

Agenda Item No. C - 1

**VILLAGE OF ROYAL PALM BEACH**  
Agenda Item Summary

**AGENDA ITEM: Approval of the minutes of the Council Regular Meetings of April 1, 2021 and April 15, 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>05/20/21</b>	

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE MEETING HALL  
\*FACE MASK MUST BE WORN INSIDE VILLAGE MEETING HALL  
THURSDAY, APRIL 1, 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](http://www.royalpalmbeach.com/webmeetings).
- Telephone: Public may listen only via phone remotely by dialing United States +1 (562) 247-8321, Webinar ID: 898-708-635, Access Code: 243-306-473.

**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 and Village Clerk. The Village Attorney and Councilwoman Samios joined via virtual “GotoWebinar”.

**REPORTS**

Mayor Pinto confirmed by consensus that the Council will relocate to Veterans Park immediately following the Council Regular Meeting for the rededication of the Community Clock on April 15, 2021 and invited everyone to join them.

Councilwoman Samios reported on the Recreation Advisory Board meeting where discussions were held on extending the Green Market and Concerts in the Park through July, there will be no fireworks on the 4<sup>th</sup> of July, however, there will be concerts that weekend at Commons Park. She added that Shakespeare in the Park will perform eight shows of the “*The Twelveth Night*” in Commons Park starting in mid-August. In addition, there will be limited participation at summer camp. She attended a ribbon-cutting ceremony where local Eagle Scout Noah Borges recently unveiled a new flag retirement box at Veterans Park.

Vice Mayor Valuntas reported that the Royal Palm Beach High School graduation is being planned for June 8<sup>th</sup> at the South Florida Fairgrounds with CDC guidelines followed for attendance.

Councilman Hmara reported on the success of Feeding South Florida food distribution every Wednesday for the past year at Commons Park. He said they serve between 600 to 700 vehicles each week, distributed 2 ½ million pounds of food to date and was proud of the Parks and Recreation staff and volunteers. Councilman Hmara also reported that during the food drive a state organized pop-up vaccination site distributed 400 Johnson & Johnson vaccines. He reported on the new monthly Royal Palm Beach magazine where the cover story highlighted Principal of the Year Jesus Armas of Royal Palm Beach High School. He said that the Education Advisory Board would conduct the annual interviews of the 17 scholarship applicants on Saturday, April 3<sup>rd</sup> for the 10 available scholarships.

Councilwoman Rodusky reported that the Palm Beach County Cooperative Extension Horticulture program is giving out free native trees on Saturday, April 3<sup>rd</sup> starting at noon. Search the website Palm Beach County Cooperative Extension Horticulture to watch a video and complete an application.

The Village Manager followed up on the state pop up vaccine site at Commons Park, apologized to the residents for the confusion. He reported 600 vehicles were served for food distribution and 400 vaccines were given on Wednesday. He added that he anticipates another state pop up site in the future. The Village Manager also reported on the American Rescue Plan, explained there is basic criteria in place but is waiting on the Treasurer's Department to give the specific rules. He announced that the Strategic Planning session would be held to discuss allocating those funds that will need to be used by December 31, 2024.

Mayor Pinto encouraged everyone to get a vaccine.

#### **PETITIONS – None**

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

Brian Tuttle, 108 Bloomfield Drive, West Palm Beach reported on the Tuttle Royal Project April/May timelines and approvals. He reported that the Master Plat will be certified by TSR on April 22<sup>nd</sup> and presented to Council on May 20<sup>th</sup>.

#### **CONSENT AGENDA**

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

- 1. Approval of the minutes of the Council Annual Organization Meeting of March 18, 2021. (Village Clerk)**

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

#### **REGULAR AGENDA**

- 1. Public hearing to consider Variance Application 20-130 (VAR), an application by Charles Melillo, and Variance Order VC-21-01, the**

**applicant is seeking a variance to allow a three (3) foot rear yard pool setback in lieu of the required eight (8) foot rear yard pool setback, a variance of five (5) feet, as required by Section 26-62 (d)., for a property located at 3126 Streng Lane. \* (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 requesting a variance to allow for a three-foot rear yard setback in lieu of the required eight-foot rear yard setback for a swimming pool. The applicant is seeking a five-foot variance to the rear setback requirements and asserts that the reduced setback is necessary in order to allow for a modest sized pool. Furthermore, Lennar designed the layout of the house and property and "...as two recent retirees we have always dreamed of having a pool. Many of our neighbors are enjoying their in ground pools and the physiological benefits of daily water exercise would greatly improve our chronic joint and back issues." The Village sent out the required mail notice to all residents within a 300-foot radius of the subject property, notifying property owners of the variance request. The Village did not receive any responses either supporting or objecting to the application. The applicant today provided four letters of support from their next-door neighbors and a neighbor one house over and one letter from someone across the pond. The P & Z Director reviewed the criteria for granting a variance. He said that staff is not in support of this variance because there is 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 & Zoning Commission recommended denial by a vote of 3-2.

The applicants, Charles and Anne Melillo presented the attached four letters of support from neighbors and asked for approval of the variance.

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 stated his support of the small in ground pool variance but expressed concerns regarding a screen enclosure obscuring the view.

Councilwoman Samios asked for clarification on the design standards for the lots in that development and stated concerns with a future variance request for a screen enclosure as well.

Mayor Pinto confirmed that a condition of approval could be imposed on the variance. Vice Mayor Valuntas supported the variance without the possibility of adding a screen enclosure in the future. Mayor Pinto confirmed with the applicants they were agreeable to a condition of approval prohibiting the installation of a screen enclosure around the pool.

Councilman Hmara made a motion to approve the variance with the condition there be no screen enclosure installed; seconded by Vice Mayor Valuntas.

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

**2. Public hearing to consider Variance Application 20-133 (VAR), an application by Claudia Allison, and Variance Order VC-21-02, the applicant is seeking a variance to allow a seven (7) foot rear and side yard pool setback in lieu of the required 13-foot rear and side yard pool setback as required by Section 26-62 (d)., for a property located at 104 Hemingway Court. \* (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 a variance to allow for a seven-foot rear and seven-foot side yard setback in lieu of the required 13-foot rear and side yard setbacks for a swimming pool. The applicant asserts that the existing conditions prohibit a common sized swimming pool. The applicants purchased the property as-is and have made no alterations or additions other than a wood fence, small paver patio and widening of driveway. He said they are asking for a variance to add a swimming pool because they love the neighborhood and that the variance will only provide a means to construct a normal size swimming pool and hope all similar requests have been reviewed and granted. The Village sent out the required mail notice to all residents within a 300-foot radius of the subject property notifying homeowners of the variance request and did not receive any responses either supporting or objecting to the application. In addition, no letters to date have been provided by the Applicant supporting the request. The P & Z Director reviewed the criteria for granting a variance noting that 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 & Zoning Commission recommended denial by a vote of 4-1.

Chris and Claudia Allison of 104 Hemingway Court requested the approval of the variance and submitted a support letter from a neighbor at 112 Kings Way.

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 suggested shifting the Jacuzzi and size of the pool to avoid the variance. A discussion ensued and the Village Manager explained the different scenarios available that would allow for a lesser variance or no variance noting many homes in the Village have pools 5' from the edge of the home. One such scenario would eliminate entirely the rear yard setback variance request and minimize the side yard setback to 10'10", a variance of only 2'2". Mayor Pinto confirmed with the applicants their agreement to reduce their variance request to include only the 2'2" variance to the side yard setback for the pool and spa, and eliminate the rear yard setback variance request altogether. The applicants agreed.

Councilman Hmara made a motion to approve the reduced side yard setback variance for the pool as read into the record by the Village Manager; 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 Application No. 20-136 (SE), an application by Marcos Unis and adoption of Resolution No. 21-02 confirming Council action. The applicant is seeking special exception use approval for a “veterinarian’s clinic with outside run”, on a 38.89 acre parcel of land located at 10465 Southern Boulevard. \* (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 a 20,411 square foot “Veterinarian’s clinic with outside run” on a 38.89 acre of land situated within the Southern Shoppes on 441. The request is a Special Exception Use within the General Commercial (CG) Zoning District and reviewed the criteria. In addition, 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 General Commercial (CG) Zoning District and determined that the proposed Special Exception conforms to Village standards. The Planning & Zoning Commission and staff recommended approval.

Dr. Marcos Unis, one of the surgeons and owners of the 24-hour specialty referral animal hospital announced the specialty doctors that will be available for treatments. He noted boarding is not available. He explained the animals would never be outside unless with staff and requested approval of this protected area with privacy fence in order to keep the animals safe. The facility is scheduled to be open 24-hour starting April 15<sup>th</sup>.

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 confirmed this special exception use is for the outside run only, not a specific location.

Manuel T. Gutierrez, Gutierrez & Lozano Architects, P.A. representing the applicant explained the area has been defined and reviewed by staff. The P & Z Director added that a Site Plan Modification has been submitted for that location and noted because of parking in the rear of the building and the sidewalk being severed a Variance will be needed.

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. Appointment of two residents to the Planning & Zoning Commission. (Council Liaison)**

Councilwoman Rodusky, Council Liaison made the motion to reappoint June Perrin and Ray Nazareth to regular seats for another three-year term expiring in

March 2024; seconded by Vice Mayor Valuntas. Mayor Pinto put the motion to a vote and it passed unanimously.

**5. Appointment of six residents to the Recreation Advisory Board.  
(Council Liaison)**

Councilwoman Samios, Council Liaison made the motion to reappoint John S. Riordan, Denis Seibert, Phyllis Katz, John Ruffa and Carlton A. Brooks to regular seats for another two-year term expiring in March 2023; and reappoint Leslie Salas Leffler as Alternate with term expiring in March 2023; seconded by Vice Mayor Valuntas. Mayor Pinto put the motion to a vote and it passed unanimously.

**6. Appointment of three residents to the Education Advisory Board.  
(Council Liaison)**

Councilman Hmara, Council Liaison made the motion to reappoint Krystal Clark, Julie Highsmith and Bill Thallemer, Ph.D. to regular seats for another two-year term expiring in March 2023; seconded by Vice Mayor Valuntas. Mayor Pinto put the motion to a vote and it passed unanimously.

**ADJOURNMENT**

\_\_\_\_\_  
Mayor Fred Pinto

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Diane DiSanto, Village Clerk

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE MEETING HALL  
\*FACE MASK MUST BE WORN INSIDE VILLAGE MEETING HALL  
THURSDAY, APRIL 15, 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.
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- Telephone: Public may listen only via phone remotely by dialing United States +1 (562) 247-8422, Webinar ID: 786-002-163, Access Code: 987-923-337.

**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 and Village Clerk. The Village Attorney joined via virtual "GotoWebinar".

**REPORTS**

Councilman Hmara, sitting in for the Mayor, reported on the Transportation Planning Agency meeting where the Fourth Amendment to the 5-year Transportation Improvement Plan that included the State Road 7 extension was unanimously approved. He also circulated a flyer from the Palm Beach Transportation Planning Agency that includes their mission statement. For more information, he directed everyone to the website PalmBeachTPA.org. He announced that the vacancy on the Citizen's Advisory Committee has been filled by Mark Forrest a Royal Palm Beach resident. Councilman Hmara reported on the Education Advisory Board interviews with the 17 applicants competing for the 10 scholarship awards. He said that the Legislative Session is 2/3 through and reminded everyone interested that there are weekly updates given on Monday mornings at 9:00 a.m. and asked the Village Attorney to give a summary.

The Village Attorney reviewed the following legislation: HB-1- Combating Public Disorder has passed and is on the Governor's desk for signature, Home Base Business has stalled in the House, Internet Sales Tax has passed and is on the Governor's desk for signature, Senate Bill 60 and House Bill 883 – Prohibits Code Enforcement Cases based on anonymous complaints with the exception of health, safety and welfare violations has passed the Senate but no movement in

a few weeks. House Bill 55 – Building Design would preempt a local government from applying building design, rezoning and land use regulations and has passed all committees but postponed on second reading.

Councilwoman Samios attended the Business Development Board breakfast where it was reported that several new businesses moved into Palm Beach County, Exuma Biotechnology, Inc., AeroClean Technologies and Global Listings and added that Fun Suites have expanded and relocated to Royal Palm Beach. She reported that the Solid Waste Authority is having a virtual Business Power Net through the Equal Business Opportunity Program and to register go to [swa.org/ebo](http://swa.org/ebo). She invited everyone to the Friday night concerts in Commons Park scheduled through July.

#### **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 March 18, 2021. (Village Clerk)**
- 2. Approval and authorization for the Mayor to execute Second Addendum to Traffic Control Jurisdiction Agreement between The Estates of Royal Palm Beach Homeowners Association, Inc. and the Village of Royal Palm Beach. (Village Manager)**
- 3. Approval of bid award and authorization for the Village Manager to enter into an agreement with Aftermath Disaster Recovery, Inc. the lowest responsive, responsible bidder in the amount of \$690,550.00 for Debris Removal Services. (Director of Public Works)**
- 4. Approval of a Special Event Permit application by Royal Palm Beach Soccer to host Small Sided (U9-U12) Soccer tournament at Katz Fields Friday, April 30, 2021 from 6:00 p.m. to 9:00 p.m.; Saturday, May 1, 2021 from 9:00 a.m. to 4:00 p.m. and Sunday, May 2, 2021 from 10:00 a.m. to 2:00 p.m. (P & Z 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 May 1, 2021 through July 31, 2021 from 9:00 a.m. to 1:00 p.m. (P & Z Director)**
- 6. Approval of a Special Event Permit for the Village of Royal Palm Beach to hold “Concert and Food Truck Expos” at Royal Palm Beach Commons Park every Friday night beginning May 2021 through July 2021 from 5:00 p.m. to 9:00 p.m. (P & Z Director)**

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

## **REGULAR AGENDA**

- 1. Public hearing to consider Application 20-64 (SPM, AAR), an application by Aldi Inc., and adoption of Resolution 21-05 confirming Council action. The applicant is seeking site plan modification and architectural approval to allow for a 1,416 square foot expansion to an existing 17,018 square foot “grocery store” and to reconfigure the parking lot layout on parcels 9 & 10 of the Aldi Park subdivision located on the west side of State Road 7/US 441 approximately 1/4 of a mile south of Okeechobee Boulevard. Agent: Jason Gunther, of Thomas Engineering Group, LLC. \* (P & Z Director)**

This was quasi-judicial and the Village Attorney swore in all who will speak including Jason Gunther, Jordan Ford who were attending virtually and asked for ex-parte communication. The P & Z Director stated the applicant is seeking site plan modification and architectural approval for a 1,416 square foot expansion on the south side of the building to an existing 17,018 square foot grocery store on parcels 9 & 10 of the Aldi Park Subdivision. The request also includes the reconfiguration of the parking lot to eliminate the access on Aldi Way, eliminate a row of parking spaces, add a row of parking spaces along the north property line and add a perpendicular landscape strip in the area where the parking spaces were eliminated. The Planning and Zoning Commission and staff recommended approval.

Jordan Ford, Director of Real Estate for Aldi Inc. was available for any questions on the remodel and expansion of the store.

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 received clarification that additional parking spaces are required due to the additional square footage of the grocery store and the reconfiguration of the parking lot was explained, noting no additional handicap spaces will be added. Mayor Pinto asked for clarification on the closing of the north intersection, noted for the record the current aerial being shown in not actually current and confirmed the store will be expanded to offer customers wider aisles, more refrigeration and added product lines.

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 for second reading and adoption 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 is the second reading of this ordinance that updates the Village codes to be consistency with the Florida Building Code that went into effect on December 31, 2020.

The Director of Community Development confirmed this is an update to the building code to reflect the most recent changes in technology.

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

**REDEDICATION OF COMMUNITY CLOCK AT VETERANS PARK**

Mayor Pinto invited everyone to relocate to Veterans Park for the rededication of the Community Clock taking place after this meeting.

**ADJOURNMENT**

\_\_\_\_\_  
Mayor Fred Pinto

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Diane DiSanto, Village Clerk