

**MINUTES OF THE CITY COMMISSION MEETING HELD IN THE  
COMMISSION CHAMBERS, CITY HALL, BOYNTON BEACH, FLORIDA,  
ON TUESDAY, DECEMBER 3, 2007 AT 6:30 P.M.**

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**Present:**

Jerry Taylor, Mayor  
Jose Rodriguez, Vice Mayor  
Ron Weiland, Commissioner  
Woodrow Hay, Commissioner  
Marlene Ross, Commissioner

Kurt Bressner, City Manager  
James Cherof, City Attorney  
Janet Prainito, City Clerk

**I. OPENINGS:**

- A. Call to Order – Mayor Jerry Taylor
- B. Invocation by Commissioner Woodrow Hay
- C. Pledge of Allegiance to the Flag led by Mayor Taylor

Mayor Taylor called the meeting to order at 6:31 p.m. Commissioner Hay offered the invocation. The Pledge of Allegiance to the Flag was led by Mayor Taylor.

- D. Agenda Approval:
  - 1. Additions, Deletions, Corrections
  - 2. Adoption

**Motion**

Commissioner Hay moved to approve the agenda. Vice Mayor Rodriguez seconded the motion. The motion passed unanimously.

**II. OTHER:**

- A. Informational Items by Members of the City Commission

Commissioner Weiland commended all those who coordinated the parade, tree lighting ceremony, and concert for the Holiday Extravaganza.

Commissioner Hay suggested the parade route be re-evaluated so all spectators could see the participants. He also requested that a discussion on whether to have a Commission meeting the 3<sup>rd</sup> week of November each year and the possible benefits of an electronic agenda process be included for future review. Mayor Taylor suggested the upcoming retreat may also be a venue for the topics.

Mayor Taylor also offered kudos on the Holiday Extravaganza.

**III. ANNOUNCEMENTS, COMMUNITY & SPECIAL EVENTS & PRESENTATIONS**

- A. Announcements:  
  
None

B. Community and Special Events:

None

C. Presentations:

1. Proclamations

None

3

**IV. PUBLIC AUDIENCE:**

**INDIVIDUAL SPEAKERS WILL BE LIMITED TO 3 MINUTE PRESENTATIONS (at the discretion of the Chair, this 3 minute allowance may need to be adjusted depending on the level of business coming before the City Commission)**

**Herb Suss**, 1711 Wood Fern, commented the festival of lights represented a fight for freedom and he hoped the lights would shine bright for everybody in the room. Mr. Suss congratulated the departments who had placed virtual tours of their departments and facilities on the web site. He stressed it was important for all areas of government to improve and update the information and access for the citizens.

Mayor Taylor wished everyone Happy Hanukkah and a great holiday.

**Mark Karageorge**, 240A Main Boulevard, alleged the Holiday Extravaganza was spectacular and everybody did an exceptional job. It was a first class event. It was obvious the Commission is working for the benefit of the community and he thanked the Commission and staff for their efforts.

Mayor Taylor indicated the CRA board had gotten sponsorships for the entire event with little or no cost to the taxpayers.

Vice Mayor Rodriguez added a boat parade was scheduled for Friday, December 7, 2007 including great food and a grandstand at the marina. He encouraged everyone to attend.

**V. ADMINISTRATIVE:**

A. Appointments

Mayor Taylor reviewed the process for making appointments.

Appointment To Be Made	Board	Length of Term Expiration Date
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I Weiland	Arts Commission	Reg 2 yr term to 12/09
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**Motion**

Commissioner Weiland nominated Barbara Ready to serve as a regular member on the Arts Commission. Vice Mayor Rodriguez seconded the motion. The motion passed unanimously.

Mayor Taylor	Arts Commission	Alt 1 yr term to 12/08
II Hay	Arts Commission	Alt 1 yr term to 12/08

Mayor Taylor and Commissioner Hay tabled their appointments.

Mayor Taylor	Bldg. Bd of Adj & Appeals	Reg 33 mo term to 12/09 Tabled (3)
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**Motion**

Mayor Taylor nominated Stanley Guritzky as a regular member of the Building Board of Adjustment and Appeals. Commissioner Weiland seconded the motion. The motion passed unanimously.

III	Rodriguez	Bldg. Bd of Adj & Appeals	Reg	3 yr term to 12/10
IV	Ross	Bldg. Bd of Adj & Appeals	Reg	3 yr term to 12/10
I	Weiland	Bldg. Bd of Adj & Appeals	Alt	9 mo term to 12/07 Tabled (2)
II	Hay	Bldg. Bd of Adj & Appeals	Alt	9 mo term to 12/07

Vice Mayor Rodriguez and Commissioners Ross, Weiland and Hay tabled their appointments.

IV	Ross	Cemetery Board	Reg	3 yr term to 12/10
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**Motion**

Commissioner Ross nominated Bonnie Glinski as a regular member of the Cemetery Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

Mayor	Taylor	Cemetery Board	Alt	1 yr term to 12/08
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Mayor Taylor tabled his appointment.

I	Weiland	Code Compliance Board	Reg	3 yr term to 12/10
II	Hay	Code Compliance Board	Reg	3 yr term to 12/10

Commissioners Weiland and Hay tabled their appointments.

III	Rodriguez	Code Compliance Board	Reg	3 yr term to 12/10
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**Motion**

Vice Mayor Rodriguez nominated Robert Foot as a regular member of the Code Compliance Board. Commissioner Ross seconded the motion. The motion passed 4-1. (*Commissioner Weiland dissenting.*)

IV	Ross	Code Compliance Board	Alt	9 mo term to 12/07 Tabled (3)
Mayor	Taylor	Code Compliance Board	Alt	9 mo term to 12/07 Tabled (3)

Commissioner Ross and Mayor Taylor tabled their appointments.

Mayor	Taylor	Community Relations Board	Reg	3 yr term to 12/10
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**Motion**

Mayor Taylor nominated Belky Cruz as a regular member of the Community Relations Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

I	Weiland	Community Relations Board	Reg	3 yr term to 12/10
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**Motion**

Commissioner Weiland appointed Blanche Girtman as a regular member of the Community Relations Board. Commissioner Hay seconded the motion. The motion passed unanimously.

II	Hay	Community Relations Board	Reg	3 yr term to 12/10
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Commissioner Hay tabled his appointment.

III	Rodriguez	Community Relations Board	Alt	9 mo term to 12/07 Tabled (3)
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**Motion**

Vice Mayor Rodriguez appointed Brenda Williams as an alternate member of the Community Relations Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

IV Ross Community Relations Board Alt 9 mo term to 12/07 Tabled (3)

**Motion**

Commissioner Ross nominated Judy Immer as an alternate member of the Community Relations Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

II Hay Education & Youth Advisory Board Reg 2 yr term to 12/09

Commissioner Hay tabled his appointment.

III Rodriguez Education & Youth Advisory Board Reg 2 yr term to 12/09

**Motion**

Vice Mayor Rodriguez nominated Mary Morera as a regular member of the Education and Youth Advisory Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

I Weiland Education & Youth Advisory Board Reg 21 mo term to 12/07

**Motion**

Commissioner Weiland appointed Steven Waldman as a regular member of the Education and Youth Advisory Board. Vice Mayor Rodriguez seconded the motion. The motion passed unanimously.

II Hay Education & Youth Advisory Board Alt 9 mo term to 12/07 Tabled (3)

III Rodriguez Education & Youth Advisory Board Alt 9 mo term to 12/07 Tabled (3)

Commissioner Hay and Vice Mayor Rodriguez tabled their appointments.

IV Ross Education & Youth Advisory Board Stu 1 yr term to 12/08

**Motion**

Commissioner Ross nominated Brianna Frank as a student member of the Education and Youth Advisory Board. Commissioner Hay seconded the motion. The motion passed unanimously.

IV Ross Education & Youth Advisory Board Stu 9 mo term to 12/07 Tabled (3)

**Motion**

Commissioner Ross nominated Robert Chiste as a student member of the Education and Youth Advisory Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

Mayor Taylor Education & Youth Advisory Board Stu N/V 9 mo term to 12/07 Tabled (3)

Mayor Taylor tabled his appointment.

I Weiland Employees Pension Board Reg 3 yr term to 12/10

**Motion**

Commissioner Weiland appointed Lisa Jensen as a regular member of the Employees Pension Board. Commissioner Hay seconded the motion. The motion passed unanimously.

I Weiland Library Board Reg 3 yr term to 12/10

**Motion**

Commissioner Weiland nominated Donna Harmening as a regular member of the Library Board. Vice Mayor Rodriguez seconded the motion. The motion passed unanimously.

II Hay Library Board Reg 3 yr term to 12/10

**Motion**

Commissioner Hay nominated Willie Pearl Wilson as a regular member of the Library Board. Vice Mayor Rodriguez seconded the motion. The motion passed unanimously.

III Rodriguez Library Board Reg 3 yr term to 12/10

**Motion**

Vice Mayor Rodriguez appointed Eleanor Daly as a regular member of the Library Board. Commissioner Hay seconded the motion. The motion passed unanimously.

IV Ross Library Board Alt 1 yr term to 12/08  
Mayor Taylor Library Board Alt 1 yr term to 12/08

Commissioner Ross and Mayor Taylor tabled their appointments.

IV Ross Planning & Development Board Reg 2 yr. term to 12/09 Tabled (2)

**Motion**

Commissioner Ross nominated Steve Myott as a regular member of the Planning and Development Board. Commissioner Hay seconded the motion. The motion passed unanimously.

Mayor Taylor Planning & Development Board Reg 2 yr. term to 12/08 Tabled (2)

**Motion**

Mayor Taylor re-appointed Roger Saberson as a regular member of the Planning and Development Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

I Weiland Planning & Development Board Reg 2 yr term to 12/09

**Motion**

Commissioner Weiland appointed Candace Killian as a regular member of the Planning and Development Board. Commissioner Hay seconded the motion. The motion passed unanimously.

II Hay Planning & Development Board Reg 2 yr term to 12/09

**Motion**

Commissioner Hay re-appointed Sergio Casaine as a regular member of the Planning and Development Board. Vice Mayor Rodriguez seconded the motion. The motion failed 2-3. Commissioner Hay called for a roll call vote.

**Vote**

City Clerk Prainito called the roll. The motion failed 2-3. ***(Mayor Taylor and Commissioners Weiland and Ross dissenting.)***

**Motion**

Commissioner Hay nominated Bill Cwynar as a regular member of the Planning and Development Board. There was no second. Mayor Taylor declared the motion failed for lack of a second.

**Motion**

Commissioner Hay nominated Sharon Grcevic as a regular member of the Planning and Development Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

III Rodriguez Planning & Development Board Reg 2 yr term to 12/09

**Motion**

Vice Mayor Rodriguez appointed Matthew Barnes as a regular member of the Planning and Development Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

IV Ross Planning & Development Board Alt 1 yr term to 12/08

**Motion**

Commissioner Ross appointed Jon Blehar as an alternate member of the Planning and Development Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

Mayor Taylor Planning & Development Board Alt 1 yr term to 12/08

**Motion**

Mayor Taylor appointed John McGovern as an alternate member of the Planning and Development Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

Mayor Taylor Recreation & Parks Board Reg 3 yr term to 12/10

**Motion**

Mayor Taylor appointed Janelle Sloan as a regular member of the Recreation and Parks Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

I Weiland Recreation & Parks Board Reg 3 yr term to 12/10

**Motion**

Commissioner Weiland nominated John McVey as a regular member of the Recreation and Parks Board. Vice Mayor Rodriguez seconded the motion. The motion passed unanimously.

IV Ross Recreation & Parks Board Alt 9 mo term to 12/07 Tabled (3)

**Motion**

Commissioner Ross appointed Kurt Godfrey as an alternate member of the Recreation and Parks Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

II Hay Recreation & Parks Board Alt 1 yr term to 12/08

Commissioner Hay tabled his appointment.

III Rodriguez Senior Advisory Bd Reg 2 yr term to 12/09

**Motion**

Vice Mayor Rodriguez appointed Elizabeth Jenkins as a regular member of the Senior Advisory Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

IV      Ross                      Senior Advisory Bd                      Reg                      2 yr term to 12/09

**Motion**

Commissioner Ross appointed Rose Love as a regular member of the Senior Advisory Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

Mayor Taylor                      Senior Advisory Bd                      Alt                      1 yr term to 12/08

**Motion**

Mayor Taylor appointed Virginia O'Connell as an alternate member of the Senior Advisory Board. Commissioner Weiland seconded the motion. The motion passed unanimously.

I      Weiland                      Senior Advisory Bd                      Alt                      1 yr term to 12/08

Commissioner Weiland tabled his appointment.

III      Rodriguez                      Veterans Advisory Commission                      Reg                      3 yr term to 12/10

**Motion**

Vice Mayor Rodriguez appointed Thomas Kaiser as a regular member of the Veterans Advisory Commission. Commissioner Weiland seconded the motion. The motion passed unanimously.

IV      Ross                      Veterans Advisory Commission                      Reg                      3 yr term to 12/10

**Motion**

Commissioner Ross appointed Stanley Gavlick as a regular member of the Veterans Advisory Commission. The appointment was seconded. The motion passed unanimously.

Mayor Taylor                      Veterans Advisory Commission                      Reg                      3 yr term to 12/10

**Motion**

Mayor Taylor nominated Robert Zimmermann as a regular member of the Veterans Advisory Commission. Commissioner Weiland seconded the motion. The motion passed unanimously.

I      Weiland                      Veterans Advisory Commission                      Alt                      9 mo term to 12/07 Tabled (3)

**Motion**

Commissioner Weiland nominated Stuart Preston as an alternate member of the Veterans Advisory Commission. Commissioner Hay seconded the motion. The motion passed unanimously.

II      Hay                      Veterans Advisory Commission                      Alt                      9 mo term to 12/07 Tabled (3)

**Motion**

Commissioner Hay appointed Darrel Fuller as an alternate member of the Veterans Advisory Commission. Vice Mayor Rodriguez seconded the motion. The motion passed unanimously.

I      Weiland                      Veterans Advisory Commission                      Alt                      1 yr term to 12/08  
II      Hay                      Veterans Advisory Commission                      Alt                      1 yr term to 12/08

Commissioners Weiland and Hay tabled their appointments.

**VI. CONSENT AGENDA:**

Matters in this section of the Agenda are proposed and recommended by the City Manager for "Consent Agenda" approval of the action indicated in each item, with all of the accompanying material to become a part of the Public Record and subject to staff comments.

**A. Minutes**

1. Agenda Preview Conference – November 16, 2007
2. Regular City Commission – November 20, 2007

**B. Bids and Purchase Contracts - Recommend Approval - All expenditures are approved in the 2007-2008 Adopted Budget.**

1. Award Bid #077-2730-07/CJD to "FURNISH AND INSTALL VARIOUS PARK ENTRYWAY SIGNS" to NW Sign Industries Inc. of Moorestown, New Jersey in the amount of \$49,385.

Commissioner Hay pulled item VI.B.1 for discussion.

2. Multi-award Bid #003-1412-08/CJD "ANNUAL BID FOR HARDWARE SUPPLIES" on an overall basis to the lowest, most responsive, responsible bidder who meets all specifications with an estimated annual expenditure of \$60,000.

**C. Resolutions**

1. **Proposed Resolution No. R07-141** RE: Approving increased fees for disinterments, disentombments and disinurnments at City cemeteries.

Commissioner Ross pulled item VI.C.1. for discussion.

2. **Proposed Resolution No. R07-142** RE: Approving reclassification of one (1) position in the Finance Department from Senior Buyer, pay grade 15 to Purchasing Agent, pay grade 25.

Commissioner Ross pulled item VI.C.2. for discussion.

3. **Proposed Resolution No. R07-143** RE: Approving the terms and conditions set forth in our EMS Grant award (C-70) as approved by the Palm Beach County Division of Emergency Medical Services for the purchase of a personal water craft in the amount of \$9,499 and continued CERT team training activities in the amount of \$11,450.
4. **Proposed Resolution No. R07-144** RE: Approving and authorizing execution of an Interlocal Agreement with Palm Beach County to receive funding in the amount of \$300,000 for the 2<sup>nd</sup> and 3<sup>rd</sup> year, as a partner in the continued planning and implementation of the Youth Violence Prevention Program (YVPP) in the target area in the City of Boynton Beach.



- D. Approve sidewalk café permit for a planned ice cream shop to allow placement of up to 4 tables and 18 seats along the right-of-way in accordance with LDR, Chapter 2. Zoning, Section 17. Sidewalk Café. **(Eye of the Storm Ice Cream Shop, 531 E. Ocean Avenue)**
- E. Approve donation to the Boynton Beach Faith Based Community Development Corporation, Peacemakers Program in the amount of \$5,000. The donation comes from the Police Department's Law Enforcement Trust Fund established pursuant to Florida State Statute 932.7055.
- F. Approve State of Florida Department of Emergency Management FEMA grant No. 1609-14R contract for the hardening of the Fire Station 5/EOC from a Category 3 standard to Category 5 standard.

**Motion**

Commissioner Hay moved to approve the Consent Agenda items with the exception of items B.1, C.1 and C.2 that were pulled for discussion. Vice Mayor Rodriguez seconded the motion. The motion passed unanimously.

- VI.B.1.** Award Bid #077-2730-07/CJD to "FURNISH AND INSTALL VARIOUS PARK ENTRYWAY SIGNS" to NW Sign Industries Inc. of Moorestown, New Jersey in the amount of \$49,385.

Commissioner Hay inquired if any local companies had submitted applications. Jody Rivers, Parks Superintendent, reported ten inquires had been received, but only two quotes were submitted. The company selected did have offices in Orlando and a crew would be sent from that office. Ms. Rivers also reported the design of the signs had been coordinated with the CRA and the Fire Department to achieve consistency in the signage.

**Motion**

Commissioner Hay moved to approve Item VI.B.1. Commissioner Weiland seconded the motion. The motion passed unanimously.

- VI.C.1. Proposed Resolution No. R07-141** RE: Approving increased fees for disinterments, disentombments and disinurnments at City cemeteries.

Commissioner Ross inquired about the fees being comparable to other municipal cemeteries and how the suggested fees were established. Ms. Rivers replied only Boca Raton owned a cemetery and fees charged were not available. Mayor Taylor added very few municipalities were in the cemetery business.

**Motion**

Commissioner Hay moved to approve Item VI.C.1. Commissioner Ross seconded the motion. The motion passed unanimously.

- VI.C.2. Proposed Resolution No. R07-142** RE: Approving reclassification of one (1) position in the Finance Department from Senior Buyer, pay grade 15 to Purchasing Agent, pay grade 25.

Bobby Jenkins, Assistant Director of Finance, explained the position would have additional duties and the current Senior Buyer had over 20 years experience. Vice Mayor Rodriguez clarified the change is a reclassification and an additional position was not being created.

**Motion**

Commissioner Ross moved to approve Item VI.C.2. Commissioner Hay seconded the motion. The motion passed unanimously.

**VII. CODE COMPLIANCE & LEGAL SETTLEMENTS:**

None

**VIII. PUBLIC HEARING: 7:00 P.M. OR AS SOON THEREAFTER AS THE AGENDA PERMITS**

**The City Commission will conduct these public hearings in its dual capacity as Local Planning Agency and City Commission.**

Attorney Cherof administered an oath to all those intending to testify and reviewed the procedure to be followed.

