

Agenda Item No. C - 1

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval of the minutes of the Council Annual Organization Meeting of March 17, 2022 and Council Regular Meeting of March 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		04/21/22	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL ANNUAL ORGANIZATION MEETING
VILLAGE MEETING HALL
THURSDAY, MARCH 17, 2022
6:00 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 (213) 929-4212, Webinar ID: 972-940-643, Access Code: 941-611-065.

PLEDGE OF ALLEGIANCE

SWEARING IN OF COUNCIL MEMBERS FOR GROUPS 1, 3 AND MAYOR

The Village Clerk swore in Mayor Fred Pinto, Councilman Jeff Hmara and Councilwoman Selena Samios.

ROLL CALL

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

Also, present Vice Mayor Valuntas, Councilwoman Rodusky, the Village Manager, Village Attorney (Keith Davis), Village Attorney (Mitty Barnard) and the Village Clerk.

Councilman Hmara, Councilwoman Samios and Mayor Pinto thanked their families and citizens for their support.

REGULAR AGENDA

1. Resolution No. 22-06 appointing Diane DiSanto as Village Clerk.

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

2. Resolution No. 22-07 appointing Stanley G. Hochman as Village Treasurer.

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

3. Appointment of Council Liaison Officers for Recreation Advisory Board; Planning & Zoning Commission; and Education Advisory Board.

The Village Council accepted liaison positions as follows: Recreation Advisory Board, Selena Samios. Vice Mayor Valuntas nominated Councilwoman Samios who accepted the nomination, with the nomination approved by unanimous vote of Council. Planning and Zoning Commission, Jan Rodusky. Councilwoman Samios nominated Councilwoman Jan Rodusky who accepted the nomination, with the nomination approved by unanimous vote of Council. Education Advisory Board, Jeff Hmara. Vice Mayor Valuntas nominated Councilman Hmara who accepted the nomination, with the nomination approved by unanimous vote of Council.

4. Appointment of Council Liaison Officer for Central Palm Beach County Chamber of Commerce and Western Communities Council.

Councilman Hmara nominated Vice Mayor Valuntas as the Central Palm Beach County Chamber of Commerce Liaison Officer who accepted the nomination, with the nomination approved by unanimous vote of Council.

Councilman Hmara nominated Councilwoman Rodusky as the Western Communities Council Liaison Officer who accepted the nomination, with the nomination approved by unanimous vote of Council.

5. Appointment of Voting Delegates for Palm Beach County League of Cities.

Vice Mayor Valuntas, nominated Councilman Hmara as the voting delegate and all other councilpersons as alternates who accepted the nomination, with the nomination approved by unanimous vote of Council.

6. Appointment of Vice Mayor.

Vice Mayor Valuntas nominated Selena Samios as Vice Mayor who accepted the nomination, with the nomination approved by unanimous vote of Council.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk

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

Ways to Participate

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**PLEDGE OF ALLEGIANCE
ROLL CALL**

Mayor Fred Pinto
Councilman 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 Transportation Planning Agency meeting where he accepted a role as the representative for the Metropolitan Planning Organization Advisory Council which is comprised of all 27 MPO's across the State of Florida. At that meeting, an update was given on the 2022 TPA funding applications for local initiatives that include wayfinding for the Royal Palm Beach. The Village Manager further explained the project is for signing the entire completed bicycle pathways throughout the Village. A discussion ensued with regard to the pathway miles and establishing shortcuts.

Councilwoman Samios reported that the Senior Meal Program is available Monday – Friday and you must call to register at 561-753-1241, Silver Sneakers classes are held on Tuesdays 2:00 p.m. – 3:00 p.m. and Saturdays 10:00 a.m. – 11:00 a.m. For all senior programs, please contact the Recreation Center at 561-753-1241. To register for the adult basketball league contact the Recreation Center. Music lessons are available with Vivia Taylor at 917-991-5790. The Seafood Festival is scheduled for March 19th and 20th at Commons Park. A Bike Trail Rodeo will be held on March 26th with various courses at Commons Park for more information call 561-753-1232. Councilwoman Samios reported that Parkside Café would soon be opening at the Sports Center. She announced a free VITA tax service available Mondays, Wednesdays and Saturdays for individuals earning \$68,000 per year or less, to schedule an appointment go to taxesfiledfree.org. She reminded everyone that Concert and Movie Nights information is on the website. Councilwoman Samios asked for and received consensus to cancel the Council Regular Meeting of April 7th and instead appoint board/commission members during the Council Regular Meeting of April 21st.

