

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 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		03/18/21	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
*FACE MASK MUST BE WORN INSIDE VILLAGE MEETING HALL
THURSDAY, FEBRUARY 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. Physical attendance will be governed by current public health directives and shall be limited to ensure adequate social distancing to provide a minimum of six feet of open space between all persons physically present.
- 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 (631) 992-3221, Webinar ID: 631-226-795, Access Code: 370-040-932.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

All members of the Council were present along with the Village Manager and Village Clerk. The Village Attorney joined via virtual "GotoWebinar".

LEGISLATIVE UPDATE BY SENATOR BOBBY POWELL

Senator Powell reported there are 120 State Representatives and 40 Senators in Florida. He said Governor DeSantis is proposing a 96 billion dollar budget with a 60-day session that begins March 1st, also noting that the Palm Beach County Legislative Delegation is comprised of nine State Representatives and four State Senators. Senator Powell sits on the 2020-2022 Appropriations, Commerce and Tourism, Community Affairs, Criminal Justice, Joint Committee on Public Counsel Oversight (Alternating Chair) and Rules Committees. He introduced and explained the following 2021 Bills: SB 592-Reemployment Assistance, SB 638-Director Filing of an Information, SB 824 Florida Bright Futures Scholarship Program, SB-992-Minimum Qualifications for Law Enforcement or Correctional Officers and SB-1192-Mental Health Training for Law Enforcement Officers. He also announced that the \$250,000 for the Royal Palm Beach Commons Park All-Access Playground would once again be included in the Appropriations Budget for approval since it was Vetod by the Governor last year. The 2021 Major Session Issues will include Anti-Protest, Police Reform, Unemployment, Education, Mental Health and COVID-19. Senator Powell gave a Vaccine Update noting that Jupiter Medical Center is now offering vaccinations to residents of Palm Beach County who are 18-64 and have one or more comorbidities as well as other vaccination sites in Palm Beach County. He

introduced his staff Diane Andre, Kersti Myles and Kristofer Stubbs and said his phone number is 561-650-6880.

Councilman Valuntas asked for more details on the Bright Future Scholarships Program.

Councilwoman Rodusky confirmed that the Senator would continue to do weekly updates virtually.

PROCLAMATION DECLARING MARCH AS ROYAL PALM BEACH BICYCLE MONTH

REPORTS

Mayor Pinto reported on the Transportation Planning Agency meeting where the Board approved a third amendment to the Transportation Improvement Program for FY2021-2025 that includes adding a Brightline Station in Boca Raton.

Councilwoman Samios announced that the Palm Beach County Criminal Justice Commission will host a forum on policing at the Royal Palm Beach Cultural Center on Wednesday, February 24th, both live and virtual. She said Covid-19 testing is throughout the County as well as vaccines at the South Florida Fair Grounds. To register go to hcdpbc.org. Councilwoman Samios reported on the Recreation Advisory Board meeting where it was announced that several classes are being held at the Recreation Center (i.e. Yoga, Dance), the fitness room is open, pickle ball and Pre-K classes have resumed. She added that the Movie/Concert nights continue on a weekly basis at Commons Park on Friday nights. Youth Soccer, Baseball and 8 on 8 football will begin in February but no Flag-Football this year. Also discussed at the meeting was the paving of the two grass parking lots at Commons Park, the addition of pathway lighting, the construction of the large pavilion, fencing around playscapes in various parks and changing out the skatepark. She thanked the staff for the Barky Pines 5K event at Commons Park on Saturday.

Councilman Valuntas reported that the 2020 Royal Palm Beach High School graduation rate was 93.8%, which is a record high. He added that this year's high school graduation is scheduled for June 8th at the Expo Center at the Fairgrounds. He reported on the Southern Boulevard road project.

Vice Mayor Hmara attended a FDOT Workshop that was held on January 28th where it was reported that the State Road 7 extension is scheduled for construction beginning January 2022 with completion in January 2025. He and Councilwoman Samios sat as judges for the regional competition for the National High School Ethics Bowl. Vice Mayor Hmara announced that 17 high school students have applied for the \$1,000 Village issued scholarships with interviews being held on Saturday, April 3rd. He reported on the Education Advisory Board meeting where Cypress Trails Elementary school was spotlighted. The Florida Legislative session begins March 1st and again expressed concern regarding Home Rule.

Councilwoman Rodusky reported on the ribbon cutting ceremony and tour for the new Capstone Memory Care Facility and thanked their entire team.

The Village Attorney announced that Attorney Trey Nazzaro from Davis & Associates is joining the meeting as an introduction to the Council for future representation. He reported on his findings regarding current physically present quorum protocols and explained that any board exercising power or taking action must have a physically present quorum. The Village Attorney expressed concern over certain upcoming bills, explaining House Bill 1 and Senate Bill 484 - Combating Public Disorder which increases penalties for criminal acts committed during an unlawful assembly, Senate Bill 62 - Proposes to eliminate State Law that creates and implements Regional Planning Councils, Senate Bill 522 and House 219 - Vacation Rental Regulations, House Bill 55 and Senate 284 Prohibits a Local Government from applying a Building Design Related Zoning and Land Development Regulations and House Bill 6009 which eliminates the use of Red Light Cameras.

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 21, 2021. (Village Clerk)**
2. **Approval of the Village Manager to execute the First Addendum to Provision of Services Agreement between the Village of Royal Palm Beach and ProChamps to extend the term of the Agreement for the first one-year renewal period, from March 10, 2021 through March 10, 2022. (Community Development Director)**
3. **Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 302 in the fiscal year 2020/2021 Budget. Said amendment to transfer a total of \$20,000 from Storm Drain Outfall Replacement (PW20SD) to Southern-Royal Palm Gateway Project (EN2002). (Finance Director)**
4. **Approval of the bid award in the amount of \$176,377.00 and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder for the Southern Blvd. and Royal Palm Beach Blvd. Gateway (EN2002) project to Anzco, Inc. (Village Engineer)**
5. **Approval and authorization for the Village Manager to execute an addendum to extend Structural Engineering Services provided by Alan Gerwig & Associates, Inc. for two years. (Village Engineer)**

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

REGULAR AGENDA

- 1. Public hearing to consider Application No. 20-126 (SE), an application by Protek Automotive, LLC, and adoption of Resolution No. 21-01 confirming Council action. The applicant is seeking Special Exception Use approval for an “automobile and/or water craft repair and/or service; service station” on a 0.47 acre parcel of land located at 300 Business Parkway, Suite A-2. Agent: Amar Patel * (Director of P & Z)**

This was quasi-judicial and the Village Attorney swore in all who will speak and asked for ex-parte communication. The Director of P & Z stated the applicant is seeking Special Exception Use Approval to allow for 2,721 square feet of automobile repair service within an office-warehouse facility. The “Automobile and/or water craft repair and/or service station” is listed as a Special Exception Use within the Industrial General (IG) Zoning District. The automobile repair service will occupy Suite A-2 inside an existing 5,542 square foot building on Tract D of the Westland Center Plat. In reviewing the proposed Special Exception, staff considered compatibility with adjacent land uses, consistency with the Village’s Comprehensive Plan and conformance with the Village’s Development Standards for the Industrial General (IG) Zoning District and Village Standards. Staff recommended approval. The Planning and Zoning Commission recommended denial.

Amar Patel, the applicant, and business partner Corey Summers were present. Mr. Patel addressed issues and concerns that were presented by neighboring businesses at the P & Z Commission meeting. He said his small business is a vehicle repair/maintenance shop with two employees, reported on the hours of operation and noted that the Royal Palm Beach location has been open since August 2020.

Mayor Pinto confirmed there were no virtual comments from the public.

Dipti Patel of 3190 Hamblin Way, Wellington, owner of the building at 300 Business Parkway stated her support.

Margaret and Lloyd Rice of 1885 Via Bellezza, Wellington, owners of Aquasoft Water Systems located at 220 – 240 Business Parkway stated concerns with noise, traffic and speeding in the area.

Kevin Gillum, President of the Royal Palm Beach Business Park Association, presented a letter and support documents requesting the application be denied. He stated his concerns with speeding, safety and noise levels in the business park. However, he did add that after meetings held with the owners and PBSO the issues have improved.

Councilwoman Rodusky encouraged involvement with the Property Owners Association. Vice Mayor Hmara confirmed that a traffic study and traffic agreement with PBSO is being pursued.

Rick Wilson of 2608 Country Golf Drive, Wellington works next door and stated his support for the business.

Cindy Hatfield, business owner for 43 years, stated her support.

Gary Hedrick of 260 Business Parkway, reported initially before the P & Z Commission the noise was terrible, but has since been dramatically reduced. He reported on violations with the fire department and only supported the business with a one-year conditional approval with continual good behavior.

Mayor Pinto confirmed there could be a condition of approval imposed.

Councilwoman Samios confirmed there is a 5-year lease.

Joe Jioio, owner of The Tint Shop located at 410 Business Parkway #123 stated his support.

Andrew Rubin of 7209 Michigan Isle Road, Lake Worth and a Protek employee stated his support.

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

Councilman Valuntas clarified the Special Exception process and recognized the approval procedure was not followed prior to opening of the business.

Councilman Valuntas 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 for second reading and adoption of Ordinance No. 1010, amending Chapter 16. Business Tax and Registration; other business regulations. of the Code of Ordinances of the Village of Royal Palm Beach, to add an entirely new article IV. Mobile Food Vendors. in order to impose requirements on such vendors in accordance with Chapter 509, Florida Statutes; further providing that Sections 16-65 through 16-70 shall be reserved for future Village purposes; providing that each and every other section and sub-section of Chapter 16. Business Tax and Registration; other business regulations. shall remain in full force and effect as previously adopted; providing a conflicts clause, a severability clause and authority to codify; providing an effective date; and for other purposes. (Village Manager)**

The Village Manager said this ordinance is in response to a recently approved State Law stating that municipalities did not have the authority to prevent food trucks from operating within their boundaries. He added the ordinance was put in place to avoid what other areas have had to deal with such as food trucks setting up on any random piece of property indefinitely. In addition, such operations can sometimes become a nuisance to nearby restaurants and food stores. He explained that food truck vendors would be required to show their current and active licenses from the State and will be required to obtain a business tax receipt ("BTR") from the Village, as BTR is not interpreted to be a license, registration or permit. He added the Village is not permitted to require food truck vendors to register with the Village or obtain any other license or permit from the Village in order to operate within the Village's jurisdictional

boundaries other than the Department of Business and Professional Regulation (“DBPR”) license. The Village cannot require a separate fee beyond those established by DBPR as a condition for the food truck to operate within the Village or prohibit food trucks from operating within the entirety of the Village. He said this ordinance also establishes definitions and classifications of mobile food trucks into three classes. It imposes new regulations to include when special event permits are required, consent requirements from adjacent property owners, limits where food vendors can occur and when alcohol sales can occur, provides for distance separation requirements from existing food establishments, specifies conduct near Village-sponsored events as well as public rights-of-ways, restricts the number of operating days and limits the use of designated parking spaces, hours of operation, noise and signage. He noted it was second reading.

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

- 3. Public hearing for second reading and adoption of Ordinance No. 1011, amending Chapter 15. Landscaping and Vegetation Management. of the Code of Ordinances of the Village of Royal Palm Beach at Article IV. Vegetation Protection and Preservation. at Section 15-79. Tree Replacement. to exempt certain residential properties and to provide that no waivers shall be permitted with respect to the requirements of this section; further amending Article V. Design Standards. at Section 15- 130. Minimum Landscaping Requirements. to modify the minimum number of shrubs required per single-family lot; further amending Article VI. Material and Installation Standards. at Section 15-143. Plant Material Standards. to modify the height and size standards for vegetation installed on single-family lots; providing that each and every other section and sub-section of Chapter 15. Landscaping and Vegetation Management. shall remain in full force and effect as previously adopted; providing a conflicts clause, a severability clause and authority to codify; providing an effective date; and for other purposes. (Village Manager)**

The Village Manager reported on newly enacted legislature and explained the new regulations. He said because of that law this ordinance addresses tree preservation, replacement and mitigation requirements for properties within the Village. The ordinance change is for single-family residences, villa dwellings, townhouse dwellings and duplexes to meet the minimum standards but the minimum landscape requirements of Section 15-130 remain applicable to these properties. This ordinance reduces the required number of shrubs from ten to six per 2,000 square feet of net lot area and changes the tree height for single-family lots from fourteen feet to ten feet at the time of planting. The last change reduces the shrub height and spread requirements for single-family lots from two feet and twenty-four inches to 1.5 feet and eighteen inches, respectively, except when used for screening. This is the second reading that includes the changes made at first reading.

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 Councilwoman Samios. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 4. Public hearing for first reading and approval of Ordinance No. 1012, amending Chapter 2. Administration. of the Code of Ordinances of the Village of Royal Palm Beach at Article V. Code Enforcement. at Section 2-111. Schedule of Violations and Penalties. to update Exhibit A and reference thereto; providing that each and every other section and sub-section of Chapter 2. Administration. shall remain in full force and effect as previously adopted; providing a conflicts clause, a severability clause and authority to codify; providing an effective date; and for other purposes. (Village Manager)**

The Village Manager reported on several recent ordinance changes and this ordinance updates Schedule A, which is the fees for services and penalties.

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

- 5. Public hearing for first reading and approval of Ordinance No. 1013, amending Chapter 6. Buildings and Building Regulations. of the Code of Ordinances of the Village of Royal Palm Beach at Article II. Building Code. By repealing Sections 6-22 and 6-23 in their entirety and readopting Sections 6-22 and 6-23 in order to adopt new amendments to Chapter 1. Administration. of the latest edition of the Florida Building Code in accordance with State Law along with wind speed line map designations. (Community Development Director)**

The Village Manager stated this ordinance updates the Village codes to be consistence with the Florida Building Code that went into effect on December 31, 2020. He added that all the new codes are in order to make buildings safer, stronger and withstand disasters better.

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

The Director of Community Development clarified that this is a uniform administrative code that outlines procedures, permitting and inspections. In addition, this makes it more uniform with the current wind design for all construction whether new or remodeled and is based on the Building Association of Florida and southeast.

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.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk