

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE MEETING HALL  
THURSDAY, SEPTEMBER 18, 2008  
IMMEDIATELY FOLLOWING FINAL PUBLIC BUDGET HEARING**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**PROCLAMATION RECOGNIZING SEPTEMBER 17 - 23, 2008 AS CONSTITUTION WEEK**

**REPORTS**

Mayor Lodwick 1) asked for a status update with regard to the traffic signal to be installed on State Road 7 in front of Victoria Groves; 2) thanked staff members Monika, Pat and Bev for their successful planning of the Employee Appreciation Luncheon; 3) congratulated CAFCI on their Friendship Ball held on September 13<sup>th</sup>.

Councilwoman Webster reported 1) on the literacy luncheon recently held and the partnering opportunities with the Literacy Coalition which she would like to discuss in the future. She added that National Literacy Day will be recognized on October 2<sup>nd</sup> at which time they are requesting everyone read *Corduroy* the same book she will be reading to the YWCA child development center on behalf of the Village; 2) reported on the "Let Us Vote" initiative and asked everyone to support it.

The Village Manager explained what "Let Us Vote" is. Mayor Lodwick further explained home rule in the community.

Councilwoman Webster invited everyone to participate in the bus trip being provided by the Village to attend the County Commission meeting on Tuesday, September 23<sup>rd</sup> at 8:00 a.m. Mayor Lodwick urged residents to attend and support the Roebuck Road extension.

Councilman Swift reported on several complaints received from residents on homes in the Arbors that are in foreclosure and directed the Director

of Community Development to address this area. Mayor Lodwick reviewed the code enforcement process and noted that if the Village will need to intervene the houses will be maintained to the Village's code, not to Homeowner's Association standards. A discussion ensued regarding common areas and homeowner's association standards and the Community Development Director stated that the properties in question are not inside the HOA area but will be treated as single family homes. Councilman Swift commented on the approval of Chapter 163 which requires all cities and counties to amend their Comprehensive Plan to reduce greenhouse emissions. After a short discussion, it was noted by staff that the DCA has not had a chance to comment or respond to the legislature. The Village Engineer added that requirements for cities on the construction of new buildings has been added although not been taken out of the energy bill and put it into enforcement.

**PETITIONS - None**  
**STATEMENTS FROM THE PUBLIC**

Bill Burkhart, former Vice Mayor of Tequesta and representative of a small business owner of two condo units in the Royal Palm Beach Business Park reported on the parking situation in the development. He stated that a potential client who is a dress designer would like to lease an office space; however, the parking requirements do not allow it. The Senior Planner stated that the developer's in this business park have maximized their building space allowed in the zoning district. A discussion ensued regarding uses, parking requirements and hours of operation. The Village Manager stated that a parking variance would be required to accommodate this use. The Village Attorney clarified that the potential tenant is not in need of all the parking spaces required; therefore, if a variance is requested it can be subject to limited hours of operation, by appointment only and any other condition that would limit the clientele that would come and go. Mayor Lodwick referred Mr. Burkhart to meet with staff in order to proceed.

**CONSENT AGENDA**

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

- 1. Approval of minutes of Council Regular Meeting of August 21, 2008 and First Public Budget Hearing of September 4, 2008. (Village Clerk)**
- 2. Approval and authorization for the Village Manager to execute Use of Facilities Agreement between the Palm Beach County and the Village of Royal Palm Beach. (Village Manager)**

3. **Approval of bid award and authorization for the Village Manager to enter into contract with Power Sweeping Service, Inc., the lowest responsive, responsible bidder, in the amount of \$22,134.65 for Street Sweeping. (Director of Public Works)**
4. **Approval and authorization for the Village Manager to enter into an agreement with the lowest responsive, responsible bidder for Security and Fire Alarm Monitoring/Inspection and Service Labor. The successful bidder will be chosen at the bid award opening on Tuesday, September 16, 2008 at 3:00 p.m. (Director of Public Works)**
5. **Approval of bid award and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder, Ralph Della-Pietra, Inc. in the amount of \$416,798.42 for the Landscape SR 7 South SR 80 Project. This amount includes the award of a \$4,026.93 Add alternate for the installation of brick pavers from the Village limits to the end of the median at Old Hammock Way (within Village of Wellington limits). Funds shall come from project EN0401, Account No. 102-3900-539-63-57. (Village Engineer)**
6. **Approval of a Special Event Permit for First Baptist Church of Royal Palm Beach at 10701 Okeechobee Boulevard on October 29, 2008 from 2:00 p.m. – 9:00 p.m. (Senior Planner)**
7. **Approval of a Seasonal Vendor Permit application by Happy Holiday Seasonal Sales, Inc. to sell Christmas trees at 10080 – 10100 Okeechobee Boulevard from November 25 - December 24, 2008 between 8:00 a.m. and 10:00 p.m. (Senior Planner)**
8. **Approval and authorization for the Village Manager to enter into a Consultant Authorization Service No. 39 with Erdman Anthony of Florida, Inc. for \$3,870.00. (Village Engineer)**

Councilman Mattioli made a motion to approve the Consent Agenda less item no. 4; seconded by Vice Mayor Pinto. Mayor Lodwick put the motion to a vote and it passed unanimously.

The Director of Public Works recommended awarding the bid in Consent Agenda Item No. 4 to SimplexGrinnell as the lowest responsive, responsible bidder.

Councilman Mattioli made a motion to approve Consent Item No. 4 awarding bid to SimplexGrinnell, seconded by Vice Mayor Pinto. Mayor Lodwick put the motion to a vote and it passed unanimously.

## REGULAR AGENDA

1. **Public hearing for approval of Application No. 08-04 (SE) an application by New Cingular Wireless PCS, LLC and adoption of Resolution No. 08-39 confirming Council action. The applicant is seeking Special Exception Use approval for a telecommunications tower on Village Hall property located on the southeast corner of Royal Palm Beach Boulevard and Okeechobee Boulevard. Agent: Kim Collaza, SBA Network Services (Senior Planner) [This item was postponed at the September 4, 2008 meeting to September 18, 2008 Regular Council Meeting]**

The Village Manager asked that this item be postponed to October 2, 2008 in order to be heard with the Lease Agreement.

Councilman Mattioli made a motion to approve to a time certain of October 2, 2008; seconded by Vice Mayor Pinto. Mayor Lodwick put the motion to a vote and it passed unanimously.

2. **Public hearing to approve Application No. 93-5 (C) (SPM) an application by Mock Roos & Associates, Inc. and adoption of Resolution No. 08-31 confirming Council action. The applicant is seeking a site plan modification approval to the approved Master Plan to allow for the addition of new burial plots, the construction of new mausoleums, reduce the size of the cemetery from 102 acres to 53.01 acres, and to accurately reflect the location of all existing structures on the site; located on the north side of Southern Boulevard and east of the Florida Power and Light easement in the Village of Royal Palm Beach. Agent: Mary Hanna Clodfelter, Mock Roos & Associates, Inc. (Senior Planner) [This item was postponed at the August 21, 2008 meeting to September 18, 2008 Regular Council Meeting][This item will be postponed.]**

The Village Manager asked that this item be postponed in order to allow for further discussions with the applicant.

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

3. **Public hearing for approval of Ordinance No. 809 providing for approval and transmittal to the Department of Community Affairs (DCA) and other review agencies for comments of the Village of Royal Palm Beach's Evaluation and Appraisal Report**

**(EAR) based text amendments to the Comprehensive Plan.  
Agent: Bell David Planning Group, Inc. (Senior Planner)**

Alex David, Bell David Planning Group, Inc. made the presentation. Mr. David stated that the Comprehensive Plan is the Village's blueprint for its future. It addresses growth, development, and the provision of services and infrastructure for the next five, ten and twenty years. The Evaluation and Appraisal Report (EAR) is a periodic assessment and update of the Comprehensive Plan to ensure that it remains relevant, and that planning horizons are up to date. The Village is required to prepare an EAR once every seven years. The EAR was adopted on March 1, 2007 and found sufficient by the State of Florida in July 2007. The requirement is to adopt the EAR based amendments within 18 months. Mr. Bell stated there are six (6) key issues: 1) future growth/management of community character; 2) maintenance/enhancement of housing stock/housing cost; 3) development impacts on levels of service; 4) fiscal impacts of build-out; 5) transportation planning; and 6) development occurring in neighboring areas/intergovernmental coordination. The seven (7) recommendations from the EAR document were as follows: 1) update dates and references throughout; 2) policies to maintain and enhance existing development and neighborhoods; 3) develop joint annexation strategies with surrounding jurisdictions; 4) address impacts of development occurring in other areas; 5) adopt a level of service standard for parks at ten acres per 1,000 residents; 6) include a five year capital improvements schedule as per State requirements; 7) address all statutory requirements. The next steps of the procedure are to transmit the proposed amendments to review agencies (first reading of ordinance), receive objectives, recommendations, and comments (ORC) report within 60 days of transmittal, adoption of EAR-based amendments within 120 days of receipt of ORC report (second reading of ordinance) and finally update Comprehensive Plan in accordance with the amendments. He added that the Planning and Zoning Commission has reviewed the Evaluation and Appraisal Report and recommended approval.