- A. Project: **Cortina at Boynton Village (SPT 07-010)**  
Agent: Stephen Liller, K. Hovnanian Homes  
Owner: South Florida Devco, Inc.  
Location: Northeast corner of Old Boynton Road and Congress Avenue, just south of the SFWMD C-16 canal  
Description: Request for a second one (1) year site plan time extension of a site plan (NSWP 05-001) originally approved on September 20, 2005 for 458 townhome units in the Boynton Village Development. This second request would extend approval from September 20, 2007 to September 20, 2008. **(Tabled on November 20, 2007)**

Kathleen Zeitler, Planner, reviewed the request for site plan time extension to September 20, 2008. Code Compliance issues do remain unresolved. Staff did recommend approval.

**Kim Glas-Castro**, agent for the applicant, explained a compliance date of December 19, 2007 had been set for hydroseeding. The fencing contractor was expected on site the next day. The developer was concerned about temporary landscaping being damaged during the construction phase, in addition to there being no irrigation in the unimproved areas. Ms. Glas-Castro indicated the developer would be willing to work with staff on appropriate landscaping measures.

Mayor Taylor opened the issue for public hearing.

**Patty Shultz**, 1073 NW 11<sup>th</sup> Street, pointed out the construction had been ongoing, even on weekends and holidays, in violation of the Codes. Due to the length of time the project has been under construction, there has been a negative effect on home values. The homeowners would like a more permanent solution. Trees that were planted had died due to lack of an irrigation system. Ms. Shultz suggested a tall landscape berm with irrigation would solve the problem and be a positive approach of a good neighbor.

Mr. Bressner advised there were three Code violations relating to landscaping, fencing and debris.

**George Moyer**, President of Sky Lake Homeowners Association, advised the fencing had not been maintained and requested a written guarantee that any new fencing would be maintained. He also expressed concern over the proposed park and current use of it for mud trails. Mr. Bressner indicated the park area was not part of Cortina at Boynton Village project.

Commissioner Weiland agreed there should be some guarantee that the seeding, fencing and landscaping be maintained.

**Joe Shultz**, 1073 NW 11<sup>th</sup> Street, also requested a berm be established and consideration be given to his neighborhood that has been established for over 24 years.

No one else coming forward, Mayor Taylor closed the public hearing.

### **Motion**

Commissioner Weiland moved to extend the site plan for Cortina at Boynton Village, that they erect and maintain a fence along the most eastern property line, on the west side of the fence they put a berm with plantings and temporary irrigation, and unsodded areas should be seeded and monitored for growth. Commissioner Hay seconded the motion.

It was determined that additional conditions could be imposed. Attorney Cherof suggested the motion clarify the type and height of fencing. Commissioner Weiland felt staff could determine the appropriate specifications that would protect the neighborhood. Attorney Cherof cautioned the conditions should be specific and suggested the matter be tabled to afford staff time to make recommendations.

### **Motion**

Commissioner Weiland moved to table Item VIII.A. Commissioner Hay seconded the motion. The motion passed unanimously.

- B.      Project:           **The Arches (SPTE 07-012)**  
          Agent:           William Bloom, Holland & Knight  
          Owner:           Boynton Ventures I, LLC  
          Location:       Southwest corner of Ocean Avenue and Federal Highway  
          Description:   Request for a second one (1) year site plan time extension of a site plan (MSPM 05-008) and height exception (HTEX 05-006) approved on September 6, 2005, from September 6, 2007 to September 6, 2008, for a mixed-use project consisting of 40,596 square feet of retail space and 378 condominium units on 4.688 acres zoned Mixed Use High.

Gabriel Weubben, Planner, reviewed the request and advised problems with utility lines and redesign of the project, plus changing market conditions, had contributed to the request for an extension. The re-design would include more units and less retail to accommodate market demands. Staff recommended approval.

**Scott Backman**, 5355 Town Center Road, Boca Raton, agent for the applicant, advised the temporary fencing was being repaired. Chuck Magazine, Risk Manager, discussed an issue with the developer failing to repair the sidewalk along 4<sup>th</sup> Avenue and creating a hazardous situation. It was also discussed whether the extension would be sufficient if a major site plan modification was envisioned.

Mayor Taylor opened the issue for public hearing.

**Herb Suss**, 1711 Wood Fern, contended the issues were not clear for all the parties and the matter should be tabled until January, 2008.

**Harvey Oyer**, 512 N. Seacrest Boulevard, suggested the fence be torn down and the area graded and seeded. He was confident the market was recovering.

### **Motion**

Vice Mayor Rodriguez moved to table Item VIII.B. to December 18, 2007 and allow the developer to repair the sidewalk in the interim. Commissioner Hay seconded the motion. The motion passed unanimously.

- C. Project: **Tuscan Villas (SPTE 07-011)**  
Agent: Wendy Tuma, FLA, ASLA, Urban Design Studio  
Owners: Tuscan Villas at Boynton Beach, LLC  
Location: East side of Federal Highway, approximately 1,100 feet north of Gulfstream Boulevard  
Description: Request for a one (1) year site plan time extension of the site plan (NWSP 06-002) approved on April 18, 2006 from October 18, 2007 to October 18, 2008, for 22 townhouse-style condominium units on 1.341 acre zoned IPUD

Kathleen Zeitler, Planner, reviewed the staff report and summarized the developer had made good faith efforts by securing permits, paying fees for drainage approval and fire rescue, plus preparation of the revised plan plat. Staff recommended approval contingent upon the original conditions of site plan approval, including concurrency verification to October 2008.

Mayor Taylor opened the issue for public hearing. No one came forward. Mayor Taylor closed the public hearing.

### **Motion**

Vice Mayor Rodriguez moved to approve the site plan time extension with the additional condition that Royal Palms be put along Federal Highway within the next 60 days. Commissioner Ross seconded the motion. The motion passed unanimously.

- D. Approve Part 1 of Group 4 of the LDR Rewrite including Article 1. Environmental Protection Standards and Article II. Landscape Design and Buffering Standards.

Eric Johnson, Planner, reviewed the current phase of changes to the Land Development Regulations. The processes were clarified and the existing text was updated. Landscape design principals were created and plans to promote water conservation were included. Equivalent standards for trees, updated signature tree requirements, enhanced land buffers and streetscape provisions were included. Urban areas were differentiated from suburban areas and the compliance features. Staff recommended approval of Part 1 of Group 4 of the Land Development Regulations cited.

Mayor Taylor opened the issue for public hearing. No one came forward. Mayor Taylor closed the public hearing.

### **Motion**

Commissioner Hay moved to approve Item VIII.D. Commissioner Ross seconded the motion. The motion passed unanimously.

