

Agenda Item No. C - 1

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval of the minutes of Council Regular Meeting of August 17, 2023.

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		09/21/23	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, AUGUST 17, 2023
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.royalpalmbeachfl.gov/webmeetings.
- Telephone: Public may listen only via phone remotely by dialing United States +1 (415) 655-0052, Webinar ID: 941-114-803, Access Code: 471-331-554.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

RECOGNIZING THE GIRLS 14U SOFTBALL TEAM WHO WON THE BABE RUTH STATE AND WORLD SERIES CHAMPIONSHIPS

REPORTS

Councilman Hmara reported on his attendance at the Florida League of Cities Annual Conference and the sessions that were held.

Councilman Valuntas reported on his attendance at County Commissioner Baxter's new Royal Palm Beach office located in the Palm Beach County building.

Councilwoman Samios again congratulated the Girls 14U Softball team. She too attended the opening of Commissioner Baxter's new office. She reported on a meeting with Senator Rick Scott where school issues were discussed. She announced that schools are now open and the Palm Beach County Sheriff's Office is in need of crossing guards and referred anyone interested to apply at the PBSO.org website by September 30th. She added there is a shortage of 453 teachers in Palm Beach County. Councilwoman Samios invited everyone to the Food Trucks/Concerts at Commons Park on the first and third Friday of each month. She also reported on a school district pilot program "Here Comes the Bus" that is an app tracking buses and that Royal Palm Beach High School is participating.

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 July 6, 2023, Council Budget Workshop of July 6, 2023 and Council Special Meeting of July 13, 2023. (Village Clerk)**
2. **Approval and authorization for the Mayor to execute the Eighth Addendum to the Law Enforcement Service Agreement by and between the Palm Beach County Sheriff's Office and the Village of Royal Palm Beach. (Village Manager)**
3. **Approval and authorization for the Village Manager to execute the "First Addendum to Alcoholic Beverage Sales Agreement" between the Village and Professional Concessions, Inc., to provide for the first two (2) year renewal term beginning October 1, 2023 and ending September 30, 2025. (Director of Parks & Recreation)**
4. **Approval and authorization for the Village Manager to execute the "Second 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 second and final one (1) year renewal term beginning October 1, 2023 and ending October 1, 2024. (Director of Parks & Recreation)**
5. **Approval and authorization for the Village Manager to execute the "Third Addendum to Food and Beverage Services Agreement" between the Village and Seeds Café, LLC, to provide for the second one (1) year renewal term beginning October 1, 2023 and ending October 1, 2024. (Director of Parks & Recreation)**
6. **Approval and authorization for the Village Manager to execute the Third Addendum to Lease Agreement between the Village of Royal Palm Beach and Verdex Construction, LLC, for the continued use of unoccupied space within the David B. Farber building relative to the Village Hall construction project. (Village Engineer)**
7. **Approval and authorization for the Mayor to execute a Modification to Subgrant Agreement between the Florida Division of Emergency Management and the Village of Royal Palm Beach to extend the term of the original grant agreement for the Development of a Watershed Master Plan to December 31, 2023 (SW2304). (Village Engineer)**
8. **Adoption of Resolution No. 23-26, a Resolution of the Village Council of the Village of Royal Palm Beach, Florida, authorizing the**

submission of a grant application to the Florida Division of Cultural Affairs' Cultural Facilities Program requesting \$200,000.00 in grant funds for the Village's Recreation Center Project (PR2201), and further authorizing an amount of \$400,000.00 as the required matching funds; providing an effective date and for other purposes. (Director of Parks & Recreation)

