

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, OCTOBER 16, 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 19 - 25, 2008 AS
FLORIDA CITY GOVERNMENT WEEK**

REPORTS

Mayor Lodwick reported on a meeting held with representatives of the Village's sister city Calarasi, Romania. He congratulated Mayor Dragu on his successful reelection. He directed staff to send a reprint to the Mayor of the Family Circle article naming the Village of Royal Palm Beach as one of the top ten cities to raise a family.

Councilwoman Webster had no reports but encouraged residents to tour the restored West Palm Beach courthouse.

Councilman Swift commented on the delay of the roadway project along with the renovations of the boat ramp and suggested opening the boat ramp until the contractor is ready to actually do the renovations. The Village Engineer responded stating that the contract expired today, and the contractor is under liquidated damages starting tomorrow at \$500 per day and based on the meeting this morning, the job is to be completed in three to four weeks; however, once the construction begins the boat ramp would not be available for use.

Mayor Lodwick reported on a recent meeting held with representatives from Consumer Credit Counseling and asked staff to again coordinate a session to be held in order to help Royal Palm Beach residents. Councilwoman Webster also suggested getting information on the properties that are in foreclosures in the Village.

PETITIONS - None

STATEMENTS FROM THE PUBLIC

Bob Connor, President of Victoria Groves Homeowner's Association introduced himself to Council. He noted that Victoria Groves is a 616 home development and added that he became President of the Homeowner's Association in of May 2008 and intends to become more involved with the community. He asked the Council for help with the Palm Beach County School Board with regard to the proposed elementary school ES03W. The present proposal is to bus their children to the H.L. Johnson elementary school which is 5.6 miles from their development and noted there are schools closer that are under capacity. Mayor Lodwick explained that an Education Advisory Board member came before the Council and asked that Royal Palm Beach students are given the opportunity to stay closest to their home. Mayor Lodwick did clarify that the Palm Beach County School District is exempt from zoning laws and other requirements. Mayor Lodwick assured Mr. Connor that the Council will do whatever they can to help and directed him to the Education Advisory Board liaison Vice Mayor Pinto.

Vice Mayor Pinto recommended that the parents stay vigilant and continue to speak during all school board meetings and hearings. Councilman Swift also recommended that he contact Sandra Richmond. He added that he felt it was the consensus of Council and supports the residents in being vigilant in keeping their children in the school they are presently attending. Councilman Mattioli reported on the half cent sales tax committee meeting recently held that showed the school projects being proposed in 2009 will be postponed until 2010. He added that in these very tight economic times there must be an added expense to bus the children out of the community which may help in their fight. Vice Mayor Pinto asked that a meeting be set up with Sandra Richmond to discuss this issue.

Sharon Calvo, resident, asked for a refund on the Cultural Center fees that were paid for a Variety Show/Fundraiser Event held on October 10, 2008 benefiting Carson Ruffa. She added that Carson is her nephew and the son of John Ruffa. The child is battling a rare type of cancer. Mayor Lodwick added that John Ruffa is a resident and has donated many hours to this community as a volunteer. Councilman Swift made a motion to refund the cultural center rental fees for the variety show; seconded by Mayor Lodwick. Councilman Mattioli cautioned the Council on setting precedence and reminded them of budget restraints. Councilwoman Webster asked if they received the lowest resident fee for the Cultural Center. Ms. Calvo responded yes. Councilwoman Webster then agreed with Councilman Mattioli and added that the lowest fee was charged and was reasonable. Councilman Swift stated he felt that each

case should be reviewed individually. Vice Mayor Pinto agreed and stated this case is unique. Mayor Lodwick again reiterated that John Ruffa has volunteered his services for many years in this community and stated that he felt each request should be discussed on an individual basis. Hearing no further discussion, Mayor Lodwick put the motion to a vote and it passed unanimously.

CONSENT AGENDA

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

1. **Approval to secure Building Plan Review and Inspection Services from LM Engineering, Inc. d/b/a GFA International or other provider for Community Development Department by piggybacking Osceola County School Board Contract. Contract expires June 27, 2009 with additional year renewal. (Director of Community Development)**
2. **Adoption of Resolution No. 08-47. A Resolution of the Village Council of the Village of Royal Palm Beach, Florida adopting a revised Schedule of Fees and Charges; repealing Resolution 07-39; providing that this Schedule of Fees and Charges shall be available for inspection at all times at the Village Hall during regular business hours; providing an effective date; and for other purposes. (Village Clerk)**
3. **Approval and authorization for the Village Manager to enter into contract with Hill York Service Corporation to replace the existing HVAC system at Village Hall in an amount not to exceed \$25,119.00. Hill York is the Village's air conditioning maintenance and repair service contractor. (Director of Public Works)**
4. **Approval and authorization for the Mayor to execute a Quit Claim Deed in order to release the oil, gas and mineral interests on property owned by UAG Royal Palm LLC pursuant to Section 270.11, *Florida Statutes*. (Village Manager)**
5. **Approval and authorization for the Village Manager to enter into a Provision of Services Agreement between Mark T. Fuller and the Village of Royal Palm Beach to provide for a thematic art installation at two (2) opposite corner locations at the intersection of Royal Palm Beach Boulevard and Okeechobee Boulevard for a total amount of \$130,000.00. (Village Manager)**

6. **Adoption of Resolution No. 08-48. A resolution of the Village Council of the Village of Royal Palm Beach, Florida, approving and authorizing, in accordance with established policy, the making of a budget amendment for Fund 303 in the fiscal year 2008/2009 Budget. Said amendment to appropriate \$50,000 via Developer Contribution transfer and utilize \$30,000 to increase Project EN09/03 (50th Anniversary Public Art) and \$20,000 to increase the Reserve for CIP. (Finance Director)**

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

REGULAR AGENDA

1. **First reading and approval of Ordinance No. 812 amending Chapter 23. Traffic and Vehicles. by adopting a new Article III. Dangerous Intersection Safety. to authorize the use of unmanned camera/monitoring systems for the enforcement of red light signal violations through the Village code enforcement process. Second reading and adoption is scheduled on November 6, 2008. (Village Engineer)**

The Village Manager reported that Palm Beach County has passed a traffic signalization ordinance to enforce red light signal violations. He noted that this is an opportunity to create an efficient manner to cite violators that run red lights. The Village will go through the process to solicit providers able to provide this service at no cost to the Village. This ordinance will provide for Village staff to review the process and it will generate a revenue stream for the Village. Mayor Lodwick thanked the staff for their efforts on this issue. Vice Mayor Pinto added that he too was in support of this ordinance. The Village Attorney explained that at the time this ordinance was initiated there was pending legislation that would allow the Village to use citations through State Chapter 316 – Uniform Traffic Code; however, the legislation did not pass. She continued to explain that the Attorney General's opinion was issued to allow municipalities to approve this process and use the Village's Code Enforcement Special Magistrate process.

Councilman Swift asked that the Village Engineer clarify for the residents how a violation occurs.

The Village Engineer explained the process stating that pictures are taken of a car and signal from two different angles and the computer will generate the pictures and video which will be reviewed prior to a violation being sent. Councilman Mattioli asked if the Village will decide where to install the cameras. The Village Manager responded stating that the

decision will be based on the amount of activity in an intersection. A discussion was held on various scenarios and the right-of-ways that the Village owns. Councilman Swift asked if the Special Magistrate can handle the number of violations that may possibly be processed. The Village Attorney responded yes. Councilman Webster stated that the primary use of this will be to reduce the number of accidents and make the traffic flow safer.

Councilman Mattioli made a motion to approve; seconded by Councilman Swift. The Village Attorney read Ordinance No. 812 into the record by title only. Bob Connor suggested that there be a delay on the yellow light in order to allow dump trucks to stop. He also asked how the owner of the vehicle is responsible if they are not driving. Mayor Lodwick responded that the code will be violated by the vehicle. The Village Attorney added that there is an "Affidavit of Non Responsibility" if the vehicle is taken without consent and may be filed up to 20 days after the violation is issued. Hearing no further discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

- 2. 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 Collazo, SBA Network Services (Senior Planner) [This item was postponed at the October 2, 2008 Regular Council Meeting to the October 16, 2008 meeting]**

Mayor Lodwick stated this item and Regular Agenda Item No. 3 has been pulled from the Agenda.

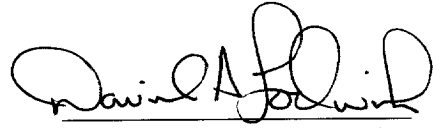
- 3. Approval and authorization to execute a lease agreement between the Village and New Cingular Wireless PCS, LLC., regarding the construction and lease of an entirely new, 130' monopole cell tower and wireless communication facility to be installed on Village owned property in place of the existing cell tower. Providing that the Village Manager may execute any and all documents necessary in order to enter into this lease agreement. (Village Manager)**
- 4. Appointment of a voting delegate and alternate for the Village of Royal Palm Beach at the National League of Cities Annual Business Meeting in Orlando on November 15, 2008. (Village Manager)**

It was noted that no Council members will be able to attend.

ADJOURNMENT



Diane DiSanto, Village Clerk



Mayor David A. Lodwick