

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 18, 2021.

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		12/16/21	

**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, NOVEMBER 18, 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.
- Telephone: Public may listen only via phone remotely by dialing United States +1 (415) 655-0052, Webinar ID: 888-886-643, Access Code: 270-867-626.

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 Palm Beach County Transportation Planning Agency meeting where it was announced Director Nick Uhren had resigned and an election was held for the 2022 officers. He announced that the new County Mayor Robert Weinroth was elected Chair.

Councilwoman Samios offered her condolences to the David Swift family. She reported on “Read for the Record” and thanked the staff at H.L. Johnson. She invited everyone to the Friday Night Concerts/Food Truck events as well as the Saturday Night Movie/Food Truck events at Commons Park. She also announced the Green Market is being held every Saturday morning at Village Hall from 9:00 a.m. until 1:00 p.m. Councilwoman Samios reported that the school district is providing meals for the Thanksgiving break and referred anyone interested to the palmbeachschools.org/sfs to register. She announced that the Solid Waste Authority is holding a virtual projects 2022 Business Opportunity Forecast Conference on December 2nd from 8:00 a.m. to 12 noon, the website is swa.gov2g.com. She wished everyone a Happy Thanksgiving.

Vice Mayor Valuntas reported on the Annual Farm City Luncheon and commented on the importance of farming and supporting our local growers. He also attended the interviews for the new Principal at Royal Palm Beach High School and noted that Michelle Fleming has been hired.

Councilman Hmara reported on the Education Advisory Board meeting where Royal Palm Beach Elementary School was showcased. Principal Ghetti

announced that 692 students are registered at the school. Challenges have been created throughout the district due to retirements as well as vacancies. He also reported on the recent Legislative Session and presented a brochure from the Palm Beach County League of Cities 2022 Legislative Priorities & Issues with what type of legislative action needed. He announced that a pre-legislative webinar session will be conducted by the Florida League of Cities on December 16th and Monday morning call ins will begin on January 10th. Palm Beach County Action Days in Tallahassee are scheduled for January 11th and 12th. He was proud to announce that the Town of Palm Springs recognized his wife Carolyn for her help in providing masks (over 10,000 face coverings) at the beginning of the pandemic.

PETITIONS – None

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

Frank Schiola of 13434 Marcella Boulevard, Loxahatchee, spoke about former Councilman David Swift and asked for consideration in naming a living memorial for him. Mayor Pinto presented him a copy of the Village's current "Policy on Placing Names and Name Changes" for consideration.

Diane Queller of 123 Sunflower Circle stated her concern with the safety of the children near H.L. Johnson Elementary where parents are dropping off and picking up the students near the heart trail. She reported that she has contacted the Principal at the school to ask who is responsible for monitoring the situation.

A discussion ensued with regard to enforcement and safety. It was noted the area does not warrant a crossing guard.

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 October 21, 2021. (Village Clerk)**
- 2. Approval to purchase a playground apparatus from Miracle Recreation Equipment Co. and have it installed at Veterans Park. The purchase amount shall not exceed \$150,000.00 through Sourcewell Contract #010521-LTS. (Director of Parks & Recreation)**
- 3. Approval and authorization for the Village Manager to enter into an agreement with Sport Surfaces LLC for the resurfacing of various sport courts throughout the Village and creation of four (4) pickelball courts. This purchase is not to exceed \$105,000.00 and is piggybacking the City of Cooper City term contract #ITB-2018-5 which is in effect through June 24, 2024 (Director of Parks & Recreation)**
- 4. Adoption of Resolution 21-20. 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 2020/2021 Budget. Said amendment represents the year-end (13th period) budget adjustment and appropriates \$178,300 Utility Taxes, Federal Grants Public Assistance and Other (FEMA, COVID), Police Education and Legal fees from developers and increase amounts budgeted in the Legal, Police and Public Works Department. (Finance Director)

- 5. Approval and authorization for the Village Manager to execute an addendum to extend Village Hall Architectural and Design Services provided by REG Architects, Inc. for two years. (Village Engineer)**
- 6. Cancel award of the contract to National Traffic Control Systems, Inc. in the amount of \$757,764.00 for the Commons Park Pathway Lighting Project (PR1903). (Village Engineer)**
- 7. Authorization to reject all bids received and opened at 3:00 p.m. on Friday, October 6, 2021, for the Commons Park Pathway Lighting Project (PR1903). (Village Engineer)**

Councilwoman Samios pulled Item #7.

Councilwoman Samios made a motion to approve the Consent Agenda less Item #7; seconded by Councilman Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

Councilwoman Samios asked why the project was not awarded to the second bidder.

The Village Attorney (Mitty Barnard) responded it was already awarded to the primary responsive, responsible bidder. Since the award, additional information has become known that warrants cancellation of that award, requiring rejection and rebid of the item.

Councilwoman Samios made a motion to approve the Consent Agenda Item #7; 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 request by Western Academy Holdings, LLC and adoption of Resolution 21-21 confirming Council action. The requestor is seeking approval by the local government having jurisdiction over the area, the Village, of the use of the proceeds of the bonds within the Village in accordance with the Tax Equity and Fiscal Responsibility Act as required by Section 147(f) of the Internal Revenue Service Code of 1986, for a property located at 12031 Southern Boulevard; by Western Academy Holdings, LLC.**

The Village Attorney (Keith Davis) stated that Western Academy Holdings, LLC Charter school under new ownership is applying for tax exempt bond financing and part of the application process requires the applicant to have this public hearing and a Resolution adopted by the governing body of the jurisdiction

containing the school and that there is no objection to the use or the use of the tax exempt fund.

Donna Auerbach, Business Manager of Western Academy reported the school is looking to move from their current facility and purchase the building formerly known as the Palms West Charter School. She stated that this approval is part of the process in order to receive the bonds.

Claudia Capdesuner of Bryant, Miller, Olive, P.A. explained there is a bond issue with Arizona Industrial Development Authority and in order to make sure the bonds are tax exempt the Internal Revenue Service requires this hearing and the approvals requested.

A discussion ensued and it was clarified that this is tax exempt with no financial obligation to the Village.

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

Councilwoman 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.

- 2. Public hearing to consider Application 21-55 (LW), an application by Marcos Unis, for the consideration of a Landscape Waiver from Village Code Section 15-133 (c)(1) and (2) in order to eliminate the parallel divider strip and the required landscaping on the west side of the building as part of the conversion to a fenced dog walking area, for a property located at 10465 Southern Boulevard and situated within the Village Shoppes on 441; by Access Specialty Animal Hospital. * (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 to convert the existing parallel divider strip to a dog run and to eliminate the required shrub and/or ground cover requirement within the divider strip. The P & Z Director reviewed the Village code that requires a landscape divider strip to run parallel to the long dimension of the parking space and shall be provided after each row of ten parking spaces. This divider strip shall also be eight feet wide exclusive of walkways and curbing. Additionally, within this divider strip there shall be a minimum of one tree and one shrub and/or one ground cover for every two linear feet. The Applicant contends that they are not eliminating the landscaped island but fencing it in to create an outdoor dog run area to serve the existing Access Specialty Animal Hospital Veterinary Clinic Building. The width of the proposed fenced-in island is 34' wide when only 8' is required, the two required/existing trees will remain in the island to provide shade and greenery. Lower plantings and sod in the island will be substituted with artificial turf with a green-coated chain link fence that will be transparent. The P & Z Director stated that the proposed 34' wide outdoor dog run area with the two mature trees and transparent green vinyl fence more than satisfies the intent of this Code section which is to visually separate/break-up parking rows of more than ten spaces and also to provide shade. He said this waiver would

only be tied to the Veterinary Clinic use and would be restored when the clinic leaves. The P & Z Commission recommended approval and staff recommended denial.

Manny Gutierrez of Gutierrez and Lozano Architects, P.A. made a presentation and asked for approval of the landscape waiver.

Councilwoman Samios confirmed that a condition of approval could be added to revert the area back when this business leaves as well as have the artificial turf removed. The Village Attorney (Mitty Barnard) responded yes and will be added during the Site Plan Modification process.

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 with the condition that the property will be reverted to the current state when the tenant moves out; seconded by Vice Mayor Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 3. Public hearing to consider Application 21-54 (PVAR), an application by Marcos Unis, for the consideration of a Variance from Village Code Section 23-49 (b) (6) b., to provide for a variance to eliminate a portion of the required sidewalk from the rear parking area to the front of the building where Village Code requires an uninterrupted six (6) foot wide continuous pedestrian access way connecting the rear parking area to the public entrance in front of the building, for a 3.61± acre parcel of land located on the northwest corner of Southern Boulevard and State Road 7; by Access Specialty Animal Hospital. * (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 a parking variance to eliminate a portion of the required sidewalk from the rear parking area to the front of the building where it requires a six-foot wide continuous pedestrian access way connecting the rear parking area to the public entrance in front of the building. He reviewed the criteria to grant a variance and reported that the applicant intends to reconfigure the landscape island adjacent to the west façade of the building to accommodate an outdoor run for animals being cared for at the animal hospital. The reconfiguring of the landscape island is part of a separate Minor Site Plan Application in for review with the Planning and Zoning Department where the applicant contends that the users of the parking in the rear of the building will be employees of the Animal Hospital and there is ample parking at the front and to the sides of the building making the sidewalk largely unnecessary for the parking spaces in the rear of the building. The P & Z Commission recommended approval. Staff recommended denial.

Manny Gutierrez of Gutierrez and Lozano Architects, P.A. further explained his parking variance request and asked for approval.

A discussion ensued on the existing sidewalk, AstroTurf, the fence height as well as clarifications on how the animals will be contained to this area.

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 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.

- 4. 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 temporary sign definition has been rewritten and read the new language into the record.

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 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.

- 5. Public hearing for second reading and adoption 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 Director of Community Development stated this is the second reading and the ordinance is to revise current Village regulations to conform to 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 to 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; seconded by Councilwoman Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 6. Public hearing for first reading and approval of Ordinance No. 1020, amending Chapter 9. Fences, hedges and walls. at Section 9-1. Permit required for construction; permit fee. to add an exemption to the permit requirement for fence repairs or replacement which is less than twenty-five percent (25%) of the permitted installation and at Section 9-8. Residential Zoning districts. to revise existing**

regulations to require certain fences installed in residential zoning districts to be constructed to present the finished side of the fence to the adjoining lot or any abutting right-of-way. (Community Development Director).

The Community Development Director stated this ordinance is a housekeeping measure regarding the amount of repair/replacement of permanent residential fences without requiring a permit and clarification for determining fees. He said fences installed in residential districts would be required to be constructed to present the finished side of the fence to the adjoining lot or any abutting a right-of-way as well as in front yards between the primary structure and front lot line would be at a maximum 4'.

The Community Development Director confirmed that all existing fences would be allowed until such time they are changed or modified.

Councilwoman Rodusky stated concerns with only replacing 25% at a time piecemeal and not having to conform to current code. The Village Attorney clarified that if the 25% was in the front yard it would have to be finished side out and can be regulated by code enforcement.

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

Councilwoman 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.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk