

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 May 16, 2019.**

**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>
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<b>Village Clerk</b>		<b>06/20/19</b>	
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**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE MEETING HALL  
THURSDAY, MAY 16, 2019  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

Mayor Pinto announced there will be something special for the residents at the end of the meeting.

**LEGISLATIVE UPDATE BY REPRESENTATIVE MATT WILLHITE**

State Representative Willhite made a presentation bringing the Council and residents up to date regarding the recently ended legislative session in Tallahassee. He reported that a 91.1 billion dollar budget was approved. He said the most significant issues were Hurricane Michael and Irma where those areas are still devastated. He spoke about legislation regarding Alzheimer's disease; cancer coverage for firefighters and passed a local bill for the City of West Palm Beach Firefighters Pension Fund. He reported that he worked on a bill that prohibits certain lewd and lascivious acts in the presence of correctional personnel and protects officers in prisons and county jails. Representative Willhite reported that \$500,000 has been secured for the Royal Palm Beach Canal System Rehabilitation Project. He was not happy about certain legislation noting there was a heated debate regarding the levies raised from county referendums and if that money would be shared with Charter Schools. He is concerned about legislation that passed last year regarding school safety and allowing teachers to carry guns in schools. Mayor Pinto confirmed the new gun legislation gives discretion to local school districts. Representative Willhite also reported on Federal Immigration Enforcement and Transportation needs. He recognized his Aide Melissa Santoro and Legislative Assistant Thomas Valeo.

**PRESENTATION OF 20 YEAR SERVICE AWARD TO TODD WAX**

Mayor Pinto honored and congratulated Todd while acknowledging his dedication to the Village and presented him with a service award package.

**PRESENTATION OF \$1,000 SCHOLARSHIP AWARDS TO TEN ROYAL PALM BEACH GRADUATING SENIORS: ANTHONY BENEDICT (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); STARR BIEN-AIME (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); MADELEINE CREAN (WELLINGTON COMMUNITY HIGH SCHOOL); MYA GARDNER (ROYAL PALM BEACH**

**COMMUNITY HIGH SCHOOL); KATE KOLLAR-DYE (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); MARCO PERIC (PALM BEACH CENTRAL HIGH SCHOOL); JOHN-MARK ANDREW PHILLIPS (SEMINOLE RIDGE HIGH SCHOOL); NICHOLE TAYLOR (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); STEFANI VASSALOTTI (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); MAURA CATHERINE WILSON (A.W. DREYFOOS JR. SCHOOL OF THE ARTS)**

Mayor Pinto welcomed the scholarship award winners and their families and friends stating the pride with which the Village of Royal Palm Beach gives these scholarships to some of the most successful students living in the Village. He recognized the Education Advisory Board for their diligent work throughout the selection process. Councilman Hmara announced the awardees and introduced the Education Advisory Board members who acknowledged each of the students and Mayor Pinto presented the checks on behalf of the Village Council.

## **REPORTS**

Mayor Pinto reported on the Palm Beach Transportation Planning Agency meeting where updates were given on the Multimodal Desires Plan and Transit Desires Services. The focus for the Village is to increase transportation opportunities for the east/west corridor and reviewed the six east/west corridors that were chosen. He gave an update on the transition of the TPA becoming independent reporting that the target date is set for September 2019. Mayor Pinto reported on legislation and HB311 that fully authorizes autonomous vehicles without a human operator. Also at that meeting, the annual strategic planning subcommittee appointed him as a member.

Councilwoman Samios reported on the Recreation Advisory Board where the annual organization was held and congratulated Carlton Brooks becoming Chair and John Ruffa becoming Vice Chair. Items discussed included the Sporting Center renovations, security cameras being installed this year in Katz, Ferrin and Bob Marcello Parks and next year in Robiner Park and the Recreation Center. She announced that summer camps along with art camps are available and directed anyone interested to the Village's website. She reported that the Young at Heart has 395 members and the final lunch for the season will be held on June 7<sup>th</sup>. A trip to Sarasota is planned for the YAH and a Senior Expo is set for July 19<sup>th</sup> at the Cultural Center. She encouraged everyone to participate in the Village's new slogan competition and submit recommendations by May 30<sup>th</sup>. She thanked Executive Administrative Assistant Kathy Drahos on her 15 years of service and wished her well on her retirement. Councilwoman Samios reported on Cultural Diversity Day and invited everyone to attend the Citizen Summit at 6:30 p.m. on Monday, May 20<sup>th</sup> and the Memorial Day Observance at 9:00 a.m. at Veterans Park.