Councilman Mattioli made a motion to approve first reading of Ordinance 809; seconded by Councilman Swift. The Village Attorney read into the record Ordinance No. 809 by title only. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

- 4. Public hearing for approval of Ordinance No. 810 providing for approval and transmittal to the Department of Community Affairs (DCA) and other review agencies for comments regarding the Village of Royal Palm Beach's 20-Year Water Supply Work Plan along with related amendments to the**

**Comprehensive Plan at various elements. Agent: Bell David Planning Group, Inc. (Senior Planner)**

Alex David, Bell David Planning Group, Inc. made the presentation and stated that legislation is requiring a 20-Year Water Supply Work Plan along with related amendments to its comprehensive plan within various elements. State Law also requires each local government to address in its Comprehensive Plan the water supply sources necessary to meet and achieve the existing and projected water use demand for an established planning period.

Councilman Swift asked what the degree of coordination with Palm Beach County was. Mr. David responded stating that it was coordinated through the Planning Department which approved their documents on August 26<sup>th</sup>. Councilman Swift asked for specific names of County employees that worked on the plan. The Senior Planner stated he would get a list of names and report back to him. He also commented that he was pleased to see additional language for water reuse. Mayor Lodwick stated that this plan will massively improve the drainage throughout the Village.

Councilman Mattioli made a motion to approve first reading of Ordinance 810; seconded by Councilman Swift. Barbara Powell, resident, stated that she felt that this was a really important document as it links all agencies and water managers together. She added that this will have a tracking mechanism that will allow for updates each year with annual reports. She also reported on the Florida APA conference she recently attended stating House Bill 697 includes not only the transportation, housing and future land use element, but also the conservation element including reuse with which she was especially concerned. She asked if the Village had any reuse projects planned. The Village Manager reported on a recent meeting held with Palm Beach County and the Village's time frame with the proposed reuse line planned for Okeechobee Boulevard. Councilman Swift acknowledged that Barbara Powell is employed by the SFWMD and as part of her duties she reviews, comments and tracks 113 cities and their water supply. Hearing no further discussion or public comment, the Village Attorney read into the record Ordinance No. 810 by title only. Mayor Lodwick put the motion to a vote and it passed unanimously

The Village Manager reported that a water rate increase notice was sent out to Village residents by Palm Beach County Water Utilities; however, it does not apply to Royal Palm Beach residents.

- 5. Public hearing for consideration of the Public Art Feature for the recently approved CVS, located on the northwest corner of Okeechobee Boulevard and Royal Palm Beach Boulevard within**

**the Village Royale Shopping Center. Agent: Neal A. Schofel, Architecture Dynamics, Inc. (Senior Planner) [This item was postponed at the August 21, 2008 meeting to September 18, 2008 Regular Council Meeting]**


The Village Manager reported on a meeting with the developers of CVS and noted that their responsibilities for the art feature will not be to create the artwork itself, but provide a platform on which the Village would display the artwork. He stated that the developer's responsibility will be to install clay colored brick pavers, landscaping, hardscape, provide water and electric to the site, and provide \$50,000 for the Village to engage an artist to do the sculpture to coincide with their spring 2009 opening. The Village Manager reported that he has been in discussions with a sculptor who might be hired to undertake the artistic efforts and a proposal will be presented at the next Council meeting for approval of the artwork. He added that the \$50,000 is tied to the building permit for the CVS.

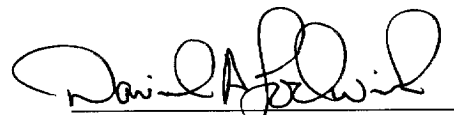
Neil Schofel, Architecture Dynamics, Inc. was present along with Wayne Brown, Cedarwood Development and agreed to the conditions stated by the Village Manager. Mayor Lodwick stated for the record that this will not hold up the CVS project.

The Village Attorney clarified that Exhibit "B" of Resolution No. 08-17 will be changed and substituted. She stated that Site Specific Conditions: 2.G. will be deleted and replaced with: The applicant shall provide to the Village payment of \$50,000 in-lieu of providing the previously required metallic sculpture and trellis which shall be paid to the Village prior to receiving a building permit.; 2. H. will be deleted and replaced with: The applicant shall construct the hardscape (includes two (2) benches), landscaping, irrigation, water, electricity, and grant an easement over the area to the Village prior to receiving a certificate of occupancy.; 2.I. will be deleted and replaced with: All plans shall be revised to reflect all required changes and shall be resubmitted to the Village prior to the issuance of a building permit.; and 2.J. deleted.

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

**ADJOURNMENT**

  
Diane DiSanto, Village Clerk

  
Mayor David A. Lodwick