes on the dockside, and cultural outings to local museums, parks and theater. Lloyd Fossey, a world experienced chef, was hired to provide excellent cuisine with a royal flair for the residents. His five-star experience includes the British Royal family, Margaret Thatcher, multiple embassies, and South American restaurants.

### **Special Events & Programs**

You can go to <http://www.fortlauderdale.gov/departments/parks-recreation> to check out the following: park locator, marinas, municipal cemeteries, the War Memorial Auditorium, park rangers, park rules, doggie guide, rental information, special events — as well as many programs such as aquatics, athletics, classes/programs, online registration, swim team/lessons and tennis.... Check out our Parks and Recreation today — they have something just for you!

### **On a Positive Note**

- Sand hauling for beach renourishment from Terramar Street north to approximately N.E. 16th Street was recently completed. The contractor is currently demobilizing and restoring the knee wall that was removed for access, as well as removing all of the equipment from the beach. The purpose of the renourishment project is to reconstruct areas of the eroded beach and increase storm protection to upland development along portions of the shoreline. Residents living near the entry points for trucks loaded with sand graciously endured noise and truck traffic during the renourishment. As a result, everyone can now enjoy the beautiful expanded beach! Thank you to our neighbors!
- Check out the Parks & Rec's new video at <https://www.youtube.com/watch?v=IYIY3GczcWA> — Staff always has that feeling to make our neighbors happy! The City of Fort Lauderdale Parks and Recreation Department builds community each day by providing happy and healthy experiences for our neighbors with hardworking, dedicated employees.
- Fort Lauderdale has received many accolades in the past few years. Go to <http://www.fortlauderdale.gov/government/awards-and-recognition> to find over 70 national recognitions making our City the best place to work, live and play!

### **Office Contact**

Robbi Uptegrove — 954-828-5033; email: [ruptegrove@fortlauderdale.gov](mailto: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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APRIL / MARCH

WED

MARCH 19: 2017 Florida AIDS Walk and Music Festival, South Beach Park (Ft. Lauderdale), Registration: 8 a.m.; Opening Ceremony 9 a.m.; Start: 10 a.m.; Music Festival Begins: 11 a.m., Info: 954-522-3132  
MARCH 22: 17th Annual Riverwalk Race Party, The Atlantic Hotel & Spa, 7 to 10 p.m., Info: 954-462-1350  
MARCH 23-26: Palm Beach International Boat Show, Broward County Convention Center, Info: 305-981-1448  
MARCH 23-April 16: Miami-Dade County Fair & Exposition, Miami-Dade County Fairgrounds, 8 a.m. to 5 p.m., Info: 786-315-5266  
MARCH 24-25: Boca Bacchanal Wine & Food Festival, Various Locations in Boca, 10 a.m. to 5 p.m., Info/Locations: 561-395-6766 ext 301  
MARCH 24-25: International Gem and Jewelry Show, War Memorial Auditorium, Info: 301-294-1640  
MARCH 25-26: Davie Orange Blossom Festival, Parade, and Rodeo, Davie Town Hall, Info: 954-797-1163  
MARCH 25-26: Florida Renaissance Festival, Quiet Waters Park, 10 a.m. to Sundown, Info: 954-776-1642  
MARCH 29: Palm Beach Condo & HOA Expo 2017, Palm Beach County Convention Center, WPB, 10:30 a.m. to 3 p.m., Info: 952- 881-5030  
MARCH 31: The Best Bead Show, DoubleTree Hotel, Miami, Info: 610-241-8329  
APRIL 1: Riverwalk Run, Huizenga Plaza, Check-in: 6:45 a.m.; 5K & 5M Start: 8 a.m.; Kids' Fun Run Start: 9:15 a.m.  
APRIL 1-2: CityPlace Art Fair, 700 South Rosemary Ave., WPB, 10 a.m. to 5 p.m., 561-746-6615  
APRIL 1-2: South Beach Triathlon, Lummus Park (Ocean Dr at 13th St. in Miami Beach), 6 to 10:30 a.m., Info: 305-278-8668



