

Agenda Item No. C - 1

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval of minutes of Council Regular Meeting of May 21, 2009 and June 18, 2009.

ISSUE: It is necessary for Village Council to approval all Village Council meeting minutes.

RECOMMENDED ACTION: Motion to Approve

Initiator	Village Manager Approval	Agenda Date	Village Council Action
Village Clerk		7/9/09	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, MAY 21, 2009
7:00 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor David A. Lodwick
Vice Mayor Matty Mattioli
Councilman David Swift
Councilman Fred Pinto
Councilwoman Martha Webster

All members of Council were present; also present were the Village Manager, the Village Attorney and the Village Clerk.

UPDATE BY STATE ATTORNEY MICHAEL MCAULIFFE

Michael McAuliffe gave a brief overview of his office and initiatives he has introduced in his first four and half months in office. He reported that he has reorganized the structure of his office with his goal to make the office more assertive. He added that a Public Integrity Unit has been added to hold public officials accountable and a gang and gun unit was also established. He also renamed the Special Victims Unit which protects the most vulnerable victims' children and elderly. He also created a special prosecutors program where young civil attorneys handle misdemeanors in civil court.

UPDATE BY REPRESENTATIVE JOSEPH ABRUZZO

Representative Abruzzo gave a report on the recent session and stated that he did vote against House Bill 360 which is the Growth Management Bill. He stated that he opposed the budget and highlighted the areas that he had concerns with. He reported that in this session he was successful in passing five bills which includes: House Bill 717 pertaining to the hospitality education program; House Bill 169 which pertains to the Nicole Hornstein law; House Bill 167 which is the consumer energy savings act; and two local bills regarding the Lake Worth Drainage District and Pine Tree Water Control District. He co-sponsored a number of bills with regard to safety seat belt laws, first time home buyers, military bills with regard to national guardsmen, and a sales tax credit on homes owned by service men serving overseas.

PRESENTATION OF 15 YEAR AWARD TO OTTAVIO (DAVE) CIARLARIELLO

Mayor Lodwick read a short bio on Dave and thanked him for his dedicated years of service with the Village.

PRESENTATION OF 10 YEAR AWARD TO TODD WAX

Mayor Lodwick read a short bio on Todd and thanked him for his dedicated years of service with the Village.

PRESENTATION OF \$1,000 SCHOLARSHIP AWARDS TO SIX ROYAL PALM BEACH GRADUATING SENIORS: ANDREW CAIN (SUMMIT CHRISTIAN HIGH SCHOOL); STEPHANIE J. EISENBERGER (SUNCOAST HIGH SCHOOL); MARK ADAM JAMES (SEMINOLE RIDGE HIGH SCHOOL); SOPHIA LAHLOU (DREYFOOS SCHOOL OF THE ARTS); ALEX PANTONE (DREYFOOS SCHOOL OF THE ARTS); MICHAEL ROSS (SUNCOAST HIGH SCHOOL)

Mayor Lodwick welcomed the scholarship award winners and their families and friends showing the pride the Village of Royal Palm Beach felt in giving these scholarships to some of the most successful students living in the Village. He recognized the members of the EAB Selection Committee in the audience and thanked them for volunteering their time and expertise in the selection process. Mayor Lodwick acknowledged each of the student's academic accomplishments and extra-curricular activities in school as well as within the community and made the presentation on behalf of the Village. Alex Pantone and Sophia Lahlou were unable to attend due to their graduation ceremony. Also Andrew Cain could not attend due to his senior trip; however, his parents were present to accept the award.

REPORTS

Mayor Lodwick 1) announced that the State Attorney's Advisory Board meeting for the Western Communities will be held on June 3rd at the Wellington Community Center and asked if any member of Council would serve on the committee; it was the consensus of Council to accept Vice Mayor Mattioli as the Village's designee; 2) reported on the MPO meeting today with regard to long range traffic policy and a new rule known as 3.5D which is part of the Land Use Element of the Palm Beach County's Comprehensive Plan which deals with home rule and asked the Village Attorney to review; 3) announced that a revised 2035 long range transportation plan is available and that it has been revised to match the BEBR population outlook, the sector plan has been dropped, and noted the roadway extensions excluded previously will now be included on the new plan; 4) invited everyone to attend the Memorial Day services on Monday, May 25th at 9:00 a.m. at Veterans Park; 5) also reported that the foundation is in place for the traffic lights at Victoria Groves.

Councilwoman Webster reported 1) on a breakfast held by the Palms West Chamber of Commerce on the state of the cities and thanked the Village Manager for attending and commended him on the presentation; 2) on the Palm Beach County League of Cities Board meeting held recently and the presentation by the Supervisor of Elections with regard to the cost of elections and how they may be forwarded to the local municipalities. She added that the requests will be reviewed and discussed by the League; and 3) attended and thanked H.L. Johnson Elementary school for inviting her to Diversity day.

Mayor Lodwick announced that there are no agenda items to be heard at the June 4th Regular Council meeting. At this point, Vice Mayor Mattioli made a motion to cancel June 4th; seconded by Councilman Pinto. Mayor Lodwick put the motion to a vote and it passed unanimously.

The Village Manager also added that due to a light agenda the July 2nd meeting be moved to coincide with the Budget Workshop on July 9th. Vice Mayor Mattioli made a motion to reschedule the July 2nd meeting to July 9th; seconded by Councilman Pinto; Mayor Lodwick put the motion to a vote and it passed unanimously.

The Village Manager invited everyone to attend the 50th anniversary celebration on June 12th and 13th.

PETITIONS - None
STATEMENTS FROM THE PUBLIC

An unidentified resident commented and thanked the Council for the landscape and other improvements on Royal Palm Beach Boulevard north of Okeechobee Boulevard.

CONSENT AGENDA

The Village Clerk read the Consent Agenda into the record as follows:

- 1. Approval of minutes of Council Regular Meeting of April 16, 2009 and May 7, 2009. (Village Clerk)**
- 2. Ratification of the authorization of Consultant Services Authorization No. 5 with Cotleur & Hearing in an amount not to exceed \$1,500.00 for preparation of Landscape Development Plan for the 50th Anniversary Sculpture. (Director of Public Works)**
- 3. Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a Memorial Day Ceremony at Veterans**

**Park on Monday, May 25, 2009 from 9:00 a.m. to 10:30 a.m.
(Senior Planner)**

- 4. Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a 50th Anniversary Celebration and 5K run/walk at Veterans Park and Village Hall Complex on June 12, 2009 from 5:00 p.m. to 10:00 p.m. and on June 13, 2009 from 7:00 a.m. to 10:00 p.m. (Senior Planner)**
- 5. Approval of a Special Event Permit for Costco Wholesale to hold a fundraiser event to benefit Children's Miracle Network on May 23 through May 24, 2009 from 10:00 a.m. to 6:00 p.m. located at 11001 Southern Boulevard. (Senior Planner)**
- 6. Approval to purchase fireworks and pyrotechnician services for the annual display at the July 4th celebration being held at the Cruzan Amphitheater from Zambelli International Fireworks Mfg., Company, Inc. in the amount of \$45,000.00 by piggybacking the Village of Wellington's RFP #006-09/RJB. (Director of Parks and Recreation)**
- 7. Approval of bid award and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder, Palm Beach Grading, Inc., in the amount of \$1,811,215.20 (base bid plus add alternate) for Royal Palm Beach Commons - Phase I. Funds will come from project PR0701, Account No. 303-7200-572-63-90. (Village Engineer)**
- 8. Approval and authorization for the Village Manager to execute Change Order No. 5 with Superior Landscaping & Lawn Service, Inc. for Royal Palm Beach Boulevard North (EN0303) in the amount of \$70,920.06. Funds to come from Account No. 303-3900-539-63-99. (Village Engineer)**

Councilwoman Webster pulled Consent Item No. 7 for discussion.

Vice Mayor Mattioli made a motion to approve the Consent Agenda less Consent Item No. 7; seconded by Councilman Pinto. Mayor Lodwick put the motion to a vote and it passed unanimously.

The Village Engineer explained that Phase I is the earthwork at Royal Palm Beach Commons which creates the lakes, berms, and cleaning of the site from the herbicides and pesticides used by the golf course. It also includes the demolition of the buildings on site. The shape of the park will be completed. The Village Manager added that this is the former Traditions Golf Course that comprises 160 acres and will be the largest municipal park in Palm Beach County.

Councilwoman Webster made a motion to approve Consent Item No. 7; seconded by Councilman Swift. Mayor Lodwick put the motion to a vote and it passed unanimously.

REGULAR AGENDA

1. Presentation by Mark Fuller of the artwork to be placed at the CVS pharmacy site on the northwest corner of Royal Palm Beach Boulevard and Okeechobee Boulevard.

Mark Fuller, Artist and Sculpture, showed the design of the artwork at the CVS corner. He showed that the green area on the plan is to include the planter area. He stated that the scheme is interlocking vines and showed a sample of the piece along with digital views. He stated that the overall height is over 10' with three arcs and is a companion piece to the Village's 50th anniversary art piece.

Vice Mayor Mattioli made a motion to approve; seconded by Councilman Pinto. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

2. Transmittal public hearing and first reading of Ordinance No. 804 approving Application No. 07-08 (A)(LSCPA) providing for a Comprehensive Plan Map amendment designating eleven parcel/tracts of land totaling 27.80 acres from Palm Beach County Low Residential Land Use to the Village of Royal Palm Beach's Residential Medium Density Land Use for property located approximately 325 feet west of State Road 7 and south of Anthony Groves Road, informally known as the "Enclave". Agent: Alfred J. Malefatto, Greenberg Traurig, P.A. (Senior Planner)

Councilman Swift along with the Mayor and remainder of Council disclosed that they have all met with the developer individually prior to this meeting with staff.

The Senior Planner stated the site location and that the 11 parcels/tracts of land total 27.80 acres and that the applicant is seeking a large-scale comprehensive plan amendment from Palm Beach County from Low Residential (LR-2, PBC) to Village of Royal Palm Beach's Residential Medium Density (RM,RPB) land use designation. The current zoning is single family residential and the property was annexed into the Village in 1998. He showed a site plan of the area along with the zoning of the surrounding properties. The Senior Planner stated this is consistent with surrounding uses and an appropriate transitional use between the commercial area on State Road 7 to the east, medium-density Shoma

Homes to the north, light industrial to the south and the Victoria Grove residential neighborhood to the west. He added this includes a 15' buffer along the north, south and west property lines and a 25' buffer will be required along the east property line. A traffic study has been submitted and it shows traffic concurrency is available for the maximum density. A letter has been submitted from Palm Beach County traffic division which states that it meets the traffic performance standards; however, this site does not have a current traffic concurrency reservation, this occurs at site plan. The proposed access will be from Orange Blvd. and Victoria Groves Blvd. The Planning and Zoning Commission meeting as the Local Planning Agency recommended approval of a vote of 4-0 on March 24th, but discussed prior to the vote that 12 units per acre is too dense for the site. There were approximately 15 residents from the area present at the meeting to express their opposition and the residents of these properties present in support of the project. Staff is recommending approval.

Mayor Lodwick asked for a motion to accept the attached correspondence as petitions in objections to this project (SEE SEPARATE DOCUMENTATION). Councilman Swift made a motion to accept all of the aforementioned as part of the record; seconded by Councilman Mattioli. Mayor Lodwick put the motion to a vote and it passed unanimously.

Al Malefatto of Greenberg Traurig, P.A. representing Futura Acquisitions Group, LLC made the presentation and stated for the record that he too had the same support letters as the Mayor to enter into the record. He introduced his team that was present to address questions. He stated that the application is for transmittal of a comprehensive plan amendment to the Department of Community Affairs and the final adoption will not take place until returned by the Department of Community Affairs. He understands there is a lot of opposition and the interim period will allow more time to work with the community. He stated that what is being proposed is workforce housing and introduced Mr. Faife while stating his educational and career accomplishments.

Mr. Faife gave the history of the project starting in 1998 while explaining in 2004 he met with the eight owners of the ten parcels and explained the challenge in obtaining the right-of-way for 101st Trail. He is proposing luxury apartments at a market rate. The Project History has been a collective effort starting in October 2004 with the owners and Village staff. In 2007 he was able to executed contracts with seven of the eight owners. On October 5, 2007 the Comprehensive Plan Amendment was submitted to Village. He showed the original site plan of the project with the following timeline, approval received by Lake Worth Drainage District on January 16, 2008, November 2008 secured traffic concurrency, submitted revised CPA to Village on June 20, 2008, revised data to Village in December 2008 and went before the Technical Review

Committee in January 2009. The Planning and Zoning Commission recommended approved on March 24, 2009 and a postponed from Council was requested on April 16th.

Seth Behn, AICP, made the request for a large scale comprehensive plan map amendment to designate 27.8 acres to Residential medium density (RM). He showed the Village's Future Land Use Map and surrounding uses and various developments in the area. He stated there were four options available through the Village's comprehensive plan which are as follows: RMU, MXD, RM-12, and RM-18. He showed a study of local multi-family densities in the areas. He stated the comprehensive plan requirements must meet the requirements of F.A.C. 9J-5 which are as follows; may not promote sprawl or low intensity development; water and wastewater which will be provided by the Village of Wellington; school capacity which has been confirmed by PBC School Board; and land use traffic study which has been completed and accepted. He stated that this development will be a luxury class-A apartment community which is a single corporate ownership with on-site professional management. There will be pre-screening of future residents and will maintain property operation budget with an on-site professional maintenance team. This property will be fully fenced and gated with controlled access and no nuisances will be tolerated. He showed the concepts of this proposed community as a clubhouse resort with a courtyard concept; he showed landscape buffers with related setbacks that will include entry signage with landscaping. The development will have Mediterranean style housing with green space, clubhouse and pool. He again reviewed the surrounding communities of single family homes, condominium and town-homes and reported on the meetings with each development. He compared the school ratio from multi-family vs. single family. He showed the current buffer areas and agreed to work with Victoria Grove residents and addressed the safety and security issues. He again asked for approval of a large scale comprehensive plan map amendment to designate 27.8 acres residential medium density (RM) to permit a maximum density of 12 units per acre.

Mayor Lodwick clarified for the record the request from the developer.

Vice Mayor Mattioli clarified for the record that Shoma Homes is a Planned Unit Development with 5 units per acre not 14 units for acre. Al Malefatto responded that Shoma itself has a net density of 14.7 units per acre and gross density of Anthony Groves and Victoria Groves's property is five units per acre.

Councilman Swift commented on the discrepancies between workforce housing and luxury apartments. Mr. Malefatto stated it was a miss-statement on his part. Mr. Faife stated market rate rental housing affordability is set by certain markets such as stable rent that grows at a

conservative pace over time of 3 – 6 % and occupancy levels over 92% on a year to year basis. He explained the range of financing and criteria for these apartments.

Carol Thompson, Thompson Consulting, made a presentation on the needs analysis. She stated that the western communities' submarket according to Reinhold P. Wolfs published reports states that the two bedroom market currently is \$1336.00. A one bedroom apartment is \$1016.00; however, workforce housing as defined by Palm Beach County has a benchmark average family income of \$65,000 per year. Workforce housing is calculated up to 150% of the median income which is at \$97,000. The top end rent would be \$2400.00 at that rate. The market at this time for a two bedroom apartment is \$1336.00.

Councilman Pinto stated his concerns are with the residents in attendance having no level of confidence with regard to buffering.

Mr. Faife explained there will be 30' of buffering with berm and a fence or concrete wall in addition to landscaping. He also addressed workforce housing and stated this will be market rate housing.

Councilman Swift referred to page 17 of the powerpoint presentation and gave a history on how the Council looked at the comprehensive plan and how the density in the Village has been controlled.

Mr. Faife responded stating his goal is to create a community that fits in to its surroundings. He again addressed the issues concerning access into the development, landscaping and security.

The Village Clerk read into the record the following persons that oppose the project but did not wish to speak.

Marisa Lazerus, 286 Berenger, opposed.

Barbara J. Soper, 149 Kensington Way, opposed.

Richard Newman, 154 Berenger Walk, opposed.

Muluneh Lmur, 112 Lancaster Way, opposed.

Connie Alexander, 244 Kensington Way, opposed.

Michael Stern, 153 Canterbury Place, opposed.

Lori Stern, 153 Canterbury Place, opposed.

Paul Knapp, 157 Canterbury Place, opposed.

Barbara Knapp, 157 Canterbury Place, opposed.

Priscilla Horn, 109 Canterbury Place, opposed.

Mark Anderson, 291 Berenger Walk, opposed.

Miguel and Carla Tellada, 168 Kensington Way, opposed.

Patrice Krupa, 254 Berenger Walk, opposed.

Glaister Barnett, 257 Kensington Way, opposed.

Cindy Saulog, 183 Berenger Walk, opposed.

Cassandra Satrian, 187 Berenger Walk, opposed.

Roger Alexandre, 245 Kensington Way, opposed.
Clerve Alexandre, 245 Kensington Way, opposed.
Erick W. Ramos, 216 Berenger Walk, opposed.
Samantha Brand, 128 Lancaster Way, opposed.
Eileen Brand, 128 Lancaster Way, opposed.

Neil Schnure, 821 101st Trail, stated that he supported the project and urged Council to approve the project.

Patricia Dailey, 945 101st Trail, gave a history of development and changes throughout her life in Palm Beach County and felt that this development will be a tax benefit to the Village. She too stated her support for the project.

Donald Dailey, 945 101st Trail, also supported the project.

Mary Ralph, 944 101st Trail South, explained her personal history on the property along with her hardships today and asked the Council to support this project.

Tim Ralph, 944 101st Trail South, also supported the project.

Sharon Bond, 640 101st Trail South, stated her support of the project.

Bob Connor, 120 Lancaster Way, President of Victoria Groves HOA, stated that their association has met with the developer about their concerns, but they oppose the development because the density is too high. He reported that \$50,000 has been spent by their development for vandalism repairs. He stated he understands the owners of the property have to sell, but felt the decision had to be discussed further. He then for the record presented 614 petitions opposing the development. (SEE DOCUMENTATION ATTACHED)

Aaron Shelby, 191 Berenger Walk, opposed the development and expressed his concern with the developer on his possible intent to flip the property. He asked the Council to consider other options.

Donna Maes, 112 Newbury Lane, opposed the development expressing her concern with the developer stating that this approval is a done deal and his intent is to flip the property. She listed several items that this development would do to compromise the quality of life for residents of Victoria Groves.

Brian Goldstein, 126 Lancaster Way, opposed the development and expressed his concerns regarding safety and other issues with regard to apartment complexes advertising as upscale and having no control over the residents.

Eleanor Wright, 110 Newberry Lane, opposed the development and stated her major concern is with regard to the traffic.

Pam Caruso, 387 Berenger Walk, opposed the development and stated her concerns with regard to rental apartments.

Dana Corsentino, 143 Hamilton Terrace, stated money and luxury does not give a good moral compass and was opposed to the project.

Steve Buxbaum was called to speak, but had already left. His card indicated that he opposed the project.

Lori Stern, Community Associations Manager, opposes the project and expressed her concerns with security, traffic and school issues.

David Lueke, 900 101st Trail South, stated he felt there are issues in every community and supported the development.

Angela Lueke, 900 101st Trail, encouraged the Council to support the development. She reviewed the history of the area annexed into the Village and stated she has worked to bring together all the owners of the property and was hampered by one holdout. During the process they received numerous proposals from developers with different development plans. The developers all backed out due to various reasons mainly the one holdout. She explained that she has taken a proactive approach in order to get zoning changed and have spent a lot of time and money. She again asked for support of the Council to approve this request and reminded Council that staff is recommending approval.

Monica Bannon, 1225 Bayview Way, did not speak, but opposes the development.

Elizabeth Shelby, did not speak, but also opposes the development.

Anna Pennela-Rodriguez, did not speak, but opposes the development.

Patricia and Clifford Mulling, did not speak, but opposes the development.

Marcy Goldstein, 126 Lancaster Way, did not speak, but opposes the development.

Javier H. Garcia, 125 Lancaster Way, did not speak, but opposes the development.

Councilwoman Webster stated that this developer has met the conditions that the Village has set and is recommended for approval by staff and the Planning and Zoning Commission. She asked that the developer and homeowners of Victoria Groves work together to create a workable project.

Councilman Pinto stated his main concern is managing density and asked for clarification on what is being requested tonight.

The Village Attorney responded that this request is for transmittal only to Department of Community Affairs which will generate an ORC report by the State and another public hearing will be held. She stated tonight is not the final decision.

Councilman Pinto also urged both the developer and Victoria Groves residents to work together to find a workable project.

Councilman Mattioli made a motion to deny transmittal. Councilman Swift seconded the motion.

Councilman Swift stated he felt that there may be a way to make this work; however, his main concern was controlling density and he did not agree with 12 units per acre.

Mayor Lodwick stated if this is not transmitted this evening, his direction to staff is to find a land use designation that would be viable for all property owners in order to move forward expeditiously.

Al Malafatto asked to reconsider transmitting this request and during the transmittal period he committed to working with the community and financial institutes in lowering density to 10 units per acre.

Reinerio Faife again asked the Council to reconsider transmitting this application for approval and promised to work with the residents in solving their issues.

The Village Manager explained that another postponement can be an option in order to allow both property owners to agree.

At this point, Al Malafatto asked for a postponement. Mayor Lodwick asked if the motion would be withdrawn. Hearing no withdrawal of the motion, Mayor Lodwick put the motion to a vote and it passed 3-2 with the Mayor and Councilwoman Webster dissenting. The motion denied transmittal of the request.

Mayor Lodwick again directed staff to find a land use designation that works for all properties. The Village Manager added that there are a lot

of reasons why this property has not been developed, and he made it clear that land use requests are made by the property owners. He added that this approval must collectively be agreed upon 100% by all eight landowners and if the Village imposes a land use on property owners that are not interested in the land use the Village is open to litigation. The Village Attorney added that these properties do have deed restrictions.

- 3. Public hearing for consideration of Application No. 93-5 (C) (SPM) by Mock Roos & Associates, Inc. and Resolution No. 09-07 providing for a site plan modification approval to the approved master plan of “Our Lady Queen of Peace Cemetery” to update the site plan acreage by deleting approximately 47± acres and accurately reflect the location of all existing structures on the site for the property on the north side of Southern Boulevard and east of the FPL easement in the Village of Royal Palm Beach. Agent: Mary Hanna Clodfelter, Mock Roos & Associates, Inc. (Senior Planner)**

This is a quasi-judicial hearing and the Village Attorney swore in all who will speak. The Senior Planner stated staff is recommending approval with the following additional conditions of approval and read into the record No. 2 Site Specific Conditions: A, B., and C. of the Conditions of Approval.

Mary Hanna Clodfelter, agent for the applicant, clarified the landscaping conditions under 2 C. and agreed to all conditions.

The Village Manager stated that the Village Attorney has cleared the deed and title to this property and that the property is of value to the Village and worth the cost to maintain.

Vice Mayor Mattioli made a motion to approve; seconded by Councilman Swift. The Village Attorney read into the record Resolution No. 09-07 into the record by title only. Hearing no discussion, Mayor Lodwick put the motion to a vote and it passed unanimously.

- 4. Transmittal public hearing and first reading of Ordinance No. 819 approving Application No. 07-02 (B)(LSCPA) regarding comprehensive plan text and map amendments to provide reference to the densities and intensities permitted within the Fox Property DRI along with a change of land use designations for sixteen parcel/tracts of land totaling 298.11 acres lying within the Fox Property DRI located on both the north and south sides of Okeechobee Boulevard and west of State Road 7. Agent: Alfred J. Malefatto, Greenberg Traurig, P.A. (Senior Planner)**

The Senior Planner stated this amendment to the Village Comprehensive Plan Land Use Element will reference the densities and intensities permitted with the Fox Property DRI and approved by the County.

Al Malefatto, representing Minto Communities, stated this approval will bring the Village's comp plan into compliance and consistent with the Fox Property DRI including Portosol. The draft transmittal will address questions that had been raised by DCA and will cap the residential density within the Fox DRI.

Councilman Swift made a motion to approve; seconded by Councilman Pinto. The Village Attorney read into the record Ordinance No. 819 into the record by title only. Hearing no discussion, Mayor Lodwick put the motion to a vote and it passed unanimously.

5. First reading and approval of Ordinance No. 821 amending Chapter 6. Buildings and Building Regulations. of the Village Code of Ordinances to provide for maintenance and appearance standards regarding the installation and utilization of storm shutters or panels. Second reading and adoption scheduled on June 18, 2009. (Director of Community Development)

The Director of Community Development made the presentation. He stated that due to many different reasons homeowners leave their shutters installed for periods of extended times beyond any immediate storm threat and throughout the year. He explained that while leaving these shutters up there are life safety issues regarding emergency exit from the structure along with lighting and ventilation issues that immediately become violations of the building code. This ordinance provides guidelines which allow homeowners to protect their homes from approaching storms while taking into consideration the physical limitations of a timely, safe installation and removal. Also this takes into consideration residents that leave during the hurricane season allowing two extended period of time (3 weeks each) to secure their homes entirely. Also this ordinance provides for a color complementing scheme for permanently or season long installations so that it can minimize the impact to residential neighborhoods. He explained the permanent installations which include accordion, roll-ups or mounted tracks which remain attached to the structure year round and match or complement color of wall or trim. The temporarily installed shutters attached to the structure only during hurricane watches or warnings and are to be removed within two weeks at the end of the event. There are no color requirements that apply. He reviewed the storm protection extended duration notice which requires a form completed and submitted to Code enforcement outlining the limits of two extended periods of protection

each limited to a twenty-one day period during hurricane season only. He stated that high level coverage would include protection for areas above 7' from the ground and would be allowed to remain covered during complete hurricane season as long as the panels were complementary in color and did not restrict ingress/egress. The Community Development Director also explained what temporary roof coverings would allow and noted it would be limited to one year after the last storm event. He stated the last component of this ordinance is with temporary fencing to provide pool barriers as well as other protections and this too shall be limited to one year.

The Village Manager summarized the changes in Ordinance No. 821 with regard to hurricane shutters.

Councilman Swift stated he was not ready to vote on this ordinance and asked for a workshop to discuss these changes.

Drew Alba, 109 Habitat Court, also agreed with Councilman Swift and asked that Council hold a workshop with residents in order to review these changes.

Vice Mayor Mattioli made a motion to approve; seconded by Councilwoman Webster. A discussion ensued regarding citizen input. Councilman Swift asked what happens to residents that have shuttered their homes and left for the summer. The Director responded stating they will be notified by code enforcement. Councilman Swift felt uncomfortable and commented that he had many questions. The Village Manager suggested delaying the first reading until June 18th.

Councilman Pinto made a motion to postpone the first reading of Ordinance No. 821 to June 18, 2009; seconded by Vice Mayor Mattioli. After a short discussion, Mayor Lodwick put the motion to a vote and it passed unanimously.

6. Annual review and evaluation of the performance of the Village Manager.

Mayor Lodwick explained that the Village Manager's contract requires Council annual review of his job performance and accomplishments. Mayor Lodwick stated there are four items to review, a two year contract extension, car lease extension, deferred comp plan to salary, and he noted that the Village Manager agreed to accept a merit increase of the employee average.

Vice Mayor Mattioli explained with the tax revenue shrinking the level of service has remained. He thanked the Village Manager for all his efforts and felt the Village Manager does a great job.

Councilman Swift also reflected on the tax issues and gave him an “A” and thanked him as well.

Councilman Pinto stated the Village Manager does an outstanding job and fully supports all recommendations to retain him.

Councilwoman Webster also thanked the Village Manager and felt he did a very good job. She expressed her support for his contract.

Mayor Lodwick stated his support for the four items reviewed and expressed his appreciation for the Village Manager’s service. He noted that he was pleased with the Village Manager’s performance along with surrounding staff. He reviewed the upcoming projects and stated his hope was that the residents can appreciate the impact of his years of service for years to come and felt when Mr. Farber leaves the Village he too will leave his legacy.

Vice Mayor Mattioli made a motion to approve the Fourth Addendum to the Third Employment Agreement with the Village Manager; seconded by Councilman Pinto. Hearing no discussion, Mayor Lodwick put the motion to a vote and it passed unanimously.

Mr. Farber thanked the Council and stated his excitement for the challenges ahead of him. He acknowledged and thanked Ms. Trela White for her partnership. He stated he enjoyed working for the community and the Village Council.

ADJOURNMENT

Mayor David A. Lodwick

Diane DiSanto, Village Clerk

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, JUNE 18, 2009
7:00 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor David A. Lodwick
Vice Mayor Matty Mattioli
Councilman David Swift
Councilman Fred Pinto
Councilwoman Martha Webster

All members of Council were present; also present were the Village Manager, the Village Attorney and the Village Clerk.

REPORTS

Mayor Lodwick 1) thanked the staff for their hard work in making the 50th Anniversary celebration a great success. Councilman Swift agreed and also gave a special thanks to staff for their efforts. Mayor Lodwick 2) announced that Sharon Bock, Clerk of Courts, will be present at the July 9th meeting to discuss the June 30th closing of the Palm Beach County western communities office due to reduced funding; 3) reported on the MPO meeting where the 2035 Road Plan was discussed. He reported that a discussion was held on the northern extension of the reliever road to Northlake Blvd. and that the residents of Ibis development are opposed to the roadway being built. He added that the cost of the extension of Seminole Pratt Whitney road is also being disputed and may have to be reconfigured due to the negative reaction by the Army Corp of Engineers. He also reported that the City of West Palm Beach continues to oppose Roebuck Road and the northern extension of State Road 7 due to environmental issues. Mayor Lodwick also reported that we are ahead of schedule on the Royal Palm Beach Boulevard improvements which we are receiving stimulus money to construct; however, FDOT is not reporting the process correctly and directed staff to communicate clearly.

The Village Engineer responded showing a FDOT document and reported that a new submittal will be entered this week which brings the project two months ahead of schedule. He stated that the document shows the right-of-way has been confirmed and it is sufficient to do the project; the second part is to submit plans. He explained the project was originally committed to be released within 120 days and reported on the schedule received from FDOT and how the Village schedule will be completed.

Mayor Lodwick asked the Engineer to update him on the schedule prior to his July 18th MPO meeting.

Mayor Lodwick's last report was regarding the Madrid connection to the State Road 7 reliever. He reported that residents are inquiring when and if the Village intended to connect the roadways. He suggested a possible mailer or a public forum to get input from the residents.

Councilman Swift stated that residents that he has spoken with are dead set against the roadway connection. He stated that he doesn't see any advantage in it and suggested other ideas to ease the traffic flow. Councilman Swift suggested shortening the light at Okeechobee. He said that eleven emails had been received to date and he feels this is not an adequate amount of residents to bring this forward for discussion.

Vice Mayor Mattioli received three emails, two for it and one against. He too agreed that a connection was never in the design.

The Village Manager clarified that Council acknowledged publicly that an option should be explored with public review.

Vice Mayor Mattioli at this time, thanked the staff and acknowledged the beautiful art work created for the 50th anniversary celebration.

Mayor Lodwick asked what the desire of Council is in asking the opinion of the residents on this connection.

Councilman Pinto asked for recent data on the traffic counts since State Road 7 extension has been in use and once the information is reviewed take the next step.

Councilwoman Webster suggested setting a meeting date to discuss this connection.

Mayor Lodwick clarified and directed staff to make a presentation of existing traffic data and provide a Madrid connection traffic study proposal at the July 16th meeting.

Councilman Pinto also acknowledged and thanked the staff for their efforts at the 50th anniversary celebration. He also reported on the positive feedback from the Village and surrounding area residents with regard to the artwork.

Councilwoman Webster 1) thanked the staff for their efforts at the 50th anniversary celebration; 2) informed everyone of the Clerk of Courts office closing in Royal Palm Beach and invited everyone to attend the next meeting in order to ask questions regarding the legislation and

change of funding sources resulting in a drastic budget cut that will affect the citizens.

PETITIONS - None
STATEMENTS FROM THE PUBLIC

CONSENT AGENDA

The Village Clerk read the Consent Agenda into the record as follows:

1. **Approval and authorization for the Village Manager to execute Interlocal Agreement between the Palm Beach County Sheriff's Office and the Village of Royal Palm Beach regarding the Recovery Act: Justice Assistance Grant (JAG) Program Award. (Captain Coleman, PBSO)**
2. **Approval of a Special Event Permit for the Village of Royal Palm Beach to hold its annual July 4th celebration at Veterans Park and Lakeside Challenger Park on Saturday, July 4, 2009 from 6:30 a.m. until 12:00 P.M. at Lakeside Challenger Park and 10:00 a.m. until 4:00 p.m. at Veterans Park. (Senior Planner)**
3. **Approval of an application for a Seasonal Vendors Permit by American Promotional Events, Inc. to sell state-approved sparklers in the Albertson's parking lot located at 12031 Southern Boulevard in the Village of Royal Palm Beach from June 20, 2009 thru July 5, 2009. (Senior Planner)**
4. **Approval and authorization for the Village Manager to enter into Consultant Services Authorization No. 6 with Cotleur & Hearing for the Landscape and Irrigation Design of the Village Hall Municipal Complex. (Senior Planner)**
5. **Approval and authorization for the Mayor to sign "Memorandum of Understanding between The South Florida Water Management District and the Village of Royal Palm Beach" for Royal Palm Beach Commons Park. (Village Engineer)**
6. **Approval and authorization for the Village Manager to execute an "Interlocal Agreement with Palm Beach County for Use of Rights-of-Way". (Village Engineer)**

Vice Mayor Mattioli made a motion to approve the Consent Agenda; seconded by Councilman Pinto. Mayor Lodwick put the motion to a vote and it passed unanimously.

REGULAR AGENDA

1. Presentation by Ed Getherall of the National Golf Association Feasibility Study. (Village Engineer)

Ed Getherall, National Golf Association, made the presentation. He stated that a previous feasibility study was done four years ago to explore what type of golf course might work on the site. He reported when the original study was done there was an oversupplied golf market with golf courses operating with round levels under capacity and cash flow of negative \$200,000 a year after stabilization for an 18-hole course. He stated that other alternatives were considered and although the negative cash flows were less it was still significant. The Council at that time settled on a nine-hole, par 34 course to be located at the north end of the site with an 18 hole putting course. He reviewed the factors that were considered in this current study which include demographics and economics. He stated that there are positive indicators for a golf course in the area, including higher-than-average incomes, population growth and a significant population of young adults and seniors; however, a bad economy, unemployment rising and people's discretionary income and time falling has affected the golf industry very negatively. He reported that the national trend for golf remains flat and added that municipal golf courses are still highest in terms of activity levels, but they have lower fees with the highest cost of labor. He reported that there are 56 golf courses within a 25-mile radius, including 23 municipal courses. In the past four years, Binks Forest in Wellington has re-opened and the semi-private Wellington Golf and Country club became the private Wanderers Club and closed its 18-hole executive course. The Village Golf Club has invested over two million in new greens and clubhouse. He also stated that the opening of Park Ridge in Lantana has impacted Okeeheelee Golf Course dropping their rounds from 80,000 to 70,000. He again discussed fees and rounds, noting that rounds and fees have been flat. He discussed the rack rates and discounting rates with more advertising during the peak winter season, concluding that there is a lot of struggles nationally with golf. He reported on several golf courses in the area going into foreclosure. Mr. Getherall summarized his market conclusions as having a positive impact; however, stated he did not feel the revenues will be sufficient. He added that this course would place more economic strains on nearby courses that are already struggling. He also discussed an active concession and teaching component, which would have a positive impact, but could not project it. He reviewed the financials which at the time of stabilization will be \$70,000 per year before debt service. He estimated the construction of the golf course at three million dollars excluding the maintenance facility. He reported that the passive park land would be one million dollars. After further review

of the cost of the passive park vs. golf course, he noted that the passive park would be more to maintain after fifteen years, but did not feel comfortable projecting years 6 – 20.

Mayor Lodwick stated that four years ago there was a desire from the residents for this golf course; however, today the economic side must be reviewed adding that the level of uncertainty of a higher risk and stated he is not willing to take those risks with public dollars. He added that the BEBR report actually shows a decline in population in Palm Beach County.

Vice Mayor Mattioli confirmed that the losses projected in the report show \$217,000 loss in the first year and stated in this current economy he felt it was too risky. He also reviewed the decline in population in school age children and suggested this be put on hold and reviewed once phase I is completed.

Councilwoman Webster compared the passive park vs. the golf course and the two million dollars construction difference. She also stated this report is predicated on a full facility to offset costs and plans only include a pro shop. She added that a strong educational program is also more costly, along with the indication of more golfers when the report is showing flat. She reviewed the marketing and stated she feels at this time it is not a good venture to be in right now.

Councilman Swift commented that he agrees with the report. He reviewed why it was originally proposed but stated in these economic times the golf course should be tabled until a later date.

Councilman Pinto also agreed that this is not the right time to do this. He also reviewed the original idea of the golf course with respect to having a golf academy, but at this time he too felt this project should be placed on hold to a later date.

The Village Manager asked for direction of whether to develop the course site as a passive area or continue with the basic form of the course, pointing out that the contractor had set the 330 day construction timetable in motion on Monday.

Mayor Lodwick responded the consensus was to form the golf course, but not finish the course. He added that the golf course should not be ruled out forever but to have a future Council review it in 3 – 5 years.

Councilwoman Webster asked if the forming of the golf course needs to be made in phase one.

The Village Manager explained that phase one includes the sculpting of the course features which would include depressions for bunkers and hills for greens as well as irrigation; however, if in the future a golf course is warranted all that would have to be changed would be the type of grass.

Mayor Lodwick commented this will be open useable park land.

The Village Engineer stated that 60 acres is dedicated to the 9-hole golf course and in the interim it will work well as a passive park.

Mayor Lodwick stated he had high regard for the critical analysis in the report especially coming from an organization tasked with promoting golf. He stated that the consensus of Council would be to delay the planned golf course at Commons Park due to the current economic climate.

Marty Levinson, resident, asked what the average cost for a round of golf is today.

Mr. Pesant, Village Golf course operator, responded the average round of golf today at the Village is \$29.00.

Dan Pesant, Village Golf course operator, thanked the Council and commented that he felt the report was fair and honest. He offered to work with the Village to promote golf to children, women and seniors.

2. First reading and approval of Ordinance No. 821 amending Chapter 6. Buildings and Building Regulations. of the Village Code of Ordinances to provide for maintenance and appearance standards regarding the installation and utilization of storm shutters or panels. Second reading and adoption scheduled on July 16, 2009. (Director of Community Development)

The Director of Community Development made the presentation introducing guidelines for installation of shutters, temporary roof coverings, and fencing. He reported that through code enforcement they have seen an increase in shutters being left up throughout the year. This ordinance will provide guidelines to residents on the installation and removal of shutters during hurricane season. This ordinance also addresses temporary roof coverings (blue tarps). He defined a permanently installed shutter system and a temporarily installed system. The Director also reviewed what was being proposed for high level coverings for areas above 7'. The storm protection extended duration was also addressed.

The Village Manager explained that this ordinance provides relief especially for those residents with the high level coverings. He also addressed the shutter issue with regard to leaving them up during hurricane season while they are out of town. This ordinance allows homeowners to shutter up their homes for the season along with an affidavit process notifying the building department that the building is being unoccupied. He added that the shutters must match or be complementary in color to the walls or trim. No plywood would be allowed. The Village Manager defined the dates of hurricane season, permanently installed shutters, temporary installed shutters, storm protection extended duration notice, high level coverings and temporary roof coverings, and temporary fence.

Mayor Lodwick clarified that the temporary roof and fencing would be allowed for up to one year to implement repairs, with the caveat that should a more intense storm happen it would be reexamined. Mayor Lodwick expressed his concerns with safety issues of residents who shutter up their homes and do not have ingress or egress. He again reviewed what is being proposed with regard to the shutter coverings, color and style.

The Director stated he has met with Palm Beach County Fire Rescue and a notification process has been designed electronically to notify the fire department when a home will be unoccupied during hurricane season.

Councilman Swift clarified that this ordinance allows residents to secure their home and leave for hurricane season. He also asked what the policy is if a home is in foreclosure and banked owned.

The Village Manager responded that any property owner, even a bank, would be able to complete the affidavit and secure the property during hurricane season.

Vice Mayor Mattioli asked if the police can be notified also. The Director responded yes.

Peter Thompson, 111 Waterway Road, expressed his concerns with the high level coverings and ingress and egress with larger front windows, and the color coordination of the coverings. The Director clarified that clear coverings are allowed and explained the requirements of the Florida Building Code with regard to ingress and egress. A discussion ensued with regard to code enforcement and courtesy notices.

Richard Valentas, 106 Waterview Way, thanked the staff for the 50th anniversary celebration. He expressed his concerns with the ordinance and pointed out to Council that the affidavits of residents leaving town will be public record and may be of interest to criminals. He also

expressed his concern with regard to the color requirements and tracts for the shutters being painted. The Village Manager responded that the tract would need to be complementary.

Councilman Swift stated a resident had notified him of a courtesy notice received with regard to closing his permanent tracts during the summer months in order to save energy. The Village Manager responded that if the accordion shutter can be opened by the inside and it functions like any door and if they are able to escape it would be allowed. The Director added it must open without any special tool.

Shawn Peeples, resident, stated he is in the shutter business. He responded to the discussion held on the possibility of enticing burglars and explained that most accordions and panels have locks and braces. He discussed doors with glass and the other ingress and egress situations. He also reported on the different types of mill finish and noted that panels are only manufactured in three colors including clear. He asked if clear is the only color allowed for the entire summer. The Director responded that the clear panel would not have to be painted; however, other materials would have to match or be complimentary to the structure and trim. He also clarified the timeframe is for hurricane season only. A discussion ensued regarding the painting of the panels and tracks.

Marty Levinson, resident, stated he felt that the seasonal residents should provide a particular shutter in order not to offend the neighborhood.

Mr. Thompson, commented that he has a 17' lexan span with two horizontal braces that works well.

Vice Mayor Mattioli made a motion to approve as amended; seconded by Councilman Pinto. Councilman Swift clarified that G2 and H3 are being amended to include the entire hurricane season. The Village Attorney read into the record Ordinance 821 by title only. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

3. Discussion and action of the Village Council regarding the Education Advisory Board goals and objectives.

Councilman Pinto reviewed the initiatives brought forward by the Education Advisory Board.

The Village Manager reviewed the financial commitments requested by the EAB which remains the same including six scholarships and an

earth day project. He noted that the remaining work plan considerations are advocacy positions to be undertaken by the EAB.

Councilman Pinto also requested that in the future, at least one scholarship be awarded to a Royal Palm Beach High School student.

Mayor Lodwick agreed with the scholarship request; and asked that item five on the work plan be removed due to the recent requests of the residents with regard to busing the elementary school students. A discussion ensued regarding this issue and it was the consensus of the Council to remove item five.

Mayor Lodwick reviewed item six and felt that responsibility of ensuring maximum student safety is that of the SAC advisory board in each school. The Village Manager stated the Village would also take measures to ensure maximum safety.

Councilman Swift suggested three scholarships be presented to Royal Palm Beach high school students instead of one. After a short discussion, the consensus of Council was to award two scholarships for two Royal Palm Beach high school students.

Vice Mayor Mattioli made a motion to approve with the changes discussed; seconded by Councilman Pinto. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

ADJOURNMENT

Mayor David A. Lodwick

Diane DiSanto, Village Clerk