

September 7, 2016 City Commission Meeting
Items for City Manager Follow Up

City Commission:

Staff to bring forth a resolution supporting HB 137 and SB 258, prohibiting persons licensed to provide counseling from engaging in Conversion Therapy.

This item will be brought before the Commission for consideration during the first meeting in October. (See the attached email from the City Attorney's Office)

Staff to schedule an informative presentation on the importance of the Transportation Surtax Initiative relative to the City.

Staff contacted Mr. Gregory Stuart, Executive Director of the Broward County Metropolitan Planning Organization (MPO) to request a speaker to attend one of the City's Commission Meetings, and provide a brief presentation on the "A Penny at Work" Transportation Tax initiative. Staff is waiting for response and confirmation. In the meantime, the City has provisioned a website page www.cohb.org/apennyatwork that informs the public about this initiative and have disseminated information to educate the public via social media, print and HB TV.

Commissioner Lazarow:

Staff to forward permit requirements concerning sound proof flooring.

Attached is the section of the Florida Building Code pertaining to soundproofing.

Commissioner London:

Staff to forward any communications regarding the permit extension of the Regency Spa property.

The request was that the full Commission receive a copy of a particular communication sent via e-mail by City Attorney Whitfield on August 30, 2016

at 9:52 AM to a resident in response to the resident's inquiry about an executive order of the Governor and the resulting extension. Commissioner Lazarow had been copied on such e-mail. The City Attorney responded that she would gladly provide it to the full Commission.

Staff has attached a copy of the referenced e-mail.

Mayor Cooper:

Staff to look into implementing sunscreen dispensers throughout the City's Park facilities.

Staff met with Lisa Richman, Executive Director of the Richard David Kann Melanoma Foundation at the Faculty Report of Professional Activities (FRPA) Conference in August. The not-for-profit foundation offers "Ray" Sunscreen Dispenser units <http://melanomafoundation.com/ray-sunscreen-dispenser/>.

The outdoor-rated units are set to acknowledge sponsors and will provide up to 4,000 sunscreen applications per order.

Staff is looking to order an initial unit for BF James Park and seek sponsorships for additional units. We hope to have the first unit installed by the end of October 2016.

Staff to look into placing dumpster wraps/enclosures throughout the City for a trial period.

Staff is in the process of coordinating a meeting with Joey Newman, the "Dumpster Skirt" vendor www.dumpsterskirt.com and will report on findings after that meeting is held.

Crowder, Claudette

From: Whitfield, Lynn
Sent: Tuesday, September 13, 2016 11:10 AM
To: Lazarow, Michele
Cc: Bataille, Mario
Subject: Resolution on Conversion Therapy

Good Morning Commissioner Lazarow; Please be advised that we are in the process of gathering more information on the resolution you requested supporting the ban on Conversion therapy and will be bring the resolution forward at the first meeting of October. The Wilton Manor ordinance is set for second reading today at their meeting. We are also looking into what other cities have an ordinance or resolution. And whether or not the State legislators have anything in the pipeline. Thank you for your patience on this one.

V. Lynn Whitfield

City Attorney

400 S. Federal Highway

Hallandale Beach, Florida 33009

(954) 457-1325

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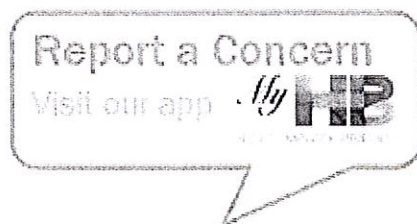
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SECTION 1207 SOUND TRANSMISSION

1207.1 Scope.

This section shall apply to common interior walls, partitions and floor/ceiling assemblies between adjacent *dwelling units* or between *dwelling units* and adjacent public areas such as halls, *corridors*, *stairs* or service areas.

1207.2 Air-borne sound.

Walls, partitions and floor/ceiling assemblies separating *dwelling units* from each other or from public or service areas shall have a sound transmission class (STC) of not less than 50 (45 if field tested) for air-borne noise when tested in accordance with ASTM E 90. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings. This requirement shall not apply to *dwelling unit* entrance doors; however, such doors shall be tight fitting to the frame and sill.

1207.2.1 Masonry.

The sound transmission class of concrete masonry and clay masonry assemblies shall be calculated in accordance with TMS 0302 or determined through testing in accordance with ASTM E 90.

1207.3 Structure-borne sound.

Floor/ceiling assemblies between *dwelling units* or between a *dwelling unit* and a public or service area within the structure shall have an impact insulation class (IIC) rating of not less than 50 (45 if field tested) when tested in accordance with ASTM E 492.

Crowder, Claudette

From: Whitfield, Lynn
Sent: Tuesday, August 30, 2016 9:52 AM
To: billymemo@live.com
Cc: Lazarow, Michele; Rosemond, Daniel; Klopp, Keven
Subject: 2000 S. Ocean
Attachments: Memo for extension of time 2000 South Ocean.doc

Mr. Chaiken-

Attached is the memo which was prepared by the City Attorney's office for the City Administration as a result of your question posed about the entitlement to an extension in light of the emergency being for the rains and it's effect on crops. I'm sorry that you were not previously advised of my response, but this office doesn't directly response to the individual especially when the request for an opinion has come from either the City Manager or a Department Director as this one did. I hope this fully answers your question although I'm certain that it will not be one which is pleasing to you, but it is the law.

V. Lynn Whitfield

City Attorney

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CITY OF HALLANDALE BEACH, FLORIDA
MEMORANDUM

DATE: July 20, 2016

TO: Daniel Rosemond, City Manager

THRU: V. Lynn Whitfield, City Attorney

FROM: L. Chris Saunders, Assistant City Attorney

SUBJECT: Request for Extension by 2000 South Ocean Drive

2000 South Ocean has requested an extension of time to apply for building permit based on the issuance of Executive Orders by Governor Rick Scott. The developer cited Executive Orders 16-30; 16-43, which extended 16-30; and 16-64 which extended 16-43.

The executive orders declare a state of emergency due to the heavy rainfall in South Florida. It appears that the intent of the declaration is to allow for heavier trucks to transport the agricultural crops for harvest to avoid an economical disaster to the farmers. At first glance, it would appear that these executive orders are not applicable to the development of the 2000 South Ocean project.

Florida Statute 252.363 is the provision which the developer is relying on for their request for an extension. Section 252.363 states that when there is a declaration of an emergency the developer can seek an extension. The state statute does not make a distinction in the purpose or cause for the declaration of emergency. It simply states if one is issued in the area where the project is located, they are entitled to an extension. That being said, Executive Orders 16-30, 16-43 and 16-64 are all inclusive of Broward County, thereby granting the right to an extension to any project seeking one in Broward County.

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To: Daniel Rosemond, City Manager
Thru: V. Lynn Whitfield, City Attorney
From: L. Chris Saunders, Assistant City Attorney
Subj.: Request for Extension by 2000 S. Ocean Blvd.

There is no case law available which interprets Section 252.363 and I can find no legal grounds to deny the timely request by 2000 South Ocean. The developer is entitled to take an extension from the date they had a right to a permit, however there is a slight miscalculation. The project was approved April 16, 2014. The executive order went into effect on February 3, 2016. Therefore, they are entitled to count all the days tolled from February 3, 2016, until the expiration of the declaration on March 18, 2016, plus six (6) months which is a total of 228 days. Based on the calculations the expiration date is extended from September 18, 2016, until May 4, 2017.

If you have any questions, do not hesitate to contact me.

cc: Jennifer Frastai, Assistant City Manager
Keven Klopp, Director of Development Services