

Agenda Item No. C - 1

**VILLAGE OF ROYAL PALM BEACH**  
Agenda Item Summary

**AGENDA ITEM: Approval of minutes of Council Special Meeting of July 9, 2009, Budget Workshop Meeting of July 9, 2009 and Council Regular Meeting of July 16, 2009.**

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

**RECOMMENDED ACTION: Motion to Approve**

<b>Initiator</b>	<b>Village Manager Approval</b>	<b>Agenda Date</b>	<b>Village Council Action</b>
<b>Village Clerk</b>		<b>8/20/09</b>	

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL SPECIAL MEETING  
VILLAGE MEETING HALL  
THURSDAY, JULY 9, 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 and Village Clerk.

**PLAQUE PRESENTATION FROM PBSO TO THE VILLAGE OF ROYAL PALM BEACH**

Lt. David Combs, PBSO District 9, presented a plaque to the Mayor in appreciation for the Village's support during the 2009 Fallen Officer Memorial Ride. He read the plaque into the record. Mayor Lodwick thanked and recognized the Public Works and Parks and Recreation departments for their participation and hard work to make this event successful.

**UPDATE FROM SHARON BOCK – CLERK OF COURTS**

Sharon Bock, Clerk of Courts, reported on the legislation that forced severe cuts to the Clerk of Courts staff and services. She submitted the attached information for the record and congratulated the Council on their accomplishments in reducing taxes for the past 15 years. She explained that she is both the Clerk of the Circuit Courts and the County Controller. This legislation does not affect the County Controller's budget; however, it severely impacts the Clerk of the Circuit Courts budget because it is State funded. She gave an overview stating that the judiciary has been under funded for many years, and added that instead of the judiciary becoming a partner with the Clerk they presented Senate Bills 2108 and 1718 that slashed \$46 million from Clerk budgets statewide and placed Clerks in the legislative appropriations process, instead of directly funding clerk offices from fines, fees and court costs as mandated in the Florida Constitution. Ms. Bock continued to report that the legislative impact shows a \$7.1 million, or 18% cut from the Clerk's budget and that 93% of the budget is personnel forcing her to cut 66 employees. She also added that the budget was moved from October 1<sup>st</sup>

to July 1<sup>st</sup>. She continued reporting that the Royal Palm Beach satellite office served 4,000 people a month for marriage licenses, passports and traffic tickets. She also explained the pay system for traffic violations. She stated that a study was done several years ago that showed that the majority of residents are served by this branch office. Ms. Bock added this legislation only allowed the branch offices that served the judiciary system remain open, stating that the Royal Palm Beach office is the only one being closed as a result of that. The Clerks staff has been reduced by a total number of 101 employees. She also reported that while the budget was cut 10% the municipalities also lost 10% of their revenues. She encouraged everyone to contact their local legislatures regarding the service level reductions expected in this community.

Vice Mayor Mattioli asked if there was a judiciary included in the Royal Palm Beach office would it have closed. Clerk Bock responded no. A discussion ensued with regard to the original planning of this office.

Councilwoman Webster added that she too would like to see this office be reopened in the building along with a judiciary included. She also questioned the bill providing for future repeals and asked for an update. Clerk Bock stated that repealing a bill is virtually impossible. This is shifting local government to Tallahassee. Mayor Lodwick stated this too is an attack on Home Rule and offered assistance to her in getting the office reopened.

## **REPORTS**

Mayor Lodwick commented that he was out of town for the July 4<sup>th</sup> celebration; however, comments he received regarding the event were all positive.

Vice Mayor Mattioli thanked the Parks and Recreation Department for the July 4<sup>th</sup> events starting with the fishing tournament, golf tournament, employee barbecue and fireworks.

Councilman Swift reported 1) on the July 4<sup>th</sup> celebration and commented that he felt the crowd was smaller this year and suggested scaling the event back to Lakeside Challenger. He added that staff did a great job and the fireworks were spectacular; 2) on Royal Palm Beach High School and the D rating it received. He reported the comparisons on the area elementary, middle and high schools that all received A and B ratings. He asked that a fact finding meeting be held with the following: Dr. Richmond, Janice Andrews, Jeffrey Hernandez, Guarn Sims, Larry Zabik, Village Manager, and Captain Coleman in order to discuss why Royal Palm Beach High School has such a low rating. He added that he wants to work with the new principal in order to bring the school grading up. Mayor Lodwick asked that Tamara Cook be added to list also. A

short discussion was held on the boundaries. Councilman Swift stated he was disheartened that most parents of students in the 5<sup>th</sup> and 6<sup>th</sup> grade are preparing their children to attend magnet schools in lieu of Royal Palm Beach High School.

