

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, OCTOBER 2, 2008
7:00 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

PROCLAMATION RECOGNIZING OCTOBER AS NATIONAL PHYSICAL THERAPY MONTH

REPORTS

Mayor Lodwick reported 1) on the Palm Beach County meeting held on September 23rd regarding Roebuck Road and thanked the six County Commissioners for their support in leaving Roebuck Road in the 5 year plan. He also thanked the Council members and residents that were present to support the Village and the roadway.; 2) on a meeting with Mr. Simms, the new Principal at Royal Palm Beach High School stating that he is has a optimistic plan for the school and is looking forward to a partnership with the Village; 3) asked for a report on the Code Enforcement process regarding Cypress Key. The Director of Community Development reported that the owners have responded to citations with regard to cleaning the rights-of-way; however, within the site it does not meet the Village's minimum maintenance standards and they have been summoned to the Special Magistrate in October.

Vice Mayor Pinto reported on the proposed events at the Royal Palm Beach High School and noted that the American Cancer Society - Relay for Life will be held at the high school and asked for citizen support.

Councilwoman Webster also thanked all the residents that supported the Council at the Board of County Commissioner's meeting on the Roebuck Road issue. She also reminded everyone about the Charter Amendment change on the ballot for November 4th.

Councilman Swift also thanked the support of the Mayor, Council and staff with regard to the Roebuck Road issue. He also supported the Village partnership with the high school.

Councilman Mattioli reported on the groundbreaking ceremony for South College.

The Village Attorney thanked the Council members for their nomination of her for Municipal Attorney of the Year for the State of Florida. She stated she is one of the five finalists. She added that she enjoys serving the Village as it is an honor and again appreciates the vote of confidence. The winner will be announced on November 21st.

PETITIONS - None
STATEMENTS FROM THE PUBLIC - None

CONSENT AGENDA

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

- 1. Approval of minutes of Council Regular Meeting of September 4, 2008 and Final Public Budget Hearing of September 18, 2008. (Village Clerk)**
- 2. Approval and authorization to renew contract with SunGard HTE Inc. in the amount of \$55,000.00 for yearly software maintenance. (Finance Director)**
- 3. Approval and authorization for the Mayor to execute a Traffic Control Agreement between Bella Terra and the Village of Royal Palm Beach. (Village Engineer)**
- 4. Approval and authorization for the Village Manager to execute Change Order No. 3 with JW Cheatham, Inc. for LaMancha Avenue Improvements (SW0005) in the amount of \$22,997.50. (Village Engineer)**
- 5. Approval of bid award and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder, Green Construction Technologies, Inc., in the amount of \$132,462.18 for the installation of a traffic circle at the intersection of Ponce de Leon Street and Infanta Avenue in the LaMancha subdivision. Funds will come from project PW0703, Account No. 303-4100-541-63-55. (Village Engineer)**

6. **Approval and authorization for the Village Manager to execute Consultant Services Authorization No. 39 with Erdman Anthony of Florida, Inc. for \$550.00. (Village Engineer)**
7. **Approval of a Special Event Permit Application for the Village of Royal Palm Beach to hold a Fall Fantasy Craft Fair at Veterans Park on Saturday, November 15, 2008 from 9:00 a.m. until 1:00 p.m. (Senior Planner)**
8. **Approval of a Special Event Permit Application for Our Lady Queen of the Apostles Catholic Church to hold it's annual Fall Festival at 100 Crestwood Boulevard on Thursday, November 13, 2008 thru Sunday, November 16, 2008. (Senior Planner)**
9. **Authorization for the Village Manager to reject all bids received and opened at 3:00 p.m. on Wednesday, September 24, 2008, for Aquatic Vegetation Maintenance. (Director of Public Works)**
10. **Approval and authorization for the Village Manager to enter into a Consultant Services Authorization No. 40 with Erdman Anthony of Florida, Inc. for an amount not to exceed \$35,000. (Village Engineer)**

Councilman Swift made a motion to approve the Consent Agenda less Consent Agenda Item 5; seconded by Councilman Mattioli. Mayor Lodwick put the motion to a vote and it passed unanimously.

Councilman Swift requested discussion on this item because some LaMancha residents stated that they had reservations about the circle's effectiveness, its appearance and impact on their property. He asked that this item be postponed until March 2009 in order for residents to have time to use the existing traffic circle installed on LaMancha Avenue and form opinions.

The Village Engineer responded stating that when they redesigned the LaMancha corridor, one of the three-way circles when installed would have encroached on private property; however after public comment, the traffic circle was built at a four-way intersection instead. He stated when constructed that way it encroaches into the intersection, not into someone's yard.

Vice Mayor Pinto asked if there was a disadvantage to delaying this project a few months. The Village Engineer responded by saying that the Village has a good low bid right now and that all bids will have to be rejected if it is not awarded within the time the contract allows.