Councilman Valuntas reported on the CAFCI annual scholarship award ceremony.

The Village Manager announced that next Wednesday the Village would be celebrating the induction of Councilman Hmara as President to the Palm Beach County League of Cities.

The Village Attorney gave an update on the Supervisor of Election's direction for the 2020 Election cycle and stated that the SOE would not be able to accommodate any Special Elections in 2019 due to the new election equipment. The Village Attorney along with the Village Clerk recommended the Special Election be held in August 2020 due to the fact that the March 17<sup>th</sup> is the Presidential Preference Primary Election and traditionally has a very long ballot. Mayor Pinto asked and received a consensus to move forward with the Special Election in August 2020.

The Village Attorney stated that the new landscaping code was adopted in November 2018 and reported that the legislature took some of the authority to regulate tree trimming away from the Village. She explained HB1159 was passed and sent to the Governor for approval and said it pertains to residential properties and that the property owner is not required to get a permit from the Village, pay a fee or replace a tree removed if a Landscape Architect or a Certified Arborist said it had to be trimmed or removed because it posed a danger to people or the property. She further explained that this conflicts with portions of the Village's Landscape Code and said it will have to be revised. The biggest conflict is the tree replacement and mitigation requirements. The Village Attorney stated the motion is to postpone the enforcement of hatracking, tree abuse and new tree trimming standards and the tree replacement mitigation requirements until Ordinance No. 945 is amended to address the House Bill. The postponement shall only apply in the following circumstances: if a tree is pruned, trimmed or removed on residential property, the property owner provides the Village with documentation from a Certified Arborist or Florida Licensed Landscape Architect, that the pruning, trimming or removal was necessary because a tree presented a danger to persons or property and the property owner obtained such documentation prior to the pruning, trimming or removal. Councilman Valuntas so moved the motion read by the Village Attorney; seconded by Councilman Hmara. Mayor Pinto put the motion to a vote and it passed unanimously.

#### **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 Regular Meeting of April 18, 2019. (Village Clerk)**
- 2. Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 302 in the fiscal year 2018/2019 Budget. Said amendment to transfer a total of \$20,000 from RV Boat Parking II (EN1804) to Customer Service Area Renovation (BD1802). (Finance Director)**
- 3. Approval and authorization for the Village Manager to execute an addendum to extend Geotechnical & Environmental Engineering**

**Services provided by Terracon Consultants for two years. (Village Engineer)**

- 4. Approval of bid award and authorization for the Village Manager to enter into an agreement with Custom Tree Care, Inc. the lowest responsive, responsible bidder in the amount of \$726,175.00 for Debris Removal Services. (Director of Public Works)**

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

## **REGULAR AGENDA**

- 1. Public hearing for first reading of Ordinance No. 887 and application No. 17-71 (CPA), an application by Cotleur & Hearing. The applicant is seeking a small scale future land use map amendment to change the use designation for a parcel of land totaling 5.55± acres, more or less, from the Open Space (OS) Future Land Use designation to the General Commercial (CG) land use designation, located at 10701 Okeechobee Boulevard. Agent: Donaldson Hearing, of Cotleur & Hearing. (P & Z Director)**