Councilwoman Webster commented on the successful July 4<sup>th</sup> celebration; but she too felt it should return to a community event. She also commented on the quality of schools in Royal Palm Beach and offered her assistance.

**PETITIONS - None**

**STATEMENTS FROM THE PUBLIC**

**CONSENT AGENDA**

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

- 1. Approval of minutes of Council Regular Meeting of May 21, 2009 and June 18, 2009. (Village Clerk)**

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.

**ADJOURNMENT**

\_\_\_\_\_  
Mayor David A. Lodwick

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Diane DiSanto, Village Clerk

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL BUDGET WORKSHOP  
VILLAGE MEETING HALL  
THURSDAY, JULY 9, 2009 – 7:33 P.M.  
IMMEDIATELY FOLLOWING SPECIAL MEETING**

**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 along with the Village Manager and the Village Clerk.

**COMMENTS FROM THE PUBLIC**

**REGULAR AGENDA**

Mayor Lodwick stated that the average ad valorem taxes for residents of Royal Palm Beach will be \$144.00 for the next fiscal year and commented that this alone would not cover the police department budget.

**1. Budget Message by Village Manager**

The Village Manager stated that in 1995 when becoming the Village Manager the total assessed valuation of Royal Palm Beach was \$525 million dollars and over the last two years the Village has lost property values equal to one and half times that. He added that this budget has a 15<sup>th</sup> straight tax rate reduction whereas previous years when there was a tax rate reduction it actually created more revenue, so it was not a true tax decrease, although last year it was, this year it is a significant tax decrease. He compared the cost of Sheriff's office vs. the Royal Palm Beach police department adding that we are service providers and we are doing more with less. The budget was structured to provide for all people. The citizens will enjoy a 15<sup>th</sup> year tax reduction; however, the employees will continue to maintain the same benefits unfortunately there will be fewer employees because of outsourcing. He stated the budget has been reduced by 7 full-time employees and 8 part-time employees whereas the positions have already been vacated. He stated the course of action that the Council has taken in the last decade will provide enormous benefits for its citizens, and stated his hopes that in the next five to ten year period it will stabilize. He applauded the Council on their discipline over the past years with their budget sense. He explained the strategy with the two new largest capital projects which includes the creation of the Royal Palm Beach Commons Park and the completion of the build out of Royal Palm Beach Blvd. He reported that staff is undertaking the design for Royal Palm Beach and shows the capital budget with three new CIP projects this year. He explained the funding for the CIP budget, other than grants, it utilizes the under spending from the previous

years budget. He acknowledged and thanked the Finance Director and his staff for their efforts.

## **2. Budget Overview by Finance Director**

The Finance Director gave a summary of the 2010 budget. He stated that with the economic downturn there has been decrease in property values, state shared revenues and interest earnings. He showed the negative revenue impacts of ad valorem taxes - \$890,000; state revenues - \$500,000; and misc. revenues (primarily interest earnings) \$121,000 for a total of \$1,511,000. He showed the expenditure reductions (offsets) – transfer to Capital Projects \$1,312,000 which is not being transferred and insurance related costs drop \$199,000 which totals \$1,511,000. The total budget this year is 1,511,000 less.

He gave the Ad Valorem Tax Overview which shows the Village's property values including new construction have decreased 18% as follows: Prior year value – 2.603 billion; current year value – 2.143 billion; this is a decrease of 460 million dollars. The Finance Director stated the budget is proposing a .04 mil decrease in the Operating Millage rate (1.9700 to 1.9300), a reduction of 2%. The impact of the total proposed millage rate of \$1.9300 on a \$142,000 home is a tax decrease of 26.7% or \$64.75. The Village Manager added that the average residential tax payer pays .50 cents a day per household. Councilman Pinto asked for clarification on the ad valorem tax overview of \$173,000 which represented the average residential property in 2009. The Village Manager added that the total value of residential property was divided by the number of units and subtracted homestead exemption. Councilman Pinto asked that the word “average” be added to this page.

The Finance Director showed the tax rate history which shows a 15<sup>th</sup> year reduction in millage. He showed that in 1995 the millage rate was 7.36 and in 2010 the Village's portion will be 1.93. The Village Manager added that is excluding Fire MSTU 3.50 mils. The Finance Directed stated it is a total savings of \$34,133,240 and a per capita savings of \$1,071.00.

The Finance Director showed the total budget of \$55,379,216 with 34% for General Operating, 60% General Capital, 3% for reserves, and debt services at 3%. The General Fund Revenue Summary is \$20,973,598 with property taxes generating 18%, other taxes and fees 24% which totals 42% of the revenue stream. Licenses and permits are 14%, intergovernmental revenues at 15%, charges for services 2%, fines 2%, miscellaneous revenues 5%, current year fund balance is at 8%, and transfers in at 12%. The expenditure summary is \$20,973,598 with personal services at 36%, contractual services 37%, other charges and services 14%, commodities at 3%, other operating expenses and grants and aids are less than 1%, debt services 9%, and transfers out at 1%. The expenditure summary shows C.O.L.A. at 2.81% which is based on the 12 month average consumer price index ending March 2009. The merit adjustments are programmed at an average of 3.0% for all employees. The medical insurance cost premiums are based on market projections.

The expenditure summary shows the following position deleted: one permit technician under Community Development; one general maintenance worker II and three general maintenance workers I under Public Works; one building attendant, three program coordinators (part-time), and one classroom instructor (part-time) under Parks and Recreation. The Village Manager stated that those positions have already been eliminated therefore no need for layoffs. The Finance Director stated that the Parks and Recreation department is requesting the following reclassifications: two foremen I to general maintenance work II; one skilled worker to facility superintendent; one general maintenance worker I to irrigation system helper.

The Finance Director reviewed the General Fund – CIP at \$34,405,618. The Recreational Facilities Fund is less than 1% as well as the Community Beautification Fund; Impact fees fund 8%; General Capital Improvements Fund 87% which includes Royal Palm Beach Commons Park; and Reserves 5%.

The Village Manager stated for the record that we are artificially filling the gap and we can't live without a capital budget forever. He stated the Village will be able to recover and be in a healthy position 4 – 5 years from now.

Councilman Swift stated that no other government agencies are in a position to give a 2% cola increase or a 3% merit and added he was very pleased to provide this for our employees.

### **3. Department Directors Present Operating Budgets**

#### **General Fund**

- 1. Village Council**
- 2. Village Manager**
- 3. Legal**
- 4. Finance**
- 5. Non-departmental**
- 6. Debt Service/Transfers**
- 7. Community Development**
- 8. Planning/Engineering**
- 9. Public Works**
- 10. Parks & Recreation**

The Village Manager stated that this budget will not add any new vehicles; no office equipment or significant computer equipment is being purchased. The Finance Director referred to page 14 of the budget which shows the entire operating budget for the Village grew at 1.6%. Mayor Lodwick asked the Parks and Recreation Director for an update on the fee structures for programs and facilities that used lighting. The Director responded that FPL will be giving a spreadsheet of usage from last year to this year; however, he did report that the current electronic system is saving at least 30%. He also noted that fees are being collected during off season.

The Village Manager added that revenues are down but there are significant reductions in insurance costs, except for health care, which helps to fill the gap in this budget which shows in the non-departmental department. Mayor

Lodwick acknowledged and thanked the Florida Municipal Insurance Trust with their partnership and reported that \$80,000 was refunded to the Village.

#### **4. Capital Budget**

The Village Engineer stated the capital budget is a five year budget with a focus on the first year. The total fund is \$33,654,449 on the expenditure side. He stated that approximately \$22 million is for Royal Palm Beach Commons Park and over \$3 million in the Impact Fee Fund is for Royal Palm Beach Boulevard improvements. The Village Manager noted that \$30 million of that is debt which the Village will be borrowing money to build Royal Palm Beach Commons.

The Village Engineer stated that on the revenue side grant and stimulus funding is included. He explained the stimulus funding and noted that the Village ranked number one in the state for a FRDAP grant; however, the State did not fund FRDAP at all this year. The Recreational Facilities Fund 101 includes shade covers for Veteran Park - \$48,000.00. The Impact Fee Fund 301 includes Royal Palm Beach Boulevard North Improvements. He reported that the timeline for the project is as follows: 1) plans are to be submitted by November 12, 2009; 2) January 6, 2010 is the deadline for their review and 3) an award date is scheduled for May 2010. The Village Manager explained that the timeline of funding for this project was identified six years ago. He also added the LaMancha road improvements took almost a decade to implement stating the reason being is to avoid debt. He added from the point where the budget identifies any project to enjoying the benefits can take a long time for that reason. The Village Engineer reviewed the Camellia Park Renovations stating that a FRDAP grant has been secured to complete this project by April 2010 which includes two basketball courts, four racquetball courts, renovation of bocce courts, renovate playground and add office to restroom building.

The Partridge Walkway Improvements project is funded and includes widened walkways to connect to the signalized crossing and bike path near the boat ramp. The Village Engineer reviewed the Public Safety-Multi Purpose Building and roadway improvements on campus stating completion is scheduled by the end of this year. He stated that a new project was added to this budget at the request of the Pop Warner Football League a service provider to the Village. The addition in the budget includes \$325,000 for modifications to Ewing Park and applying for a FRDAP grant for \$200,000 in fiscal year 2011. The Village Engineer reported on a meeting with Richard Durr from the Pop Warner League and showed the renovations which include covered seating, football field, score keepers box/referee stand, building expansion for concession, fencing, score board and lighting. The Village Manager added that the lighting would be deferred until a FRDAP grant would become available. The Village Engineer reviewed the remainder of the Impact Fee – Fund 301.

Mayor Lodwick acknowledged a comment card from Richard Durr.

Richard Durr, 2054 Reston Circle, thanked the Council for the budget addition that includes improvements at Ewing Park. He acknowledged recent emails exchanged after the Council meeting regarding the Royal Palm Beach Commons

meeting. He stated that this is the third season for their organization which includes 250 football players and 150 cheerleaders. He added that at this time this program does not have any facilities to call home for games or practice. He also noted that this organization did an outreach to the high school in order to feed the high school in the future academically and athletically.

Mayor Lodwick commented on the communication from members of the organization and clarified that the Village made Pop Warner Football a designated provider prior to having any children involved. He also noted that there are two persons serving on the Pop Warner Football board that serve on the Village's Recreational Advisory Board adding there is no greater open access to government than that. He also reported that non-residents from the league sent emails regarding Village tax monies. Mayor Lodwick also noted that this plan was designed within 30 days of the first meeting with Pop Warner representatives. He expressed his disappointment regarding the communication choices of the league to the Council.

Richard Durr responded stating a board meeting was held each month with Parks and Recreation and the concerns expressed each month did not get forwarded to the proper authority after two and a half years of discussions.

A discussion ensued regarding the Ewing Park improvements and the tax cost and value for each child along with the communications exchanged.

Councilwoman Webster commented that once the Board's request was received the plans were immediately included into this budget and asked if he was please with the Ewing Park plan?

Mr. Durr responded yes, but added that first discussions indicated a timelines for grants for this project would take several years.

The Village Manager clarified that the initial response to the meeting was within two weeks and reported that build out including lights was three years; however, this fiscal year would include initial improvements. A discussion ensued regarding improvements to Royal Palm Beach Commons Park and the funding of the improvements coming from debt. Also discussed was past failed athletic programs and the means of communications.

Councilman Swift gave his thoughts on how the recommendation should have been presented through the Recreation Advisory Board. He stated his concerns with the lighting of the fields with regard to the residents in that area. He also asked that a long term facility be reviewed and made recommendations to consider locating a football field at an active park, possibly Camellia Park. He stated he supports the funding for the program; but asked that staff along with the Recreation Advisory Board review the Ewing Park improvements. Mayor Lodwick supported the improvements at Ewing Park, but stated his concerns should the program expand. He too recommended presenting and discussing these improvements along with an additional football field with the Recreation Advisory Board. Councilman Pinto agreed and also concurred with working together in order to obtain an agreement. A discussion ensued regarding the

lighting on the field and the Village Engineer stated the lights will have a halo effect with little or no impact to surrounding neighbors.

Councilman Swift gave a history of the Ewing Park and again stated his concerns with the lighting. It was the consensus of Council to approve and support the Pop Warner Football program and the field plans for Ewing Park; however, the direction to staff is to review other parks and options for a long term solution.

Councilman Swift referred to page 31 of the budget and asked that funding be added to support the boy and girl scouts' rental fees at the Cultural Center. A discussion ensued on what non-profits and other organizations should be supported. Also discussed was the number of residents vs. non-residents in these types of organizations and how the financial assistance would be determined. After the discussion, it was the consensus of Council to accept the budget as proposed with no new additions.

The Village Engineer reviewed the General Capital Improvements Fund – 303. He stated that Royal Palm Beach Commons is the largest project which is separated into two phases. The first phase is 1.8 million dollars which includes cleanup of the site, grading work, and creating bulkheads. The project is a 330 day project scheduled for completion in May 2010 with the bidding of the infrastructure prior to May depending on the DEP approving the site. He reviewed the Persimmon/Okeechobee Boulevard landscaping project which includes irrigation, landscape berms and landscape medians. The Village Engineer presented the LaMancha Avenue Bike Path which is a new project that includes \$500,000 from an MPO transportation grant. He explained that this project is the northern link between Crestwood/Royal Palm Beach Boulevard and the FPL pathway. He showed a 10' wide concrete bike pathway on the north side of LaMancha Avenue from Royal Palm Beach Boulevard to Robiner Park. The current sidewalk will be replaced by a 10' sidewalk, replacing the driveway aprons and installing inline drainage. Councilman Swift asked if the residents have been informed of this pathway and stated he felt there should be a public meeting for resident input. The Village Engineer reviewed a new project Crestwood Property Redevelopment. This property includes the Palm Beach County Water Treatment Plant, wetlands, a future access road and a relocation of the existing cell tower site. The project includes \$500,000 to contract a firm to plan this site. The Village Manager added this property can be used to allow a low cost business on this property and bring meaningful employment to the area. The Village Engineer also reviewed several other projects in the General Capital Improvements Fund 303 including the Crestwood Boulevard North Streetscape.

Councilman Swift asked for clarification on the S.R. 7/Anthony Groves Signal and Saratoga Drainage improvements. The Village Engineer responded the signal is constructed and that money had been funded by the Publix Shopping Center and once completed will be paid to Palm Beach County. He added that the drainage improvements will be for the underdrainage to draw the water table down in that area.

**COMMENTS FROM THE COUNCIL**

Mayor Lodwick thanked the Village Manager and staff for a job well done.

**ADJOURNMENT**

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**Mayor David A. Lodwick**

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**Diane DiSanto, Village Clerk**

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE MEETING HALL  
THURSDAY, JULY 16, 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) announced that the September 3<sup>rd</sup> Council Regular Meeting will be moved to September 10<sup>th</sup> along with the First Public Budget meeting. Council Regular Meeting of September 17<sup>th</sup> will precede the Final Budget Meeting; Vice Mayor Mattioli made a motion to approve; seconded by Councilman Pinto. Mayor Lodwick put the motion to a vote and it passed unanimously; 2) announced that the first meeting in August will be cancelled, Vice Mayor Mattioli made a motion to approve; seconded by Councilman Pinto. Mayor Lodwick put the motion to a vote and it passed unanimously. 3) reported on the MPO meeting held today and presented aerials showing Northlake Boulevard and the State Road 7 right-of-way from 2006, 2007 and 2008. Mayor Lodwick showed on the aerial where through mitigation a lake has been construction in the right-of-way. He stated that the City of West Palm Beach's argument throughout has been that the proposed roadways are too expensive to build because of the wetlands and also tried to stop the northern end of State Road 7, but lost to a vote of 12-2. He added that as a secondary issue from the MPO meeting shows opposing efforts to make improvements to the Palm Beach International Airport. Mayor Lodwick stated support for the improvements to the airport for many reasons mostly to expand opportunities for growth throughout the county.

Councilwoman Webster encouraged and invited everyone to attend the Palm Beach County Board of County Commissioners meeting on Tuesday, July 21, 2009 in order to support the 5-year budget plan that includes the construction of Roebuck Road.

Councilman Swift gave an update on the status of a meeting scheduled with the school board regarding Royal Palm Beach High School stating that it is being scheduled for mid August and although others have requested to attend; no others will be invited at this point. He added this meeting is for informational purposes only.

The Village Manager reported that a current waterway signage map has been distributed for Council review. The Director of Public Works will make a formal report at the next meeting.

