

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 19, 2022.**

**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<br/>Approval</b> | <b>Agenda<br/>Date</b> | <b>Village Council<br/>Action</b> |
|----------------------|-------------------------------------|------------------------|-----------------------------------|
| <b>Village Clerk</b> |                                     | <b>05/19/22</b>        |                                   |

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE MEETING HALL  
THURSDAY, MAY 19, 2022  
6:30 P.M.**

**Ways to Participate**

- In Person: Public may participate in person at the Village Meeting Hall, 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.royalpalmbeach.com/webmeetings](http://www.royalpalmbeach.com/webmeetings).
- Telephone: Public may listen only via phone remotely by dialing United States +1 (562) 247-8422, Webinar ID: 372-940-587, Access Code: 455-838-349.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Mayor Fred Pinto  
Vice Mayor Selena Samios  
Councilman Jeff Hmara  
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.

**LEGISLATIVE UPDATE FROM SENATOR BOBBY POWELL, JR  
LEGISLATIVE UPDATE FROM REPRESENTATIVE MATT WILLHITE**

Senator Powell and Representative Willhite presented the attached 2022 Legislative Update. They introduced their staff, thanked the Council and provided contact information for their offices. They also congratulated all the scholarship award winners and wished them the best in their future endeavors.

**PRESENTATION OF \$1,000 SCHOLARSHIP AWARDS TO TEN ROYAL PALM BEACH GRADUATING SENIORS: ALEXANDRA AGATE (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); JELIANYS BURGOS (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); KENNETH CIUS (G-STAR SCHOOL OF THE ARTS); JASMINE GUTIERREZ (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); JENNA KERCHEVILLE (SEMINOLE RIDGE HIGH SCHOOL); ELLA LEISURE (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); ZOE MCCRAE (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); ANA OJEDA (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); JESSIE TUCKER (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); MADDISON STEGALL (BEREAN CHRISTIAN SCHOOL)**

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. Councilman Hmara recognized the Education Advisory Board for their diligent work throughout the selection process. Councilman Hmara announced and acknowledged each of the students and Mayor Pinto presented the checks on behalf of the Village Council.

## **REPORTS**

Mayor Pinto reported on the Transportation Planning Agency meeting where discussion was held on a transportation fee and Resolution, however, further investigation with other counties will be held before any decisions are made.

Vice Mayor Samios reported 1) on the registration and phone number 561-790-5124 for the summer specialties camps; 2) senior meal program Monday – Friday at noon for seniors that are 60+ noting that a mandatory participation form is required, please call 561-753-1241; 3) Young at Heart’s last luncheon for the year is scheduled for June with new memberships to begin in September; 4) concerts in Commons Park are held the first and third Fridays; 5) Community band is holding a summer concert at 7:00 p.m. on Tuesday, June 28<sup>th</sup> at the Cultural Center; 6) the Memorial Day Observance will be held at 9:00 a.m. on May 30<sup>th</sup> at Veterans Park along with the American Legion Post 367; 7) Commons Park bike sharing and the second 18-hole disc golf course are now available; and 8) an RFP is being advertised for an Ice Cream Vendor at Veterans Park. Vice Mayor Samios attended the Palm Beach County League of Cities luncheon where hurricane preparedness was discussed and referred everyone to [ready.pbc.com](http://ready.pbc.com) or [alert.pbc.com](http://alert.pbc.com) for hurricane information. She also attended the Access Specialty Animal Emergency Hospital’s one year anniversary. Vice Mayor Samios reported on the Future Housing Presentation where discussions were held on the increased insurance rates noting reasons include roof age as well as the proximity to the coast and the value of the home. She added there was over 107,000 lawsuits filed in Florida and the remainder of the Country had 900,000. She attended Cultural Diversity Day, thanked CAFCI for their participation and reported on the opening of Kayla Cares 4 Kids playroom in Palms West Hospital. Lastly, congratulated Royal Palm Beach resident Craig House on his two million dollar scratch off win.

Councilman Valuntas reported on a complaint received from a resident regarding someone shooting a BB gun/air soft gun from their property into the public right of way and found that the Village did not have an Ordinance against it and asked for consideration to investigate. Captain Naujoks needed more information but confirmed there is no state law prohibiting it. The Village Attorney reported some municipalities have ordinances that prohibit this type of behavior adding that if it becomes a municipal ordinance it could be controlled by a citation issuance and discussion ensued on the logistics.

Councilman Hmara reported on the Education Advisory Board meeting where the 2022 End of Session Report was given by the Palm Beach County School District. He reported on the change of command and awards ceremony banquet for the Royal Palm Beach High School Junior ROTC. He congratulated Crestwood Middle School on being approved as a Cambridge International School which prepares students for the Honors Program and IB Programs. He announced Royal Palm Beach High School graduation is set for May 23<sup>rd</sup> at 6:00 p.m. at South Florida Fairgrounds. He too reported on Cultural Diversity Day and thanked CAFCI for their participation. Lastly, he reported on the Senior Congregate Meal program and suggested revisiting helping the seniors access the meals.

Councilwoman Rodusky reported on the April's Issues Forum meeting where discussion was held on the Palm Beach County Housing Action Plan and provided the Council with information on Housing for All. She explained there are four areas of focus that includes Funding & Financing for a 200 million bond, Planning and Regulatory Reform, Neighborhood Revitalization & Community Development and Racial Equity. She referred to Page 20 of the Action Plan that named the Main Core Groups. She also reported that during that meeting the Executive Committee discussed the submittal of new items by a government body to consider and explained the checkpoints. She extended heartfelt condolences and peace to the family of Ruby Hopkins-Johnson who was a vibrant member of the Young at Heart Club and her daughter Denise Hopkins-Johnson who was a frequent council meeting attendee prior to Covid-19.

The Village Attorney presented a 1960's postcard of the Royal Inn for the Village archives found at an antique store.

**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 21, 2022. (Village Clerk)**
2. **Approval of a special event permit for the Village of Royal Palm Beach to hold its Annual Star Spangled Spectacular at Royal Palm Beach Commons on Monday, July 4, 2022, from 1:00 p.m. until 10:00 p.m. (Director of P & Z)**
3. **Approval of a special event permit for the Village of Royal Palm Beach to hold the Palm Beach Shakespeare Festival at Royal Palm Beach Commons on July 21, 22, 23 and 24, 2022 from 5:00 p.m. until 9:00 p.m. (Director of P & Z)**
4. **Approval of a special event permit for the Village of Royal Palm Beach to hold its Parks and Recreation Month/Shakespeare Fest at Royal Palm Beach Commons on Saturday, July 23, 2022, from 1:00 p.m. until 4:00 p.m. (Director of P & Z)**
5. **Approval of a special event permit for Barky Pines Animal Rescue & Sanctuary, Inc., to hold a 5K Run and Walk with dogs located at Commons Park, on Saturday, July 23, 2022 from 7:30 a.m. until 12:00 p.m. (Director of P & Z)**
6. **Authorization for the Mayor to execute Participation Agreements to sign-on to the additional settlement agreements between the State of Florida and Endo, CVS, Teva and Allegan related to the opioid litigation and resulting remediation. (Village Manager)**

7. **Adoption of Resolution No. 22-11, a resolution of the Village Council of the Village of Royal Palm Beach, amending the Village of Royal Palm Beach Pension Plan (“401(a) Plan”) and the Deferred Compensation Plan (“457 Plan”) to provide for certain statutory and regulatory requirements, including but not limited to satisfying those requirements set forth in the setting every community up for Retirement Enhancement Act (“Secure Act”), the Coronavirus Aid Relief and Economic Security Act (“Cares Act”), and the consolidated Appropriations Act of 2021 (“CCC Act”); providing an effective date; and for other purposes. (Director of Finance)**
8. **Public hearing to approve Resolution 22-15, a Resolution of the Village Council of the Village of Royal Palm Beach, Florida, providing for the approval and authorization for the Western Academy Charter School to utilize the Official Village Municipal Seal as part of the upcoming 8<sup>th</sup> grade graduation; further providing that this use is for a proper civic purpose; providing an effective date; and for other purposes. (Village Manager)**
9. **Approval and authorization for the Village Manager to enter into a contract with City Electric Supply Company the lowest responsible, responsive bidder for the supply of LED cobra head fixtures for the Street Light Fixture Replacement to LED – Royal Palm Beach Blvd. N Project, PW2102 in an amount not to exceed \$52,325.00. (Director of Public Works)**

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

After approval of the Consent Agenda, Vice Mayor Samios announced that the Barky Pines Animal Rescue & Sanctuary are spaying and neutering several breeds of dogs as well as other procedures at no charge.

## **REGULAR AGENDA**

1. **Presentation of the Palm Beach County Sheriff’s District 9 Annual Report by Captain Ulrich Naujoks.**

Captain Ulrich Naujoks thanked the Council, Department Heads, the Community and all employees at District 9. He presented the attached 2021 Annual Report. Councilwoman Rodusky asked about the different types of accidents that were occurring at the major intersections. Captain Naujoks also gave an update on the process of selecting a body camera vendor noting it has been narrowed down to a single candidate and PBSO is currently in negotiations with them. The Mayor and Council stated their appreciation and thanked him as well.

2. **Public hearing to consider Application 21-127 (SPM), an application by Steven E. Myott Architect, Inc., and adoption of Resolution 22-10 confirming Council action. The applicant is seeking a Site Plan Modification in order to convert the use for the front 31,400 square**

**feet of an existing building from “Commercial Industrial/Wholesale” to a “Self Storage Facility”; along with various site plan modifications to accommodate the intended use, for an existing building located at 330 Business Parkway. Agent: Mark Borg \* (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 P & Z Director stated the applicant is seeking approval for a Site Plan Modification. He referred to 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 and in this case the applicant is requesting to change the intended use to a “Self Storage Facility”. The various site plan alterations, to accommodate the requested conversion, include the introduction of a security gate, modifications to the internal site circulation, landscape improvements and other minor improvements associated with the new, allowed principal use. He reported that the additions to the Landscape Plan brings the site up to current code. Staff considered conformity with Chapter 26. The proposed project meets the requirements for the Industrial General (IG) Zoning District as it pertains to Parcel Size, Parcel Width, Setbacks, Pervious Area, Parking Requirements, Landscape Areas and Maximum Building Height. The Planning & Zoning Commission and staff recommended approval.

Mark Borg representing the applicant stated that the building is not being expanded just the self-storage portion inside.

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 Samios stated because of this change the current tenants had to be relocated.

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

- 3. Public hearing to consider Variance Application 21-115 (PVAR), an application by Kimley-Horn & Associates, to allow a variance from Village Code Section 23-49 (b)(18)b. to eliminate a portion of the required bypass lane along the one-way access to the drive-through on the north and west sides where Village Code requires a continuous 10 foot bypass lane, for a property located at 11001 Southern Boulevard within the Southern Palm Crossing Shopping Center. Agent: Mark Rickards of Kimley-Horn & Associates \* (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 P & Z Director stated the applicant is seeking a parking variance that requires that a bypass lane measuring a minimum of ten feet wide be provided. In lieu of the required bypass lane, the applicant is proposing two points of egress from the queuing lane to exit the drive-through lane, the first adjacent to the menu board and the second along the west side of the building where the pick-up

window is located. The variance request is being made in conjunction with a Site Plan Modification, Special Exception, and Architectural Approval request. He reviewed the applicant's justification statement. The proposed site plan meets the intent by providing enhanced queuing and the bypass lane as designed allows the most opportunity to exit prior to placing an order, which is the most likely scenario for utilizing the lane. The Director stated that every effort has been made to provide opportunities to leave the drive through lane if so desired. He reviewed the criteria for granting a variance. Staff stated that the proposed design meets the intent of the requirement to its furthest extent possible without negatively impacting the existing development, will not confer on any special privileges and is the minimum variance that makes possible the reasonable use of the land. The Planning and Zoning Commission and staff recommended approval.

Joshua Horning of Kimley-Horn was present 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 Samios clarified the traffic flow and confirmed there is ample stacking in the drive-thru. Councilwoman Rodusky clarified the overflow parking area.

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

- 4. Public hearing to consider Application 21-116 (SPM, SE, AAR), an application by Kimley-Horn & Associates, and adoption of Resolution 22-09 confirming Council action. The applicant is seeking a Site Plan Modification, Special Exception Use, and Architectural Approval to allow a "restaurant with drive-through" for an existing 4,000 square foot building, located at 11001 Southern Boulevard and situated within the Southern Palm Crossing Shopping Center. Agent: Mark Rickards of Kimley-Horn & Associates \* (Director of P & Z)**

This was quasi-judicial and the Village Attorney (Mitty Barnard) already swore in all who will speak on this item and asked Council for ex-parte disclosures. The P & Z Director stated in reviewing this application staff considered conformity with Chapter 26 specifically the General Commercial Zoning District and Section 26-61 Planned Commercial developments as it pertains to parcel size, parcel width, setbacks, pervious area, parking requirements, landscape areas and maximum building height. 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.

Councilman Hmara 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. Public hearing for first reading to consider Ordinance No. 1026 and Application 22-4 (Zoning Text), an application by Redd & Associates, regarding a zoning text amendment to Chapter 26 of the Village's Zoning Code to include "Senior Housing Facility" as a special exception use in the Industrial General (IG) zoning district. \* (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 P & Z Director stated the applicant is proposing an amendment to the to the Zoning Code at Section 26-93 (3) to allow a "Senior Housing Facility" as a Special Exception Use in the Industrial General (IG) Zoning District within the Village. Currently the senior housing facility is considered a legal nonconforming use. The applicant would like to expand the existing facility and has applied for a text amendment in order to make the existing use a codified special exception use in the IG Zoning District. The Planning and Zoning Commission and staff recommended approval.

Frank Baynham of Redd & Associates, applicant was present 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.

The Village Attorney confirmed this is to allow the applicant to expand the facility as a legal use. Vice Mayor Samios confirmed additional rooms will be added for surgical short term rehabilitation as well as the continued long term care.

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

**6. Public hearing for first reading and approval of Ordinance No. 1029, amending Chapter 6. Buildings and Building Regulations. at Article XI. Standard Housing Code. to add entirely new Division 4. - Landlord Tenant Notice Requirements. and Sections 6-200. - Notice of Termination of monthly residential tenancy without specific duration. and 6-201 - Written Notification Requirements related to rental payment increases for all residential tenancies., to require 60-days' written notice for termination of tenancies and increases in rental rates. (Village Attorney)**

The Village Attorney stated this concept was discussed at the strategic planning session and explained the ordinance which is an attempt to the unprecedented increase in rent. This ordinance will require landlords to give a 60-day notice prior to increasing the rent more than 5% as well as requires a 60-day notice with month-to-month renters as well.

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

Mayor Pinto commented that currently renters have only 15 days to relocate if the rent is increased. This ordinance will allow the residents additional time.



It was also discussed that there will be an educational campaign should the ordinance be adopted.

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.

**7. 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.

Councilwoman Rodusky reviewed and commented on the six evaluation criteria standards provided for his review and gave her yearly analysis. She stating the Village Manager has done an excellent job.

Councilman Hmara reviewed the evaluation criteria standards provided as well and stated the Village is very fortunate to have Ray.

Councilman Valuntas gave the Village Manager a five on all evaluation criteria standards except one. He appreciated the Village Manager's communication, trust and loyalty factors.

Vice Mayor Samios reviewed the evaluation criteria standards and thanked the Village Manager.

Mayor Pinto stated it is clear that Ray is an excellent Village Manager and continues to grow and cited some of the major projects in process. Mayor Pinto confirmed this is a merit pay, not an increase in base pay. The cost of living increase this year is programmed at 6.2%.

Councilman Hmara made a motion to approve a 5% merit increase; seconded by Councilwoman Rodusky. Mayor Pinto put the motion to a vote and it passed unanimously.

Captain Naujoks reported to the Council in response to an earlier question during his report regarding the types of roadway accidents. He said at the intersection of State Road 80 and 441 there were 31 rear-end crashes, 15 sideswipes and 13 angled crashes combined for 59 out of the 73 reported crashes. Captain Naujoks reported that for State Road 7 and Okeechobee Boulevard there were 34 rear-ends crashes, 13 angular crashes and 10 sideswipes combined for a total of 57 of 70 reported.

**ADJOURNMENT**

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Mayor Fred Pinto

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Diane DiSanto, Village Clerk