# ONE SOURCE FOR COMMUNITY HAPPENINGS

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<b>23</b> Ft Lauderdale Int'l Auto Show (Through 3/26) Broward County Convention Center Info.: 305-981-1448  ClueLess on Las Olas: "Murder at the Family Reunion" Stranahan House & Laura Ward Park 7 to 9 p.m. Info.: 954-288-7201	<b>24</b> Mickel Park Concert Series Performer(s): Lifeline, A Tribute to Heart Mickel Park (2675 NW 7th Ave) Wilton Manors 7:30 to 9:30 p.m. Info.: 954-390-2130  Music on Main Street Performer(s): Tom Jackson Oakland Park City Hall 6 to 10 p.m. Info.: 954-630-4251	<b>25</b> Ft. Lauderdale Spring Fine Art Festival (Through 3/26) Huizenga Plaza Info.: 954-487-8061  11th Annual KID Duck Fest Derby Esplanade Park Noon to 4 p.m. Info.: 954-390-7654 x1295
<b>30</b>	<b>31</b> Relay For Life of Pembroke Pines Walter C Young Middle 6 to 9 a.m. Info.: 954-200-7534  Annual Pineapple Jam Dinner and Auction Historic Stranahan House Museum 6 to 9 p.m. Info.: 954-524-4736	<b>1</b> Hatsume Fair (Through 4/2) Morikami Japanese Gardens Info/Tix.: morikami.org  Literary Feast 2017 Hyatt Regency Pier Sixty-Six 5:30 to 8 p.m. Info.: 954-357-7382
<b>6</b> Jay Leno Broward Center for the Performing Arts 8 p.m. Tix.: 954-462-0222  Mercedes-Benz Corporate Run Huizenga Park, 6:45 a.m. Info.: 905-666-7223	<b>7</b> Wine and Culinary Celebration Museum of Discovery and Science Info.: 954-713-0918  Rock the Ocean - Tortuga Music Festival (Through 4/9) Fort Lauderdale Beach Park Info.: 615-498-7548	<b>8</b> Household Hazardous Waste and Electronics Drop-off Events Mills Pond Park 9 a.m. to 2 p.m. Info.: 954-828-8000  Delray Affair 2017 (Through 4/9) Downtown Delray Info.: 561-279-0907
<b>13</b>  G.M.C.A. Advisory Board Meeting Nick's Italian Restaurant, 11 a.m.	<b>14</b>  Friday Night Music in the Square Anglin's Square (El Mar & Commercial Blvd). 6:30 to 10:30 p.m. Info.: 954-776-5092	<b>15</b> Dig The Beach Volleyball (Through 4/16) Pompano Beach 7 a.m. to 7 p.m. Info.: 561-241-3801  FTL Taco Battle & Craft Beer Fest 2017 Esplanade Park 1 to 6 p.m. Info.: 954-279-3362
<b>20</b>  GMCA Advisory Board Meeting Nick's Italian Restaurant, 11 a.m.	<b>21</b>  Friday Night Music in the Square Anglin's Square (El Mar & Commercial Blvd). 6:30 to 10:30 p.m. Info.: 954-776-5092	<b>22</b> Cat Cafe Coaster Origami Morikami Japanese Garden Noon to 3 p.m. Info.: morikami.org  Ocean Adventure Expo (Through 4/23) Broward County Convention Center Info.: 561-715-0247

## LOTS HAPPENING IN TOWN !

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**Pompano Beach Seafood Festival**

Atlantic Blvd & A1A, Pompano

Info.: 954-638-1475

APRIL 29

**The Color Run 5K Riverwalk Fort Lauderdale**

Huizenga Plaza, 7:30 a.m. to Noon

Info.: 954-468-1541, Ext. 205

APRIL 30

**Sweet Corn Fiesta**

Yesteryear Village, WPB

11 a.m. to 5 p.m.

Info.: 561-996-0343

MAY 3-7

**Sunfest**

Intracoastal Waterway (Flagler Dr. from Banyan Blvd. to Lakeview Ave.), WPB

Info.: 561-659-5980

MAY 4

**6th Annual Delish - 2017**

Gallery of Amazing Things (481 S Federal Hwy.), Dania  
7 to 10 p.m.