**PETITIONS - None**

**STATEMENTS FROM THE PUBLIC**

Debbie Grieser, 222 Infanta Court, resident and homeowner for 25 years in the LaMancha subdivision stated that her home abuts the Village golf course and made a formal complaint regarding the deterioration of the maintenance building, equipment and parking lot of the golf course. She reported that a Winnebago with an occupant has recently been removed by the Code Enforcement department. She showed pictures of the debris and equipment and asked for assist in getting the property cleaned up in that area along with the removal of the parking lot. Councilman Swift concurred with the residents and stated that screening has been added along Ponce de Leon Street and directed staff to review and address. Mayor Lodwick asked the Director of Community Development to respond directly to the resident. The Director stated there were some other issues that abut the golf course. The Village Manager added he too will meet with the golf course owner if needed while assuring the resident that the issues will be resolved.

Bonnie Barile, 224 Infanta Court, presented her contract when her house was purchased that included a golf course view and also asked for assistance in cleaning up the golf course site. She also reported that trees were planted to close off the view of the golf course and stated she can not even see the golf course. She added that the only view she has is a parking lot and asked why it was allowed. Mayor Lodwick responded they do have a right to plant trees any where on the golf course; however, there are legitimate issue with regard to the screening of the property and directed staff to inspect and report back to the homeowners with resolutions.

**CONSENT AGENDA**

The Village Clerk stated that staff has requested Consent Agenda Item No. 5 be pulled from the agenda. The Village Clerk read the Consent Agenda into the record as follows less Consent Agenda Item No. 5:

1. **Approval of a Special Event Permit application by Royal Palm Covenant Church to hold an outdoor event with concert at their site located at 660 Royal Palm Beach Boulevard on Saturday, July 18, 2009 from 3:00 p.m. to 11:00 p.m. (Senior Planner)**
2. **Tentative adoption of the proposed millage rate of 1.9300 and approval of scheduled public hearings on September 10, 2009 at 7:00 p.m. and September 17, 2009 at 7:00 p.m. in the Village Meeting Hall. (Finance Director)**
3. **Approval and authorization in accordance with established policy to make a budget amendment for Fund 303 in the fiscal year 2008/2009 Budget. Said amendment to transfer a total of \$139,935 from PR03/08 (Park Entry Signs - \$35,000); PR04/10 (Fencing - Preservation Park \$27,900); PR07/03 (Tree Replacements \$25,000); PR08/05 (Skate Ramps \$25,000); PR09/MW (Mowers \$5,702); and PR09/01 (Trucks \$21,333) to project PR09/03 (Message Signs). (Finance Director)**
4. **Approval of bid award and authorization for the Village Manager to enter into contract with Kimmins Contracting Corp., the lowest responsive, responsible bidder, in the amount of \$424,450.00 for the base bid for the Wastewater Treatment Facility Demolition. Funds for completion of this work are available in Project PW-0809, Account 401-3630-536-31-90. (Director of Public Works)**
5. **Approval and authorization for the Mayor to execute a Traffic Control Agreement between Shoma at Royal Palm Beach Condominium Association and the Village of Royal Palm Beach. (Village Engineer)**
6. **Approval and authorization for the Village Manager to execute Change Order No. 1 with West Construction, Inc. for the Public Safety Training Building (PW0408) in the amount of \$49,800.76. Funds to come from Account No. 303-4100-541-63-99. (Village Engineer)**
7. **Approval of a Special Event Permit application by Winn Dixie Stores, Inc. to hold a customer appreciation day and benefit for Renaissance Learning Center at their site located at 1135 Royal Palm Beach Boulevard, August 15, 2009 from 9:00 a.m. to 5:00 p.m. (Senior Planner)**

8. **Approval of a Special Event Permit application by deFabrique Orthodontics to hold a grand opening event with a D.J. at their site located at 1019 North State Road 7, Suite A, on Friday, August 14, 2009 from 5:00 p.m. to 8:00 p.m. (Senior Planner)**
9. **Approval to utilize \$1,000.00 from the Law Enforcement Trust Fund (LETF) to cover a portion of the necessary expenditures to fund the 7<sup>th</sup> Annual Youth Explosion to be held on July 18, 2009. (Captain Coleman, PBSO, District 9)**

Vice Mayor Mattioli made a motion to approve the Consent Agenda less Consent Item No. 5; seconded by Councilman Swift. Mayor Lodwick put the motion to a vote and it passed unanimously.