The P & Z Director stated the applicant is seeking a Small Scale Future Land Use Map Amendment to amend the Future Land Use Designation of 5.55 acres of land from the Open Space (OS) Future Land Use Designation to the Commercial (COM) Future Land Use Designation. This site is currently vacant. The applicant has indicated in their justification statement that the ultimate goal is to develop the property to operate in conjunction with the First Baptist church. This parcel of land is currently part of the Capstone at Royal Palm Plat and previously owned by the Village. The Village transferred the land to Royal Palm Beach SLP, LLC on December 29, 2017 and subsequently transferred to the First Baptist Church of Royal Palm Beach, Florida, Inc. on December 31, 2018. The idea in 2017 was that this property would become a part of the Church's property and the Future Land Use Designation and Zoning would be changed to be consistent with the First Baptist Church's current Commercial Future Land Use Designation and General Commercial Zoning Designation. In reviewing the Comprehensive Plan Amendments staff considered the following consistency of the proposed changes with elements of the Comprehensive Plan; consistency with the vision for the future of the Village; compliance with state law. Staff also consider whether the action requested will exacerbate any existing public facility capacity deficits as described in the Traffic Circulation Element, Sanitary Sewer, Solid Waste, Drainage, Potable Water Element and Recreation and Open Space Elements of the Comprehensive Plan. The amendments meet the Traffic Circulation element of the Comprehensive Plan, the Sanitary sewer and solid waste level of service standards. Overall, the proposed site is in conformance with the Village's requirements for the Commercial (COM) Future Land Use Designation. All future submittals for this site will be subject to the Commercial (COM) Future Land Use Designation, the General Commercial (CG) Zoning District Development Standards and the Deed Restrictions and Reverter Clause. The Local Planning Agency and staff recommended approval.

The applicant did not wish to make a statement.

Mayor Pinto opened and closed public comment with no response.

Councilwoman Samios confirmed if trees are removed they would have to comply with the landscape ordinance replacement schedule.

The Village Attorney read into the record Ordinance No. 887 by title only.

Councilman Hmara 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.

- 2. Public hearing to consider Application 18-115 (SPM, AAR), an application by Cotleur & Hearing, Inc., and adoption of Resolution 19-21 confirming Council action. The applicant is seeking Site Plan and Architectural Approval to amend the approved landscape plan for Pioneer Estates townhouses, in order to remove and change certain plant material, located on the southeast corner of State Road 7 and Pioneer Road. \* Agent: Donaldson Hearing, of Cotleur & Hearing. (P & Z Director)**

This was quasi-judicial and the Village Attorney swore in all who will speak and asked for ex-parte disclosures. The applicant is seeking Site Plan and Architectural Approval to amend the approved landscaping for Pioneer Estates Townhouses. The applicant is requesting to remove material in certain areas, add landscaping and swap species of material in other areas. Staff has review the changes to the previously approved Landscape Plan and have determined that the proposal meets the requirements on Village Code. The applicant contends that the reason for these changes is due to ensuring long term sustainability, swapping of plant material due to wet and poorly drained soils, overcrowded and over shading conditions, utilization of larger growing shrubs and replacement of weak rooted Yellow Tabebuia trees and provided a Justification Statement that outlines the changes. The Planning and Zoning Commission and staff recommended approval.

The applicant did not wish to make a statement.

Mayor Pinto opened and closed public comment with no response.

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

- 3. Public hearing to consider Application 18-106 (SPM, AAR) an application by Schmidt Nichols, and adoption of Resolution 19-20 confirming Council action. The applicant is seeking Site Plan modification and Architectural Approval for an existing "Vehicle sales and/or rental" use situated on a 33.43 acre parcel of land located at 9205 Southern Boulevard. \* Agent Josh Nichols, of Schmidt Nichols. (P & Z Director)**

