

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 October 17, 2019 and Council Special Meeting of November 7, 2019.**

**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 Approval</b>	<b>Agenda Date</b>	<b>Village Council Action</b>
<b>Village Clerk</b>		<b>11/21/19</b>	

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE MEETING HALL  
THURSDAY, OCTOBER 17, 2019  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

Boy Scout Troop 111 led in the Pledge of Allegiance.

**ROLL CALL**

Mayor Fred Pinto

Vice Mayor Jan Rodusky - left meeting at 7:40 p.m.

Councilman Jeff Hmara

Councilwoman Selena Samios

Councilman Richard Valuntas

All members of Council were present; along with the Village Manager, the Village Attorney (Keith Davis) and the Village Clerk.

**PRESENTATION OF 20 YEAR SERVICE AWARD TO RAYMOND LIGGINS**

Mayor Pinto honored and congratulated Ray while acknowledging his dedication to the Village and presented him with a service award package.

**REPORTS**

Mayor Pinto gave an update on the Transportation Planning Agency meeting where he was elected as the new Vice Chair. Also at that meeting, the board approved a Proclamation for Statewide Mobility week, updated the TPA priority projects that now includes the SR 7 extension with a target date of 2022. He noted the extension objection by the City of West Palm Beach. He continued to report on the 2020 local initiatives and announced a Workshop is scheduled for November 1<sup>st</sup> for municipalities and a draft of the 2045 Long Range Transportation Plan (LRTP) was discussed. He announced that the TPA staff will be moving into new offices in early November and reported on a project that expands Okeechobee Boulevard to six lanes from Royal Palm Beach Boulevard to Crestwood Blvd. Mayor Pinto also announced a Safety Summit is scheduled for February 6 and 7, 2020 in Ft. Lauderdale.

Councilwoman Samios reported on the Recreation Advisory Board meeting where the Village Engineer gave an update on the discretionary sales tax that includes access improvements to Commons Park, building a new Village Hall, resurfacing pathways and kayak launch in Todd Robiner Park, building an all access playscape in Commons Park, canal dredging and renovation and expansions to the Recreation Center. In addition, an update was given on the relaunching of the Early Learning Program at the Recreation Center. Councilwoman Samios announced that registration is open for Adult and Youth Basketball leagues, the Green Market is now open on Saturdays from 9:00 a.m. to 1:00 p.m. at Village Hall and the Rock n Fall Festival will be held on October 25 and 26<sup>th</sup> at Commons Park. She said that Meals on Wheels is now serving freshly made meals five days a week to the homes of our residents with special

offers to Veterans and are looking for volunteers. The website is [www.mowpb.org](http://www.mowpb.org) for more information.

Councilman Valuntas commended the PBSO on the success of the recent Night Against Crime eve.

Councilman Hmara reported on the Education Advisory Board meeting where the focus was on Cypress Trails Elementary School and school safety. He said that Cypress Trails Elementary is a Title 1 school with an "A" rating. The school will celebrate its 30<sup>th</sup> anniversary this year. The Principal reported on their STEM program where this year they will integrate their partnership with Lion Country Safari and the penny sales tax that was used to make many improvements and updates to the school. The School District's Chief of Police gave a presentation on the updated requirements for school safety. Councilman Hmara reported on a list of accomplishments at Royal Palm Beach High School that included a 92.9% graduation rate, achieved a "B" rating, named the Happiest High School in Palm Beach County, as well as employing the Palm Beach County Teacher of the Year. He said that Principal Armas Jesus has been named Principal of the Year for the Central Region of Palm Beach County and will compete at the District level.

Councilwoman Rodusky announced that she would have to leave the meeting at 7:40 p.m. to catch a flight.

The Village Manager invited everyone to the Veterans Day Observance held on Monday, November 11<sup>th</sup> at the Cultural Center in partnership with the American Legion and a breakfast will be served.

The Village Attorney reminded Council of the Ethics Training to be held on October 30<sup>th</sup> at the Town of Lantana.

**PETITIONS - None**

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

Anthony Swan of 11949 Park Central referred to his concerns at the last Council meeting regarding the developer K Hovnanian, traffic into the entranceway of his neighborhood and drainage issues. He asked for an update.

The Village Manager reported that the Village Engineer and the Building Official has met with K Hovnanian and that they have acknowledged a drainage problem and agreed to take corrective action. Mayor Pinto asked about a timeframe.

The Village Engineer responded that K Hovnanian has submitted plans which are in review and have committed to moving forward to complete the subdivision.

Brian Tuttle of 961 Hillsboro Mile, Hillsboro Beach reported on the recent meeting held with the Village Engineer that concluded with an agreed upon detailed schedule for the Southern Boulevard roadways development. He reported that the charter school has committed to this site and addressed the

challenging issue with the zoning code delaying the opening of the charter school for two years. He proposed a minor code modification that would be a laser point to a Planned Commercial District, which would allow schools to get a building permit in bonded subdivisions the same time as the residential units are being constructed. He talked about the public benefit and local school capacities. He asked the Council to consider initiating the code change.

The Village Manager gave an update and time line from the Southern Boulevard roadways meeting. He clarified that the school is a non-residential use. The Village Manager reported that the approved schedule has the infrastructure completed by November of 2020 and the opening of the school scheduled for August 2021 giving the developer 10 months to construct the school and did not support changing the code at this time.

A discussion and clarification was given on the capacity of the existing local schools. Brian Tuttle again asked for certainty to a process that allows the school to be permitted prior to the roadway completed. The Village Manager cautioned voicing concerns if a code change is considered a completed school could be built, remain empty and possibly torn down.

After discussion and comments from the Council, there was no support to change the code at this time.

#### **CONSENT AGENDA**

The Village Clerk read into the record the Consent Agenda as follows:

- 1. Approval of the minutes of the Final Public Budget Hearing of September 19, 2019 and Council Regular Meeting of September 19, 2019. (Village Clerk)**
- 2. Approval of a Special Event Permit for H.L. Johnson Elementary PTO, Inc. to hold a Trunk or Treat event located at 1000 Crestwood Boulevard on October 17, 2019 from 6:00 p.m. to 8:00 p.m. (P & Z Director)**
- 3. Approval of a Seasonal Vendor Permit for Our Lady Queen of the Apostles Catholic Church to hold their Annual Pumpkin Patch Fundraiser at 100 Crestwood Boulevard on October 12, 2019 through October 31, 2019. (P & Z Director)**
- 4. Approval of a Special Event Permit for Our Lady Queen on the Apostles Catholic Church to hold its Christmas Festival and Village at 100 Crestwood Boulevard on December 6, 2019, December 7, 2019, December 8, 2019, December 13, 2019, December 14, 2019 and December 15, 2019. (P & Z Director)**
- 5. Approval of a Seasonal Vendor Permit application by Happy Holiday Sencon, Inc. to sell Christmas trees at 10600 Okeechobee Boulevard from November 25, 2019 through December 24, 2019 between 8:00 a.m. and 10:00 p.m. (P & Z Director)**