## **REGULAR AGENDA**

1. **Public hearing to consider Variance Application No. 04-10 (Q)(VAR) an application by Urban Design Kilday Studios and approval of Variance Order VC-09-03 confirming Council action. The applicant is seeking to provide a variance to the parking requirements to allow 6,780 square feet of outdoor seating with only 8 parking spaces where Village code section 23-51 (2)(s) requires 34 spaces be provided located within the Southern Palm Crossing Shopping Center situated in the northwest corner of Southern Boulevard and Lamstein Lane. (Senior Planner)**

The Village Attorney advised the Council that the first three agenda items may be discussed all together; however, each would require an individual motion. Mayor Lodwick proceeded to read the following two items into the record for discussion.

2. **Public hearing to consider Variance Application No. 04-10 (R) (VAR) an application by Urban Design Kilday Studios and approval of Variance Order VC-09-04 confirming Council action. The applicant is seeking a Variance to provide relief from various subsections of Section 26-72 regarding outdoor seating standards for additional outdoor seating located within the Southern Palm Crossing Shopping Center situated in the northwest corner of Southern Boulevard and Lamstein Lane. (Senior Planner)**
3. **Public hearing for approval of Application No. 04-10 (P) (SPM,AAR) an application by Urban Design Kilday Studios and adoption of Resolution No. 09-11 confirming Council action.**

**The applicant is seeking Site Plan Modification and Architectural approval for outdoor seating on a 53.5 acre parcel more or less located within the Southern Palm Crossing Shopping Center situated in the northwest corner of Southern Boulevard and Lamstein Lane. (Senior Planner)**

This was a quasi-judicial hearing and the Village Attorney swore in all who will speak. The Senior Planner stated the location of the site and that the variance request No. 09-03 is a variance from Section 23-51(2) s. *Required minimum number of parking spaces*, to allow a reduction in the required number of parking spaces for the new outdoor seating areas from the required 34 parking spaces to eight resulting in a variance for 26 parking spaces. The applicant has conducted a shared parking study which they believe supports the requested parking variance. The study concludes that the existing 1,765 parking spaces exceed the peak parking demand of 1,681 spaces. The applicant further asserts that the property is unique and that they were required to dedicate land for Seminole Palms Drive. These spaces are located off site and in attempt to mitigate this, a condition of approval has been added to require employees to park in the rear of the shopping center. He showed the north area of the parking lot along Seminole Palms Drive where the employees will park.

The Senior Planner stated variance order No. 09-04 is to seek a variance from Section 26-72 *Outdoor seating* to allow four deviations from the requirements of this section. The first deviation occurs in Section 26-72(a)(5) *Parking* which only allows outdoor seating if parking can be provided. Since the applicant has applied for a variance from the parking requirements of Section 23-51 a variance is required from the parking requisites for approving outdoor seating in Section 26-72(a)(5). The second deviation is from Section 26-2(c) which requires an 8-foot walkway to facilitate pedestrian traffic between in-line-stores. The applicant is proposing a 5-foot walkway in certain areas. The third deviation is from Section 26-72(c)(5) *Fencing or Screening* which serves as a means to physically and visually separate the outdoor seating area from any adjacent public passageway or walkway and to allow fencing and screening only in a limited number of areas used for outdoor seating. The fourth deviation is from Section 26-72(c)(7) *Storage*, which requires that outdoor seating and furnishings to be stored inside the building in a secure manner, and the applicant is requesting the seating and furnishing be store inside only in the event of a tropical storm warning or hurricane warning from the National Weather service.

He showed an illustration for outdoor seating for in-line stores 4, 5, 6, and 7 which will not include a railing with an 8' pedestrian walkway. At in-line store 8 a railing will be installed to prohibit the intrusion of the outdoor seating into the 8' walkway. The entire side of the end cap unit

will now consist of outdoor seating with the elimination of the sidewalk. He noted dumpsters will now only be accessible from the bay. The applicant has amended the application to allow only two top tables not four in front of the storefront in order to maintain the 8' walkway. He showed inline stores two and three which will allow four and two top tables with railings to further define the area and prevent intrusion in to the walkway. He showed inline store one also with the sidewalk and parking lot in the rear. He added stores 15, 16 and 17 will also require railing. The Senior Planner showed the restaurant area overlooking the pond with railing around the outdoor seating.

The Senior Planner stated the applicant is also seeking approval for a site plan modification and architectural approval for the outdoor furniture and fixtures utilized within the outdoor seating areas. The request is to increase the total square footage of outdoor seating from 3,200 square feet to a total of 10,000 square feet and will be situated in various locations throughout the shopping center. He showed the various locations of the outdoor seating areas with the proposed furniture. The Planning and Zoning Commission recommended approval 3-0 with staff recommended conditions and an additional condition that the tenants utilizing the outdoor seating areas shall provide Village staff with an affidavit signifying their knowledge of the condition for indoor storage of the outdoor furniture during the issuance of a tropical storm warning or hurricane warning from the NWS and demonstrate their ability to meet the condition. Staff is recommending approval of VC 09-03, VC 09-04, and Resolution No. 09-11 with the attached recommended conditions of approval to each variance and resolution.

Joni Brickman, Urban Design Kilday Studios, agent for the applicant, agreed to the conditions of approval as amended and was available to answer any questions.

Councilman Swift asked if there is a sidewalk to the open seating at Panera Bread. Ms. Brickman responded stating the site plan will be amended to include one. Councilman Swift referred to stores eight through four and suggested that a special event permit be applied for should there be a DJ and car show held.

Mr. Rick Gertz, Jr., owner, responded stating that the restaurant has been notified and should those types of events be held a special event permit must be applied for.

Vice Mayor Mattioli reported that the Planning and Zoning Commission meeting was held with little discussion on the outdoor seating. He added it seems to be an upcoming need and stated his support for this request. He asked for clarification on what type of railing will be installed. The Senior Planner responded that as long as you are defining the area

planters or palm trees can be added with a rope. Vice Mayor Mattioli asked if that is considered a railing. Mr. Gertz stated he was open to suggestions.

Vice Mayor Mattioli made a motion to approve Variance Order No. 09-03; seconded by Councilman Pinto. Councilwoman Webster suggested the railing be secure for safety reasons and consistent. Councilman Pinto also suggested the fencing be secure and consistent. Mayor Lodwick clarified and confirmed that there will be an 8' walkway. Mayor Lodwick also asked for clarification on the walkway near Panera Bread and how it will be installed in the parking lot area. The Senior Planner responded a condition can be added to require fencing along that area. Mayor Lodwick suggested that area be consolidated and cleaned up. He also stated his safety concerns with regard to employees parking in the rear of the shopping center late at night. A discussion ensued and it was noted the condition of approval will stay; however, if it becomes a safety issue it can be readdressed. Hearing no further discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

Vice Mayor Mattioli made a motion to approve Variance Order No. 09-04; seconded by Councilman Pinto. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

Vice Mayor Mattioli made a motion to approve site plan modification and architectural approval for outdoor seating; seconded by Councilman Pinto. The Village Attorney read into the record Resolution No. 09-11 by title only. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

Mayor Lodwick thanked the staff and developer for their partnership to make this a better project.

- 4. Public hearing for approval of Application No. 06-08 (FP) an application by Minto Communities LLC and adoption of Resolution No. 09-09 confirming Council action. The applicant is seeking Final Plat approval for "Portosol Replat No. 1", a 112 unit residential planned unit development on a parcel of land totaling 26.89 acres more or less, located on the north side of Okeechobee Boulevard, west of Target. (Village Engineer)**

The Senior Planner stated that Jan Polson is the agent on this project but was unable to attend. The Senior Planner stated this petition is for final plat approval in order to codify the changes to the site plan. Mayor Lodwick added this is basically administrative.

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

**5. Public hearing for second reading and adoption 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. (Director of Community Development)**

The Director of Community Development made the presentation. He stated that after the first reading the changes requested are incorporated into this revised ordinance. He stated the changes outline the definition of the permanently or temporarily installed shutters, the provision for tracks and minor components need not be painted to complement the colors of the wall or trim. This ordinance focuses on the accordions and panels themselves. He stated another change made since first reading is that the storm duration period will encompass the entire hurricane season, where residents will be required to fill out a form stating that no one will be occupying the building during that time. This ordinance also outlines the temporary conditions and limitations of roof protections such as tarps and temporary fencing around pools.

Councilman Pinto made a motion to approve; seconded by Councilman Swift. The Village Attorney read into the record Ordinance No. 821 by title only. Hearing no discussion or public comment, Vice Mayor Mattioli put the motion to a vote and it passed unanimously.

**6. Appointment of a voting delegate for the Village of Royal Palm Beach at the Florida League of Cities Annual Conference in Orlando on August 13 – 15, 2009. (Village Manager)**

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

**ADJOURNMENT**

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Mayor David A. Lodwick

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Diane DiSanto, Village Clerk