9. Adoption of Resolution No. 23-25, A Resolution of the Village Council of the Village of Royal Palm Beach, Florida, adopting a new, comprehensive update to the Human Resources "Policies and Procedures Manual" for the Village; providing for revisions to the "Policies and Procedures Manual" by adopting certain amendments throughout which affect, in part, various chapters set forth therein; providing an effective date; and for other purposes. (Director of Human Resources & Risk Management)
10. 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 AETNA Resources for Living for EAP for the employees of the Village of Royal Palm Beach. (Director of Human Resources & Risk Management and Finance Director)
11. Adoption of Resolution No. 23-29 a Resolution of the Village Council of the Village of Royal Palm Beach specifically repealing Resolution No. 19-27 along with the associated Exhibit "A" and for providing for the adoption of a newly revised "Primary Sports Provider Policies and Procedures" which will supersede and replace the previous Policies and Procedures; providing that such Policies and Procedures will be made applicable to various Sports Providers that are recognized by the Village of Royal Palm Beach in the future of specific Sports, providing an effective date; and for other purposes. (Director of Parks & Recreation)
12. Adoption of Resolution No. 23-30 a Resolution of the Village Council of the Village of Royal Palm Beach recognizing the Youth Baseball Association of Royal Palm Beach, Inc. as the primary provider of Youth Baseball and Youth Softball in the Village of Royal Palm Beach. (Director of Parks & Recreation)
13. Adoption of Resolution No. 23-31 a Resolution of the Village Council of the Village of Royal Palm Beach recognizing Royal Palm Beach Soccer, Inc. as the primary provider of Youth Soccer in the Village of Royal Palm Beach. (Director of Parks & Recreation)
14. Adoption of Resolution No. 23-32 a Resolution of the Village Council of the Village of Royal Palm Beach recognizing the Royal Palm Beach Stars, Inc. as the primary provider of Youth Travel Basketball in the Village of Royal Palm Beach. (Director of Parks & Recreation)

15. **Adoption of Resolution No. 23-33 a Resolution of the Village Council of the Village of Royal Palm Beach recognizing the Palms West Athletic Association as the primary provider of Youth Football and Cheer in the Village of Royal Palm Beach. (Director of Parks & Recreation)**
16. **Approval and authorization for the Village Manager to execute the Third Addendum to Purchase Agreement for the provision of sports lighting equipment and services with Musco Sports Lighting, LLC for Royal Palm Beach Commons Park Driving Range and Vivian A. Ferrin Memorial Park Lighting. The cost for said lighting and equipment shall not exceed \$486,000.00 and funds will come from project PR1903. (Village Engineer)**
17. **Approval of a Special Event Permit for the Royal Palm Brewing Company to hold an “Oktoberfest Celebration” at 543 North State Road 7, Suite 103, in the Commons at Royal Palm Beach Shopping Plaza. The event will take place on Saturday, September 16, 2023, from 11:00 a.m. until 10:00 p.m. (P & Z Director)**
18. **Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 301 in the fiscal year 2022/2023 Budget. Said amendment to transfer a total of \$2.7 million from Fund 304 fund balance to Crestwood North Park (PR2102). (Finance Director)**
19. **Approval of the bid award in the amount of \$2,915,953.90 and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder, Waypoint Contracting, Inc., for Crestwood North Park (PR2102). (Village Engineer)**

Councilwoman Samios pulled items #18 and #19 for discussion asking for details on the changes to the park because of the significant amount of funding involved.

Vice Mayor Rodusky made a motion to approve the Consent Agenda less items #18 and #19; seconded by Councilman Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

The Village Engineer reviewed the Crestwood North Park project noting that as the project evolved additions were made for pickle ball, tennis and lighting of the courts as well as a walkway with railings along the seawall, additional parking, and additional hydrant service. He summarized the need for the additional funds and confirmed that a \$400,000 grant was also approved.

Councilwoman Samios made a motion to approve items #18 and #19; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

REGULAR AGENDA

- 1. Public hearing to consider Application No. 22-113 (SE) an application by Jess Santamaria and Lilibeth Leon, and adoption of Resolution No. 23-21 confirming Council action. The applicant is seeking a special exception use approval to allow for a "State Licensed Massage Therapist Establishment" within the General Commercial (CG) zoning district, for a property located at 675 Royal Palm Beach Boulevard. Agent: Jess Santamaria and Lilibeth Leon. * (P & Z Director)**

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 Director of P & Z stated the applicant is seeking Special Exception use to allow for a state licensed massage therapy establishment. Staff stated the special exception use is consistent with the comprehensive plan, complies with all development regulations, and does not have adverse environmental impacts, vehicular or pedestrian traffic impacts, and the impact upon public facilities or adjacent properties. This request is compatible with the character and living conditions of the existing neighborhood, does not have adverse impact on property values in adjacent areas and will not reduce the quality or quantity of light and air available to adjacent properties. Staff has determined that the proposed Special Exception conforms to Village standards and has received a license issued by the State of Florida Department. The Planning and Zoning Commission recommended approval as well as staff with the following site specific conditions: 1) this Special Exception Use approval shall become null and void should the operator change or cease operations at this location; 2) the establishment shall take its last customer no later than 8:00 p.m. and shall be closed to the public no later than 9:00 p.m. nightly; 3) windows within Suite No. 132 shall not be tinted or blacked out; visibility shall be maintained into the suite utilized for massage therapy at all times; 4) the applicant shall provide an renewed License for the operation of the massage therapy at this location within 30 days of Council approval or before the operation of the message therapy establishment at this location.

Christopher Santamaria, representing the owner of the hotel explained the business and was available 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.

Councilman Valuntas confirmed there were no other licensed massage businesses located in the hotel. Councilwoman Samios confirmed the nature of the business (i.e. massages and facials), that the service would only be provided in the bay by appointment only, no hotel rooms, reconfirmed the size of the bay with reception area and the limited of clientele to one at a time.

Vice Mayor Rodusky confirmed the business hours of Monday – Saturday 10:00 a.m. – 7:00 p.m.

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.

- 2. Public hearing to consider Application No. 22-63 (ZTEXT) and Ordinance No. 1036, an application by Royal Palm Brewing Company, amending the Village Code to amend Sections 26-75.2 and 26-89 to eliminate the current prohibition on outdoor seating and patron congregation directly abutting residential zoning districts which would allow for such use subject to variance approval and increase the square footage limitation for brewpubs and microbreweries from 5,000 to 6,000, specifically requested for a property located at 543 N. State Road 7, Suite 103. ***** * (P & Z Director)**

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 Director of P & Z stated the applicant is requesting a text amendment to eliminate the current prohibition on outdoor seating of patron congregation directly abutting a residential zoning district and increase the square footage of a brewpub and microbrewery to 6,000 square feet. The Planning and Zoning Commission and staff recommended approval.

George Shetka, Pamela Shetka and Geof Shetka, owners of Royal Palm Brewing, gave a presentation on the history and importance of granting the variance. Ms. Shetka reported that they are Royal Palm Beach's first and only international award-winning brewery, bringing state and national recognition to the Village. She added they just recently celebrated their 5th anniversary in March and they continue to support the community in various ways, including this month's Palm Beach County Back-to-School Food Drive. The company had outdoor seating from June 12, 2020 until March 21, 2022, due to special pandemic regulations which this adjustment allowed them to survive during those hard times. Also noise levels were presented along with a conceptual outdoor seating area with planter boxes.

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

A lengthy discussion ensued as well as concerns expressed by Councilwoman Samios regarding the noise in the nearby Bella Terra neighborhood and the potential move to another bay or area. The P & Z Director gave clarification on the text amendment which lead into a discussion why the business's potential to move to a larger space did not happen. The owners explained it all came down to a timing issue. It was also noted by the owners that no written complaints have been received from Belle Terra. It was also noted that a variance would be required with brewpubs as well.

The Village Manager noted that modern microbreweries have changed by adding the service part of the business which took the use out of industrial and into commercial zoning districts. He added they have proven the last five years that they can co-exist in the commercial zone without offensive smells and big

trucks being significant. Mayor Pinto adding the variance process will make sure that the current request doesn't lead to problems. The Village Attorney added for the record that if a variance is given it runs only with this land.

Councilman Hmara 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 4 – 1 with Councilwoman Samios dissenting.

- 3. Public hearing to consider Application No. 23-092 (SE) an application by Corey O'Gorman of Place Planning & Design and adoption of Resolution No. 23-27 confirming Council action. The applicant is seeking Special Exception Use approval for a "Public or Private Academic Institution" within the General Commercial (CG) zoning district, for a property located at 200 Royal Palm Beach Boulevard. * (P & Z Director)**

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 Director of P & Z stated the applicant is seeking a Special Exception use approval for a public or private academic institute for grades pre-kindergarten to eighth grade currently. The school location is where the former Western Academy occupied the site and will serve 150 autistic children. This special exception is consistent with the comprehensive plan and complies with all development regulations.

Corey O'Gorman of Place Planning & Design representing the applicant was available 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.

Councilman Valuntas asked the applicant to inform the residents on what the charter school facility is offering to the community.

Stacey Routt, representing the public charter school, stated the school will provide services for autistic students, age 3 years to 14 years old, with the hopes to expand to other grades.

Councilwoman Samios 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.