6. **Approval of a Special Event Permit for the Village of Royal Palm Beach to hold “Rock n’ Fall Fest” on October 25, 2019 and October 26, 2019 at Royal Palm Beach Commons. (P & Z Director)**
7. **Approval and authorization for the Mayor to execute the Interlocal Agreement between the Village of Royal Palm Beach and the School Board of Palm Beach County for the Mutual Use of Recreational Facilities. (Director of Parks & Recreation)**
8. **Authorization to make payment to Chabad Jewish Center in the amount of \$5,000 for the Village’s past use of its parking facility during Community events held in Veterans Park. This expenditure will come from Account #001-7220-572-44-99. (Director of Parks & Recreation)**
9. **Adoption of Resolution No. 19-27. A Resolution of the Village Council of the Village of Royal Palm Beach specifically repealing Resolutions No.10-22 and No. 11-20 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 for specific Sports, providing an effective date; and for other purposes. (Director of Parks & Recreation)**
10. **Adoption of Resolution No. 19-28. A Resolution of the Village Council of the Village of Royal Palm Beach recognizing 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)**
11. **Adoption of Resolution No. 19-29. A resolution of the Village Council of the Village of Royal Palm Beach, Florida, recognizing “Royal Palm Beach Stars, Inc.” as the Primary Provider of Youth Travel Basketball in the Village of Royal Palm Beach; providing for periodic updates and an annual review of the program by the Village Recreation Advisory Board; providing an effective date; and for other purposes. (Director of Parks & Recreation)**
12. **Approval and authorization to purchase three (3) vehicles from Duval Ford in an amount not to exceed \$130,206.00 by piggybacking the Florida Association of Counties (FAC) Contract #FSA19-VEL27.0 chassis/FSA19-VEL17.0. (Director of Public Works)**
13. **Approval and authorization to purchase one (1) 2019 Ford F-450 Chassis (4x2) with Altec 30’ articulating aerial device from Altec Industries, Inc. (Bucket Truck) in an amount not to exceed \$87,659.00. This purchase is through Sourcewell Contract # 012418-ALT. (Director of Public Works)**

Vice Mayor Rodusky made a motion to approve Consent Agenda Item; seconded by Councilwoman Samios. Mayor Pinto put the motion to a vote and it passed unanimously.

## **REGULAR AGENDA**

- 1. Public hearing to consider Variance Application No. 19-052 (VAR), an application by Michael Feoli, and Variance Order VC-19-09, the applicant is requesting variances from Section 26-79 (4)(D); to allow for a reduced side and rear setback for three (3) shade structures in lieu of the required 7.5 foot side yard setback and 15 foot rear setback as required by code, for a property located at 2493 Westmont Lane. \* (P & Z Director)**

The P & Z Director stated the applicant is requesting three variances for three existing permanent awning structures to allow for (a) A reduced side setback of 11" where code requires 7.5' and a reduced rear setback of 11" where code requires 15' for the southeastern awning structure; (b) A reduced side setback of 11" where code requires 7.5' and a reduced rear setback of 11" where code requires 15' for the southwestern awning structure; and (c) A reduced side setback of 11" where code requires 7.5' for the western awning structure. The applicant asserts that the reduced setback is necessary because of the layout of all of the existing structures on the property and this is the minimum variance that will allow for reasonable use of the property. In particular, the layout of the existing pool would not allow for the proposed structures to comply with the required setbacks and contends that the medication that their son is taking causes sun sensitivity and that the shade structures are necessary to allow him to enjoy the back yard and pool area. The P & Z Director reviewed the special conditions that allow the Council to grant variances. The P & Z Director stated staff is not in support of these variances because it is believed that no special conditions or circumstances exist which are not applicable to other lands; the condition is the result from actions of the applicant; granting of the variance will confer on the applicant special privileges that are denied to other lands; the literal interpretation of the code does not deprive the applicant the rights enjoyed by other lands in the same zoning district and that it is not the minimum variance necessary to allow reasonable use of the property. The Planning and Zoning Commission recommended approval.

Michael and Cindy Feolia of 2493 Westmont Lane reported they submitted an application for approval to their Homeowner's Association and received approval. He added that they have a special needs child that cannot be out in the sun and included documentation from a physician. He confirmed that 60 letters were sent out to neighbors within a 300' foot radius and received no opposition.

Mayor Pinto confirmed that the Planning and Zoning Commission did not include any special conditions of approval.

Mayor Pinto opened and closed public comment with no response.

Councilwoman Samios confirmed these awnings do not encroach on the neighbor's property. Councilman Hmara confirmed this is a special needs

situation, an ADA issue and suggested a Reasonable Accommodation route for approval.