Info.: 954-746-9400 ext. 2205

MAY 5-7

**West Palm Beach Antiques Festival**

South Florida Fairgrounds, WPB

Info.: 941-697-7475

MAY 13

**Covenant House Florida 5K on A1A**

The World Famous Parrot Lounge, 7 a.m.

Info.: 954-568-7914

MAY 13

**Moonlit Movies - Moana**

Jaco Pastorius Park, Oakland Park, 3 p.m.

Info.: 954-630-4507

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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, Fort Lauderdale Beach Park, 1100 Seabreeze Blvd., 7 to 11 a.m., Info.: 954-593-8501

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

Thursdays: BHIP Farmer's Market, Broward Health Imperial Point Medical Arts Pavilion (633 N Federal Hwy.), 11 a.m. to 6 p.m.

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

Sundays: Las Olas Sunday Market, 333 East Las Olas Blvd. & SE 4th Ave., 9 a.m. to 2 p.m., Info.: 954-426-8436

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.: 754-701-0197 or 516-840-1455

# EVOLUTION OF A HOMELESS PROGRAM



In 2005, Broward County implemented a plan entitled "A Way Home: Broward County, Florida's Ten Year Plan to End Homelessness". Blending science and urban legend with untested theories about the root causes of homelessness, the plan presupposed that sane, well-adjusted people lived in homes. It therefore stood to reason that homeless people are afflicted with a condition that somehow undermines this instinct. They were either short-changed by Mother Nature, battered by society, emotionally disturbed, hopelessly addicted to drugs and/or alcohol or plagued by family issues.

Plan authors inferred that housing homeless persons stricken with these medical or social impediments was a waste of resources, as they would invariably return to the streets unless first divested of these "burdens". Supported by the County's 31 municipalities and mirrored in jurisdictions across the country, the Broward plan was loosely based on cultivating "housing readiness" in people experiencing homelessness.

Homeless persons would have to earn an opportunity to leave the streets by meeting a series of benchmarks drawn from an initial diagnostic assessment, stereotypical sociopathy and caseworker impressions. Medical problems (including addiction) would have to be cured or under treatment, family issues would have to be addressed in therapy sessions while mandated seminars would promote job skills, hygiene and teach rudimentary home budgeting.

To qualify for housing, homeless candidates who lacked the funds for a hot dog would have to somehow travel between various County locations to undergo an extended period of treatment and counseling and attend classes while being bounced from shelter to shelter and living on the streets. Not exactly a cakewalk. Although program proponents claimed that the exigent prerequisites enhanced each candidate's prospects

for success, the vast majority of candidates skated soon after confronting this daunting regimen. Enigmatically, the program packaged impractical and inconsistent metrics in a state-of-the-art envelope.

The Broward Partnership for the Homeless Initiative (BPHI) maintains a 230-bed Homeless Assistance Center on its Huizenga Campus in Fort Lauderdale. This brick and mortar flagship ranks among the top homeless intervention facilities in the State of Florida, annually providing short-term housing, health care, education and solution based services to more than 1,300 men, women and families with children.

In contrast, the conceptual basis for Broward's homeless program featured the scientific grounding of a "Merry Melodies" Saturday morning cartoon. Notwithstanding its limited value as a safety net, the program's overall impact on homelessness was negligible.

## **Feds Fix a Broken Law**

In 2009, Congress passed a series of laws that precipitated a nationwide sea change in local homeless assistance programs. On February 17, 2009, former President Barack Obama signed the American Recovery and Reinvestment Act (ARRA) of 2009, which included \$1.5 billion for a Homelessness Prevention Fund. Entitled the Homelessness Prevention and Rapid Re-Housing Program (HPRP), funding is provided to state housing authorities & related agencies, and then distributed to cities, counties, local charities and non-profits. Local grantee jurisdictions include Broward County and the Cities of Fort Lauderdale, Pompano Beach, Sunrise and Hollywood.

HPRP triggered a 180-degree reversal in how jurisdictions would address homeless populations. Instead of linking eligibility for housing candidates to their prospects for a successful recovery, this program prioritizes eligibility for homeless veterans and the chronic homeless most "at risk" for dying on the street. The new protocol cuts to the



chase - and places homeless people in homes - a safe environment - prior to helping them reassert control over their lives. Leery Homeless Advocates who initially disparaged the program have since become staunch supporters.

Using Federal Recovery Act (ARRA) resources to house the homeless, Homelessness Prevention and Rapid Re-Housing Programs in Broward and Fort Lauderdale also assist individuals and families facing eviction, foreclosure, or otherwise at risk for becoming homeless. Intended to target "individuals and families who would be homeless but for this assistance," program funds are applicable to short-term (up to 3 months) or medium-term (up to 18 months) rental deficits, vouchers for motels or hotels, housing relocation and stabilization services. Once a beneficiary is off the street, the program mitigates traditional recovery pitfalls - offering assistance with mediation & legal representation, credit counseling, security or utility deposits, utility payments, moving costs, and case management. If a beneficiary finds work or receives benefits, 30 percent of the income is allocated to program expenses.

#### Enter: The HEARTH Act

On May 20, 2009, the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act became law, consolidating three separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program. The first Congressional attempt to directly address homelessness was the McKinney-Vento Homeless Assistance Act of 1987, a hodgepodge of 15 different programs that was subsequently amended in conjunction with the evolution of new research. The HEARTH Act codifies in law the Continuum of Care (CoC) planning process, which facilitates HUD's assistance to the homeless by providing greater coordination in responding to their needs. The regulations that currently expedite housing placement in Broward and Fort Lauderdale were promulgated by HUD - as mandated in The HEARTH Act.

Financial aid that flows from the new federal programs is meant to be immediate, as expenditure deadlines are defined in the legislation. For example, if local homeless assistance programs want federal Homelessness Prevention (HPRP) resources, they must submit plans to expeditiously house homeless individuals and families, and assist those at risk for losing their homes. Once the HPRP grant agreement is signed by HUD, grantees must minimally disburse 60 percent of the stimulus funds within the first two years and the entire allocation within three years.

To seamlessly access the federal feedbag dedicated to this new strategy, in 2013, Broward County finally revised "A Way Home: Broward County, Florida's Ten Year Plan to End Homelessness", replacing the housing eligibility gauntlet with a "Housing First" approach. Using Federal Grant funds, the County began by placing the chronic homeless in Housing Authority apartments, along with furnishings, amenities and regular visits by case workers. Federal funds awarded to similar programs in Fort Lauderdale, Pompano Beach, Hollywood, Sunrise and other Broward municipalities have also housed scores of homeless individuals, families, veterans, single mothers or fathers (including pregnant women), people with mental, emotional and physical disabilities, substance abuse disorders, and those multiply afflicted.

Continued on page 15

## INJURED?

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- WRONGFUL DEATH
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On December 16, 2016, State Senator Greg Steube (R - Sarasota) filed Senate Bill 188. On January 24, 2017, Statehouse Representative Mike LaRosa (R - St Cloud) filed companion bill HB 425 in the lower chamber. In short, the bills would once again bar local governments from regulating short-term vacation rentals. Both lawmakers represent districts with thousands of vacation rentals that cater to Disney World, Universal Studios and Sea World. LaRosa, an Osceola realtor who rents these properties, replaced Mike Horner following his resignation. Steube operates short-term rental properties.

Steube told reporters that he decided to file his preemption bill while shopping with his wife for a Flagler Beach home in a residential neighborhood that he planned to use as a vacation rental, until informed of a local prohibition against short-term rentals. When his prospective future neighbors learned of Steube's bill, they started an online petition entitled "Stop Florida SB 188", which accrued 529 local signatures by March 21 on a website appropriately named "moveon.org".

At the March 6, 2017 GMCA Presidents Council meeting, City Commissioner Bruce Roberts expressed trepidations about Steube's bill, describing how special interests in Tallahassee are once again attempting to usurp the right of city residents to

govern themselves in order to circumvent local laws that protect home values. Roberts also warned that Steube's bill would thwart the collection of transient rental taxes, shifting the burden to local taxpayers.

Framing its rationale for opposing bills that block city residents from protecting their neighborhoods, The Florida League of Cities warns, "Short-term rentals are causing problems in many cities around the state by creating commercial activity in residential areas (mini-hotels in neighborhoods). Problems include noise, inadequate parking, infrastructure intended for residential use is now being used on a commercial scale, and decreased property values in neighborhoods taken over by vacation rentals."

In the Crosshairs: Florida Associations  
Concerned about the impact of these bills, Association Advocates perceive an impending threat to common interest communities. State law defines "transient vacation rentals" as any unit or group of units in a Condominium, Cooperative, or collectively owned 1, 2, 3 and 4 family homes that are leased 3 or more times annually for terms of 30 days or less. While most associations enforce rental restrictions mandated in their governing documents, renowned association advocate Donna Berger observed that many online listing agreements are transacted without a formal lease and are extremely short-term, rendering them unnoticeable or unpreventable. Berger advises associations to fortify their rental restrictions by specifying Airbnb-style rentals, and educate unit owners about how these rentals expose them to certain tax liabilities, life safety code violations and mortgage violations while impairing unit values.

Noting how listing companies have funded endless lawsuits against any City or County with a local ordinance that regulates the vacation rental industry, the Jackson Law Group disclosed another threat to associations embedded in Steube's bill. Specifically, "whether a vacation rental company might attempt to challenge rental restrictions in a community association's governing document as an impermissible 'local law, ordinance, or regulation' under the new law." The assessment concludes with an unsettling observation, "Given the economic incentives, such a challenge would appear to be inevitable." If actualized, association advocates surmise that Florida associations could devolve overnight into third tier transient motels.

With the State's primary economic engine in play - tourism - lawmakers from two key Florida tourist markets decided to flip the script. Like Steube and LaRosa, Representatives David Richardson (D - Miami Beach) and George Moraitis (R - Fort Lauderdale) represent districts rife with vacation rentals. All four lawmakers have observed how the problems differ significantly in a wide variety of Florida jurisdictions. Unlike Steube and LaRosa, Richardson and Moraitis believe that local governments are better equipped to address a conflict in their own back yards than a one-size-fits-all edict from Tallahassee.

On December 2, 2016, Richardson and Moraitis filed House Bill 6003, which would amend Section 509.032, Florida Statutes, by eliminating the state preemption completely. On March 2, 2017, Senator Kevin Rader (D - Boca Raton) filed Senate Bill 1516, companion to the House bill. If these bills pass, the residents of every Florida community will decide how to balance the needs of local homeowners, visitors, investors, the hospitality industry and the online travel industry. As each of these bills funnel through a legislative gauntlet of vetting committees, we will keep you posted. Check out Commissioner Roberts' March / April 2017 Newsletter, also in this edition. - [editor]\*

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### The High Cost of Doing Nothing

For decades, Congressional skeptics shared the belief that society has no moral obligation to care for those who fall behind, relegating attempts to address homelessness to ancillary provisions in legislation targeting mental health issues, veterans' assistance, the disabled, substance abuse, and other conditions for which homelessness is a shared symptom. The 2009 legislation dramatically cleared this hurdle when unimpeachable studies repeatedly demonstrated that maintaining a bare-bones shelter system or doing nothing costs taxpayers significantly more than housing the homeless.

A May 2014 study funded by the Central Florida Commission on Homelessness tracked public expenses accrued by local chronic homeless individuals, ranging from criminalization and incarceration costs to medical treatment and uninsured emergency room intakes. In contrast with the average \$31,065 annual public cost for each chronic homeless person living on the street, Florida taxpayers would only pay \$10,051 to give that person permanent housing with case management services, job training and health care - a 68% savings. A 2013 similar study in Fort Lyon, Colorado clocked a 62% taxpayer savings. A 2014 analysis by researchers from the University of North Carolina proved that housing homeless individuals in Charlotte would save taxpayers 60%.