## **IX. CITY MANAGER'S REPORT:**

- A. Approve FY 2007-2008 projects in the Utilities Capital Improvement Program (CIP).

Kofi Boateng, Director of Utilities, explained the capital improvements were based on the model of a successful and effective utility program. The components are high quality service, preparing for the

future and technology. The total budget was \$40.5M funded by the reserve fund for \$27.5M and the capital charge of \$12.9M. It was noted the capital facilities charges support projects to add capacity to the system.

*(Commissioner Weiland left the dais at 7:46 p.m.)*

The plan encompasses providing good quality water as well as maintaining the sewer system and avoiding any contamination of eliminating sewer infiltration. The improvements will ensure a water supply for the customers through 2025.

*(Vice Mayor Rodriguez left the dais at 7:54 p.m.)*

The transmission system needs to be expanding along with the use of reclaimed water for irrigation to prepare for the future. Mr. Boateng noted leveraging the technology includes asset management with the program SCADA for remote monitoring and water and sewer electronic information. The lift stations would be monitored as well as the water storage services with the new technology that is a key component in the program.

*(Commissioner Weiland and Vice Mayor Rodriguez returned to the dais at 7:51 p.m.)*

Mayor Taylor commented it was a significant amount of money, but well spent. He inquired if the program could have been accomplished without the proposed rate increase, and Mr. Bressner replied the increase was necessary.

### **Motion**

Commissioner Hay moved to approve the capital improvement listing for the Capital Improvement Program. Vice Mayor Rodriguez seconded the motion. The motion passed unanimously.

Mr. Bressner mentioned the issue would return to the Commission in January to borrow money.

### **X. FUTURE AGENDA ITEMS:**

- A. Discussion of plan for environmental issues – December 18, 2007
- B. Discuss possible funding of Board Recognition Dinner – December 18, 2007
- C. American Assembly Implementation Status Report – December 18, 2007
- E. Agreement for Provision of Supplemental Police Services between the CRA and City of Boynton Beach – December 18, 2007
- F. Discussion of disposition of Old High School – January 2008
- G. Discussion on timing of elections – January, 2008

Mayor Taylor noted the two items previously mentioned by Commissioner Hay should be added.

### **XI. NEW BUSINESS:**

- A. Discuss request by developer for annexation of balance of Gulfstream Gardens parcel into the CRA. (Postponed to December 18, 2007)

**Motion**

Commissioner Hay moved to postpone the discussion to December 18, 2007. Vice Mayor Rodriguez seconded the motion. The motion passed unanimously.

- B. Designation of member of City Commission to work with City staff, Palm Beach County School District and the City of Delray on elementary school options east of I-95.

Mr. Bressner explained the school district had proposed working with the City of Boynton Beach and the City of Delray regarding the closing of elementary schools east of I-95. He recommended the Commission appoint one of its members to work with staff, the school board and the City of Delray to open the dialogue. There would also be issues relating to programs at Boynton Beach High, Forest Park School and Permosa.

Mayor Taylor recalled one of Commissioner Ross' initiatives during the campaign was education and he felt she would be the best representative. Commissioner Hay concurred. Commissioner Ross thanked the Commission for their support.

**Motion**

Commissioner Hay moved to designate Commissioner Ross to work with staff, the school district and the City of Delray on the school issues. Commissioner Weiland seconded the motion. The motion passed unanimously.

**XII. LEGAL:**

**A. Ordinances - 2nd Reading - Development - PUBLIC HEARING**

- 1. **Proposed Ordinance No. 07-035** RE: Amending the Comprehensive Plan Future Land Use Map from General Commercial (GC) to Industrial (I). **(National Transmissions, Inc. LUAR 07-004) (Tabled to December 3, 2007)**

**Motion**

Commissioner Ross moved to remove Item XII.A.1 from the table. Commissioner Hay seconded the motion. The motion passed unanimously.

Attorney Cherof read Proposed Ordinance No. 07-035 by title only.

Mayor Taylor opened the issue for public hearing. No one came forward. Mayor Taylor closed the public hearing.

Commissioner Ross established sufficient time had been given to allow for notice.

**Motion**

Vice Mayor Rodriguez moved to approve Proposed Ordinance No. 07-035. Commissioner Hay seconded the motion.

**Vote**

City Clerk Prainito called the roll. The vote was 5-0.

2. **Proposed Ordinance No. 07-036** RE: Approving the rezoning from C-4 General Commercial District to M-1 Industrial District. **(National Transmissions, Inc. LUAR 07-004)(Tabled to December 3, 2007)**

**Motion**

Commissioner Weiland moved to remove Item XII.A.2 from the table. Commissioner Hay seconded the motion. The motion passed unanimously.

Mayor Taylor opened the issue for public hearing. No one came forward. Mayor Taylor closed the public hearing.

Attorney Cherof read Proposed Ordinance No. 07-036 by title only.

**Motion**

Vice Mayor Rodriguez moved to approve Proposed Ordinance No. 07-036. Commissioner Weiland seconded the motion.

**Vote**

City Clerk Prainito called the roll. The vote was 5-0.

B. **Ordinances - 2nd Reading - Non-Development - PUBLIC HEARING**

None

- **Ordinances - 1st Reading**

1. **Proposed Ordinance No. 07-037** RE: Amending Ordinance 07-002 to provide for a reduction in the Public Art Fee from one (1%) percent to one-half (.05%) percent.

Mayor Taylor declared public audience was normally not allowed on first reading of Ordinances; however, he would allow public comments on the issue.

**Barbara Ready**, 329 SW 13<sup>th</sup> Avenue, indicated the developers have accepted the Art in Public Places program and the affects of the art can be felt along Ocean Avenue. Public art is a proven economic stimulus and provides civic pride. She urged the Commission to not amend the ordinance and allow the Arts Commission to allay any fears or concern before voting on the proposed change.

**Barbara Lentz**, 117 Lucina Drive, spoke as a small business owner within the City of Boynton Beach. She noted recent events brought hundreds of people and consumers that enjoy art and like to shop in specialty shops. Art is life, even in our homes and it gives joy. By cutting the fee, cheap art would be cheap art and diminish the value of all art within the City of Boynton Beach.

**Angela Budano**, 9609 Majestic Way, contended reducing the fee did not make sense since there needs to be creative ways to bring people downtown and promote civic pride. She commended the Commission for being visionary with the percent level originally established and urged the Commission to not reduce the fee.

**Louise DeCamara**, INCA, suggested including an element of art in projects would be a credit to the development. The many site plan extensions could include a condition that they adhere to the art fee

even if they were previously exempted. Passing the proposed ordinance would be detrimental to the Arts Commission. The Inlet Cove Association was opposed to reducing the art fee to .05%. Culture was needed within the City.

**Halena Wolf**, 3619 Providence Road, shared a letter she had received from the Genesis Development Group advocating art including the Ocean 95 project. She urged the Commission not reduce the fee.

**Nubia Richman**, 1105 Villa Lane, referred to a letter from the Fashion Boutique owners on Ocean Avenue, who felt the art displayed was an amazing contribution to the City that would attract upscale people to the area. It created a semi-urban atmosphere. She advocated it would be a step backwards to reduce the fee and the citizens would suffer if only a few developers had complained.

**Bill Nix**, resident of Delray and Vice President of the Cultural Counsel, noted Boynton Beach had joined only 300 cities that recognized the value of art. He urged the Commission to not reduce the fee and continue the arts program. He felt public art differentiated great communities and cities. It should be paid for by those participating and benefiting from the redevelopment. The economy would come back. Art allows a City to enhance its reputation. Mr. Nix strongly urged the City to resist the temptation to make the City of Boynton Beach generic.

**Christine Moeller**, 3519 Diane Drive, member of the Art Commission, related she had moved to Boynton Beach from Boca Raton thinking it was more rural. She was now excited to see the Avenue of the Arts and the Children's Schoolhouse Museum. Reducing the fee would be a tragedy.

**Frank Varga**, 636 South Road, an international sculptor and artist, support the arts with many donations for charity. He competed due to the support of the Arts within the City of Boynton Beach. In his travels he noted the most successful cities were the ones that promote the cultural arts. He strongly urged the Commission to not throw the arts away.

**Dr. John McGovern**, 2620 Spiceberry Lane, alleged the definition of folly was the pursuit of policy by an elite group that is contrary to the interests of the governed. He contended reducing the art fee would be folly. Reducing the fee would represent caving into the minority.

Mayor Taylor responded the issue was not brought forward based on any pressure put upon one of the Commissioners. The Commission attempts to address any issue, no matter who asks the question.

No one else coming forward, Mayor Taylor closed the public audience.

Commissioner Weiland commented he had been bombarded with inquiries on the issue and the outlook that he was trying to get rid of the art program. He stressed he was in favor of art and all the citizens benefit from art. If the developers are not responsible, perhaps the residents should be assessed a \$5 fee, per month, to pay for art, a very unpopular compromise. Commissioner Weiland again suggested reducing the fee and the 70% that was to be incorporated in the project be eliminated and 100% of the fee go to the Arts Commission and used for Art in Public Places. If the Art Commission chooses to work with a developer, that could be done. Developers do provide jobs, increase the tax base and give places to live and work.

Mayor Taylor indicated he had agreed to review the fee. Developers often want to get involved in the community and the art fee was a good way to be part of the community. He supported maintaining the fee at 1%.

Commissioner Ross concurred and commended all those individuals who had made compelling arguments in support of the art fee.



Commissioner Hay noted there were no developers present to address the issue. He was also in favor of retaining the fee at 1% as an economic engine to improve the City's image rather than bowing to developers.

Vice Mayor Rodriguez pledged his continued support of the 1% art fee.

**Motion**

Commissioner Hay moved to approve the 1% and not reduce it to .05% and deny the ordinance and reduction. Commissioner Ross seconded the motion.

**Vote**

City Clerk Prainito called the roll. The vote was 5-0.

**D. Resolutions:**

None

**E. Other:**

1. EXECUTIVE SESSION -- Ric-Man Construction, Inc., doing business as Richard Mancini Equipment Company, Plaintiff vs. The City of Boynton Beach, Defendant/Third Party Plaintiff vs. Camp, Dresser & Mckee, Inc., and David J. Prah, P.E., Third Party Defendants. – Case No. 50 2006 CA 011893 XXXX MB AA

Attorney Cherof had previously asked for an executive session to discuss pending litigation. He explained the meeting would recess and the Commission would be required to come back into the public meeting.

Mayor Taylor declared the meeting recessed for the closed-door executive session at 9:02 p.m.

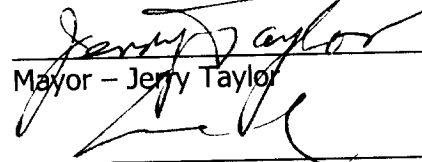
Attorney Cherof indicated the Commission would return to chambers to adjourn the meeting in the presence of the court reporter.

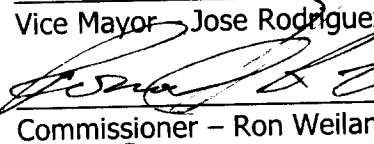
**XIII. UNFINISHED BUSINESS:**

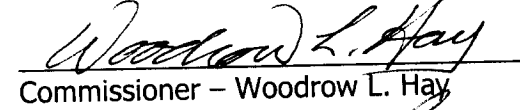
None

**XIV. ADJOURNMENT:**

CITY OF BOYNTON BEACH:

  
\_\_\_\_\_  
Mayor – Jerry Taylor

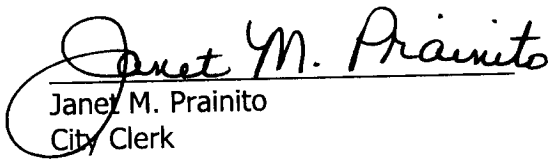
  
\_\_\_\_\_  
Vice Mayor – Jose Rodriguez


  
\_\_\_\_\_  
Commissioner – Ron Weiland

  
\_\_\_\_\_  
Commissioner – Woodrow L. Hay

  
\_\_\_\_\_  
Commissioner – Marlene Ross

ATTEST:

  
\_\_\_\_\_  
Janet M. Prainito  
City Clerk

  
\_\_\_\_\_  
Judith A. Pyle  
Deputy City Clerk

DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE  
CITY OF BOYNTON BEACH, FLORIDA



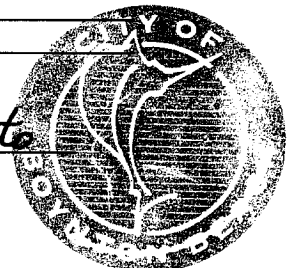
PROJECT NAME: Tuscan Villas (aka Villas at Boynton Beach)  
APPLICANT'S AGENT: Wendy Tuma / Urban Design Studio  
APPLICANT: Tuscan Villas at Boynton Beach, LLC  
APPLICANT'S ADDRESS: 631 US Highway 1, Suite 220, North Palm Beach, Florida 33408-4614  
DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: December 3, 2007  
TYPE OF RELIEF SOUGHT: Request a one (1) year site plan time extension to construct 22 townhouse-style condominium units on 1.34 acres in the IPUD zoning district.  
LOCATION OF PROPERTY: On the east side of Federal Highway, approximately 1,100 feet north of Gulfstream Boulevard (see Exhibit "A" – Location Map)  
DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

X  THIS MATTER came on to be heard before the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the relief sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the relief sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.
2. The Applicant  
 HAS  
 HAS NOT  
established by substantial competent evidence a basis for the relief requested.
3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "D" with notation "Included".
4. The Applicant's application for relief is hereby  
 GRANTED subject to the conditions referenced in paragraph 3 hereof.  
 DENIED
5. This Order shall take effect immediately upon issuance by the City Clerk.
6. All further development on the property shall be made in accordance with the terms and conditions of this order.
7. Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED: 12-07-07

*Janet M. Prainito*  
City Clerk



# EXHIBIT "D"

## Conditions of Approval

Project name: Tuscan Villas

File number: SPTE 07-011

Reference:

DEPARTMENTS	INCLUDE	REJECT
<b>PUBLIC WORKS- General</b>		
Comments: None	X	
<b>PUBLIC WORKS- Traffic</b>		
Comments: None	X	
<b>UTILITIES</b>		
Comments: None	X	
<b>FIRE</b>		
Comments: None	X	
<b>POLICE</b>		
Comments: None	X	
<b>ENGINEERING DIVISION</b>		
Comments: None	X	
<b>BUILDING DIVISION</b>		
Comments: None	X	
<b>PARKS AND RECREATION</b>		
Comments: None	X	
<b>FORESTER/ENVIRONMENTALIST</b>		
Comments: None	X	
<b>PLANNING AND ZONING</b>		
Comments:		
1. The site plan time extension shall be subject to all previous Conditions of Approval.	X	

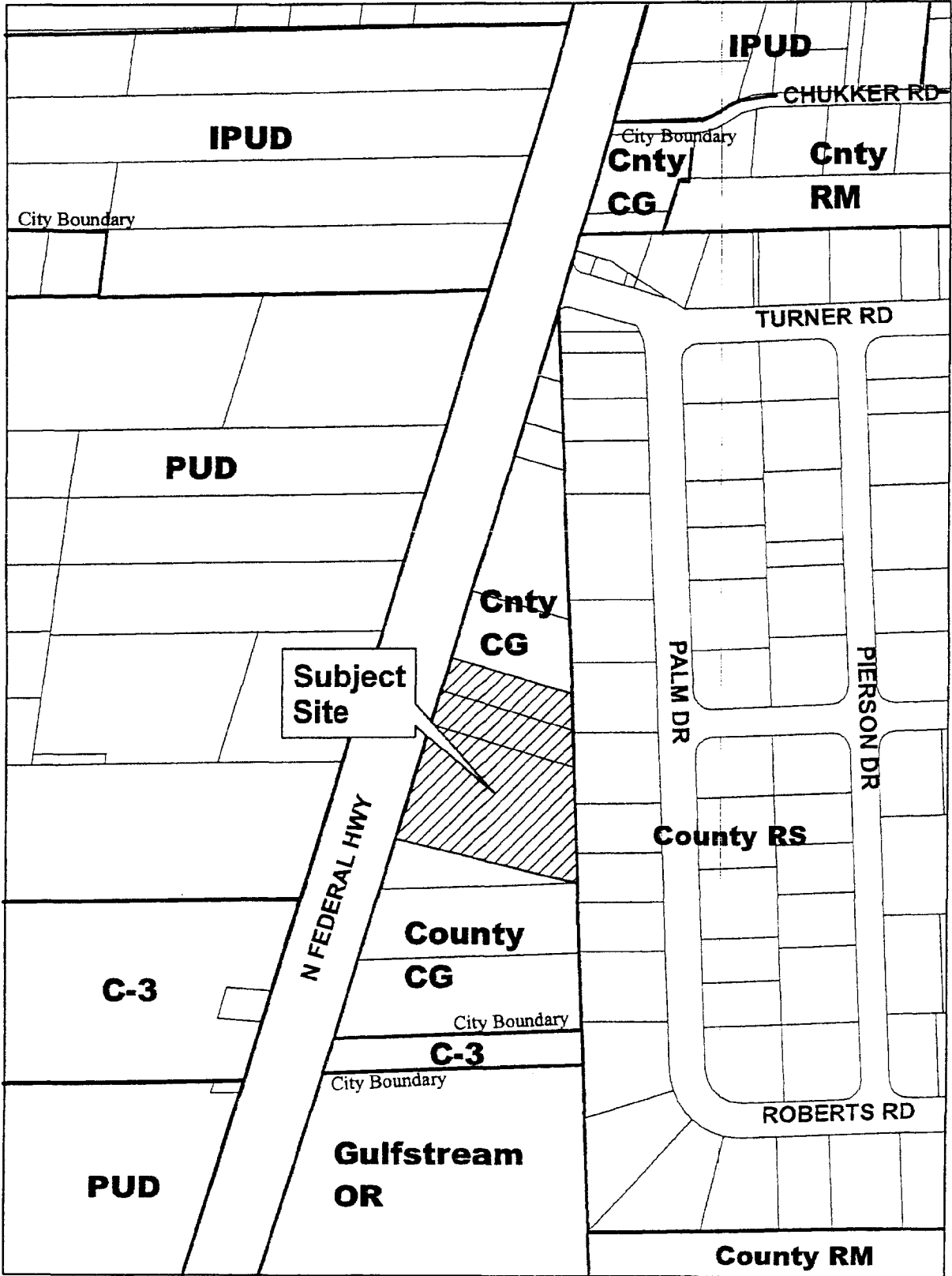
Conditions of Approval

2

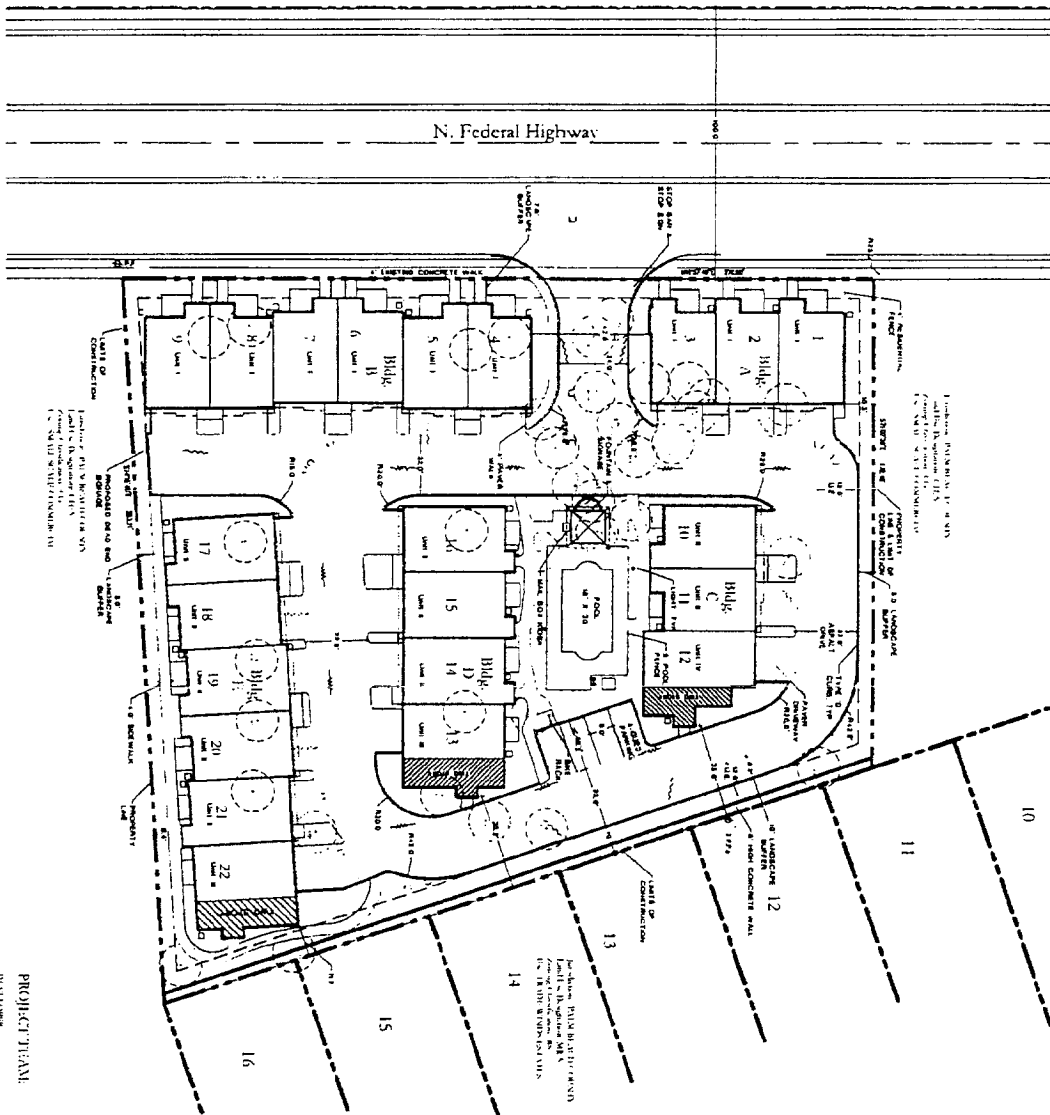
DEPARTMENTS	INCLUDE	REJECT
<b>ADDITIONAL COMMUNITY REDEVELOPMENT AGENCY BOARD CONDITIONS</b>		
Comments:		
1. Requirement for planting of palm trees along the rights-of-way in the interim, prior to beginning of construction, to enhance the appearance of the vacant parcel.	X	
<b>ADDITIONAL CITY COMMISSION CONDITIONS</b>		
Comments:		
1. The applicant shall place Royal Palm Trees along the west property line abutting Federal Highway right-of-way.	X	

# LOCATION MAP Tuscan Villas

Exhibit "A"



Location: CITY OF BOYNTON BEACH  
 Land Use Designation: LUR - LOW DENSITY  
 Zoning Classification: LUR-1 (COMMUNITY CONDOMINIUM)  
 1. MOBILE HOME PARK



Location: PARKWAY, 11.00' x 10.00'  
 Address: 11.00' x 10.00'  
 Parcel No.: 11.00' x 10.00'

### PROJECT TEAM

- DEVELOPER**  
 City of Boynton Beach  
 1100 Boynton Beach Blvd.  
 Boynton Beach, FL 33426
- DESIGNER**  
 Urban Design Studio  
 4775 N. University Ave., Suite 200  
 Boynton Beach, FL 33426
- CONSULTANTS**  
 Engineering: [Name]  
 Surveying: [Name]  
 Landscape: [Name]

### SITE DATA

Site Area: 11.00' x 10.00' = 110,000 sq. ft.  
 Total Building Area: 110,000 sq. ft.  
 Total Parking Area: 110,000 sq. ft.  
 Total Landscaping Area: 110,000 sq. ft.  
 Total Utility Area: 110,000 sq. ft.

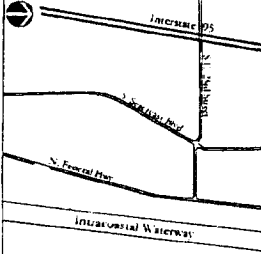
### LEGEND

- 1. BUILDING FOOTPRINT
- 2. PARKING SPACE
- 3. LANDSCAPING
- 4. UTILITY
- 5. CONCRETE WALL
- 6. DRIVEWAY
- 7. ACCESS ROAD
- 8. TREE
- 9. SHRUB
- 10. FENCE
- 11. SIGN
- 12. LIGHT
- 13. BIKE RACK
- 14. MAILBOX
- 15. WALKWAY
- 16. DRIVEWAY
- 17. DRIVEWAY
- 18. DRIVEWAY
- 19. DRIVEWAY
- 20. DRIVEWAY
- 21. DRIVEWAY
- 22. DRIVEWAY

### NOTES

1. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH ZONING ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
2. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH SUBDIVISION ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
3. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH UTILITY ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
4. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH LANDSCAPING ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
5. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH CONCRETE WALL ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
6. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH DRIVEWAY ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
7. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH ACCESS ROAD ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
8. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH TREE ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
9. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH SHRUB ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
10. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH FENCE ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
11. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH SIGN ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
12. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH LIGHT ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
13. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH BIKE RACK ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
14. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH MAILBOX ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
15. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH WALKWAY ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.
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22. THE SITE PLAN IS SUBJECT TO THE CITY OF BOYNTON BEACH DRIVEWAY ORDINANCES AND ANY OTHER APPLICABLE REGULATIONS.

### LOCATION MAP



## The Villas at Boynton Beach

City of Boynton Beach, Florida  
 Site Development Plan



Scale: 1" = 20'-0"  
 1" = 40'-0"  
 1" = 80'-0"  
 Sheet 1 of 2

**Urban design studio**  
 Urban Planning & Design  
 4775 N. University Ave., Suite 200  
 Boynton Beach, FL 33426  
 Phone: 561-368-1111  
 Fax: 561-368-1111