This was quasi-judicial and the Village Attorney swore in all who will speak and asked for ex-parte disclosures. The applicant is seeking Site Plan Modification and Architectural Approval and various modifications to the site which include 41,797 square feet of new construction of which 26,509 square feet had been previously contemplated as Phase 2 of the previously approved Toyota Site Plan. The applicant is requesting a net increase of 15,288 square feet to the existing Toyota sales site and has proposed to block off drive aisles on the Toyota parcel which will prevent patrons and the general public from accessing the rear of house and vehicle inventory storage spaces. The Fire Department access will be maintained to the back of house and the rear of the buildings through the provision of rolling gates with Knox boxes. The reconfiguration of the landscaping will also occur as part of the expansion. The proposed site meets the requirements for the Industrial Limited (IL) Zoning District as parcel size, parcel width, setbacks, pervious area, parking requirements, landscape area and building heights. The applicant is seeking Architectural Approval for the existing Toyota building which applies mostly to the addition with much of the colors and materials remaining the same. The applicant is also seeking Architectural Approval for wall signage that will provide advertising and wayfinding for the dealership and is consistent with Toyota's trademark. The applicant is also changing the signage on the south elevation. In reviewing the proposed Site Plan Modification, staff considered compatibility with adjacent land uses, consistency with the Village's Comprehensive Plan and conformance with the Industrial Limited (IL) development standards in Section 26-92. The Planning and Zoning Commission and staff recommended approval.

Mayor Pinto asked why the name of the dealership was changed from Royal Palm Beach Toyota.

Andrew Scarce, General Manager of Toyota explained it was due to issues with the upper management that required the change.

Mayor Pinto opened and closed public comment with no response.

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

- 4. Public hearing to consider Application No. 18-07 (LW) an application by Urban Design Kilday Studios and adoption of Landscape Waiver LW-19-01 confirming Council action. The applicant is requesting a waiver from the landscape requirements of Sec. 15-131 (b) (1) to allow the required 25 foot landscape buffer to taper from 25 feet down to zero feet for an area of approximately 233 linear feet. Located on the south side of Southern Boulevard and west State Road 7. \* Agent: Alessandria Palmer of Urban Design Kilday Studios. (P & Z Director)**

This was quasi-judicial and the Village Attorney swore in all who will speak on Agenda Items 4 and 5 and asked for ex-parte disclosures. The applicant is seeking a landscape waiver to allow for a reduction in width of the required 25 foot perimeter landscape buffer. Erica Boulevard a proposed new road along with Tuttle Boulevard will allow for "through traffic" from Southern Boulevard to State Road 7. The applicant is intending to taper in a certain area the

perimeter buffer width along the south side of the proposed Erica Boulevard from 25 feet down to zero feet for an area of approximately 233 linear feet. The reason for the Landscape Waiver request is due to Erica Boulevard being constrained in a certain area due to an existing Lake Worth Drainage District Canal Easement on the south side of the road. The landscaping for these roadways meet all other Village Code requirements. The Planning and Zoning Commission and staff recommended approval.

Alessandria Palmer of Urban Design Kilday Studios representing the applicant reviewed the reduced buffer area noting it will affect three homes in Victoria Groves and reported they have committed to those homeowners an increase to their landscaping.

Krystal Clark of 235 River Bluff Lane asked that once the Victoria Groves residents affected are satisfied it be reported to the Village.

Mayor Pinto closed public comment.

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

- 5. Public hearing to consider Application 18-113 (SP,AAR) an application by Urban Design Kilday Studios and adoption of Resolution 19-15 confirming council action. The applicant is seeking Site Plan, and Landscape Plan Architectural approval for a roadway comprising 10 tracts of land totaling approximately 11.20 acres located on the south side of Southern Boulevard and west of State Road 7. \* Agent: Alessandria Palmer of Urban Design Kilday Studios. (P & Z Director)**

The Village Attorney previously swore in all who will speak as well as asked for ex-parte disclosures. The P & Z Director stated the applicant is seeking Site Plan Approval and Landscape Plan Architectural Approval for a roadway comprising 10 tracts of land totaling approximately 11.20 acres and consists of several single-family homes. The applicant has indicated in their justification statement that the goal is to develop the property for roadway purposes to provide a secondary ingress and egress point for the area to State Road 7. Additionally, Erica Boulevard along with Tuttle Boulevard will also allow for “through traffic” from Southern Boulevard to State Road 7 and Luffs Road will provide access to Pod 8 which is intended to be an approximately 10 acre park that will satisfy in part the offsite public recreation requirements for Pod 2, Pod 3, and Pod 4. In reviewing the proposed Site Plan Approval and Landscape Plan Architectural Approval of the parcels to the Village’s General Commercial (CG) Zoning District, staff considered compatibility with adjacent land uses, consistency with the Village’s Comprehensive Plan and conformance with the General Commercial (CG) development standards in Section 26-89. Specifically, the proposed site meets the requirements for General Commercial (CG) Zoning District as it relates to parcel size, parcel width, setbacks, pervious area and landscape plans. The Planning and Zoning Commission and staff recommended approval.

The applicant did not wish to make a statement.



Mayor Pinto opened and closed public comment with no response.

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

- 6. Public hearing to consider Variance Application 18-93 (PVAR) an application by Urban Design Kilday Studios and approval of Variance order VC-19-02, to allow the use of tandem parking spaces for a multifamily residential development to count toward the required parking, where Village Code Section 23-49 (b) (1) b. allows tandem parking to be counted only for single family residences; to allow 6 parking spaces to be used exclusively by the U.S. Postal Service during certain times where Village Code Section 23-51(1)(d) requires that such spaces be available for residents and guests at all times; and to reduce the number of required parking spaces for the site from 735 to 717, for a Variance of 18 parking spaces required by Village Code Section 23-51(1)(d), for a property located on the south side of Southern Boulevard approximately 7/10 of a mile west of State Road 7. \* Agent: Ken Tuma of Urban Design Kilday Studios. (P & Z Director)**

The Village Attorney already swore in all who will speak and asked for ex-parte disclosures on Agenda Items 6 and 7. The P & Z Director explained the code that allows the Village Council to grant variances to the parking code when special conditions and circumstances exist which are not applicable to other lands in the same zoning district. Also, that special conditions do not result from the actions of the applicant, granting the variance will not confer on the applicant special privileges that are denied to other lands in the same zoning district and the literal interpretation of the code would deprive the applicant the rights enjoyed by other lands in the same zoning district. The variance requested is the minimum variance that will make possible the reasonable use of the property, will be in harmony with the general intent and purpose of the zoning code and will not be injurious to the public welfare. The applicant contends that although the code does not allow the use of tandem spaces, there is no way to prevent the use of them by the future residents when garage apartments are developed. Requiring additional parking spaces with no consideration given to the tandem parking spaces will result in excess parking of the proposed project. The applicant has proposed that should parking become an issue, they have committed to adding parking space and would rather dedicate this area to recreation space for their residents.

Staff recommended denial and explained that there has been similar variances approved under similar circumstances. The Village has not received any complaints regarding the use of tandem parking spaces previously approved in other developments. The Planning and Zoning Commission recommended approval by a vote of 4 – 1 and added a condition of approval for an alternative parking plan.

Mayor Pinto confirmed with the applicant they have accepted all Conditions of Approval.

Krystal Clark of 235 Seminole Lakes reported on the limited parking spaces and parking issues in her neighborhood (Seminole Lakes). She asked the Council to reconsider granting this parking variance.

Mayor Pinto closed public comment.

Councilwoman Samios confirmed that the tandem parking is attached to a specific unit and asked for additional staff comments. The P & Z Director stated that staff does not have the latitude to take into account current conditions or market trends, variances are the only option. He provided additional information that includes that there is 20% visitors parking.

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

- 7. Public hearing pursuant to Sec. 163.3225(1), Florida Statutes, to consider Application No. 19-30 (DA) requesting approval of a development agreement between the Village and the developer for a proposed 318 unit multifamily residential development on a 23.952± acre parcel of land located located on the south side of Southern Boulevard approximately 7/10 of a mile west of State Road 7. Agent: Ken Tuma of Urban Design Kilday Studios.**

The P & Z Director stated the applicant is requesting approval of a Development Agreement between The Village of Royal Palm Beach and the Developer of the Southern Boulevard Properties POD 3. The developer is proposing minimum unit floor areas which are less than those required by the Village Code in the RM-14 Zoning District and allows for a reduction in the minimum floor area requirements if the project developer enters into such agreement. Village Code also specifies a minimum average unit size of 1,200 square feet for each building within the development. The applicant contends that the proposed development consists of 318 multi-family homes within 13 separate buildings and plentiful community features such as a pool, clubhouse, fitness center, vegetable garden, outdoor dining areas, playfield, picnic area, tot lot, dog park and volleyball court as well as numerous walking trails for future residents to enjoy. In order to achieve the desired amount of amenities and spacing for the proposed development, a reduction to the size of several of the multi-family units is being requested. The Local Planning Agency recommended approval 4 – 1. Staff recommended denial and explained the reasoning. The Director added that there has been similar Development Agreements approved under similar circumstances and the most recent was at the Phase 1 North and the Enclave. The units in Pod 3 overall exceed the apartment sizes of Phase 1 North and the Enclave.

Mayor Pinto opened and closed public comment with no response.

Councilman Valuntas made a motion to approve; seconded by Councilman Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed 4 – 1 with Councilwoman Samios dissenting.

- 8. Public hearing to consider Application 18-92 (SP,AAR) an application by Urban Design Kilday Studios and Resolution 19-16 confirming**

**Council action. The applicant is seeking Site Plan, and Architectural approval for a 318 unit multi-family residential development located on the south side of Southern Boulevard approximately 7/10 of a mile west of State Road 7. \* Agent: Ken Tuma of Urban Design Kilday Studios. (P & Z Director)**

The P & Z Director stated the applicant is seeking Site Plan and Architectural Approval for a proposed multifamily residential development on a 23.952 acre parcel of land. The site is situated within the Multifamily Residential (RM-14) Zoning District and currently has several single-family homes on large tracts. The applicant has indicated in their justification statement that the ultimate goal is to develop the property for 318 multi-family units with a gross density of 13.28 multi-family dwelling units per acre. The 318 units will be divided between 13 buildings. The proposed Site Plan has seven building types, with unit counts ranging from four to 36 per building. The apartments in this development range from one bedroom and one bathroom to three bedrooms and 2.5 bathrooms. The site will also contain a 1.94 acre lake for onsite retention. In addition, the site plan provides 12.21 acres of green and open space. Access to the site will be from Southern Boulevard, via a new bridge over the C-51 canal and a future access to State Road 7 south of Lowe's. The code requirements for recreational space are 10 acres of recreation space, per every 1,000 residents. Each dwelling unit generates 2.5 residents thus, based up on the proposed 318 multi-family dwelling units, 7.95 acres of recreation space is required.

Section 26-75 (h) (2) allows for a credit for private open space, where up to 50% of the required recreation area can be provided. The applicant is proposing to provide a total of 2.7 acres of private recreation on site for a total of 34% of the project's recreation obligation. The private recreation areas proposed will include a pool, clubhouse, fitness center, vegetable garden, outdoor dining areas, playfield, picnic area, tot lot, dog park and volleyball court as well as numerous walking trails. The applicant is also offering to pay a fee in lieu of dedication of land to the Village for 1.28 acres or 16% of the project's recreation obligation. The applicant is proposing a \$320,000 per acre fee in lieu of payment for the 1.28 acre recreation obligation for a total of \$409,600. The applicant will also be dedicating 3.98 acres of land totaling 50% of their remaining 50% recreation obligation. The 3.98 acres will be a part of Pod 8 which was intended to be the receiving area for the recreation obligations for Pods 2, 3 and 4 and total approximately 10 acres. Staff considered conformity with the Village zoning code pertaining to the Multi-family Residential (RM-14) Zoning District and the proposed project meets the requirements for the as it relates to parcel size, parcel width, setbacks, pervious area, parking requirements, landscape area and building heights. The applicant is also requesting architectural approval for the apartment buildings and has indicated that the project signage would be part of a future architectural approval request. A landscape plan, color renderings and paint and material samples has been submitted. The Planning and Zoning Commission and staff recommended approval with an added condition of approval that was read into the record by the Director.

Mayor Pinto confirmed the applicant agreed to all conditions of approval.

Mayor Pinto opened and closed public comment with no response.

Councilman 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.

**9. Public hearing for second reading and adoption of Ordinance No. 990, amending Chapter 23. Traffic and Vehicles. at Section 23-51. Required minimum number of parking spaces. In order to add minimum parking space requirements for Private Recreational Facilities in Single-Family and Multi-Family Residential communities. (P & Z Director)**

The Village Attorney stated this is second reading and that this is to add an actual parking requirement to the community recreation pods.

Mayor Pinto opened and closed public comment with no response.

The Village Attorney read into the record Ordinance No. 990 by title only.

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

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

Mayor Pinto stated that in accordance with Village Code Section 2-2(b) and the Village Manager's contract, the Council shall review and evaluate the performance of the Manager at least once annually and shall determine the amount of merit pay to be granted.

Vice Mayor Rodusky stated she felt that the Village Manager does an excellent job. She reviewed each criteria and stated he is achieving high efficiency and best practices in all the areas. She said specifically with the Village Manager's longevity as well as other employees speaks volumes.

Councilman Hmara agreed with the comments made by the Vice Mayor and added that he appreciated the quality of work, recognized his work throughout the County along with initiating the strategic planning process. He felt he did an outstanding job.

Councilman Valuntas stated that the Village Manager is doing an excellent job, gave him of a rating of five on each category.

Vice Mayor Smith agreed with the Vice Mayor's comments as well and agreed the longevity of staff is a testament to leadership and work environment. She found him to be fair, prepared and felt he goes above and beyond.

Mayor Pinto stated that he is an outstanding Village Manager. He agreed with all the positive comments and gave him a five on all the evaluation standards. Mayor Pinto reported on the positive feedback he has received and felt it speaks volumes for his leadership and the leadership team. He said it was a pleasure to work with him and the Village was fortunate to have him.

**11. Consideration of proposed “Fifth Employment Agreement” for Village Manager, to be effective on May 16, 2019, and to end on May 15, 2024, subject to renewal options upon agreement of both parties. (Village Attorney)**

The Village Attorney explained that the Village Manager contract expires in June of 2019. The Council traditionally agrees to a 3-year term contract, however, this year the Village Manager requested a 5-year term. She added this has no bearing on Council’s ability to terminate the Village Manager at will. She said the base salary would remain the same and he will continue to receive cost of living increases if offered to other employees. The Village Attorney added that if a merit pay is approved it would be inserted into the contract as well.

Mayor Pinto recommended in lieu of a 5% merit this year an increase of 5% be made to the base pay for this year only. All years going forward he would be eligible for the 5% merit bonus if warranted. A discussion ensued with regard to base pay, merit pay and a Manager’s comparable pay scale range. The Village Attorney clarified in addition to the five-year contract, the base pay will increase by 5% with 0% merit this initial year. In addition, an assessment for the yearly merit review will allow the Council to offer the Village Manager an additional bonus for his services every year. At that time, there will be a determination for merit pay and how much will be offered, anywhere from 0% to 5% annually.

Mayor Pinto opened and closed public comment with no response.

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

The Village Manager stated he feels fortunate to work at the Village. He said the Village has always been a fair employer and that is why so many people stay for the long term. He recognized the Council for being fair and consistent with the employees while recognizing the qualified staff.

The Village Manager also announced that the e-newsletter Pulse has been renamed the Village Voice.

As promised at the beginning of the meeting, Mayor Pinto introduced Elliott Cohen from My PR Guru and explained that he produced and directed the new welcome to the Village of Royal Palm Beach video they were about to see. The Mayor then asked Mr. Cohen to present the video.

The Village Manager reported that the Village is working with the Town Crier on the Village’s 60<sup>th</sup> Anniversary Edition and announced a celebration will be held at the Cultural Center on June 30<sup>th</sup> from 4:00 p.m. – 7:00 p.m.

**ADJOURNMENT**

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Mayor Fred Pinto

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Diane DiSanto, Village Clerk