As observed by Nan Roman, president of the Washington-based National Alliance to End Homelessness, "Research shows that over 85 percent who receive permanent supported housing stay housed - and numerous published studies indicate the savings in health care and corrections costs." Forced to concede that their preferred do-nothing policies were trebling the tax bite on constituents, hardline Congressional opponents relented, and backed the new laws.

### Housing our Vets

In 2014, First Lady Michelle Obama tested the policy's effectiveness by launching the "Mayors Challenge to End Veteran Homelessness". While Phoenix and some towns had previously housed veterans considered chronic homeless, no city had done so for all its homeless veterans.

On January 2, 2015, New Orleans became the nation's first city to achieve that goal. America's fourth largest city, Houston, Texas, home to the nation's largest population of veterans (300,000), housed its 3,650 of its 300,000 veterans by June 2015, ending veteran homelessness. A month later, Las Cruces became the first city in New Mexico to end veteran homelessness. On Veterans Day, 2015, Virginia Governor Terry McAuliffe announced that his state was the first in the nation to house all of its homeless veterans, along with Philadelphia, Pennsylvania, Schenectady, New York, Las Vegas, Nevada, Syracuse, New York and Santa Fe, New Mexico. A week later, Binghamton, New York also housed its homeless veterans.

In February of 2016, Connecticut Governor Dan Malloy announced that his state was the second in the nation to end veteran homelessness in all cities and counties. By May 13, 2016, San Antonio, Texas housed all its homeless veterans followed by Long Island, New York in June. On November 11,

2016 - Veterans Day - Governor Jack Markell announced that Delaware had become the third state to functionally end veteran homelessness. In the Sunshine State, Volusia and Flagler Counties and Daytona Beach also capped veteran homelessness. Leveraging streamlined HUD resources, 38 cities and counties have successfully housed their homeless veteran populations in less than two years - and announced plans to house their chronic homeless. A similar number of jurisdictions anticipate housing their homeless veterans by next year.

In 2015, Broward housed every one of its 577 homeless veterans who aspired to forgo life on the street. According to Broward's Continuum of Care (CoC) Board, which coordinates funding for homeless services, if the \$21.6 million annually allocated to countywide homeless services were increased by \$11.8 million, Broward's remaining homeless could also be housed. The CoC Board proposed that the

Continued on page 16

33<sup>RD</sup> STREET WINE BAR SHOWCASES...

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Functional Zero is a bureaucratic benchmark that indicates sufficient resources to relocate any homeless people – whether still in shelters, on the street or elsewhere in a jurisdiction – into housing within 30 to 90 days – unless they refuse. In Broward, about 350 chronic homeless – including some 50 veterans – have declined participation, a majority of whom are mentally ill, substance-addicted, or both. Since the CoC funding estimates exclude significant resources from religion-based and civic nonprofits committed to eliminating homelessness, their ultimate inclusion should reduce the projected fiscal burden on City and County taxpayers.

#### **Spending Race to Block Pork**

The statewide success of these programs reached Tallahassee in 2016, when Florida Senator David Simmons (R – Seminole) filed Senate Bill 1534 during the last legislative session. Following its

approval by every member of each vetting committee, and its unanimous approval in both the House and Senate, the bill was enacted on July 1, 2016.

While endorsing the rapid rehousing and continuum of care strategies detailed in federal law, the Florida Statute's two-fold rationale for expediting the delivery of resources varies slightly from its federal counterpart. While seeking to quickly move individuals and families off the street and into homes, the bill also imparts how the expedited spending timetable precludes beneficiaries from developing "a dependency on the assistance," an unusual deterrent since the "Chronic Homeless" who represent an estimated 15 to 18 percent of the legislation's beneficiaries will by definition require intermittent long-term support.

Congress had another motive for the dwarfed spending windows. While the Recovery Act and HEARTH were gathering momentum on the Hill, lawmakers debated how to best deter local governments from warehousing grant money in budgetary slush funds, which could later be reallocated to new vending machines in the Cattleman's Arena food court, or the Annual Tapeworm festival. •

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