The Village Attorney explained that a land use variance approval runs with the land not the property owners. He further explained the Reasonable Accommodation process is about the person not the property. Council members commented on postponing the variance request vs. applying for a Reasonable Accommodation.

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

**2. Public hearing to consider Variance Application No. 19-0059 (VAR), an application by Palm Pool and Spa, Inc., and Variance Order VC-19-10, the applicant is seeking a Variance to allow an 8.18-foot rear yard setback in lieu of the required 13-foot rear yard pool setback as required by Section 26-62 (D). The address of the property is a confidential record. \* (P & Z Director)**

This was quasi-judicial and the Village Attorney swore in all who will speak and asked for ex-parte disclosures. The P & Z Director stated the applicant is requesting a variance to allow for an 8.18-foot rear yard setback in lieu of the required 13-foot rear yard setback for a swimming pool. The applicant is seeking a 4.82-foot variance to the rear setback requirements for a pool that is smaller than a 15 feet by 30 feet standard sized pool and is the minimum variance that will allow for reasonable use of the property. The P & Z Director stated staff does not support the variance request because the granting of the variance would confer on the applicant privileges denied to other residents in similar circumstances. Although this property is not located within a Planned Unit Development (PUD), reduced setbacks from the code requirement of 13-feet have been granted as part of PUD approvals in the past and gave examples. The Planning and Zoning Commission recommended approval by 3-2.

Zachary Burke owner of the property and applicant asked for approval.

Mayor Pinto opened and closed public comment with no response.

The P & Z Director confirmed letters were sent out to neighbors within 300' of the property and there were no responses. Mr. Burke offered for the record the two attached support letters from neighbors (Exhibits 1 and 2).

The Village Manager explained the requested variances and cautioned on the idea of adding a screen enclosure. Mr. Burke went on the record to agree not to build a screen enclosure over the pool.

After a brief discussion, Councilman Valuntas made a motion to approve the variance with the special condition that no screen enclosure be erected over the pool; seconded by Councilwoman Samios. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed 4-0.

**3. Public hearing to consider Variance Application 19-046 (VAR), an application by Randall Ives, and Variance Order VC-19-08 the**

**applicant is requesting a variance from Section 26-57 for a shed to allow for a side yard setback of 4.9 feet in lieu of the 7.5-foot side setback as required by code, for a property located at 10627 Misty Lane. \* (P & Z Director)**

This was quasi-judicial and the Village Attorney swore in all who will speak and asked for ex-parte disclosures. The P & Z Director stated the applicant is requesting a variance for a shed and to allow for a side setback of 4.9 feet in lieu of the 7.5-foot side setback. The applicant asserts that the shed has to be located in the proposed location in order to allow access to the neighborhood watch golf cart which will be stored within the proposed shed. The proposed location is the most convenient location and will cause the least disturbance for the owners of the property when other watch members need to have access to the golf cart. The applicant further asserts that this is the minimum variance which will allow reasonable access and safety. The Director reviewed the criteria that allows Council to grant variances. Staff is not in support of this variance because no special conditions or circumstances exist which are not applicable to other lands; the condition is the result from actions of the applicant; granting of the variance will confer on the applicant special privileges that are denied to other lands; the literal interpretation of the Code does not deprive the applicant the rights enjoyed by other lands in the same zoning district and that it is not the minimum variance necessary to allow reasonable use of the property. The Planning and Zoning Commission recommended approval 4 - 1.

Randall Ives of 10627 Misty Lane explained that a neighborhood crime watch was initiated, a golf cart was purchased to patrol the community and the shed was purchased to store the golf cart. He did note it was constructed without a permit.

Mayor Pinto opened and closed public comment with no response.

Councilwoman Samios confirmed there is another shed on the property and after questions of whether or not he would maintain the golf cart if he no longer was the Captain of the Neighborhood Watch he would agree to remove the shed. The Village Attorney cautioned that land use variances run with the land not the owner. Councilman Valuntas stated he did not feel this meets the criteria for a variance and did not support the variance. Councilman Hmara confirmed that notification of the variance was sent to all neighbors within 300' with no negative response. Mayor Pinto confirmed there is a privacy fence.

Councilwoman 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 3-1.

- 4. Public hearing to consider Application No. 19-0087 (RZ), an application by Urban Design Kilday Studios, and approval of Ordinance No. 996. the applicant is seeking the Rezoning of two (2) tracts of land totaling 13.144± acres, more or less, from Palm Beach County's Agriculture Residential (PBC, AR) zoning district, to the Village of Royal Palm Beach's public ownership (PO) zoning district, located on the south side of Southern Boulevard**



**approximately 0.27 miles west of State Road 7.\* Agent: Ali Palmer, of Urban Design Kilday Studios. (P & Z Director)**

This was quasi-judicial and the Village Attorney swore in all who will speak and asked for ex-parte disclosures.

The Village Attorney read into the record Ordinance No. 996 by title only.

The P & Z Director stated the applicant is seeking the rezoning of two tracts of land from the Palm Beach County's Agriculture Residential (PBC, AR) Zoning District to the Village of Royal Palm Beach's Public Ownership (PO) Zoning District. This site has several single-family homes on large tracts. The applicant has indicated in their justification statement that the ultimate goal is for Pod 8 to be the receiving area for the recreation obligations for Pods 2, 3 and 4 and total approximately 10.7 acres. The remaining acreage is the areas within the Florida Power and Light Easement. The Director stated that overall the proposed rezoning is generally consistent with the Village's Comprehensive Plan and compatible with adjacent land uses and meets all relevant concurrency level of service standards. Staff and the Local Planning Agency recommended approval.

Donna Maes of 112 Newberry Lane representing Victoria Groves Homeowner's Association requested because the park will be close to their property that during the planning of the park consideration for the homeowners in that area be taken. She also asked that there be no access into the park from Victoria Groves and that no concerts/entertainment in the park would be directed towards the residential area. Ms. Maes asked for consideration to keep some of the existing wooded area adjacent to the Victoria Groves development as well.

The Village Manager reported on the process of the site being dedicated to the Village because impact fees will be collected for the infrastructure. The Village has included this park in the Village's five-year plan and public input meetings to design the park will be held.

Mayor Pinto closed public comment.

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 4-0.

**5. Public hearing for first reading and approval of Ordinance No. 997, amending Chapter 26. Zoning. at Section 26-40. Minor amendments to previously approved site plans. in order to increase the percentage of previously approved landscape material species that may be substituted for different species through the minor site plan modification process. (P & Z Director)**

The Village Attorney read into the record Ordinance No. 997 by title only.

The Planning and Zoning Director stated staff has encountered numerous instances where property owners seek to substitute out previously approved landscape material species for different species due to the unavailability of certain species. Due to the incompatibility of certain species with site

conditions (i.e., drainage, sunlight exposure) Section 26-40 currently allows property owners to substitute out ten percent of approved species through a minor site plan modification. Any substitution over ten percent requires the property owner to undergo a major site plan modification. Staff seeks to increase the percentage for minor site plan modifications from ten percent to twenty percent in order to facilitate the substitution of unavailable or incompatible plant species. This ordinance proposes the following change to Section 26-40(a)(4)d. - Substitution of a maximum of ten (10) to twenty (20) percent of the approved species of landscape materials due to site constraints caused by conflicts with fire equipment utility easements and similar site constraints. Staff recommended approval.

Mayor Pinto opened and closed public comment with no response.

Councilman Hmara made a motion to approve; seconded by Councilman Valuntas. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed 4-0.

**6. Adoption of Resolution No. 19-32. A Resolution of the Village Council of the Village of Royal Palm Beach, Florida, establishing the Village of Royal Palm Beach Streetscape and designating the first program area, the Sparrow Drive Streetscape Area, for inclusion in the overall Streetscape Program; Providing an Effective Date; and for other purposes. (Director of Public Works)**

The Public Works Director reviewed the Village Streetscape Program Roads that the Village is required to maintain. He said this resolution will provide for a streetscape program for Sparrow Drive from Royal Palm Beach Boulevard to Crestwood Boulevard as part of the Village's overall Streetscape Program, limits maintenance to the trees, requires property owners to maintain grass and other vegetation to edge of pavement and includes the maintenance of the hedge along Crestwood Middle School. He reported the estimated annual cost for the tree maintenance is \$7,500 to \$10,000 for a one time cut in the spring prior to hurricane season and proposed to provide an additional cut in the fall of this fiscal year. The funds for the tree maintenance would be from the Public Works operating budget.

The Village Manager explained the current streetscape program and said the goal of this resolution is to protect the trees on Sparrow Drive.

Catherine Lang of 100 Viscaya Avenue, school crossing guard in that area reported a traffic safety issue with the low-lying bushes recently installed. The Village Manager responded that the Village has reviewed the landscaping and confirmed the bushes must be trimmed to maintain that site distance or be removed.

Mayor Pinto closed public comment.

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 4-0.

**ADJOURNMENT**

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Mayor Fred Pinto

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Diane DiSanto, Village Clerk

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL SPECIAL MEETING  
VILLAGE MEETING HALL  
THURSDAY, NOVEMBER 7, 2019  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Mayor Fred Pinto	-	Present
Vice Mayor Jan Rodusky	-	Absent
Councilman Jeff Hmara	-	Present
Councilwoman Selena Samios	-	Present
Councilman Richard Valuntas	-	Present

Also present was the Village Manager, the Village Attorney (Keith Davis) and the Village Clerk.

**STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS - None**

**REGULAR AGENDA**

- 1. Approval and authorization for the Mayor to execute the “Consent to Assignment of Franchise Agreement” in order to assign the current Franchise Agreement with Republic Services of Florida, Limited Partnership to Waste Pro of Florida, Inc. in accordance with Section 36 of the Franchise Agreement. (Finance Director)**

The Finance Director reported on Republic Services selling their assets to Waste Pro and within their contract, the Village must approve the assignment. He announced that representatives from both companies were present. The Village Manager added that the current contract with Republic Services is for five year with up to a one five-year renewal. He said Republic Services has completed two years of the first five-year contract and confirmed there is a bi-lateral option at the end of that period. The Village Manager further explained the anticipation of a seamless transition.

Joanne Stanley, Municipal Services Manager for Republic Services of Florida, LP reported that Waste Pro has purchased their trucks, building, hired all drivers and office staff except for management and has purchased the phone number as well. Ms. Stanley said the first pick up from Waste Pro will be on Saturday, November 15<sup>th</sup> and she will be available during the 90-day transition.

Chris Schulle, Division Manager WPB for Waste Pro stated he was excited about the transition and looked forward to servicing Royal Palm

Beach. He said the company has been in Palm Beach County since 2008 and services Area 1 for the Solid Waste Authority, City of West Palm Beach recycling and Town of Haverhill. He said within the next six months, the trucks as well as the commercial/multi-family containers will be relabeled. The residential containers will remain.

Mayor Pinto confirmed other areas in Palm Beach County being serviced by Waste Pro and received assurance for continued good customer service. Mr. Schulle added that a Trac EZ system will be implemented and will continue with the 3rd eye camera system and GPS tracking.

Councilwoman Samios confirmed the pick-up days will remain the same and along with Councilman Hmara and Valuntas thanked Republic Services for their excellent service.

Mayor Pinto opened and 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 4-0.

**ADJOURNMENT**

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Mayor Fred Pinto

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Diane DiSanto, Village Clerk