

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 August 18, 2022.

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

RECOMMENDED ACTION: Motion to Approve

Initiator	Village Manager Approval	Agenda Date	Village Council Action
Village Clerk		09/15/22	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, AUGUST 18, 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.
- Telephone: Public may listen only via phone remotely by dialing United States +1 (914) 614-3221, Webinar ID: 859-461-115, Access Code: 384-311-299.

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.

REPORTS

Councilwoman Rodusky reported on the Florida League of Cities Annual Conference where Joe Abruzzo, Clerk of the Circuit Court and Comptroller announced a free service to all residents regarding property fraud. Interested parties can register free of charge at propertyfraudalert.com. She also reported that Comcast offers through Xfinity an Affordable Connectivity Program for internet essentials costing \$24.95 per month, visit the website at Internetessentials.com for qualifications.

Councilman Hmara also reported on the Florida League of Cities Annual Conference where they celebrated their 100th Anniversary. He announced Vice Mayor Jolien Caraballo of Port St. Lucie was installed as President and reported on her initiatives. He also announced the end to Feeding South Florida food distribution on September 21st at Commons Park. Councilman Hmara thanked the Parks and Recreation staff for their efforts for the past two and half years.

Mayor Pinto also thanked everyone involved with the Feeding South Florida food distribution.

Councilman Valuntas encouraged everyone to get out and vote in the Primary Election on Tuesday, August 23rd. He also announced the start of the football season for Royal Palm Beach High School on Thursday as well as Florida Atlantic University next week.

Vice Mayor Samios announced a Friday Night Concert in the Park where a Grateful Dead tribute band will be playing. She noted that public schools will be closed on Election Day and reminded everyone to check their voter ID card for any changes. She reported on a Business Matchmaker Conference for small minority women owned businesses and referred anyone interested to pbmatchmaker.com for more information. She congratulated the Royal Palm Beach Girl's Youth Softball team. Vice Mayor Samios thanked District Fire Chief Olavarria and Station #28 and #29 for giving the opportunity to ride in the tallest ladder in Palm Beach County which rose 100'. Lastly, she reported on Thursday, August 25th, PBSO will be doing Conversations with Deputies at Panera Bread located on Southern Boulevard.

The Village Manager also acknowledged and thanked the parks staff as well as everyone involved for the past two and half years for working with Feeding South Florida and their accomplishments.

The Village Attorney congratulated Village Attorney Mitty Barnard announcing that she has successfully completed the application and examination process and has been recognized by the Florida Bar as an Expert and Specialist in City, County and Local Government.

PETITIONS – None

STATEMENTS FROM THE PUBLIC ON NON AGENDA ITEMS OR CONSENT AGENDA ITEMS

Danielle Underwood referred to appearing in front of the council at the July meeting and returned to receive an update on her concerns at the intersection of Sevilla Avenue and Ponce de Leon Street near H.L. Johnson Elementary School. She said that the school is now in session and with the nearby park closed to cars she has found her neighborhood streets impassible with parents and students in the morning and afternoon.

The Village Manager responded the Village is aware and focused on the situation as well as the Palm Beach County Sheriff's Office and school to ease the problem. He said this is 100-percent related to the school and the goal is to get the drop-off and pick-up as efficient as possible.

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 June 16, 2022, Council Regular Meeting of July 7, 2022, Council Budget Workshop Meeting of July 7, 2022 and Council Special Meeting of July 14, 2022. (Village Clerk)**
2. **Approval and authorization for the Village Manager to execute the "First Addendum to Provision of Services Agreement Between the**

- Village of Royal Palm Beach and Haverland AG Innovations, Inc.” between the Village and Haverland AG Innovations, Inc., to provide for the first one (1) year renewal term beginning October 1, 2022 and ending October 1, 2023. (Director of Parks & Recreation)
3. Approval and authorization for the Village Manager to execute the “First Addendum to Food and Beverage Services Agreement” between the Village and Seeds Café, LLC, to provide for the first one (1) year renewal term beginning October 1, 2022 and ending October 1, 2023. (Director of Parks & Recreation)
 4. Approval and authorization for the Village Manager to execute the Second Addendum to the Food and Beverage Services Agreement with Eats & Teas Holding, LLC, to provide an additional 500 square foot staging area on the first floor of the Commons Park Sporting Center for an additional rental fee of three hundred dollars (\$300.00) per month commencing August 1, 2022 and continuing through the term of the current agreement. (Director of Parks & Recreation)
 5. Approval and authorization for the Village Manager to execute the First Addendum to Agreement for Ice Cream Vendor Services, Veterans Park between the Village and Kool Runnings, LLC to revise the start date of the agreement and monthly lease payments from July 1, 2022 to October 1, 2022. (Director of Parks & Recreation)
 6. Approval and authorization for the Village Manager to enter into a renewal contract with Call a Doctor Plus, and a renewal contract with CIGNA Healthcare, to provide Health, Dental, and Vision, New York Life for Life/Disability Insurance, and Horizon Health for EAP for the employees of the Village of Royal Palm Beach. (Director of Human Resources and Risk Management and Finance Director)
 7. Approval and authorization to request royalpalmbeachFL.gov domain name from .govRegistrar, and to adopt www.royalpalmbeachFL.gov as Village’s official website address. (Information Systems Director)
 8. Approval of a special event permit for Pet Supplies Plus to hold a “Love Your Pets” event at 11051 Southern Boulevard, Suite 160, within the Southern Palm Crossing. The event will take place on Saturday, August 20, 2022, from 11:00 a.m. until 6:00 p.m. (Director of P & Z)
 9. Approval of bid award and authorization for the Village Manager to enter into contract with Epicurean Park, LLC, dba Nex Era Services, the lowest responsive, responsible bidder, in the amount of \$408,765.41 for Roadway Grounds Maintenance Service on State Road 7, State Road 80, Royal Palm Beach Boulevard, N., and alternate bid item Belvedere Road. (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.

REGULAR AGENDA

- 1. Public hearing to consider Application No. 22-7 (FP), an application by R P Logistics, LLC, and adoption of Resolution 22-18 confirming Council action. The applicant is seeking final plat approval to replat four parcels of land totaling 7.9 ± acres into one parcel for a property located at 1131, 1141, 1151, and 1161 North State Road 7. Agent: Steven E. McCraney. (Director of P & Z) [Postponed to a time certain of August 18, 2022 at 6:30 p.m. at the July 14, 2022 Special Council Meeting]**

The Director of P & Z stated the applicant is requesting a final plat approval. The plat conforms with all platting requirements as well as the Industrial Limited Zoning district. 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 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.

- 2. Public hearing to consider Variance Application 21-81 (SVAR), an application by Glen Welden & Associates LLC, the applicant is requesting a variance from Section 20-60 to allow for a 198.33 square foot wall sign where village code allows a maximum of 90 square feet and a 14.94 square foot cabinet sign where Village Code prohibits cabinet sign in excess of 10 square feet, for a property located at 390 S. State Road 7. * (Director of P & Z) [Postponed to a time certain of August 18, 2022 at 6:30 p.m. at the July 14, 2022 Special Council Meeting]**

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 requesting a sign variance for the City Mattress to allow for a 198.33 square foot wall sign where code allows a maximum of 90 square feet. He said Section 20-60 (4), which regulates signs permitted in the General Commercial (CG) district, states that the allowable front wall sign area for each building shall not exceed one square foot per linear foot of the front length of the building. As the building frontage is 90 feet, the maximum sign area allowed is 90 square feet. Also requested is a variance to allow for a 14.94 square foot cabinet sign where code prohibits cabinet signs in excess of 10 square feet. The applicant asserts that City Mattress has the same basic facade area as the other “In-Line” tenants yet is penalized with a significantly smaller wall mounted identity due to the restrictions imposed. Coupled with the 1,818 foot (1/4 mile) setback from State Road 7, being obscured by landscaping and the outparcel building for most of the viewable frontage causes the sign to be

virtually invisible to the traveling public. The P & Z Director reviewed the criteria for granting a variance. The P & Z Commission and staff recommended denial.

Glen Weldon of Glen Weldon & Associates made a presentation. He gave the history of the origin of the store noting the requested sign is a nationally registered logo with the red square as part of the trademark. He showed the façade area, reported on the sign sizes as well as the frontage areas of the adjacent stores and asked for consideration to allow the letters to be 4-foot-3-inches tall. Mr. Weldon also showed a photo study of the shopping center located on the east side of State Road 7. He presented a copy of the original approved permit for the original 90' sign and explained the mixed up with the size installed.

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

A discussion ensued on the permit process, clarification on the stacking on the nationally registered logo and square footage comparisons with the other in-line store signs. The Village Manager also made it clear that the code was set with the intention that people could see and read the sign from the parking lot, not from State Road 7.

Councilman Valuntas made a motion to deny the variance due to 3) granting the variance will not confer on the applicant special privileges that are denied to other lands in the same zoning district and; 4) the literal interpretation of the code would deprive the applicant the rights enjoyed by other lands in the same zoning district; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

3. Public hearing for second reading and adoption of Application No. 22-19 (CPA Text) and Ordinance No. 1028, an application by Urban Design Studios, regarding a Comprehensive Plan Text Amendment to the Village's Comprehensive Plan to create an entirely new Mixed Use Social Center (MXS) future land use designation within the future land use element. Agent: Lentzy Jean-Louis of Urban Design Studios. (Director of P & Z)

The P & Z Director stated this is second reading. The applicant is proposing an amendment to the Comprehensive Plan's Future Land Use Element to add an entirely new Mixed Use Social Center ("MXS") Land Use Designation. The intent of the amendment is to create a Future Land Use Designation that allows for innovative and urban mixed-use developments that provide integrated, vibrant, compatible and complimentary uses within a single development. This future land use designation allows for greater intensities and densities than would otherwise be permissible in typical zoning allowances. The P & Z Director reviewed the floor area ratio minimums and maximums noting a change from the first reading which is raising the floor-to-area ratio (FAR) for structured parking from 0.59 to 0.65 and the maximum FAR from 1.2 to 1.3. He noted that the floor plan footprint will remain the same and this will allow for upward expansion for the developer without the need for a variance. The P & Z Director

reported the Department of Economic Opportunity issued a letter of no comment and that there were no other comments from other review agencies. The Planning and Zoning Commission recommended approval 3-1 and staff recommended approval.

Lentzy Jean-Louis of Urban Design Studios representing Main Street at Tuttle Royale LLC 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.

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

4. Approval and authorization for the Village Manager to enter into a contract with Artemis Investments, LLC for the purchase of the east half of the 0.4882± acre parcel (East Parcel) of Village-owned property located at 6846 Seminole Palms Drive. (Village Manager)

The Village Manager stated the council previously gave approval to split the parcel in half and to sale the property to the owners on each side. He said Artemis Investments purchased the east portion of the property noting this sale has certain time limits as well as a reverter clause. The Village Manager stated the east half of the property will be used for additional parking for the school. Staff recommended approval.

Andrea Keiser, Esq. of Keiser Legal representing the applicant confirmed as part of the agreement within 18 months the applicant will seek zoning approvals to include Comp Plan Amendment, Rezoning, Special Exception and Architectural Approvals to incorporate the piece into the parcel.

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 Councilman Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

5. Approval and authorization for the Village Manager to enter into a contract with AMG Business Enterprises LLC for the purchase of the west half of the 0.4882± acre parcel (West Parcel) of Village-owned property located at 6846 Seminole Palms Drive. (Village Manager)

The Village Manager stated this is the west half of the parcel and that the purchasers intends to use it for outdoor storage. The Village Manager explained that the purchasers have been advised that staff would recommend denial if their intent is to use this property for outdoor storage. He reported since the council agreed to sell the property the purchasers have acquired the entire building and now control the entire property. He added that staff has discussed site plan options with them.

Alterraon Phillips, Esq. of APLaw LLC, representing the applicant confirmed they have accepted the criteria and understand the intent.

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 her concern with the process and thanked him with their assurance.

Vice Mayor 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.

- 6. Public hearing for second reading and adoption of Ordinance No. 1030, amending Chapter 26. Zoning. at Chapter 11.5. Floodplain Management., Sec. 11.5-2. Applicability. to update and clarify the firm maps dates and language, at Sec. 11.5-20. Definitions. to add a definition for the term accessory structure, remove definitions regarding existing, expanded and new manufactured home parks, and revise the definition of market value, at Sec. 11.5-30. Buildings and Structures. to allow accessory structures in flood hazard areas under certain circumstances, at Sec. 11.5-33. Manufactured Homes. to revise requirements for elevating manufactured homes and provide cross-reference to the Florida Building Code, at Sec. 11.5-37. amendments to the Florida Building Code. to remove local amendments regarding elevation requirements which have become part of the Florida Building Code, and at Sec. 11.5-1. General. to provide consistency edits. (Village Engineer)**

The Village Engineer stated this helps the Village keep its Class 6 rating within the CRS program and protects properties within the Village.

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 Councilman Valuntas. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 7. Appointment of one alternate member to the Planning & Zoning Commission for term ending March 2025. (Council Liaison)**

Councilwoman Rodusky made a motion to appoint Kara Cowser to the Alternate #2 Seat with term ending March 2025; seconded by Vice Mayor Samios. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 8. Appointment of two residents to the Education Advisory Board. (Council Liaison)**

Councilman Hmara made a motion to appoint Nancy Pennea to a Regular Seat with term ending March 2024; appoint Meghan Crosby to a Regular Seat with term ending March 2023 and appoint Alma Henry-Morman to a Regular Seat with term ending March 2023; seconded by Councilman Valuntas. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk