

**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.

LEGISLATIVE UPDATE BY REPRESENTATIVE MATT WILLHITE

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 TPA meeting transportation planning. Other transportation options. Address the east/west corridor long range planning. Gave an update of September of 2019 for the transition of the TPA becoming Independent. HB311 authorizes auto atomic vehicles. Appointed the annual subcommittee strategic planning committee.

Councilwoman Samios reported on the Recreation Advisory Board congratulated. Sproting good renovcations, security cameras in the following parks, summer programs calendar on website, Young at 395 members final lunch on June 7th and slogan competition and submit your recommendation by May 30th. Thanked Kathy Drahos on her Cultural Diversity Day and invited everyone to attend the Citizen Summit on Monday, May 20th and the Memorial Day Observance.

Councilman Valuntas reported on the CAFCI scholarship awards.

The Village Manager next week induction of the Councilman Hmara to the Palm Beach County League of Cities.

The Village Attorney gave an update on SOE direction for August 2020 it was the consensus to go forward. She reported on HB1159 for residential properties that property owner is not required to get a permit or replace a tree if a conflicts with the Village's ordinance. The code will need to be revised and the conflict is the mitigation requirement. She asked for a recommendation to modify and postpone the Councilman Valuntas. So moved the motion; 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 to change the site is currently vacant and the applicant's . This parcel of the land is part of the 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 they would have to comply with replacing trees if removed.

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 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 Architectural Approval for wall signage at an existing Toyota Dealership located within the United Auto Mall located at 9205 Southern Boulevard. The signs will provide advertising and wayfinding for the dealership. The advertising content of the signs are generally consistent with Toyota’s trademark. The Applicant has provided a color rendering and elevations showing the size and location of the signs. This slide illustrates the size and location. The Planning and Zoning Commission and staff recommended approval.

Mayor Pinto asked the applicant why the name has been changed.

Representing Toyota changed the persona .

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 Planning and Zoning Commission and staff recommended approval.

Alessandria Palmer representign the applicant showed the landscape area and reported that three homes in Victoria Groves will be backed up and the applicant will increase the landscape behind the three homes in the Victoria Groves property.

Crystal 325 Riverbluff Lane asked confirmed that Victoria Groves residents will be satisfied.

Mayor Pinto closed public comment.

Councilwoman Samios confirmed that

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 P & Z Director stated

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.

Staff recommended denial. The Planning and Zoning Commission recommended approval. He explained tandem spaces in other
The Village Attorney clarified the P & Z Commission approved 4 – 1, with an added condition of approval.

Mayor Pinto confirmed the applicant has accepted the Conditions of Approval.

Crystal Clark of 235 Seminole Lakes reported on the limited parking spaces in her neighborhood and asked for the Council to reconsider. She reported that parking is an issue.

Mayor Pinto closed public comment.

Councilwoman Samios confirmed the tandem parking. She asked for staff's perspective. The P & Z Director stated that staff does not have the latitude. He reported there is 20% 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", in accordance with Sections 163.3220 -163.3243, *Florida Statutes*, the Florida Local Government Development Agreement Act (the "Act"). The developer is proposing minimum unit floor areas which are less than those required by the Village Code in the RM-14 Zoning District at Section 26-86 (4) (h). This subsection allows for a reduction in the minimum floor area requirements if the project developer enters into such agreement in accordance with the Act. 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 at this time. The reduction in the size of the units is needed to address demand within the current housing market as families and individuals seek to maximize their relationship with their local communities and outdoor experiences rather than desiring to live in housing with excessive levels of space and impervious land area. The Local Planning Agency recommended approval 4 – 1. Staff recommended denial and explained that this

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 proposing The Planning and Zoning Commission and staff recommended approval. The P& Z Director is recommending a condition of approval and read it into the record.

Mayor Pinto confirmed the applicant agreed to the 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.

reported as the Village has been developing single-family and multi-family developments over the past years staff has encountering an issue with the parking code. She said there are not specific requirements for community facilities (i.e. community pool, cabana area, basketball courts, racquetball courts etc.). She said calculating requirements became over burdensome for the applicant to provide enough parking spaces for the requirements. This ordinance puts a reasonable count on these amenities facilities in these developments. After review, an updated ordinance was provided to not only include recreational facility, private (single-family and multi-family dwellings): clubhouse, swimming pool, tennis, handball, pickleball or racketball courts but also to add “or of the like” in order to accommodate future development plans.

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. Mayor Pinto said this is not an increase in pay but a onetime merit pay up to 5%.

Vice Mayor Rodusky reviewed each criteria and stated that the Village Manager is doing an outstanding job.

Councilman Hmara appreciated the quality of work, recognized his work throughout the County, 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 a rating of 5 on everything, except for the completion of Capital Projects which he gave a 4 rating noting that these projects unfortunately were controlled by others.

Vice Mayor Smith stated that the Village Manager is doing an outstanding job and recognized staff and felt he goes above and beyond.

Mayor Pinto said he agreed with all the positive comments and he give him a 5 on all the criteria. He reported on the positive feedback he has been getting from other cities and stated the Village was fortunate to have Ray Liggins. He supported a 5% merit pay.

Mayor Pinto opened and closed public comment with no response.

Mayor Pinto suggested to approve a 5% increase in base pay in the new contract with the option of merit pay each year. A discussion ensued with regard to base and merit pay. The Village Attorney clarified that the base pay will increase by 5% with 0% merit.

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 stated the Village Manager contract expired in June and instead of an increase in salary that this is a new five-year contract noting no changes in the base salary and statutory references.

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 appreciated everything that was said. He recognized his qualified staff.

Mayor Pinto introduced a new welcome video to the Village of Royal Palm Beach and recognized Elliott Cohen.

The Village Manager

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk