



**CITY OF LIGHTHOUSE POINT, FLORIDA**  
**REGULAR CITY COMMISSION MEETING MINUTES**  
**January 24, 2017 – 6:30 P.M.**

The City Commission meeting was held in Fletcher Hall located at 2200 N.E. 38 Street, Lighthouse Point, Florida 33064.

**Invocation**

Invocation was given by Father Dever, St. Paul the Apostle Catholic Church

**Call to Order**

Commission President Van Buskirk called the regular City Commission meeting for the City of Lighthouse Point, Florida, to order at 6:30 p.m.

**Pledge to the Flag**

**Roll Call**

Mayor Glenn Troast  
Commission President Kyle Van Buskirk  
Commission Vice President Sandy Johnson  
Commissioner Jason D. Joffe  
Commissioner Michael S. Long  
Commissioner Earl Maucker  
City Administrator John D. Lavisky  
City Attorney Michael D. Cirullo, Jr.

City Clerk Jennifer M. Oh  
Finance Director Frank DiPaolo  
Fire Chief David Donzella  
Library Director Christy Keyes  
Police Chief Ross Licata  
Public Works Director Charles Schramm  
Recreation Director Becky Lysengen

**Approval of Minutes**

A **motion** to approve the City Commission Minutes of the Regular Meeting of January 10, 2017 was made by Commissioner Maucker, seconded by Commissioner Long, and CARRIED 5:0 as follows:

Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

**Treasurer's Report**

City Administrator Lavisky read the Treasurer's Report for the period ending January 24, 2017.

Commissioner Joffe asked if there was a timeline for completion of the upcoming bridge repairs and dredging projects. Public Works Director Schramm said that the bridge repairs will begin next week and should be completed in approximately two months, and there is no information about the timeline for dredging at this time.

Public requests from the floor were taken at this time, due to the large number of people in attendance. Scott Marsh, Lighthouse Point resident and Code Enforcement Board member, addressed the City Commission. Mr. Marsh said that he would not be continuing on the Board, but thanked the elected officials for the opportunity to serve.

## **Public Comments and Requests Regarding Agenda Items**

Marty Asratian, Lighthouse Point resident, inquired about item 3 on the agenda related to the definition of the term “story”. He would like to include a mezzanine floor which, in his opinion, is neither a second or third floor. City Attorney Cirullo said that Mr. Asratian can speak on this item during the public hearing. Mayor Troast added that this matter has been before the Planning and Zoning Board several times, and that the most significant issue is related to fire safety.

## **Reports of City Administration**

### **Department Reports**

### **Reports of City Attorney**

City Attorney Cirullo confirmed two 1-hour ethics training sessions, which will be held on Tuesday, February 14<sup>th</sup> and Tuesday, February 28<sup>th</sup>, both to be held before the regularly scheduled City Commission Meeting beginning at 5:15 p.m.

## **Reports of Standing Committees**

### **Boards: Next Meetings:**

Planning & Zoning – March 7, 2017  
Code Enforcement – February 21, 2017  
Community Appearance – February 16, 2017  
Special Magistrate – February 1, 2017  
Marine Advisory – February 2, 2017

### **Unfinished Business: None**

### **New Business:**

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| 1. Appeal of Planning and Zoning Board decision of December 6, 2016, zoning interpretation, for the address located at 2510 NE 32 Court. |
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City Attorney Cirullo provided a summary of the appeal, saying that Sam Jacobs made application to the Planning and Zoning Board on December 6, 2016, requesting a zoning interpretation of City Code 42-142, regarding pervious and greenspace. The Planning and Zoning Board determined that the use of replica turf does not satisfy the 25% pervious space requirement, and denied the appeal.

Yaron Bloch, Esq. presented the appeal on behalf of Mr. Jacobs. Mr. Bloch questioned whether replica turf is or is not pervious. He defined the word “pervious” according to Webster’s Dictionary, and opined replica turf as being a pervious material.

Planning Administrator Mariluz Maldonado explained how this property was cited for not meeting the 25% pervious space requirement. She stated that this is a new home, which would require a CO before the owners could move in. At the final zoning inspection, she realized that artificial turf was covering the entire site. The contractor was informed that this was not permitted according to the City code. At the second inspection, it was discovered that the contractor had installed real grass over the artificial in order to obtain the CO. Finally, at the third inspection real grass was installed except for a small area in the front of the house. After the CO was issued, the contractor again installed the artificial turf, which was discovered by Code Enforcement. At this time, the owner requested a zoning verification letter and an appeal.

Mr. Bloch stated that his client had an engineering study performed, which indicated the material was pervious. This was not verified with City officials.

City Commissioners discussed whether the City should allow artificial turf. Currently, it is not counted towards the 25% pervious space. There are approximately ten properties in the City who are also in violation of not meeting the 25% pervious space requirement because artificial turf has been installed. They have not been cited at this point, as a decision is pending the outcome of this case.

After a lengthy discussion, consensus of the City Commission was that this specific property does not meet the current code and to uphold the decision of the Planning and Zoning Board.

A **motion** to deny the appeal and to uphold the decision of the Planning and Zoning Board was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED 4:1 as follows:  
Yes: Commissioners Joffe, Johnson, Long, and Maucker  
No: Commissioner Van Buskirk

Mayor Troast asked for the research from the contractor, which would be presented to the Planning and Zoning Board as a resource at a future meeting. Steve Dingle, builder of the home, agreed to provide the research that he had.

Consensus of the City Commission was to move forward with information gathering to determine whether the City should consider making changes to the code related to artificial turf.

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| 2. Consider authorizing the expenditure of Federal/State Forfeiture/Contraband Funds for the purchase of law enforcement equipment. |
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A **motion** to authorize the expenditure of \$19,068 in Federal Forfeiture Funds (\$17,605 to BIS Digital and \$1,463 to Lyme Computer Systems) for the purchase of audio/visual recording equipment for the Police Department, was made by Commissioner Maucker, seconded by Commissioner Joffe, and CARRIED 5:0 as follows:

Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

**Ordinances:**

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| 3. Second reading and public hearing of an ordinance providing for the definition of the term "story", limiting the maximum height allowed at the setback lines and further clarifying the maximum height of a structure for buildings located in the RS-3, RS-5, and RD-10 Zoning Districts. |
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A **motion** to read the title of the ordinance was made by Commissioner Long, seconded by Commissioner Joffe, and CARRIED unanimously. City Attorney Cirullo read the title of the ordinance.

The public hearing was opened.

Marty Asratian, Lighthouse Point resident, would like to include a mezzanine floor which, in his opinion, is neither a second or third floor.

Leo Bentz, Lighthouse Point resident, asked the City Commission to reconsider this ordinance.

No one else having come forward, the public hearing was then closed.

Fire Chief Donzella explained that a third story requires a 35' ladder and four personnel to respond to a structure fire. The Lighthouse Point Fire Department has limited resources and personnel. Some of the residential homes are more dangerous than commercial properties. In a three-story configuration, there is only one way in and one way out. The footprint in some the larger Lighthouse Point homes are so narrow, that setting up a 35' ladder is extremely difficult. There is a state statute that is basically intended to prohibit municipalities from requiring fire sprinklers in residential properties.

City Commissioners discussed including an exception in certain instances where the finished floor elevation of a home would have to be adjusted due to FEMA requirements. Consensus of the City Commission was to approve the ordinance as is, and possibly amend it at a later date after some additional research has been done.

A **motion** to approve the ordinance providing for the definition of the term "story", limiting the maximum height allowed at the setback lines and further clarifying the maximum height of a structure for buildings locate in the RS-3, RS-5, and RD-10 Zoning Districts on second and final reading, was made by Commissioner Maucker, seconded by Commissioner Johnson, and CARRIED 5:0 on a roll call vote as follows:

Yes: Commissioners Maucker, Johnson, Long, Joffe, and Van Buskirk

The ordinance on second and final reading carries the following title:

**ORDINANCE 2017 - 0944**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING CHAPTER 42, "LAND DEVELOPMENT CODE", ARTICLE IV, "ZONING", DIVISION 4, "DISTRICT REGULATIONS", SECTION 42-341, "RS-3 SINGLE FAMILY RESIDENTIAL DISTRICT", SECTION 42-342, "RS-5 SINGLE FAMILY RESIDENTIAL DISTRICT", AND SECTION 42-343, "RD-10 TWO FAMILY RESIDENCE DISTRICT", OF THE CITY OF LIGHTHOUSE POINT CODE OF ORDINANCES TO PROVIDE FOR A LIMITATION ON THE MAXIMUM NUMBER OF STORIES AND MAXIMUM HEIGHT OF A STRUCTURE FOR BUILDINGS LOCATED IN THE RS-3, RS-5, AND RD-10 ZONING DISTRICTS TO NO MORE THAN 28.5 FEET ABOVE THE CROWN OF THE ADJOINING ROADWAY AT THE SETBACK AND WITHIN THE SETBACK AREA; PROVIDING FOR ADDITIONAL SETBACKS; AMENDING CHAPTER 42, "LAND DEVELOPMENT CODE", ARTICLE IV, "ZONING", DIVISION 1, "GENERALLY", SECTION 42-242, "DEFINITIONS", TO PROVIDE FOR A DEFINITION OF THE TERM "STORY"; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

A recess was called from approximately 8:21 p.m. until 8:32 p.m.

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| <p>4. b. Discussion and Review of a draft Amended and Restated Interlocal Agreement between the City of Lighthouse Point and the City of Pompano Beach providing for Reclaimed Water Service.</p> |
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The City Commission reviewed Item 4b prior to 4a to allow for residents who wished to speak on the item.

Randy Brown, City of Pompano Beach, briefly discussed the Reuse Water Project.

Public Comments were taken at this time.

Aaron Goldberg discussed concerns he has related to the Reuse Project as it relates to his duplex.

Carmela Russo also has a multi-family residence. She shares the same concerns as Mr. Goldberg, and is concerned about the connection fees.

Linda Barnett also has a multi-family residence and uses well water. She is concerned about paying connection fees and a new monthly bill for reuse water.

Frank Bell is concerned about maintaining the integrity of our streets if there is excavation work to place the utilities.

Tony Weiner suggested including a penalty to help recover installation costs for those who wish to "opt out" of the program if they don't like the system.

Don Clinton, property manager for the Beacon Light Shopping Center, requested more time to understand how this change would impact the shopping center due to lack of notice. He specifically mentioned concerns from Education Station.

Morris Heinz spoke in favor of the reuse water project.

Representatives from the City of Pompano Beach addressed resident concerns and changes to the final Interlocal Agreement. Some of the items discussed included: connection fees, the termination clause, meter placement, availability charges, pavement restoration, possible easement preparation and recording, water filters, fees for reuse water, waiving or reducing the 25% surcharge, and customers with wells on their properties.

Carrie Sarver, Assistant City Attorney for the City of Pompano Beach, will work with City Attorney Cirullo to prepare a revised Interlocal Agreement, which will be available at the February 14<sup>th</sup> City Commission meeting for consideration and possible approval.

4. a. First reading of an ordinance for Reuse Water.

A **motion** to read the title of the ordinance was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED unanimously. City Attorney Cirullo read the title of the ordinance.

A **motion** to approve the ordinance for Reuse Water on first reading, was made by Commissioner Maucker, seconded by Commissioner Long, and CARRIED 5:0 as follows:  
Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

The ordinance on first reading carries the following title:

**ORDINANCE 2017 - 0945**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, RELATING TO REUSE WATER; AMENDING CHAPTER 50, ENTITLED "NATURAL RESOURCES," TO ADD A NEW ARTICLE I, ENTITLED "REUSE WATER-POMPANO BEACH SERVICE AREA," AND SECTIONS 50.02 - 50.14 OF THE CITY'S CODE OF ORDINANCES TO PROVIDE FOR REUSE WATER IN THE AREA OF THE CITY OF LIGHTHOUSE POINT WITHIN THE POMPANO BEACH SERVICE AREA FOR POTABLE WATER; REQUIRING CONNECTION TO REUSE WATER FACILITIES WITHIN THE POMPANO BEACH SERVICE AREA WHEN SUCH FACILITIES ARE INSTALLED; PROVIDING FOR DEFINITIONS AND OTHER MATTERS REGULATING REUSE WATER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Resolutions:**

5. Resolution declaring intent to utilize lease purchase financing for the purchase of virtual server equipment.

A **motion** to read the title of the resolution was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED unanimously. City Attorney Cirullo read the title of the resolution.

A **motion** to approve the resolution declaring the intent to utilize lease purchase financing for the purchase of virtual server equipment was made by Commissioner Johnson, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:

Yes: Commissioners Joffe, Johnson, Long, Maucker, and Van Buskirk

The resolution as adopted carries the following title:

**RESOLUTION NO. 2017 – 2112**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ESTABLISHING ITS INTENT TO PROVIDE FOR THE REIMBURSEMENT OF CERTAIN CAPITAL EXPENDITURES APPROVED IN THE FISCAL YEAR 2016-2017 BUDGET WITH PROCEEDS OF FUTURE TAX-EXEMPT FINANCING; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**Public Requests from the Floor:** None

**Communications:**

Mayor Troast thanked City Administration for their hard work in preparing this agenda.

Commissioner Van Buskirk asked the City Commission when they would like to acknowledge "Take Your Child to Work Day." Consensus of the City Commission was to bring their children to the February 28<sup>th</sup> City Commission Meeting.

Commissioner Van Buskirk also announced that the Keeper Day Weekend is coming, and to be sure to attend the dinner on Friday, the parade on Saturday, and Sports Day on Sunday.

Mayor Troast said to come out early on Sunday, as the Boy Scouts are having a pancake breakfast from 10:00 a.m. to 12:00 noon at St. Paul's Catholic Church.

Commissioner Van Buskirk discussed having a 1.4 mile run before the parade on Saturday.

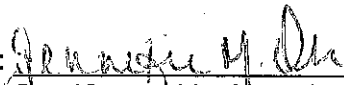
Chief Licata has some concerns about residents who cannot leave their homes due the road closures for the parade, and this may add an additional 20 minutes to the delay. He also mentioned that personnel coverage may also be an issue.

Consensus of the City Commission was to try to work out the logistics for a run at some point, not necessarily during the Keeper Day Parade.

**Adjournment:** There being no further business the meeting was adjourned at 10:28 p.m.

ATTESTED

APPROVED

By:   
Jennifer M. Oh, City Clerk

  
By: \_\_\_\_\_  
Kyle Van Buskirk, Commission President

