

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 November 17, 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		12/15/22	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, NOVEMBER 17, 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: 659-036-987, Access Code: 617-680-886.

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 Village Manager, Village Attorney (Keith Davis), Village Attorney (Mitty Barnard) and Executive Administrative Assistant (Chris Wax).

**PRESENTATION BY DIANE GUTMAN, DIRECTOR OF OPERATIONS,
WELLINGTON CARES TRANSPORTATION**

Diane Gutman, Director of Operations, Wellington Cares gave a presentation on the program. Council asked questions about volunteer opportunities, background checks, how transportation differs from other services and how someone interested in their organization can contact them.

REPORTS

Vice Mayor Samios reported on the Dept. of Resiliency presentation and directed anyone interested to discover.pbcgov.org/resilience to review the plan; Read for the Record; Young at Heart luncheon and the Veterans Day event, thanking everyone that participated and served. Vice Mayor Samios invited everyone to attend the Friday night concert in the park featuring the Bryce Allyn Band as well as the Green Market every Saturday from 9:00 a.m. – 1:00 p.m. at Village Hall and wished everyone a Happy Thanksgiving. Councilman Valuntas reported on the Farm City Luncheon. Councilman Hmara reported on Read for the Record; Veterans Day event noting the keynote speakers this year were excellent. He also reported on the recent Unified Dream disc golf tournament held at Commons Park noting the Village has one of the highest rated disc golf courses in the State.

Councilman Hmara also reported on the Education Advisory Board meeting where Royal Palm Beach Elementary School was showcased, congratulated newly re-elected school board representative Marcia Andrews and the school district representatives thanked the voters for approved the 1 mil referendum item. At that meeting it was also announced that applications for the ten Royal Palm Beach high school senior scholarships will be available on December 16th and due February 10th.

Councilwoman Rodusky reported on Florida League of Cities Finance, Taxation and Personnel Legislative Policy Committee where the top two issues will be discussed that include Property Tax Protection and Enterprise Fund Transfers.

The Village Attorney Keith Davis gave an update on the Municipal Administrative Commission Committee issues discussed. He also reminded everyone of the Florida League of Cities Holiday BBQ to be held in Pahokee this year.

Councilman Hmara gave an update on the Florida League of Cities Transportation and Intergovernmental Relations Committee as well as the Sadowski Fund.

PETITIONS - None

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

CONSENT AGENDA

The Village Attorney Mitty Barnard read into the record the Consent Agenda as follows:

- 1. Approval of the minutes of the Council Regular Meeting of October 20, 2022. (Village Clerk)**
- 2. Adoption of Resolution 22-33. A resolution of the Village Council of the Village of Royal Palm Beach, Florida, approving and authorizing, in accordance with established policy, the making of a budget amendment for Fund 001 in the fiscal year 2021/2022 Budget. Said amendment represents the year end (13th period) budget adjustment and appropriates \$136,500 from State Revenue Sharing Revenues and increases amounts budgeted in the Legal, Police and the Non-Departmental Department. (Finance Director)**
- 3. Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 001 in the fiscal year 2022/2023 Budget. Said amendment to transfer a total of \$71,000 from Undesignated Fund Balance (3990100) to Planning and Zoning - Other Services Professional (515-3190). (Finance Director)**
- 4. Adoption of Resolution No. 22-34. A Resolution of the Village Council of the Village of Royal Palm Beach, Florida adopting a**

revised Schedule of Fees and Charges; specifically repealing Resolution 22-04; providing that this Schedule of Fees and Charges shall be available for inspection at all times at the Village Hall during regular business hours; providing an effective date; and for other purposes. (Village Clerk)