- 4. Public hearing to consider Application No. 23-047 (SCPA), an application by HM2V, Inc., and approval of Ordinance No. 1037 the applicant is seeking a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation of one parcel totaling 0.235± acres from the Village's Open Space (OS) land use designation to the Village's Industrial (IND) Land Use designation, for a property located on 6846 Seminole Palms Drive. Agent: Vincent Kafer of HM2V, Inc. (P & Z Director)**

The P & Z Director stated the applicant is seeking a small scale comprehensive plan amendment for the former Village property recently purchased by Paint Lux to change the land use from open space to industrial. The applicant intends to develop the property for the purpose of enlarging the existing Paint Lux facility parking in line with the original intent when the remnant space was sold last year. The Director added the justification statement further states that no storage of any material and/or equipment or disabled vehicles at any time will occur. Staff considered compatibility with adjacent land uses, consistent with the comprehensive plan, whether the action will exacerbate any existing public facility capacity deficits in roadways, sanitary sewer, solid waste, drainage and potable water and recreation open space. The Planning and Zoning Commission and staff recommended approval.

Vincent Kafer of HM2V, Inc. representing the 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.

Councilwoman 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.

5. Public hearing to consider Application No. 23-022 (AAR), an application by Holland & Knight LLP on behalf of Crossroads R2G Owner LLC. The applicant is requesting Architectural & Aesthetic Review for the commission, purchase and installation of a stainless steel sculpture by artist Wenqin Chen to fulfill the art in public places requirement for a property located at 11601 Okeechobee Boulevard. * (Public Art Professional)

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 Public Arts Professional stated the applicant is requesting approval for the installation of a public arts sculpture to meet the Art in Public Places requirement of one percent of the Publix project, with the art totaling \$53,785.53. He showed the Crossroads Shopping center site plan and location of the public artwork noting the artist Wenquin Chen has been selected for the stainless steel sculpture. The artwork is titled "Growing No. 3" and is 11'5" high, 4'6" wide and 2'9" deep and will stand on a concrete base that will include light fixtures that will be illuminated from dusk to midnight. The location of the artwork will be at the northeast corner of Royal Palm Beach Boulevard and Okeechobee Boulevard. The Public Art Advisory Board and staff recommended approval.

Janna Lhota of Holland & Knight representing the owner of Crossroads Shopping Center asked for approval of the artwork "Growing No. 3" by Wenquin Chen which is a part of a series called "Life Continues in Space". She further explained details of the sculpture noting it has a base of 18 inches and once approved the fabrication of the structure will take at least two months. The intent is for the artwork to be installed in January 2024. She also confirmed that a QR code would be placed on the artwork for information.

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 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. Approval of public art commission for the new Village Hall capital project and authorization for the Village Manager to enter into a written contract with the selected artist. (Public Art Professional)

The Public Art Professional stated an Open Call to Artists for the New Village Hall Public Art Commission was done and reviewed the criteria used for the RFQ process. He showed the Village Hall site plan that includes a water feature as well as the proposed site for the art work. He provided a slide show of the different artist renderings.

Vice Mayor Rodusky asked if consideration can be given for local artist first. A discussion and clarified was given on what is considered a local artist.

The Village Manager further explained the process of hiring an artist, noting that their contract could be terminated at any time.

The Public Art Professional reviewed the top three ranked artist: 1) Beth Nybeck; 2) Owen Morrel (Morrel Studios, Inc.); tied (2) Vito DiBari (DiBari Innovation Design), showed their work and background.

A further discussion ensued with regard to the options available for picking an artist.

Councilwoman Samios made a motion to move forward with the artist Beth Nybeck; seconded by Vice Mayor Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

7. Public hearing for second reading and adoption of Ordinance No. 1035 amending Chapter 8. Elections of the Village Code of Ordinances to provide that the Village of Royal Palm Beach shall hold its next municipal election on March 19, 2024, in conjunction with the Presidential Preference Primary Election. (Village Attorney)

The Village Attorney stated this is second reading for this ordinance which changes the General Municipal Election to coincide with the March 19, 2024 Presidential Preference Primary date.

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

Councilwoman 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.

8. **Consideration of the appointment of Sharon Almeida as the fifth member of the Police Pension Board of Trustees. (Village Manager)**

The Village Manager explained the process of the appointment to the Board.

Councilwoman Samios made a motion to appoint Sharon Almeida to the Police Pension Board; seconded by Vice Mayor Rodusky. Hearing no discussion or public comment, Mayor Pinto put the motion to a vote and it passed unanimously.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk