

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE MEETING HALL  
THURSDAY, DECEMBER 18, 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.

**REPORTS**

Mayor Lodwick 1) recognized the students attending the meeting from Crestwood Middle School who will be participating in Student Government Day in January; 2) wished everyone a Happy Holiday season; 3) thanked staff for their efforts at the tree lighting ceremony on December 8<sup>th</sup>.

Vice Mayor Pinto also wished everyone a Happy and Safe Holiday season.

Councilwoman Webster thanked Councilman Dennis Lipp, from Loxahatchee Groves, for his support on the Roebuck Road issue at the recent County Commission meetings. She also reported on a PBC League of Cities meeting where discussions were held on an economic stimulus packet and available funds. She will report back to the Council on that issue.

Councilman Swift expressed his disappointment with the Palms West Chamber Parade and asked that next year the Village provide their own cars for the parade. He expressed concerns with regard to judging a poster/art contest for Arbor Day and with regard to the Chair of the Education Advisory Board making demands on staff. He asked that Vice Mayor Pinto, liaison to the Board, look into those specific issues and also an issue with regard to the Victoria Groves residents and their request for their children to attend a new school, not one in the Village.

Vice Mayor Pinto responded by reporting on a meeting with the school board and the Victoria Grove residents concerns with the proposed new

elementary school and stated he also would meet with the Chair from EAB.

The Village Attorney reported on an IPARC issue forum with regard to the Roebuck Road being deleted from the City of West Palm Beach's Comprehensive Plan. She noted that the Village and County did prevail in the fact finding panel. She also attended and reported on the West Palm Beach Commission meeting where they adopted their Comprehensive Plan and noted Roebuck Road was included although there was superfluous language along with it. She stated the Village will continue to object.

Mayor Lodwick responded and expressed his concerns with regard to spending taxpayer's dollars that do not benefit our residents.

**PETITIONS - None**

#### **STATEMENTS FROM THE PUBLIC**

Dr. Ron Peterson presented plaques and thanked the Council for their support of the Rotary Club at the recent fundraiser held at Veterans Park. Dr. Peterson personally thanked Councilman Mattioli for his support in the project. He also presented plaques and thanked the Director of Parks and Recreation and the Director of Community Development for their assistance in making the event successful. Mayor Lodwick clarified that the fundraiser was held to help the hurricane victims of 2008.

#### **CONSENT AGENDA**

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

- 1. Approval of minutes of Council Special Meeting of December 3, 2008. (Village Clerk)**
- 2. Approval of bid award and authorization for the Village Manager to enter into contract with Arazoza Brothers Corporation, the lowest responsive, responsible bidder, in the amount of \$89,073.00 for the initial term of nine (9) months and \$118,764.00 for subsequent one (1) year term for Aquatic Vegetation Maintenance. (Director of Public Works)**
- 3. Approval and authorization for the Village Manager to execute Consultant Services Authorization No. 40 with Erdman Anthony of Florida, Inc. for the amount not to exceed a value of \$5,000.00. (Village Engineer)**

**4. Adoption of Resolution No. 08-54. A Resolution of the Village Council of the Village of Royal Palm Beach, Florida, urging the Solid Waste Authority to locate the proposed new landfill at its current western site rather than any alternative sites; providing an effective date; and for other purposes.**

Councilman Swift asked that Consent Item #4 be pulled for discussion.

Councilwoman Webster made a motion to approve the Consent Agenda less Item No. 4; seconded by Councilman Mattioli. Mayor Lodwick put the motion to a vote and it passed unanimously.

Councilman Swift asked for a review of the map showing all the landfill sites. The Village Engineer showed the three landfill sites being proposed. The map showed a blue site which is the property that Palm Beach County purchased in 1996, an orange site located off SR 880, and a purple triangular site at State Road 80 and US 98 (Smith site), and the yellow site located south of Lake Okeechobee. He stated that a committee was formed and the purple site a.k.a. Smith site came in number one, followed by the orange site a.k.a. the Hudley site, and third the yellow site. He reported that on January 14<sup>th</sup> the SWA will be reviewing the ranking of the sites discussed versus the proposed existing site.

The Village Manager stated that only the blue site was presented to Council and therefore, because of not having any information on the other sites, the recommendation would be to support the blue site. Councilman Swift reported on a meeting with the SWA and stated his issue with blue site because of the environmental effects and suggested recommending another site that does not abut the refuge. He clarified that the site is one mile from the refuge, but is in close proximity.

A discussion was held on the process of picking the various sites and it was suggested that additional information be presented to the Council in order to review the impacts to the municipalities and environment closest to the sites. The Village Manager suggested that no action be taken until the SWA come back to Council, until a presentation can be made before they take their next step. The Village Engineer reiterated that the meeting on January 14<sup>th</sup> is to discuss the ranked sites. Mayor Lodwick requested the resolution be changed and after a short discussion it was the consensus of the Council to direct the Village Attorney to rewrite the Resolution with the language of urging no action be taken by the Solid Waste Authority until presentations are made to educate the citizens in the western communities before a final determination being made.

Councilman Swift made a motion to approve the Resolution with the Village Attorney's language; seconded by Councilman Mattioli. Mayor Lodwick put the motion to a vote and it passed unanimously.

## **REGULAR AGENDA**

- 1. First reading and approval of Ordinance No. 815 amending Chapter 16. Business Tax and Registration; other business regulations. to provide for a reduced application submittal time period for both a Special Event Permit and a Seasonal Vendor Permit. Second reading and adoption is scheduled on January 15, 2009. (Senior Planner)**

The Senior Planner stated this Ordinance is to amend Section 16-12, Special Events Permits and Seasonal Vendor permits. The ordinance provides for a reduced application submittal time period of thirty (30) days where the code now requires forty-five (45) days. He stated this is in response to requests by the general business community and general public. Staff is recommending approval of the first reading with second reading scheduled for January 15, 2009.

Councilman Mattioli made a motion to approve; seconded Vice Mayor Pinto. Councilman Swift gave a history on why there was a 45 day requirement. Mayor Lodwick asked if thirty days is adequate time to review the applications. The Senior Planner responded yes. The Village Manager stated if a completed application is submitted, there is no adverse impact to the staff and if the application is not complete it will not be accepted. Councilman Swift suggested changing the application to read "if the application is not complete it will not be accepted". Vice Mayor Pinto asked what triggered this request. The Senior Planner again reiterated it was by requests of the general public and businesses. Councilwoman Webster clarified that the businesses would prefer the thirty (30) days vs. the forty-five (45) days. The Village Attorney read Ordinance 815 by title only. 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. 91-3 (J)(SE) an application by the Centre on 441, LLP., by Centre-441, Inc. its general partner, and adoption of Resolution No. 08-50 confirming Council action. The applicant is seeking Special Exception use approval for the use of "Automobile Rental Agency" on a 49.15 acre parcel of land located on the northwest corner of State Road 7 and Southern Boulevard. Agent: Russell C. Scott, Urban Design Studio. (Senior Planner)**

This was quasi-judicial and the Village Attorney swore in all who will speak on this issue. The Senior Planner showed the shopping center site which is Southern Centre. The automobile rental agency will be located in the main building along the west side. The use will occupy 1,050 square feet and utilize ten parking spaces which will be located at the rear of the building adjacent to the west property line. The applicant is requesting a Special Exception within the General Commercial (CG) zoning district. He showed the aerial of the parking lot. He noted that staff and the Planning and Zoning Commission are recommending approval. The Village Manager reviewed the conditions of approval and stated that conditions C and D had been hastily added. He further explained the issue with how Royal Palm Beach businesses choose to represent themselves as part of another city. He reported that a letter had been received today by the owner stating he is amendable to the Village's position on restricting future tenants on how they will advertise. At this point, the Village Manager suggested that the Recommended Conditions include only A and B as long as there is a commitment on behalf of the applicant to commit to future advertising and promoting Royal Palm Beach.

The Village Attorney clarified that the applicant is required to a special exception use due to the business moving locations.

Russell Scott, representing the applicant, stated the developers are very proud to be in Royal Palm Beach and agreed with the Village Manager. He agreed with the conditions of approval of A and B and will work together in order to make sure all advertising for their business shows it is located in the Village of Royal Palm Beach.

Councilman Swift asked about parking. Mr. Scott replied that the lease requires that ten spaces be reserved behind the plaza.

The Village Attorney clarified the conditions of approval and noted that D is a standard condition of approval and will become condition C.

Councilman Mattioli made a motion to approve; seconded by Vice Mayor Pinto. The Village Attorney read Resolution No. 08-50 into the record by title only. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

- 3. Public hearing for approval of Application No. 08-02 (C) (SPM, SE) an application by Southern Restaurants, LLC and Southern Boulevard Partners, LLC., and adoption of Resolution No. 08-51 confirming Council action. The applicant is seeking Site Plan Modification and Special Exception use approvals for a 7,381 square foot retail building on a 3.10 acre parcel of land located on the northeast corner of 103<sup>rd</sup> Street and Southern**

**Boulevard, in the General Commercial (GC) zoning district.  
Agent: Jennifer Vail, Land Design South. (Senior Planner)**

This was quasi-judicial and the Village Attorney swore in all who will speak on this issue. The Senior Planner stated the location of the property and noted it was on a 3.10 acre parcel. He stated that this site is currently zoned General Commercial with a Commercial land use designation. The application is to obtain approval for a Site Plan Modification and Special Exception Use in order to develop a 7,381 square foot automotive parts retail store. A 3,970 square foot bank with drive through teller lanes was previously approved on the western portion of the parcel. The applicant is requesting the Special Exception Use to allow for a Planned Commercial Development (PCD) for the entire site in order to permit cross access and cross parking as well as shared access to ingress and egress for the site.

The Senior Planner showed the site plan with the ingress and egress points. He stated that 60 spaces are required; however, the site shows 68 parking spaces. The Planning and Zoning Commission recommended approval by a vote of 5-0 with the following conditions: to add an oil/water separator and for it to be properly maintained; change loading zone area by eliminating the landscaping adjacent to the north west corner of the automobile retail building, to allow for improved access to the loading zone north of the automobile retail building; preserve the oak trees or replace them on a one to one ratio. The Senior Planner stated that staff is recommending approval.

Jennifer Vail, Land Design South, stated that the architectural approval will be resubmitted to Planning and Zoning for review.

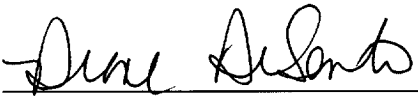
Mayor Lodwick asked what the previous square footage of the buildings were and how it will that affect the traffic.

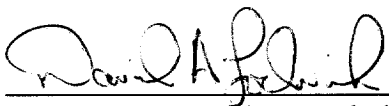
The Senior Planner responded that the applicant has traffic concurrency, the prior approval was for 3,970 square feet of bank, and the remainder of the site was left vacant with a future building. This building is 7,381 square feet.

Mayor Lodwick clarified the request of the applicant and stated that the Special Exception is for the Planned Commercial Development.

Councilman Mattioli made a motion to approve; seconded by Councilwoman Webster. The Village Attorney read Resolution No. 08-51 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**

  
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Diane DiSanto, Village Clerk

  
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Mayor David A. Lodwick