5. **Approval of a Special Event Permit for Our Lady Queen of the Apostles Catholic Church to hold a Christmas Village and Festival at 100 Crestwood Boulevard on December 2, 3, 9, 10, 2022 from 4:00 p.m. until 11:00 p.m.; and December 4 and 11, 2022 from 12:00 p.m. until 10:00 p.m. (Director of P & Z)**
6. **Approval of a Special Event Permit for Amber's Animal Outreach to hold a Christmas Fundraiser at the Community Animal Hospital of Royal Palm Beach on Saturday, December 3, 2022 from 2:00 p.m. to 5:00 p.m. (Director of P & Z)**
7. **Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a Winter Festival at Royal Palm Beach Commons Park on Saturday, December 3, 2022 from 1:00 p.m. to 9:00 p.m. (Director of P & Z)**
8. **Approval of a Special Event Permit for the Youth Baseball Association of Royal Palm Beach (YBARPB) to hold a "Baseball Tournament" event at 100 Wildcat Way within the Bob Marcello baseball complex. The event will take place on Friday, December 9, 2022 through Sunday, December 11, 2022. (Director of P & Z)**
9. **Approval of a Special Event Permit for the American Cancer Society to hold a fundraiser for Relay for Life of Palm Beach County at 11600 Poinciana Blvd., the Royal Palm Beach Commons Park on Saturday, February 25, 2023 from 4:00 p.m. to 9:30 p.m. (Director of P & Z)**
10. **Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 303 in the fiscal year 2022/2023 Budget. Said amendment to transfer a total of \$16,000 from Artificial Turf Safety Surface (PR2304) to Playscape Replacement (PR2209). (Finance Director)**
11. **Approval to purchase and have installed new playground surfaces at Veterans and Preservation Park from Rep Services, Inc. in an amount of \$92,148.82 by piggybacking Clay County term Contract FRP# 18/19-2 which remains valid until May 22, 2023. (Director of Parks & Recreation)**
12. **Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 408 in the fiscal year 2022/2023 Budget. Said amendment to transfer \$37,500 from Undesignated Fund Balance, appropriate \$112,500 from a new**

Federal FEMA grant and create a new Watershed Management Plan project (SW2304). (Finance Director)

- 13. Approval and authorization for the Mayor to enter into agreement between the Federal Division of Emergency Management and the Village of Royal Palm Beach for a grant in the amount of \$112,500.00 for the development of a Watershed Master Plan (SW2304). (Village Engineer)**
- 14. Consideration of the approval and authorization for the Village Manager to enter into piggyback agreements with Herman Miller, Jasper Seating Company, Inc., Kimball International Brands, Inc., Knoll, Inc., Peter Pepper Products, Inc.. Exemplis, LLC, Source International Corporation of MA and Claridge Products & Equipment, Inc. under current federal and state contracts for the purchase of products for the Village Hall Office Furniture project. The total cost for said services shall not exceed \$699,636.58 and funds will come from project EN2304 Village Hall Office Furniture. (Village Engineer)**

Mayor Pinto questioned the Village Attorney on Consent Agenda Item #13 noting the agenda reads for the approval and authorization for the Mayor, not the Village Manager, which was read into the record.

Councilman Hmara pulled Consent Item #14 for discussion.

Vice Mayor Samios made a motion to approve all Consent Agenda items less Item #14, seconded by Councilman Valuntas. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

Councilman Hmara questioned the anticipated date to occupy the new Village Hall. The Village Engineer indicated there have been some delays in the construction but the target date and goal is April 2023.

Councilman Hmara made a motion to approve Consent Agenda Item #14; seconded by Councilwoman Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

The Village Engineer responded to the Mayor's question regarding Consent Agenda Item No. 13 clarifying the agreement is for the Mayor's signature.

Vice Mayor Samios made an amended motion to approve Consent Agenda Items 1 – 13 noting No. 13 to be amended to authorize the Mayor to enter into the agreement; seconded by Councilman Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

REGULAR AGENDA

- 1. Public hearing for second reading and adoption of Ordinance No. 1031 and approval of Application 22-25, an application by the School District of Palm Beach County, regarding a Text Amendment**

to Chapter 20. Signs. of the Village Code of Ordinances to amend Sections 20-1 and 20-57 to add a definition for the term School Board Informational Sign and to allow for school board informational signs on school board owned properties with operating high schools as a matter of right within the Public Ownership (PO) district subject to additional regulations. * (Director of P & Z)

The Village Attorney (Keith Davis) read into the record Ordinance No. 1031 by title only. He said this is the second reading for this ordinance and will allow an operating high school on Public Ownership property to have informational signs. 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. Michael Owens, representing the School District of Palm Beach County was available to answer any questions.

After confirming with the Executive Administrative Assistant 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 further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 2. Public hearing to consider Application 22-45 (SE) an application by BHB Investment Holdings RPB, LLC, and adoption of Resolution 22-32 confirming Council action. The applicant is seeking a Special Exception Use approval to allow for a "Recreational Facilities, Commercial (outdoor or indoor)" in order to operate a Swim School within the Village Shoppes on 441 and located at 10109 Southern Boulevard. Agent: Jeffrey Ringold, of BHB Investments Holdings RPB. * (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 gave a presentation on the applicant's request noting staff considered compatibility with adjacent land uses, consistency with the Comprehensive Plan and conformance with the Development Standards for the General Commercial (CG) Zoning District. The Planning and Zoning Commission and staff recommended approval.

Jeffrey Ringold of BHB Investment Holdings was available for questions.

Councilman Valuntas questioned the pool structure. Mr. Ringold indicated it will be an indoor, in ground pool with a depth of 4' with a water temperature set at 90 degrees and air temperature set at 80 degrees. He added it will be all indoors with a viewing glass. Councilman Hmara questioned if there are any other intended uses for the site, such as swim competitions. Mr. Ringold indicated the pool will be strictly used for swim lessons and primarily for infants and toddlers. Councilwoman Rodusky questioned the class schedule and occupancy capacity. Mr. Ringold indicated capacity will be at 32-40, one

instructor per class of four students and no age restrictions for swim lessons. Also discussed was the use of facility for birthday parties.

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

Vice Mayor 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.

- 3. Public hearing to consider Application 22-86 (SE) an application by Towercom VIII-B, LLC and adoption of Resolution 22-25 confirming Council action. The applicant is seeking a Special Exception Use approval in order to construct a 132 foot "Telecommunication Towers, Antenna" on a property currently constructed as a Self-storage Facility; and situated within the Industrial Limited (IL) zoning district and located at 10719 Southern Boulevard. Agent: Deborah L. Martohue, of Martohue Land Use Law, PA. * (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 gave a presentation on the applicant's request and showed an example of a proposed monopole stealth tower. In reviewing the proposed Special Exception, staff considered compatibility with adjacent land uses, consistency with the Comprehensive Plan and conformance with the Development Standards for the Industrial General (IG) Zoning District. The Planning and Zoning Commission and staff recommended approval.

Deborah Martohue of Martohue Land Use Law, PA gave an additional presentation on both the Special Exception and Site Plan Modification.

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

Vice Mayor Samios confirmed there will be no environmental impact and asked about the possibility of internet service. George Davis with Towercom discussed internet to the area and upgrades to existing service moving to 5G and noted the tower is also being built to accommodate four carriers. Councilwoman Rodusky confirmed the fence height will be constructed at 6'.

Vice Mayor Samios 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 No. 22-87 (SPM) an application by Towercom VIII-B, LLC and adoption of Resolution 22-26 confirming Council action. The applicant is seeking a Site Plan Modification approval for construction of a 132 foot tall**

Communication Tower with associated ground equipment for a property currently developed as a self-storage facility and situated within the Industrial Limited (IL) zoning district and located at 10719 Southern Boulevard. Agent: Deborah L. Martohue, Martohue Land Use Law, PA. * (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 that staff as well as the Planning and Zoning Commission recommended approval. Deborah Martohue and Mr. Davis discussed timeline for installation and coverage.

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

Vice Mayor Samios 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.

- 5. Approval and authorization for the Village Manager to enter into a Cost Agreement with Main Street at Tuttle Royale, LLC for Tuttle Royale Development review cost recovery for several development applications affecting the Master Tuttle Royale Development. (Village Manager)**

The Village Manager gave an overview of the cost agreement and the TSR review timelines. Brian Tuttle, owner, was present to answer any questions. Vice Mayor Samios clarified the timeline.

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

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

- 6. Public hearing to consider Application No. 22-98 (MP, SE) an application by Urban Design Studios, and Resolution No. 22-31 confirming Council action. The applicant is seeking Master Plan approval to modify the Village Royale (Tuttle Royale) Master Plan to add 9.289± acres and Special Exception approval to add the additional 9.289± acres to the Planned Commercial/Residential Development (PCD), for a property located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (U.S. 441). Agent: Lentzy Jean-Louis, Urban Design Studios. * (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 gave a presentation on behalf of the applicant's request noting that approval will increase the total acreage for the Master Plan from 156.258 to 165.371 acres. The Master Plan contains six pods, two to be developed as multi-family residential, two to be developed as Mixed Use Social Center to include residential and nonresidential uses, one as single-family residential and one as a Village public park. The Planning and Zoning Commission and staff recommended approval.

Lentzy Jean-Louis of Urban Design Studio representing the applicant was present for questions.

After confirming with the Executive Administrative Assistant 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 further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 7. Public hearing to consider Application No. 22-97 (SCPA), an application by Urban Design Studios, and approval of Ordinance No. 1032. The applicant is seeking a change of land use designation for ten (10) tracts of land totaling 31.846 ± acres, more or less, from the Village's Commercial (COM) Land Use designation to the Village's Mixed Use Social Center (MXS) Land Use Designation and for five (5) tracts of land totaling 9.289 ± acres from Palm Beach County's LR-2 Low Residential Land Use Designation to the Village's Mixed Use Social Center (MXS) Land Use Designation, located on the south side of Southern Boulevard approximately 7/10 of a mile west of State Road 7. Agent: Lentzy Jean-Louis, Urban Design Studio. (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 gave a presentation on the applicant's request noting it is consistent with the Comprehensive Plan, compatible with adjacent future land uses and meets all relevant concurrency level of service standards. Staff recommended approval.

Lentzy Jean-Louis of Urban Design Studios representing the applicant was present for questions.

After confirming with the Executive Administrative Assistant 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.

8. **Public hearing to consider Application No. 22-18 (ZTA) and Ordinance No. 1027, an application by Urban Design Studio, amending the Village Code to amend Section 26-22. Definitions. in order to revise certain definitions and to add entirely new definitions, add entirely new Section 26-95. MXS Mixed Use Social Center District. to create an entirely new Mixed Use Social Center Zoning District and provide land development regulations for the new district, create entirely new Section 20-63. Mixed Use Social Center (MXS). to establish sign regulations for the new MXS zoning district, and amend Section 22-55. Recreation requirements for residential developments. to add recreational requirements for Mixed Use Social Center developments. Agent: Lentzy Jean-Louis, Urban Design Studio. * (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 gave a presentation on the applicant's request to add an entirely new Mixed Use Social Center Zoning District and supporting regulations to the Village Code. He reviewed Ordinance No. 1028 adopted by the Village Council on September 18, 2022 noting the intent of the amendment was 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. He reported that this amendment will control the form in which a development will buildout within the district in order to achieve the Mixed Use Social Center Land Use Designation intent. The proposed amendments include code sections regarding zoning requirements with emphasis on site design, building form and character, streetscape design and the desired vision for a Mixed Use Social Center. He reviewed subsections regarding the outline of Permitted and Special Exception Uses, Site Development Standards, Required Building Frontages, Storefront Style, Arcade Style, General Style, Maximum Building Height, Minimum Yard Setbacks, Minimum Open Space Requirements, Maximum Floor-Area-Ratio (FAR) Maintenance of Common Facilities, Maintenance of Commons Facilities, Minimum Recreation Requirements, Minimum Size Requirement for a Mixed Use Social Center and Landscape Standards where he made a recommendation to substitute one palm tree for one canopy tree. He continued to review the Special Regulations for Off-Street Parking and Loading, Parking Garages, Bike Parking, Transit, Pedestrian Crossings, Commons Architectural Theme, Hours of Operations, Minor Special Events, Major Special Events, Art in Public Places, Approval Criteria and Maximum Density. He also reviewed sections of the code that pertains to Definitions, Signage Requirements and Recreational Requirements. The Local Planning Agency and staff recommended approval.

Lentzy Jean-Louis of Urban Design Studio representing the applicant gave a more detailed presentation of the applicant's request for a Mixed Use Social Center. He reviewed Special Exception Uses, the approval process, maximum building heights, regulating plans, setback encroachments and open space. Mr. Jean-Louis also explained the storefront style regulations, arcade style, setbacks, recreational open green areas, playgrounds, pocket parks, floor area ratios, landscaping, hours of operation, special events as well as showed the

designated area, special regulations with regard to ride share, parking garages and transit. He also reported on the freestanding and wall signs.

Vice Samios addressed the project's potential issue regarding noise factors. The Village Manager stated the Village code does have a sound code. Councilman Valuntas addressed the landscape issue and a discussion ensued with regard to a minimum canopy size for trees and palm trees vs. canopy trees. Also discussed was the possibility of allowing one establishment, a bar of 6,000 feet or less, to have more than 50% liquor sales and the elimination of food sales. It was also noted that issue was not part of this ordinance.

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

Mayor Pinto stated for the record this is a public hearing for First Reading.

Councilman Valuntas made a motion to approve R-8 with a revision to Section 26-95 (9) subsection (c) which sets forth the landscape requirements which currently reads, one palm tree may be substituted in lieu of one canopy tree. This motion is to amend the language to read one Royal Palm tree may be substituted in lieu of one canopy tree; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 9. Adoption of Resolution 22-36, a Resolution of the Village Council of the Village of Royal Palm Beach, Florida, approving the sale of 0.235+ acres of Village-owned property ("east parcel") to Artemis Investments LLC and 0.235+ acres of Village-owned property ("west parcel") to AMG Business Enterprises LLC pursuant to Section 2-3 of the Village Code of Ordinances and pursuant to the Agreements for the Purchase and Sale of Real Property dated September 1, 2022 and August 29, 2022, respectively; providing an effective date; and for other purposes. (Village Manager)**

The Village Manager clarified the reason for the resolution is to ensure the closing documents are complete.

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

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

ADJOURNMENT

Mayor Fred Pinto

Chris Wax
Executive Administrative Assistant