

Agenda Item No. C - 1

**VILLAGE OF ROYAL PALM BEACH**  
Agenda Item Summary

**AGENDA ITEM: Approval of the minutes of the Council Regular Meeting of April 18, 2024.**

**ISSUE: It is necessary for Village Council to approve all Village Council meeting minutes.**

**RECOMMENDED ACTION: Motion to Approve**

<b>Initiator</b>	<b>Village Manager Approval</b>	<b>Agenda Date</b>	<b>Village Council Action</b>
<b>Village Clerk</b>		<b>5/16/24</b>	

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE COUNCIL CHAMBERS  
THURSDAY, APRIL 18, 2024  
6:30 P.M.**

**Ways to Participate**

- In Person: Public may participate in person at the Village Council Chambers, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.
- Computer, Tablet, Smartphone: Public may participate remotely by joining GoToWebinar from your computer, tablet or smartphone via [www.royalpalmbeachfl.gov/webmeetings](http://www.royalpalmbeachfl.gov/webmeetings).
- Telephone: Public may listen only via phone remotely by dialing United States +1 (631) 992-3221, Webinar ID: 277-671-035, Access Code: 254-770-928.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Mayor Fred Pinto  
Vice Mayor Jeff Hmara  
Councilwoman Selena Samios  
Councilwoman Jan Rodusky  
Councilman Richard Valuntas

All members of the Council were present along with the Village Manager, Village Attorney (Keith Davis), Village Attorney (Mitty Barnard) and the Village Clerk.

**SPECIAL RECOGNITION OF VICE MAYOR JEFF HMARA FOR RECEIVING A 2024 HOME RULE HERO AWARD FROM THE FLORIDA LEAGUE OF CITIES**

**REPORTS**

Councilwoman Rodusky invited everyone to celebrate Cultural Diversity Day at Veterans Park on May 11<sup>th</sup> from 1:00 p.m. to 6:00 p.m. She announced that the Village will be hosting the 4<sup>th</sup> Shakespeare by the Sea at Commons Park on July 25<sup>th</sup> through July 28<sup>th</sup>. She also announced that they are accepting auditions for any artistic performing talents from 6:00 p.m. – 8:00 p.m. on May 7<sup>th</sup> at the Benjamin Upper School in Palm Beach Gardens. Interested actors are asked to bring a head shot, resume, and prepare a one to two minute Shakespearean monologue.

Vice Mayor Hmara reported the Education Advisory Board will be conducting 18 interviews on Saturday, April 20<sup>th</sup> to determine the 10 scholarship recipients and thanked the board members for their participation. He attended the Transportation Planning Agency sponsored event namely the South Florida Rail Tour and site visit. He went on to say that they used Tri-Rail to get into Miami. A station is located in the airport as well as a MIA mover which stands for Miami International Airport which was very effective in transporting people to where they need to be. He announced that between 8:00 a.m. – 3:30 p.m. on Friday, April 26<sup>th</sup> there will be an Affordable Housing Seminar held at the TPA headquarters where discussions will include affordable housing principals, design principals, effective local government approaches as well as the missing middle class housing requirements.

Mayor Pinto stated he too would be attending the Affordable Housing Seminar noting that it is a complex issue.

Councilman Valuntas announced the Great American Clean Up will be held on Saturday, April 26<sup>th</sup> at the Recreation Center. Registration will be held from 7:00 a.m. – 8: 00 a.m. and lunch will be provided. He also announced that Royal Palm Beach High School graduation is set for 1:00 p.m. on May 15<sup>th</sup> at the South Florida Fairgrounds. He attended a Royal Palm Beach High School track meet where the boys came in second overall and the girls came in sixth.

Councilwoman Samios reported over 800 people were served by the free Tax Service held by the United Way at the Recreation Center this year. She said that the regular season for youth baseball and softball is wrapping up with playoffs starting on Saturday at Bob Marcello and Ferrin Parks. She reported that the Royal Palm Beach Strikers has three more weeks left in their season, Cultural Diversity Day will be held on May 11<sup>th</sup> from 1:00 p.m. – 8:00 p.m., the shade structure at Bobbie Jo Lauter Park is close to completion, food trucks/concert will be held on Friday night with the featured band Dark Side of the Sol which is a Pink Floyd tribute band and lastly the Green Market will be on Saturday at Village Hall from 9:00 a.m. – 1:00 p.m. Councilwoman Samios attended a Legislative Update from the Economic Council where discussions were held on MySafeFlorida Homes, noting it has been refunded starting July 1<sup>st</sup>, where applications will be available in this order, first for low-income seniors, then low income residents, low income middle areas with two week increments for paying up to a \$10,000 match. She attended the 490 Park Grand opening work space.

The Village Manager gave an update on the rentals at Seminole Palms Park for youth football and adult soccer. He said the fields will be turned back over to the County to continue to run those programs as well as maintaining the fields effective January 1, 2025.

The Village Attorney gave a full disclosure that he will be a panelist on the Affordable Housing Symposium. He also announced that the first week in October 2024 he will be in Williamsburg, Virginia joining the William & Mary Law School faculty as an Adjunct Law Professor where he will be teaching a one credit course at the law school on public participation and ethics in local government as well as first amendment issues.

**PETITIONS – None**

**STATEMENTS FROM THE PUBLIC ON NON AGENDA ITEMS OR CONSENT AGENDA ITEMS - None**

**CONSENT AGENDA**

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

- 1. Approval of the minutes of the Council Organization Meeting and Council Regular Meeting of March 21, 2024. (Village Clerk)**

2. **Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 105 in the fiscal year 2023/2024 Budget. Said amendment to transfer a total of \$88,829 from Data Center Upgrade (IS2303) and Corporate Picnic Pavilion (PR2308) to Village Meeting Hall Reno (EN2202). (Finance Director)**
3. **Adoption of Resolution 24-08, a Resolution of the Village Council of the Village of Royal Palm Beach, Florida, authorizing the Mayor to sign that certain “Statewide Mutual Aid Agreement - 2023” with the State of Florida Division of Emergency Management and other local government entities; which agreement provides for State and local disaster assistance in the event of a disaster or threatened disaster; providing for the Village Manager to act as the Primary Authorized Representative contact in connection with the agreement and to provide information to the appropriate parties as requested; providing an effective date; and for other purposes. (Village Engineer)**
4. **Approval of the bid award in the amount of \$70,823.00 and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder, Professional Video Repair, for Cypress Hall Audio and Video Implementation (EN2202 Meeting Hall Reno). (Information Systems Director)**
5. **Approval of a Special Event Permit for Palm Beach Sheriff’s Office to hold a Food Give Away at Commons Park; the dates and times for the food give away will be “as needed”. (Director of P & Z)**
6. **Approval of a Special Event Permit for the Average Joe Truck Club to hold a “Truck Show Event” at 11150 Okeechobee Boulevard, on Saturday, April 27, 2024 from 7:30 p.m. to 10:00 p.m. (Director of P & Z)**
7. **Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a Cultural Diversity Day at Veterans Park on Saturday, May 11, 2024 from 8:00 a.m. to 9:00 p.m. (Director of P & Z)**
8. **Approval of a Special Event Permit for Community Animal Hospital to hold a 35 year anniversary celebration at the Community Animal Hospital of Royal Palm Beach on Wednesday, May 22, 2024 from 4:00 p.m. to 6:00 p.m. (Director of P & Z)**
9. **Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a Memorial Day Service at Veterans Park on Monday, May 27, 2024 from 8:00 a.m. to 11:00 a.m. (Director of P & Z)**
10. **Adoption of Resolution No. 24-07 and approval and authorization for the Village Manager to enter into Agreement between the State of Florida Department of Transportation and the Village of Royal Palm**

**Beach for a grant in the amount of \$500,000.00 for the La Mancha Subdivision Underdrain Project (PW2204). (Public Works Director)**

Councilwoman Samios asked to pull Consent Agenda Item No. 5.

Councilwoman Samios made a motion to approve the Consent Agenda less Item No. 5; seconded by Councilman Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

Captain Naujoks explained the sheriff's office formed a partnership with Restoration Bridge to provide food handouts to the community on an as needed basis on the availability of supplies. This event will take approximately two hours and facilitate 200 – 300 vehicles. He added everything will be handled by PBSO and advertised on both the sheriff's office and Restoration Bridge social media sites. Mayor Pinto directed staff to advertise these events on the Village's social media as well.

Councilwoman Samios made a motion to approve Consent Agenda Item No. 5; seconded by Councilwoman Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

**REGULAR AGENDA**

- 1. Public hearing to consider Application No. 23-179 (MPM) an application by Gunster on behalf of EDX Royale Properties, LLC, and Resolution No. 23-54 confirming Council action. The applicant is seeking a master plan modification in order to convert the referenced use for Pod 7 on the master plan from a public “charter school” to a “public and private academic institution”, for a property located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (US 441). Agent: Brian M. Seymour, Esq., of Gunster. \* (Director of P & Z)**

This was quasi-judicial and the Village Attorney (Keith Davis) swore in all who will speak on this item and asked for ex-parte disclosures. The Village Attorney further explained the process needed when making the motion.

The Director of P & Z stated the applicant is requesting a Master Plan Modification Approval to modify the Village Royale (f/k/a Tuttle Royale) Master Plan in order to convert the referenced use for Pod 7 on the Master Plan from a public “Charter School” to a “Public and Private Academic Institution”. The property is located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (US 441). The Village Code Section 26-32 (f)(5)b.8. *Intended use of all buildings and structures* requires that the intended uses for each building be labeled on the Site Plan. In this case, the two (2) buildings totaling 77,674 square feet were originally approved with the intended use of a public charter school. He showed an illustration of the Master Plan that shows a charter school on Pod 7. The Director of P & Z reviewed the Special Exception Criteria that was used to evaluate the Special Exception for the Planned Commercial / Planned Development District which includes the entire Master Plan and the Special Exception approval of the Public/Private Academic

Institution for Pod 7. He reported that on April 4, 2024, the Village received a letter dated February 12, 2024 in opposition to changing the Master Plan signed by the owners of Pod 2 (The Villas at Tuttle Royale), Pod 3 (Southern Blvd Villas), Pod 4 (Tuttle Royale SFH LLC) and Pod 6 (Main Street at Tuttle Royale) with Tuttle Royale. He read into the record their objection. The Planning and Zoning Commission recommended approval by a vote of 5-0 having received no public comment at the public hearing and no correspondence whatsoever either in support of or in opposition to the request prior to the public hearing. Staff recommended approval. The Village Attorney clarified that the opposition letter which is dated February 12, 2024 was not received by the Village until April 2, 2024, after the March 26, 2024 Planning and Zoning Commission meeting.

Brian Seymour, Esq., Counsel on behalf of Basis Independent School, provided a power point presentation of the applicant's request. He explained the mission of the school is to provide the highest quality of education. Mr. Seymour reported that Basis Independent School has been named the as a top academic institution throughout the country with a 96% AP exams passage, 4.32 out of 5 average AP exam pass rate, 98% earning as AP scholars, 1482 out of 1600 average SAT scores, 33 out 36 average ATC score, and 90% of the graduates are accepted in the top 50 schools in 2023. His power point included review of the Tuttle Royale master plan that includes Pod 7 and the previously approved Resolution 19-12 approved on December 12, 2019. He said Basis Independent Schools is proposing to build the site with minor changes as approved for a school. He referred to the Village code and language in the code noting there will be no increase in square footage, students, architectural style or traffic. He said the traffic analysis was based on a private school traffic, not public school; however, the school would pay property taxes to the Village. He reported on the job creation, community stability, and noted it meets all the special exception requirements. Mr. Seymour referred to traffic noting there was a uniqueness between public and private school. He asked for approval and was available for any questions.

Mayor Pinto opened the floor to public comment and called on each person who filled out a public comment card.

Ralph Arza, former Florida State Representative of 5569 Sea Biscuit Road, Palm Beach Gardens, provided public comment and stated he was an advocate for school choice and supports the empowerment of parents. He stated his support for this request.

John Fumero, Esq. of Nason Yeager Gerson Harris & Fumero, P.A., provided public comment on behalf of the land owner of Pod F, EDX Royale Property, LLC. he referred to staff comments and reviewed the project. He stated he supported school choice, reviewed the code and definition of the code. He referred to the General Commercial noting allows for special exception referred to previously approved Resolution stating he felt it made no reference to charter school or public/private academic institution. He urged the Council to support the staff recommended approval as well as a matter of law and public policy. Mayor Pinto confirmed his comments were for Regular Agenda Item No. 1 and 2 with Mr. Fumero.

Lauren Hollander, Chair of the Florida Charter School Alliance, 4500 PGA Boulevard, Suite 302, Palm Beach Gardens, provided public comment and explained the challenges of a charter school environment that includes the building a green field charter school with land and construction costs. She stated her support of this private school as a unique school of choice for the public. Mayor Pinto confirmed her comments were for Regular Agenda 1 and 2.

Mark Rodberg, of 4500 PGA Boulevard, Palm Beach Gardens, provided public comment and stated he has been the contract buyer for this property for eight years. He gave a history of attempts of different charter schools wanting his property but with no results. He noted that a traditional K – 12 charter school has not been built in the last four year adding that the delivery of education has changed. He stated his support for this approval.

Brian Tuttle, of 10509 Versailles Boulevard, Wellington, provided public comment and stated this is a great school and asset for Palm Beach County. However, for the past 8 – 10 years this was not the design of this community. He spoke about the interest rates and construction costs, and that schools follow residential. He reported on the residential that is now being built and proposed in this development and felt there were two special exception criteria that cannot be met, that includes deteriorating adjacent property values and negative impacts on the three apartment sites and the single family sites, as well as the traffic impacts.

Mr. Tuttle responded to questions from the Councilwoman Samios regarding the mean rent for the occupied units. He responded rentals for a one-bedroom apartment is \$2,200-\$2,400, two bedroom apartment is \$2,700-\$3,100 and three bedroom apartment is \$3,200-\$3,700, and four bedroom is \$4,100-\$4,400. The preconstruction prices for single family homes start \$699,000-\$899,000 with closing on June 1, 2024. She confirmed with applicant that if approved this school has a goal of opening for the 2025 school year.

Vice Mayor Hmara asked for more clarification on Mr. Tuttle's statement regarding the traffic study. He said the traffic studies were done per Palm Beach County code which the Village follows. A discussion ensued with regard to the traffic study and its impacts.

After confirming with the Village Clerk and the Village Manager there were no further public comments, Mayor Pinto closed public comment on Regular Agenda Item No. 1 (and No. 2 to the extent those making public comment had comments applicable to No. 2).

Mayor Pinto stated the resident's major concern with this development was the traffic congestion. He explained the history of the project and the previously approved master/site plan that includes a charter school which was a key issue in order to contain the traffic within the development. Mayor Pinto reiterated the commitment made to our citizens.

Councilwoman Samios stated her support for a variety of schools, supported the school being a K – 12, questioned the options of scholarships, but her main concern with this school is the affordability. Mr. Seymour responded to her concerns and would agree to a condition of approval to offer 10 partial/half scholarships in 10 quarters on and as need basis.

Councilman Valuntas supported the original charter school that was approved as a K – 12<sup>th</sup> grade and asked and received clarification from the Village Attorney regarding “public and private academic institution” definitions, previous master and site plan approvals and the special exception criteria. The Village Manager clarified if there were changes from K – 12 to high school there would be a phasing plan.

Vice Mayor Hmara stated his concern was with affordability and confirmed the annual tuition cost would be approximately \$30,000 per year. He added that his most important consideration with the entire concept is the walkability and accessibility. He added that that goes after the character of the community and diminishes it after years of conversations. Mr. Seymour again referred to the original traffic study analysis noting it did not incorporate all the walkability.

Vice Mayor Hmara clarified he was referring to compatibility and nature of the neighborhood. The Village Manager commented the trip generation between public and private schools is not different, the difference is whether or not the school has buses or not. He further reported that the County uses private for charter schools analysis because they typically do not use buses, the County would use the private school generation without buses. He said the trip generation between the two is not any different, the main differences is whether there are buses or not, clarifying the County uses private for the purpose most charter schools do not use buses like the traditional public schools. It was made clear the traffic analysis would not be any different if it were a private or charter school.

Vice Mayor Hmara again stated his concern with this change is the compatibility with the character and living conditions of the existing neighborhood.

Councilwoman Rodusky questioned the number of intended student population and Mr. Seymour responded approximately 900. She asked about the number of scholarships and it was clarified there would be a possibility of 10 half scholarships or 20 quarter scholarships. She also confirmed state vouchers are approximately \$8,000 and explained the tuition barrier and did not support the change.

Mr. Seymour reiterated the market issues with charter schools and asked for approval of this application.

Further discussion ensued on the affordability and compatibility with the existing neighborhood. In response to Vice Mayor Hmara’s question, Mark Rodberg explained that only 15% of the parent’s in Palm Beach County select to

place their children in charter schools and gave further information with regard to the schools.

Vice Mayor Hmara made a motion to deny the application based on the applicant's failure to meet the criteria regarding compatibility with the character and living conditions of the existing neighborhood in which it is to be located per Section 26-32(f)(4)b.7.; seconded by Councilwoman Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote which carried 3 – 2, with Councilwoman Samios and Councilman Valuntas dissenting.

- 2. Public hearing to consider Application No. 23-180 (SPM) an application by Gunster on behalf of EDX Royale Properties, LLC, and Resolution No. 23-55 confirming Council action. The applicant is seeking a site plan modification in order to convert the referenced use for Pod 7 on the site plan from a public “charter school” to a “public and private academic institution”, for a property located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (US 441). Agent: Brian M. Seymour, Esq., of Gunster. \* (Director of P & Z)**

The applicant, Brian Seymour, Esq. Counsel on behalf of Basis Independent School stated that Regular Agenda Item No. 2 was moot because of the action on Regular Agenda Item No. 1.

The Village Attorney and applicant agreed that Regular Agenda Item No. 2 is moot. As such, there was no further discussion and no action on Regular Agenda Item No. 2.

- 3. Public hearing to consider Application No. 23-186 (SCPA), and Ordinance No. 1044 on second reading. The applicant is seeking a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation of one parcel totaling 0.235± acres from the Village's Open Space (OS) land use designation to the Village's Industrial (IND) land use designation, for a property located on 6846 Seminole Palms Drive. Agent: Heather Jo Allen, Esq., of Bar Education, Inc. (Director of P & Z)**

The Director of P & Z made the presentation showing the location and stated the proposed Map Amendment is compatible with adjacent land uses and consistent with the Village's Comprehensive Plan. He stated this is the second reading, the Local Planning Agency, and staff recommended approval.

Andrea Keiser, Esq., of Keiser Legal on behalf of the applicant was available for any questions.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilman Samios made a motion to approve; seconded by Vice Mayor Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 4. Public hearing to consider Application No. 23-187 (RZ), an application by Bar Education, Inc., and approval of Ordinance No. 1045 on first reading, the applicant is seeking a Zoning Map Amendment to change the zoning designation of one parcel totaling 0.235± acres from the Village's Public Ownership (PO) zoning district to the Village's Industrial General (IG) zoning district, for a property located on 6846 Seminole Palms Drive. Agent: Heather Jo Allen, Esq., of Bar Education, Inc. \* (Director of P & Z)**

This was quasi-judicial and the Village Attorney (Mitty Barnard) swore in all who will speak on this item and asked for ex-parte disclosures. The Village Attorney confirmed that Mayor Pinto read the ordinance title into the record for the first reading when presenting Regular Agenda Item No. 4. The Director of P & Z stated this application is to assign a zoning district designation consistent with the Future Land Use designation. He stated the proposed Zoning Map Amendment designating the parcel as Industrial General (IG) is compatible with adjacent land uses, consistent with the Village's Comprehensive Plan, zoning code of ordinances, and will not exacerbate any existing public facility capacity deficits in regards to the roadway network, sanitary sewer, solid waste, drainage, potable water, recreation and open space. The Local Planning Agency and staff recommended approval.

Andrea Keiser, Esq. of Keiser Legal on behalf of the applicant was available for questions.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilwoman Samios made a motion to approve; seconded by Councilwoman Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 5. A public hearing to consider Application No. 23-129 (CONTR) and Ordinance No. 1042 on Second Reading, an application by Urban Design Studio, seeking the De-Annexation of a parcel of land totaling 3.742± acres more or less, located on the north side of Weisman Way approximately 1,780 feet west of Sansburys Way. Agent: Lentzy Jean-Louis. (Director of P & Z)**

The Director of P & Z stated this is the second reading and if approved by the Village Council, the parcel of land will revert back into Unincorporated Palm Beach County. Staff has reviewed this request and feels that the owner of the property is better served by de-annexing back into Unincorporated Palm Beach County. The Local Planning Agency and staff recommended approval.

Lentzy Jean-Louis of Urban Design Studio of behalf of the applicant was available for questions.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Vice Mayor Hmara made a motion to approve; seconded by Councilman Valuntas. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 6. Public hearing to consider Landscape Waiver Application No. 23-128 (LW) and approval of order LW-23-05, an application by Cotleur & Hearing, on behalf of Andrade Associates Limited Partnership for consideration of two (2) landscape waivers from Sec. 15-131(b)(1) to allow for a 10-foot landscape buffer along the west property line where Village code requires 25 feet, and to allow for an 11.5-foot landscape buffer along the south property line where Village code requires 25 feet, for a property located at 1301 Royal Palm Beach Boulevard. Agent: Donaldson Hearing, of Cotleur & Hearing. \* (Director of P & Z)**

This was quasi-judicial and the Village Attorney (Mitty Barnard) swore in all who will speak on this item and Item No. 7 and asked for ex-parte disclosures. The Director of P & Z explained the two landscape waivers, the first waiver is from Sec. 15-131(b)(1) to allow for a 10-foot landscape buffer along the west property line where Village Code requires 25 feet, a waiver to reduce the required buffer width by 15 feet. This buffer will contain all required landscape materials. He said the applicant contends that the location subject to this waiver is located on the western side of the property, abutting a portion of land on the adjacent property where construction is not feasible. The second waiver is from Sec. 15-131(b)(1) to allow for an 11.5-foot landscape buffer along the south property line where Village Code requires 25 feet, a waiver to reduce the required buffer width by 13.5 feet. He said the applicant contends that the location subject to this waiver is the southern landscape buffer which abuts the driveway entrance to the plaza. The necessity for this waiver is in response to the western property owner's acquisition of the driveway, therefore it is now considered residential property and that strict adherence to the mentioned code requirement is neither feasible nor logical. The Planning and Zoning Commission and staff recommended approval.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

The Director of P & Z responded to questions from the Council, announcing the restaurant that is being proposed is an Italian restaurant named Jabrewski's, confirmed that the same amount of landscape material that is required by code will be installed and that the only change is the width of the landscaping which is less than required.

Councilwoman Samios made a motion to approve; seconded by Vice Mayor Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 7. Public hearing to consider Application No. 23-127 (SP, AAR), an application by Cotleur & Hearing on behalf of Andrade Associates Limited Partnership, and adoption of Resolution No. 23-46**

**confirming Council action. The applicant is seeking site plan and architectural & aesthetic review approval to construct a 4,090± square foot restaurant with outdoor dining, associated landscape improvements and signage, for a property located at 1301 Royal Palm Beach Boulevard. \* (Director of P & Z)**

The Director of P & Z showed the site plan and architectural approval. He said the request is for a new 4,090 square foot standalone building and outdoor dining (540 SF) area. Access to the site will be provided from two full access points off of Royal Palm Beach Boulevard and Waterway Plaza Internal Drive. The Director stated the applicant is also seeking Architectural approval for the building architecture, color, materials and landscape plan. In reviewing this application, staff considered conformity with Chapter 26 of the Code of Ordinances, specifically the proposed project meets the requirements for the General Commercial (CG) zoning district, as it pertains to parcel size, parcel width, setbacks, pervious area, parking requirements, landscape areas, and maximum building height. Overall, the proposed Site Plan improvements meet all of the Village's requirements for this type of use in the General Commercial (CG) zoning district. The Planning and Zoning Commission and staff recommended approval.

George Missimer of Cotleur & Hearing, on behalf of the applicant, Andrade Associates Limited Partnership was available for any questions. He pointed out the large existing monument sign is proposed to be removed and a smaller monument sign to the north would remain for the restaurant. He noted there will be no drive through for the restaurant.

Vice Mayor Hmara confirmed that this would not exacerbate the impact of the drive through at Dunkin' Donuts. Mr. Missimer also noted there is a cross access agreement with both properties.

Councilwoman Rodusky received confirmation that the outdoor seating is located on the north side of the building and screened.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilwoman Samios made a motion to approve; seconded by Councilwoman Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

**8. Public hearing to consider Ordinance No. 1038 on Second Reading, amending Village Code Section 15-2 to add a new definition for the term "Artificial Turf"; Section 15-141 to eliminate the current prohibition on the use of Artificial Turf; and add a new Section 15-144 Artificial Turf to establish certain performance standards for Artificial Turf. (Director of P & Z)**

The Director of P & Z stated this is the second reading. He referred to public comment provided at the first reading where concerns were expressed regarding the minimum grass turf blade length (tufted pile height) for recreation or pet

turf which would have been prohibited under the first draft of the ordinance. Staff has amended the ordinance to reflect the industry standard of 7/8 inch turf blade length for pet turf. The Local Planning Agency and staff recommended approval.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilwoman Rodusky made a motion to approve; seconded by Councilwoman Samios. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

**9. Public hearing to consider Ordinance No. 1041 on Second Reading, amending Village Code Chapters 4, 15, 16 and 20 at multiple sections to replace all references to former Occupational Licenses with the current reference to Business Tax Receipts. (Director of P & Z)**

The Village Attorney stated this is second reading. She said the update is to address the change to state law that preempted regulations of occupational licenses to business tax receipts.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilman Valuntas made a motion to approve; seconded by Vice Mayor Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

**10. Approval and authorization for the Village Manager to execute the First Amendment to Agreement for Purchase and Sale Agreement to provide a six-month extension to AMG Business Enterprises LLC to obtain the required approvals under the agreement. (Director of P & Z)**

The Director of P & Z stated this request it to extend the time frame needed for the entitlements.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilwoman Samios suggested to extend this agreement to seven months to be consistent with the request of the adjacent property in the next agenda item.

The Village Attorney confirmed with the owner, Mr. Keefer, that he had no objection to the change to a seven month extension.

Councilwoman Samios made a motion to approve a seven-month extension; seconded by Councilman Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

**11. Approval and authorization for the Village Manager to execute the First Amendment to Agreement for Purchase and Sale Agreement to provide a seven-month extension to Artemis Investments LLC to obtain the required approvals under the agreement. (Director of P & Z)**

Andrea Keiser, Esq. of Keiser Legal representing the applicant, explained the reason for the need of the seven months is due to the application approval process which are interdependent on each other.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilwoman Samios made a motion to approve; seconded by Councilman Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

**12. Appointment of two residents to the Planning and Zoning Commission. (Council Liaison)**

Councilwoman Rodusky moved to reappoint Lauren McClellan and Kara Dery to regular seats with terms expiring in 2027; seconded by Vice Mayor Hmara. Mayor Pinto put the motion to a vote and it passed unanimously.

**13. Appointment of five residents to the Recreation Advisory Board. (Council Liaison)**

Councilwoman Samios moved to reappoint Sandy Rubin, Sean Fitzpatrick, Denis Seibert, John Riordan and Robert Birch to regular seats for 2-year terms expiring in 2026; seconded by Councilman Valuntas. Mayor Pinto put the motion to a vote and it passed unanimously.

**14. Appointment of three residents to the Education Advisory Board. (Council Liaison)**

Vice Mayor Hmara moved to reappoint Nancy Pennea and Jennifer Sullivan to regular seats with terms expiring 2026; moved to reappoint Sergio Herrera to the Alternate Seat #1 with term ending 2026; seconded by Councilman Valuntas. Mayor Pinto put the motion to a vote and it passed unanimously.

**15. Annual review, evaluation and merit pay determination for the Village Manager. (Village Attorney)**

Mayor Pinto confirmed with the Council that they have reviewed the evaluation process with the Village Manager and there were no questions or comments. Mayor Pinto stated the Village Manager does an outstanding job.

Mayor Pinto recommended a 5% pay increase in salary, not a bonus payment.

Vice Mayor Hmara made a motion to approve a 5% pay increase in salary with 0% merit; seconded by Councilman Valuntas. Mayor Pinto put the motion to a vote and it passed unanimously.

**16. Consideration of proposed “Sixth Employment Agreement” for Village Manager, to be effective on May 16, 2024, and to end on May 15, 2029. (Village Attorney)**

Mayor Pinto again confirmed with the Council that they had an opportunity to review this agreement with the Village Manager.

Councilwoman Samios confirmed this contract is for a 5% pay increase in salary, not a merit pay. She asked and received confirmation regarding a draft succession plan.

Councilman Valuntas made a motion to approve the Six Employment Agreement with a 5% increase in base salary with 0% merit; seconded by Councilwoman Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

**ADJOURNMENT**

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Mayor Fred Pinto

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Diane DiSanto, Village Clerk