The Village Manager stated it would be a business downside and a financial risk. He added this is a very attractive bid. A further discussion ensued regarding the traffic circles and the traffic issues on the street and the financial risks involved by postponing the approval of the bid. At this point, the Village Manager suggested that the Council postpone the bid award and gather some practical data from the existing circles, and possibly get it back on the agenda before the bid expires.

Mayor Lodwick asked that staff review the proposed design with the Council and provide color drawings so that it can be share with the residents.

Vice Mayor Pinto made a motion to postpone; seconded by Councilman Swift. 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 18, 2008 Regular Council Meeting to the October 2, 2008 meeting]**

The Village Manager asked that this item be postponed to October 16, 2008 in order to be heard with the Lease Agreement.

Councilman Mattioli made a motion to approve to a time certain of October 16, 2008; seconded by Vice Mayor Pinto. Mayor Lodwick put the motion to a vote and it passed unanimously.

- 2. Public hearing to consider the Variance Petition of the Village Centre on 441, LLP by Centre - 441, Inc. by Agent, Glen Welden and approval of Variance Order No. VC-08-15 to allow for two variances to Village Code Section 20-60 (1) to permit corner and rear signs on building one (1) where Village Code does not allow for such signs. (Senior Planner)**

This was quasi-judicial and the Village Attorney swore in all who will speak on this issue. The Senior Planner stated the site is located on the corner of State Road 7 and Southern Boulevard. The applicant is requesting a variance to install additional signage on the east, south, and

west facades of building one. He showed the building where the signs will be located and stated that the square footage will be one-half of the linear footage of the facades from the east and west elevations and one-half of the linear footage of the bays on the south elevation. The Senior Planner noted that a sign variance was granted on the south elevations within the Staples building. Staff has reviewed the applicant's justification for granting the variances and stated that the signs on the south façade meet the criteria for granting the variances; however, the variance requests on the east and west elevations do not and explained the signage and the criteria needed for the variances. Staff recommends approval of the south signs; but not the signs on the west and east façade.

Glen Weldon, representing applicant was present and stated that the applicant agrees to the 50% for the sign in the back of the building which faces Southern Boulevard. He added that they also will accept Council recommendations with regard to the signage on the west and east elevation.

Councilman Mattioli made a motion to approve the sign variance for the south side of the building and deny the sign variance request for the east and west side of the building; seconded by Vice Mayor Pinto. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

3. Public hearing to consider the Variance Petition of Centre on Southern, LLP by Centre - Southern, Inc. by Agent Glen Welden & Associates, LLC and approval of Variance Order No. 08-16 to allow for seven (7) directional signs to exceed the allowable square footage for directional signs as established in Section 20-60 (3) F. (Senior Planner)

This was quasi-judicial and the Village Attorney reaffirmed oaths. The Senior Planner stated this sign is located on the northwest corner of Southern Boulevard and Lamstein Lane. The variance request is for seven directional signs which exceed the allowable square footage for directional signs. The applicant is proposing two of the seven signs to be 6.17 feet tall and 7.5 feet wide totaling 46.28 square feet. The remaining five of the seven signs will be 6.17 feet tall and 4.58 feet wide totaling 28.26 square feet. He showed the locations of the signs throughout the shopping center and noted one sign will be one-sided and the other will be two-sided. He showed the location of the signs located throughout the shopping center and stated that staff is recommending approval.

Mayor Lodwick stated he felt that the two proposed signs were needed in the shopping center.

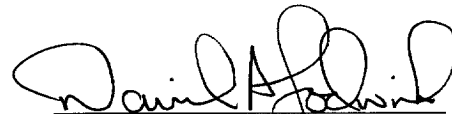
Councilman Mattioli made a motion to approve; seconded by Vice Mayor Pinto. The Village Manager asked if they were illuminated. Mr. Weldon responded they are not, but will have reflective graphics. Vice Mayor Pinto stated the signs will enhance the navigation of the shopping center and alleviate any safety problems. Councilwoman Webster and Councilman Swift both agreed. Hearing no further discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

- 4. Public hearing for approval of Application No. 05-05 (E)(SPX1) - an application by Erdman Anthony - and adoption of Resolution No. 08-44 confirming Council action. The applicant is seeking a six (6) month time extension of the Site Plan approval for Royal Palm Beach Commons Park on a 158.8 acre parcel of land located east of Royal Palm Beach Boulevard, approximately 3,800 feet south of Okeechobee Boulevard in the Village of Royal Palm Beach. Agent: Dana I. Gillette, P.E., PSM (Senior Planner)**

Councilman Mattioli made a motion to approve; seconded by Vice Mayor Pinto. The Village Attorney read Resolution No. 08-44 into the record by title only. 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