



**CITY OF LIGHTHOUSE POINT, FLORIDA**  
**REGULAR CITY COMMISSION MEETING MINUTES**  
**June 20, 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 Pastor Gabe Wright, Trinity United Methodist Church

**Call to Order**

Commission President Johnson called the regular City Commission meeting for the City of Lighthouse Point, Florida, to order at 6:45 p.m.

**Pledge to the Flag**

**Roll Call**

Mayor Glenn Troast	City Clerk Jennifer M. Oh
Commission President Sandy Johnson	Finance Director Frank DiPaolo
Commission Vice President Jason D. Joffe	Fire Chief David Donzella
Commissioner Michael S. Long	Library Director Christy Keyes
Commissioner Earl Maucker	Police Chief Ross Licata
Commissioner Kyle Van Buskirk – attended by telephone	Recreation Director Becky Lysengen
Public Works Director Charles Schramm - absent	
City Administrator John D. Lavisky	
City Attorney Michael D. Cirullo, Jr.	

**Presentation** – Bernie Conversi for 25 Years of Service

**Proclamation** – Alzheimer's and Brain Awareness

**Approval of Minutes**

A **motion** to approve the City Commission Minutes of the Regular Meeting of May 23, 2017 was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:  
Yes: Commissioners Joffe, Long, Maucker, Van Buskirk and Johnson

**Treasurer's Report**

Finance Director DiPaolo read the Treasurer's Report for the period ending June 20, 2017.

Commissioner Van Buskirk asked about the change in the Marine Fund balance. Finance Director DiPaolo explained that a purchase order has been issued to the vendor for dredging services. The funds have been encumbered, but have not been spent yet.

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

Dillon Harrison, Hypoluxo resident, addressed the City Commission. He read an article about Alzheimer's and the effects of Kava on the disease.

## **Reports of City Administration**

City Attorney Cirullo explained that a new item, Item #7 relating to the emergency repair to the Sample Road Bridge, has been added to the agenda.

A **motion** to add an item, Item #7, to the agenda, was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:

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

## **Department Reports**

Chief Licata provided an update on Exchange Club Park. He explained that the Police Department conducted a survey of a majority of the residents along NE 24<sup>th</sup> Street, and has determined that there are no parking concerns. He added that there have been some complaints of speeding in the area, and a request for speed humps has been made. The Police Department is conducting traffic/speed counts. The City Commission unanimously agreed that no changes will be made at this time, and asked the Police Department to monitor the park activity and to re-evaluate if problems do arise due to the opening of the park. Chief Licata spoke with the City of Pompano Beach about adding additional parking spaces inside the park. Commissioner Long would like to encourage adding additional parking spaces. Commissioners thanked Chief Licata for going house-to-house to survey the residents. There was discussion of standing water in the area which will attract mosquitos. Chief Licata has been in touch with members of the City of Pompano Beach about this as well, and they are working on treating the area for mosquitos.

Chief Donzella announced that the Fire Department has a new ISO Rating of Class 2. Some residents may benefit from the new lower ISO Rating. Fire Chief Donzella recommended for residents to reach out to their insurance companies to see if the new rating will affect their premiums. City Commissioners congratulated Chief Donzella for a great job.

## **Reports of City Attorney**

## **Reports of Standing Committees**

<b>Boards:</b> Next Meetings:	Planning & Zoning – August 1, 2017
	Code Enforcement – July 18, 2017
	Community Appearance – August 17, 2017
	Special Magistrate – July 5, 2017
	Marine Advisory – August 3, 2017

**Unfinished Business:** None

**New Business:**

1. Appeal of Planning and Zoning Board decision of May 2, 2017, zoning determination, for the address located at 3136 North Federal Highway.

City Attorney Cirullo explained that City Administration had retained an attorney, Ginger Wald, to represent City staff in this case.

Attorney Michael Weiner, who requested the appeal of the May 2<sup>nd</sup> decision of the Planning and Zoning Board on behalf of the applicant, addressed the City Commission. He explained that all of the requirements were met in order for the applicant to be issued a building permit.

Attorney Spencer Siegel, attorney for the applicant, also addressed the City Commission. Attorney Siegel provided some information related to Kava, and explained that it is not a designer drug or a controlled substance analog, and therefore does not violate Section 54-13 of the City of Lighthouse Point Code of Ordinances.

