

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 February 17, 2022.

ISSUE: It is necessary for Village Council to approve all Village Council meeting minutes.

RECOMMENDED ACTION: Motion to Approve

Initiator	Village Manager Approval	Agenda Date	Village Council Action
Village Clerk		03/17/22	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, FEBRUARY 17, 2022
6:30 P.M.**

Ways to Participate

- In Person: Public may participate in person at the Village Meeting Hall, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.
- Computer, Tablet, Smartphone: Public may participate remotely by joining GoToWebinar from your computer, tablet or smartphone via www.royalpalmbeach.com/webmeetings.
- Telephone: Public may listen only via phone remotely by dialing United States +1 (562) 247-8422, Webinar ID: 959-548-275, Access Code: 345-279-558.

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.

MAYOR'S PROCLAMATION - ELECTION NOTICE

PROCLAMATION RECOGNIZING MARCH AS ROYAL PALM BEACH BICYCLE MONTH

PROCLAMATION RECOGNIZING 2 - 1 - 1 AWARENESS MONTH

REPORTS

Councilwoman Samios reported on the February Young at Heart event. She announced that the Senior Meal Program will restart on March 21st. For information contact Shakeera (561) 753-1241 at the Recreation Center. Youth baseball/softball ceremonies at Bob Marcello Park are on Friday, February 18th as well as Youth soccer that begins on Monday, February 21st. She reported on the Third Annual Barky Pines 5K run at Commons Park where there were 230 participants. Councilwoman Samios announced Concerts in Commons Park on the 1st and 3rd Friday of the month and Movies the 2nd and 4th Saturday of the month. The Family Bike Rodeo will be held on March 26th from 9:00 a.m. to 1:00 p.m. at Commons Park and the Seafood Festival will be at the park the weekend of March 19th and 20th. She congratulated Lou Recchio, Director of Parks and Recreation for making the cover of the Royal Palm Magazine.

Mayor Pinto thanked Councilman Hmara for bringing forward the 2 - 1 - 1 Awareness Proclamation.

Vice Mayor Valuntas announced that Royal Palm Beach High School will hold their first track meet of the season on February 23rd.

Councilman Hmara reported on FLC Legislative Action Day and provided the Council with a key legislative issues flyer. He said that one of the main bills presented is the Sovereign Immunity Bill and reported on the opposition to it. He reported on the Education Advisory Board where Crestwood Middle School was showcased and their band ensemble played, Principal Nance reported that have applied to become a

Cambridge International School, the school district gave a report on the shortage of substitute teachers and the increase in pay being considered. Councilman Hmara reported on Feeding South Florida which is entering its 23 month noting the continuation each week of between 500 and 600 vehicles, he again thanked the volunteers and Parks staff.

Councilwoman Rodusky announced a Candidate Forum scheduled for Tuesday, February 22nd at 7:00 p.m. She reported on the Issues Forum where the topic was "Housing for All". At that meeting, the Housing Leadership Council presented a housing plan and initiatives.

The Village Attorney expanded on the Key Legislative Issues explaining Senate Bill 974/House Bill 985 - Sovereign Immunity Bill, Short-Term Vacation Rentals House Bill 325 and Senate Bill 512. He reported that if Senate Bill 510 and House Bill 301 passed they would require Local Elected Officials as well as Managers to not only file the Form-1 Statement of Financial Disclosure but also file the full public disclosure of financial interests Form 6. He said Senate Bill 620 and House Bill 569 authorizes claims for business damages based on new ordinance's that are adopted, Senate Bill 280 requires local government to prepare a business impact statement before adopting an ordinance and House Bill 105 and Senate Bill 224 - Smoking in Public Places allows local government to restrict smoking in public parks.

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 January 20, 2022. (Village Clerk)**
- 2. Approval of six (6) special event permits for Our Lady Queen of the Apostles Catholic Church to hold a fish fry at 100 Crestwood Boulevard on March 4, 2022, March 11, 2022, March 18, 2022, March 25, 2022, April 1, 2022 and April 8, 2022 from 5:00 p.m. to 7:00 p.m. (Director of P & Z)**
- 3. Approval and authorization to renew ProjectDox Electronic Project Management and Plan Review System annual SaaS (software-as-a-service) licensing and hosting subscription with Avolve Software Corporation for the amount of \$106,641.00. (Information Systems Director)**
- 4. Adoption of Resolution No. 22-04. A Resolution of the Village Council of the Village of Royal Palm Beach, Florida adopting a revised Schedule of Fees and Charges; specifically repealing Resolution 22-01; providing that this Schedule of Fees and Charges shall be available for inspection at all times at the Village Hall during regular business hours; providing an effective date; and for other purposes. (Village Clerk)**
- 5. Approval of a special event permit for the Village of Royal Palm Beach to hold a Bike Trail and Safety Rodeo at Royal Palm Beach**

Commons on Saturday, March 26, 2022, from 9:00 a.m. until 1:00 p.m. (Director of P & Z)

- 6. Approval of the Village Manager to execute the Second Addendum to Provision of Services Agreement between the Village of Royal Palm Beach and ProChamps to extend the term of the Agreement for the second one- year renewal period, from March 10, 2022 through March 10, 2023. (Community Development Director)**

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

REGULAR AGENDA

- 1. Public hearing to consider Variance Application 21-98 (VAR), an application by Herbert Danowit, and Variance Order VC-22-01, the applicant is requesting a variance from Section 26-79 (4) (d) to allow for a reduced side setback of 8.5 feet for an existing pergola where Village code requires 15 feet, a variance of 6.5 feet, for a property located at 245 Ponderosa Court. * (Director of P & Z)**

This was quasi-judicial and the Village Attorney (Mitty Barnard) swore in all who will speak on this item and asked for ex-parte disclosures. The P & Z Director stated the applicant is requesting a variance to allow for reduced side setback of 8 ½ feet where the code requires 15 feet. The applicant is requesting the variance to allow for the placement of an existing 12-foot by 24-foot pergola. He said a required notice was sent to 12 residents within a 300-foot radius and noted the Village had not received any responses either supporting or objecting to the application. He read into the record a statement from the applicant requesting the approval and reviewed the criteria for granting a variance. The Planning and Zoning Commission recommended approval. Staff recommended denial and showed the aerial of the property located on a corner lot with the pergola placed adjacent to the roadway.

Mayor Pinto confirmed with the homeowner he had no further comments.

Councilwoman Samios confirmed the existing pool was within the setbacks with no variances.

Mayor Pinto confirmed the homeowner built the structure. The Village Attorney (Mitty Barnard) clarified that if the variance is approved it must meet all requirements of the code.

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 the variance with the condition the structure meets all other building codes; 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. 20-15 (FP), an application by Evans Land Consulting, and adoption of Resolution 20-17 confirming Council action. The applicant is seeking final plat approval for one parcel of land totaling 156.258± acres located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (U.S. 441). (Director of P & Z)**

The Village Manager stated this application did not get certification at a special February 3, 2022 Technical Staff Review (TSR) meeting and it will have to be rescheduled for review at a future special TSR meeting. He recommended Council postpone to a time certain of March 17, 2022.

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 postpone to a time certain of March 17, 2022; seconded by Vice Mayor Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 3. Public hearing for second reading and adoption of Ordinance No. 1022, amending Chapter 26. Zoning. at Sec. 26-22. Definitions. and Sec. 26-58. Home Occupations. to ensure all applicable Village definitions and regulations for home occupations conform with recent changes in State law; also amending Chapter 23. Traffic and Vehicles. at Sec. 23-18. Parking or storage of vehicles, recreational vehicles, boats and commercial vehicles in residential districts. to provide consistency between parking and home occupation regulations within the Village. (Village Attorney)**

The Village Attorney stated this is a conforming ordinance from the 2021 Legislative Session, which preempts the Village from prohibiting, restricting, or otherwise regulating home-based businesses in a manner different from other businesses within the Village. This defines how businesses can operate in residential areas, noting someone that lives in the house must run the home occupation and the preemptions now allows up to two outside employees. The Village can continue to charge and require a Business Tax as well as regulate traffic, parking, aesthetics, permissible signs and regulate nuisance type activities as well as restrict and prohibit toxic and hazardous materials storage on the property. He added that an annual inspection is permitted to regulate zoning. The approval of this ordinance will bring the Village Code into compliance with State laws.

A discussion ensued with regard to code enforcement issues and the number of employees working at the residence.

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.

4. **Public hearing for first reading and approval of Ordinance No. 980, amending Chapter 26. Zoning. at Article IV. Supplemental regulations. by adding an entirely new Sec. 26-75.6 Airport obstructions and incompatible land uses within the Village. in order to impose requirements on such obstructions and land uses in accordance with Chapter 333, Florida Statutes. (Village Attorney)**

The Village Attorney stated this new zoning is for airport obstructions, incompatible land uses and is a statutory requirement. He reviewed the Village's process used for height restrictions that would interfere with airport operations, noting this will also give the County an opportunity to comment on development applications in that airport cone as well as code enforcement procedures.

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

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk