

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 21, 2021.**

**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>11/18/21</b>	

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE MEETING HALL**

**\*NON-VACCINATED INDIVIDUALS MUST WEAR FACE MASKS INSIDE  
VILLAGE MEETING HALL**

**THURSDAY, OCTOBER 21, 2021  
6:30 P.M.**

**Ways to Participate**

- In Person: Public may participate in person at the Village Meeting Hall, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.
- Computer, Tablet, Smartphone: Public may participate remotely by joining GoToWebinar from your computer, tablet or smartphone via [www.royalpalmbeach.com/webmeetings](http://www.royalpalmbeach.com/webmeetings).
- Telephone: Public may listen only via phone remotely by dialing United States +1 (631) 992-3221, Webinar ID: 712-930-331, Access Code: 436-147-901.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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**

Mayor Pinto reported on the Brighline presentation at the Transportation Planning Agency meeting where it was announced that service would resume on November 5<sup>th</sup>. He also announced their capability of providing various modes of transportation to riders from their home to station if needed.

Councilwoman Rodusky reported that Principal Dr. Jesus Armas of Royal Palm Beach High School would be transferring to John I. Leonard High School. A community focus group will meet at 5:30 p.m. on Monday, October 25<sup>th</sup> to discuss filling the position. The log in information is 240-560-2935 PIN 151179294 if you are interested in attending.

Councilman Hmara gave a follow up on the Principal situation at Royal Palm Beach High School; recognized Dr. Armas' initiatives and accomplishments and reported that the Palm Beach County School Board will conduct interviews on November 4<sup>th</sup> to fill the position. He also announced that Michael J. Burke has been named the new Superintendent of Palm Beach County School District. Councilman Hmara reported on the Education Advisory Board where Cypress Trails Elementary school was showcased. He reminded everyone that "Read for the Record" is scheduled for October 28<sup>th</sup> and Elected Officials Ethics training hosted by Palm Beach County League of Cities will be held at the Village of Palm Springs on November 9<sup>th</sup>.

Vice Mayor Valuntas confirmed that the November 4<sup>th</sup> School Board Meeting was closed to the public.

Councilwoman Samios reported on a presentation given on the remodeling and renovation of the Recreation Center at the Recreation Advisory Board meeting. At that meeting, it was noted that the Young at Heart has maxed out at 140 members and has a waiting list, the Community Band will begin performing every other Monday night at the Cultural Center, Veterans Day Event will be held on November 11<sup>th</sup>, Green Market is being held every Saturday at Village Hall, Concerts and Movie nights will be held on Friday and Saturday nights at Commons Park, the haunted house will be open the next two weekends through October 31<sup>st</sup>, all programs are now available at the Recreation Center, Commons Park Kayak Rentals are now be available and a second disc golf course is being added. She announced that two new staff members have been added to the Recreation department and thanked staff for their efforts during events. The Supervisor of Elections is holding a virtual event tonight for the new voting rule, if interested go to [pbcelections.org](http://pbcelections.org). She added that the school district would be providing food distribution during the week of Thanksgiving break go to [palmbeachschools.org](http://palmbeachschools.org) for information.

The Village Manager introduced Phillip Olavarria the new District Fire Chief at Station 28.

The Village Attorney (Keith Davis) reported he would be a presenter on the topic of public records at the Ethics Training scheduled on November 9<sup>th</sup>. He also said that the Palm Beach County League of Cities would once again host the Tri-Cities Barbecue on December 3<sup>rd</sup> in the City of Belle Glade. The Village Attorney reported on the proposed Senate Bill 280 that he explained is an assault on Home Rule and certain proposed ordinances.

**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 August 19, 2021, Council Regular Meeting of September 2, 2021 and First Public Budget Hearing of September 8, 2021 and Final Public Budget Hearing of September 23, 2021. (Village Clerk)**
- 2. Approval and authorization to renew annual software licensing and software maintenance support with Superior Public Sector, Inc. in the amount of \$66,500.00. (Information Systems Director)**
- 3. Approval and authorization for the Village Manager to execute the First Addendum To Agreement for General Planning and Development Review Services to extend the Professional Services Agreement with Urbana, LLC for an additional one-year term, beginning November 22, 2021 and ending November 21, 2022. (P & Z Director)**

4. **Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 001 in the fiscal year 2021/2022 Budget. Said amendment to transfer a total of \$99,000 from Undesignated Fund Balance (3990100) to Planning and Zoning - Other Services Professional (515-3190). (Finance Director)**
5. **Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a Green Market and Bazaar at Village Hall every Saturday, beginning October 9, 2021 through April 30, 2022 from 9:00 a.m. to 1:00 p.m. No event on November 27, 2021, December 25, 2021 or January 1, 2022. (P & Z Director)**
6. **Approval of a Special Event Permit for Palm Beach County Sheriff's Office to hold a PBSO Family First Kickball Fundraiser located at Bob Marcello Park on Saturday, January 29, 2022 from 7:00 a.m. until 6:00 p.m. (P & Z Director)**
7. **Approval of a Special Event Permit for Barky Pines Animal Rescue & Sanctuary, Inc., to hold a 5k run and walk with dogs located at Commons Park on Saturday, February 12, 2022 from 7:00 a.m. until 11:00 a.m. (P & Z Director)**
8. **Approval and authorization for the Village Manager to execute Consultant Services Authorization No. 8 with REG Architects, Inc. to provide Construction Administration for the Village Hall Construction. The cost for said services shall not exceed \$93,800.00. (Village Engineer)**
9. **Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 301 in the fiscal year 2021/2022 Budget. Said amendment to transfer a total of \$180,000 from Undesignated Fund Balance (3990100) to Commons Park Pathway Lighting. (PR1903) (Finance Director)**
10. **Approval of the bid award in the amount of \$757,764.00 and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder for the Commons Park Pathway Lighting (PR1903) project to National Traffic Control Systems, Inc. (Village Engineer)**
11. **Approval and authorization for the Village Manager to execute the "American Rescue Plan Act Coronavirus Local Fiscal Recovery Fund Agreement" in order to implement the disbursement of funds to the Village as allocated under the American Rescue Plan Act of 2021 to facilitate the ongoing recovery from the COVID-19 pandemic. (Finance Director)**
12. **Approval to allocate American Rescue Plan Act funds to provide 1) a one-time Vaccination Incentive in the amount of \$500.00 (net) per eligible Village employee and 2) a one-time lump sum Premium Pay payment in the amount of \$1,000.00 (net) to eligible Village employees who worked through the COVID-19 pandemic. (Finance Director)**

13. **Approval and authorization for the Mayor to execute the “2022 Municipal Election Vote Processing Equipment Use and Elections Services Agreement” by and between the Palm Beach County Supervisor of Elections and the Village of Royal Palm Beach. (Village Clerk)**
14. **Approval and authorization for the Village Manager to enter into an agreement with Haverland AG Innovations, Inc. (f/k/a STO Landscape Services, Inc.) for Annual Turf Maintenance Services at four (4) multi-purpose athletic fields located in Seminole Palms Park at a cost not to exceed \$70,000 and by piggybacking the Village of North Palm Beach term contract by Resolution #2019-51, which is in effect through October 1, 2022. (Director of Parks & Recreation)**
15. **Approval of bid award and authorization for the Village Manager to enter into an agreement with Eats and Teas Holding, LLC, the sole responsive, responsible bidder for a monthly lease amount of \$500.00, for food and beverage concession services in Commons Park Sporting Center located at 11601 Poinciana Blvd. (Director of Parks & Recreation)**

Councilwoman Samios pulled Item #12 for discussion.

Councilman Hmara made a motion to approve the Consent Agenda less Item #12; seconded by Vice Mayor Valuntas. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

The Village Manager explained the employees’ eligibility to receive both incentive and premium pay. Councilwoman Samios asked for clarification on staff policy as it relates to vaccinations. The Village Manager responded and a discussion ensued with regard to the Covid-19 policy. Councilwoman Samios proposed that every employee that abides by the Covid-19 policy receive the \$500 and everyone that is eligible that has not started working within the last six months be eligible for the premium pay.

Vice Mayor Valuntas stated his support with the agenda item proposed but understood Councilwoman Samios request for the different proposed policy.

Vice Mayor Valuntas made a motion to approve the Consent Agenda Item #12; seconded by Councilwoman Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed 4 – 1 with Councilwoman Samios dissenting.

## **REGULAR AGENDA**

1. **Public hearing to consider Application 21-74 (LW), an application by Joni Brinkman, for the consideration of a Landscape Waiver from Village Code Section 15-133 (b)(2), to allow for four (4) trees to satisfy the code requirement of nine (9) trees within a certain perpendicular divider strip, or a 1.3± acre parcel of land located on the northeast corner of Southern Boulevard and State Road 7. Agent: Raising Cane’s Restaurants, LLC. (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 P & Z Director stated the applicant is requesting a landscape waiver. He said the applicant contends the landscape design goal is to utilize the existing trees/palms on the site. The current beds have large mature root zones which additional plantings will affect and constrict their continued growth and sustainability. The existing tree/palm spacing is roughly 24' on-center whereas the code states a maximum of 15' on-center spacing. The deficient tree amount is five trees due to this spacing based on the Village's calculation of three palm trees equaling one shade tree. The southern and western landscape buffer areas do contain a large amount of excess mature trees after already meeting site landscape requirements. The P & Z Commission and staff recommended approval.

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

Joni Brickman of Urban Design Studio representing the applicant introduced the team representing Raising Cane's Restaurant, LLC that were present. Lentzy Jean-Louis of Urban Design Studio stated the location, site acreage, zoning and history of the property.

Adam Carcci, Manager, Property Development explained that Raising Cane's is a chicken finger only restaurant with 75% of the business through its drive-thru. He said Todd Graves, CEO in Baton Rouge, LA, founded it and the unofficial mascot is named after his original rescue dog. This restaurant will have a Community Marketing Manager that will work solely in this area to be active in community involvement. Mr. Carcci announced other proposed locations in Florida with this being the first.

Lentzy Jean-Louis of Urban Design Studio stated Raising Cane's Restaurant would be utilizing the seven existing trees in the northern divider strip where nine are required and that the existing tree beds have mature root zones where additional planting will affect sustained growth and sustainability.

Councilwoman Samios confirmed there would be no trees removed.

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 unanimously.

- 2. Public hearing to consider Variance Application 21-31 (SVAR), an application by Joni Brinkman, for the consideration of a Variance from Village Code Section 20-60 (4) (e) to allow for two menu pricing signs where Village Code only allows for one menu pricing sign; and a Variance to section 20-95 (e) to allow for 30.7 square foot wall-mounted cabinet signs where Village Code prohibits wall-mounted cabinet signs in excess of 10 square feet, for a 1.3± acre parcel of land located on the northeast corner of Southern Boulevard and State Road 7. Agent: Raising Cane's Restaurants, LLC. (P & Z Director)**

This was quasi-judicial and the Village Attorney (Mitty Barnard) asked for ex-parte disclosures. The P & Z Director stated the applicant is requesting variances from two sections of Chapter 20, the first request is to allow for two total menu pricing signs where only one menu pricing sign is permitted. He said the applicant contends that the proposed development includes two menu boards to accompany the two drive-thru lanes and are a necessary component of the redevelopment of this property, as they increase the efficiency and functionality of the use and site. He explained the process of using both menu boards. During peak hours, the outside lane will have attendants with pads that will process payment and deliver orders to the vehicles in the dedicated striped paths. There will be 12 total queuing spaces provided for both lanes with four queuing spaces located before the menu board in each lane. The estimated time to be spent in the drive-through from entry to exit should be no more than one-minute and a half. The P & Z Director stated that the second variance request is to allow for 30.7 square foot wall-mounted cabinet signs where Village Code prohibits wall-mounted cabinet signs in excess of ten square feet. The applicant is also requesting a variance to allow a 30.7 square foot wall-mounted cabinet sign that depicts the trademarked Raising Cane's logo. The red background area is considered a cabinet sign and since the national branding incorporates this red area along with the channel letters as a single logo, the total area of the sign in being considered under the cabinet sign definition. It is important to note in regard to this request, that if the sign proposed were a considered a channel sign, the sign face area that would be allowed would be calculated on the linear facade length of the building and allow for a channel sign of up to 40.2 SF. However, in this case, the request to incorporate the standard branding for this user actually provides for a decrease of 9.5' compared to the maximum allowed for a channel sign and will not have any negative impact on the surrounding area. The P & Z Director reviewed the criteria for a variance. The P & Z Commission and staff recommended approval of Variance Request #1 and the P & Z Commission and staff recommended denial for Variance Request #2.

Lentzy Jean-Louis representing the applicant made the presentation for the two variances. He showed examples of existing restaurants with two drive-thru lanes.

Adam Carcci, Manager, Property Development for Raising Cane's confirmed the sign would be three dimensions, explained the channel code and noted the red background area would not be lighted.

Councilwoman Samios confirmed there will be two signs one on Southern Boulevard and the other on State Road 7 and asked if the red circle could be painted in lieu of the channel. Vice Mayor Valuntas stated concerns of seeing the sign from Southern Boulevard and confirmed no trees would be removed.

Mr. Carcci showed the signs and the size differences of the proposed cabinet sign and the allowed per code channel letters sign noting that it would be much smaller than the allowed per code. He showed the south landscape buffer confirming that the monument signs will remain the same.

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 Variance Request #1; seconded by Vice Mayor Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

Councilwoman Samios stated her concern with approving a variance after recently updating our sign code. Mayor Pinto clarified that each variance stands on their own merit. The Village Manager reiterated these signs are for an onsite locator and identifies their entrances and is proportionate to their architectural proportionate sizing. Vice Mayor Valuntas shared concerns with just updating the Sign Code but stated his support for this variance.

After further comments from Councilwoman Rodusky, Councilman Hmara made a motion to approve Variance Request #2; 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 Variance Application 21-32 (PVAR), an application by Joni Brinkman, for the consideration of a Variance from Village Code Section 23-51 (2) q., to provide for a Variance to allow 56 parking spaces, inclusive of twenty-one (21) spaces via cross parking agreement, where Village Code requires 59 parking spaces, for a 1.3± acre parcel of land located on the northeast corner of Southern Boulevard and State Road 7. Agent: Raising Cane's Restaurants, LLC. (P & Z Director)**

The Village Attorney (Mitty Barnard) asked for ex-parte disclosures. The P & Z Director stated the applicant is requesting a parking variance in order to reduce the number of required parking spaces from 59 to 56 and has entered into a cross parking agreement with the Christ Fellowship Church to allow cross parking with the church for 21 of the required 59 spaces. He referred to the criteria previously reviewed to approve variances. The applicant contends that the proposed Raising Cane's prototype is designed to place emphasis on the drive through operation rather than typical indoor dining. As of a result, the proposed prototype consists of significantly more floor area dedicated to the high-volume kitchen than dining area. There are 50 seats proposed for the indoor dining area and 22 seats proposed for outdoor dining. The parking variance that is being proposed is supplemented by the fact that those parking on site, that are not using the drive through or are not employees, will only be utilizing the dining area within the development. Parking requirements in other municipalities approach restaurants with drive-through parking in a similar way as the parking rate is based on either dining area, number of seats, or whichever is more restrictive of the two. The P & Z Commission recommended approval. Staff recommended denial.

Lentzy Jean-Louis representing the applicant made the presentation and requested the parking variance.

Councilwoman Samios clarified the location of the loading area and made a recommendation that staff park on the church site.

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

- 4. Public hearing to consider Application 21-30 (SPM, AAR, SE) an application by Joni Brinkman and adoption of Resolution 21-19 confirming Council action. The applicant is seeking site plan, architectural approval, and special exception use approval for a “restaurant with drive-through” for a 1.3± acre parcel of land located on the northeast corner of Southern Boulevard and State Road 7. Agent: Raising Cane’s Restaurants, LLC. (P & Z Director)**

The P & Z Director stated the applicant is requesting Site Plan Modification, Special Exception Use and Architectural Approval in order to redevelop a 3,267 square foot “Restaurant with drive-through” on a 1.3± acre outparcel within a Planned Commercial Development (PCD). The applicant is also seeking Architectural Approval for the building architecture colors, signs and landscape plan. The proposed project meets the requirements for the General Commercial (CG) Zoning District with the approved variances. He showed the access to the site from Southern Boulevard, the north from an existing right in right out from State Road 7, the two drive-through lanes and the by-pass lane to the north of the building. The P & Z Commission and staff recommended approval.

The Village Attorney asked for ex-parte disclosures.

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 unanimously.

- 5. Public hearing for second reading and adoption of Ordinance No. 1014, amending Chapter 20. Signs. at Sections 20-1. Definitions. to amend and create definitions for select terms related to sign identification and regulations; and at Sections 20-2, 20-22, 20-25, 20-27, 20-41, 20-54, 20-57, 20-65, 20-71, and 20-73 to conform Village Code to recent legal precedent regarding signs and to provide internal consistency. (Village Attorney)**

The Village Attorney (Keith Davis) stated that the Mayor’s introduction was the title of Ordinance No. 1014. The Village Attorney (Keith Davis) introduced the revised ordinance which included two changes, one on page 7 to correct a codified typographical error in Section 20-2 and the other on page 20 where proposed language was inserted to include three blocks of time throughout the calendar year where temporary signage could be displayed on Village-owned property. Vice Mayor Valuntas referred to page 6 and page 21 and requested a revision to strike the word “temporary” from the temporary sign definition in Section 20-1 since there is no time duration restriction. A discussion ensued with the Village Attorney and it was suggested to adjust the definition to clarify and bring the further revised Ordinance No. 1014 back for second reading at the next Council meeting.

Vice Mayor Valuntas made a motion to continue second reading to a time certain of November 18, 2021; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

**6. Public hearing for first reading and approval of Ordinance No. 1021, amending Village Code at Chapter 11. Fire Prevention and Protection., Section 11-23. Propane Storage. in order to better conform Village Regulations with industry standards relative to tank sizes. (Director of Community Development)**

The Village Manager stated this is to revise current Village regulations to conform with industry standards relative to tank sizes. The proposed amendments increase the size of propane storage tanks allowed to remain aboveground from 100 to 125 gallons, establish tank size limits for smaller aboveground tanks to conform with industry standards and available tank sizes and provide reference to National Fire Protection Association installation standards.

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 the first reading; seconded by Councilwoman Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

**ADJOURNMENT**

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Mayor Fred Pinto

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Diane DiSanto, Village Clerk