Attorney Ginger Wald, retained as special counsel for City staff, addressed the City Commission. On June 19, 2017 two letters were submitted from the office of Attorney Michael Weiner related to this case, and requested that they be made a part of the record. Attorney Wald objected to including these letters as a part of the record, as they were not a part of the original materials provided to the Planning and Zoning Board. Attorney Wald recommended that the appeal be denied and the decision of the Planning and Zoning Board should be upheld.

Attorney Michael Weiner was provided a three minute time for rebuttal.

Public comments were taken.

Dillon Harrison explained Wikipedia's definition of a designer drug. He said that our ordinance will be challenged all the way. He went on to explain where Kava originated and several notable people who use it.

Carl Dickie, Regional Representative of the Libertarian Party, spoke. He said that he thinks the City should "give them a chance" and that the City risks a lawsuit if this appeal is denied.

Jeff Bowman, applicant, spoke. He said that he is not here to create a problem in the City; he is here to run a small business. He said he has the means to challenge this ordinance and intends to do so.

Ally Severino, Boca Raton resident, spoke. She thanked the City Commission for their time and patience. She wished that everyone could have sat down and talked about this issue. She also explained that Kava is given out to patients in a local treatment facility.

Jared Orlinsky, Coconut Creek resident, spoke. He is a 15 year Kava drinker. He discussed the community aspect it brings to cities and that the City Commission would be doing a disservice to the City by not allowing a Kava Bar.

Matt Wright, City of Gulfport resident, spoke. He disagrees with the City ordinance and said that Kava promotes family and self-awareness. He hasn't had a drink in almost 3 years and Kava has helped him.

Cynthia Applebaum, Boca Raton resident, spoke. Her daughter has worked at the Kava Bar since she was 15 years old. She said that the Kava Bar is a beautiful and peaceful place.

Michael Olsman, Boca Raton resident, spoke. He said that they are like a family at the Kava Bar. It is a safe place for people who choose to stay away from bad environments. This is an anti-bar, and it will help the community.

Alberto Dayan, owner of the 3110 Shopping Plaza, spoke. He said that several tenants are having problems with building permits being issued. He would like for the City to allow this business to open in his plaza.

Oscar Gallego, Pompano Beach resident, spoke. He encouraged the City Commission to let the citizens decide what they want.

Diane Lysogorski, Boca Raton resident, spoke. She discussed the issue of Kava's effect on the liver. She said that the World Health Organization has declared that Kava does not cause liver problems when served in the traditional beverage form, which is kava and water. She added that several people in the room have a vested interest in the Kava Bar. She said that this is causing an impact on peoples' lives.

Discussion ensued among the City Commission. Commissioners thanked those in attendance for the information they provided, and for their time and thoughts. It was noted that there were no Lighthouse Point residents in favor of this business present.

A **motion** to affirm the decision of the Planning and Zoning Board, was made by Commissioner Joffe, seconded by Commissioner Van Buskirk, and CARRIED 5:0 as follows:

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

The City Commission took a short recess at 8:52 p.m. and reconvened at 9:02 p.m.

2. Waive the bid process to purchase two replacement 250hp Evinrude motors for the police boat including associated equipment, labor, and repairs.
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A **motion** to waive the bid process and authorize Coastline Marine to provide and install two replacement 250hp Evinrude motors from BRP US Inc. utilizing the GSA contract #GS-07F-0066H and to perform other necessary equipment replacement and repairs to the police boat at a cost of \$43,808.51, and authorize the balance of the insurance claim (\$1,112.96) to serve as contingency, was made by Commissioner Maucker, seconded by Commissioner Joffe, and CARRIED 5:0 as follows:

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

A **motion** to declare the two 250hp Evinrude motors that were damaged as surplus property and for the insurance company to take possession of the motors, was made by Commissioner Maucker, seconded by Commissioner Long, and CARRIED 5:0 as follows:

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

3. Consider authorizing the expenditure of Federal/State Forfeiture Funds for the purchase of law enforcement equipment and for law enforcement operations.

A **motion** to authorize the expenditure of Federal/State Forfeiture Funds in an amount up to \$207,861.60 for the purchase of law enforcement equipment and for law enforcement operations, was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:

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

4. Consider awarding the bid for RFP 2017-002, Multi-Site Video Surveillance System.

A **motion** to award the bid to Intralogic Solutions and authorize City staff to value engineer the project and return to the July 11<sup>th</sup> City Commission meeting with an agreement including cost of the project for RFP 2017-002, Multi-Site Video Surveillance System, was made by Commissioner Joffe, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:

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

**Ordinances:** None

**Resolutions:**

5. Resolution amending Appendix A – Fee Schedule of the City’s Code of Ordinances.

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

A **motion** to approve the resolution amending Appendix A – Fee Schedule of the City’s Code of Ordinances, was made by Commissioner Joffe, seconded by Commissioner Long, and CARRIED 5:0 as follows:

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

The resolution as adopted carries the following title:

**RESOLUTION NO. 2017 – 2133**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING “APPENDIX A – FEE SCHEDULE” TO THE CITY’S CODE OF ORDINANCES, RELATING TO FEES AND CHARGES FOR “ADMINISTRATION,” “LAND DEVELOPMENT,” AND “PARKS AND RECREATION” AS PROVIDED HEREIN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

6. Resolution approving an Amendment to the Agreement between the City of Lighthouse Point and Advanced Data Processing, Inc. (dba Intermedix) for Rescue Ambulance Billing and Related Professional Services as approved October 1, 2016.

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

A **motion** to approve the resolution approving an Amendment to the Agreement between the City of Lighthouse Point and Advanced Data Processing, Inc. (dba Intermedix) for Rescue Ambulance Billing and Related Professional Services, was made by Commissioner Maucker, seconded by Commissioner Joffe, and CARRIED 5:0 as follows:

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

The resolution as adopted carries the following title:

**RESOLUTION NO. 2017 – 2134**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AUTHORIZING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF LIGHTHOUSE POINT AND ADVANCED DATA PROCESSING, INC., DBA INTERMEDIX, FOR RESCUE AMBULANCE BILLING AND RELATED PROFESSIONAL SERVICES, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE NECESSARY DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

7. Resolution ratifying the waiver of bid and approving an Agreement with Cone and Graham, Inc. for emergency repairs to Sample Road Bridge (#867205) over the Cap Knight Bayou.

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.

There were no comments from the public regarding this add-on item.

A **motion** to approve the resolution ratifying the waiver of bid and approve the Agreement with Cone and Graham, Inc., and authorize the expenditure of funds, was made by Commissioner Long, seconded by Commissioner Maucker, and CARRIED 5:0 as follows:

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

The resolution as adopted carries the following title:

**RESOLUTION NO. 2017 – 2135**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, RATIFYING THE WAIVER OF BID AND APPROVING AN AGREEMENT FOR EMERGENCY BRIDGE REPAIRS TO THE SAMPLE ROAD BRIDGE (#867205) OVER THE CAP KNIGHT BAYOU; AUTHORIZING THE EXPENDITURE OF FUNDS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT AND ALL NECESSARY DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comments and Requests from the Floor:**

Everett Marshall, resident, said that as a member of the Recreation Committee he welcomes any questions regarding recommendations made by the committee. Mr. Marshall inquired about speed limit signs along NE 45<sup>th</sup> Street. He also asked if there were any regulations for landscapers.

**Communications:**

Commissioner Long confirmed with City Attorney Cirullo that the City cannot issue permits to landscap providers, as there are legal issues that prohibit this. He also said that the City landscaping company disposes of debris into the streets. City Administrator Lavisky said he would speak with the City contractor. He added that the disposal of landscape debris in the waterways is prohibited.

Commissioner Joffe mentioned an email received about a possible Walmart Neighborhood Marketplace moving into the location where Club Cinema is in Pompano Beach. Mayor Troast said that no permits have been submitted, and that he will monitor the progress.

Commissioner Van Buskirk requested an update regarding artificial turf. City Administrator Lavisky said that Paul Arcela is going to prepare criteria regarding artificial turf for the Planning and Zoning Board to review in August. Commissioner Van Buskirk would like an update at the July 11<sup>th</sup> City Commission meeting.

**Adjournment:** There being no further business the meeting was adjourned at 10:05 p.m.

ATTESTED

APPROVED

By: Jennifer M. Oh  
Jennifer M. Oh, City Clerk

By: Sandy Johnson  
Sandy Johnson, Commission President