Councilman Valuntas congratulated the Mayor, Councilman Hmara and Councilwoman Samios on their reelection.

Councilman Hmara reported on the Education Advisory Board meeting where the Central Regional Superintendent Valerie Haines gave an overview of all the schools and

how the schools are helping children get caught up post-pandemic. The Education Advisory Board was notified that Melaleuca Elementary School will be temporarily relocated to the campus of Crestwood Middle School from August 2022 – June 2023 and Wynnebrook Elementary School will be temporarily moved to that property from August 2023 – June 2024. He added studies were conducted on traffic and transportation in that area. Councilman Hmara announced that fifteen high school students were picked to be interviewed on Saturday, April 23rd for the 10 available college scholarships. He also reported that it was the 100th Wednesday that Feeding South Florida distributed food in Commons Park and that 3.6 million pounds of food have been distributed to more than 60,000 families. Councilman Hmara announced that during Women’s History Month, Dr. Alina Alonzo has been selected as one of USA Today’s Women of the Year for her work as Director of Palm Beach County Health Department during the Covid-19 pandemic.

The Village Attorney (Keith Davis) reported on the Legislative Session that included passing Senate Bill 620 that allows businesses to file lawsuits against the Village for business damages if the Village enacts or amends an ordinance or charter provision that will reduce that business’ profits. He reported that House Bill 105 allows local governments to restrict smoking at any public beach or park that it owns. In addition, House Bill 7049 effective January 1, 2023 will allow local governments to publish legal notices on a “publicly accessible” government website. A “publicly accessible website” is defined as the county’s official website or other private website designated by the county for the Internet publication of legal notices and advertisements. The Village Attorney reported that Senate Bill 974 did not pass with regard to increasing Sovereign Immunity limits as well as Senate Bill 510 did not pass with regard to elected officials requiring the filing of Form 6. Senate Bill 280 did not pass requiring municipalities to prepare and file a Business Impact Statement in advance of adopting an ordinance.

Councilwoman Rodusky wished everyone a Happy St. Patrick’s Day.

PETITIONS – None

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

Carolyn Hmara resident at 2220 Ridgewood Circle involved with the Senior Referral Program noted that participants must appear in person to complete the application for the meals program. In addition, if you accept congregate meals you must forgo meals on wheels.

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 February 17, 2022. (Village Clerk)**
- 2. Fiscal Year 2021 Annual Comprehensive Financial Report (ACFR). (Finance Director)**
- 3. Approval of a special event permit for POTTTC Events to hold a Seafood Festival at Royal Palm Beach Commons on Saturday, March 19, 2022, from 11:00 a.m. to 8:00 p.m. and Sunday, March 20, 2022 from 11:00 a.m. to 6:00 p.m. (Director of P & Z)**
- 4. Approval of a special event permit for the Royal Palm Brewing Company to hold a “Business Anniversary Event” at 543 North State**

Road 7, Suite 103, in the Commons at Royal Palm Beach Shopping Plaza. The event will take place on Saturday, March 19, 2022 from 12:00 p.m. until 5:00 p.m. (Director of P & Z)

- 5. Approval and authorization for the Village Manager to execute the “Consent to Assignment of Retirement Plan Services Administrative Services Agreement” in order to assign the current Agreement with The Prudential Insurance Company of America to Great-West Life & Annuity Insurance Company and its affiliates operating under the brand name Empower Retirement. (Finance Director)**
- 6. Adoption of Resolution No. 22-05, a resolution of the Village Council of the Village of Royal Palm Beach, Florida, approving the bicycle/pedestrian network wayfinding project as proposed and committing to fund ongoing operations and maintenance through the useful life of the project. (Village Engineer)**
- 7. Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 303 in the fiscal year 2021/2022 Budget. Said amendment to transfer at total of \$45,000 from Trams (PR2106) to Skate Park Relocation (PR2216). (Finance Director)**
- 8. Approval and authorization for the Village Manager to enter into an agreement with Aquifer Maintenance & Performance Systems, Inc. for well abandonment services located at the former site of the Water Treatment Plant located at 10930 Okeechobee Boulevard by piggybacking the City of Palm Bay Utilities, Contract #45-0-2017 Well Repairs, Maintenance & Rehabilitation Services. (Director of Public Works)**

Vice Mayor Samios pulled Consent Agenda Item #2.

Councilman Hmara made a motion to approve the Consent Agenda less Item #2; seconded by Councilwoman Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

Moses Ariza, Principal of Marcum LLP gave an overview of the highlights of the report. He referred to page 1 and reviewed the Independent Auditors’ Report. Mr. Ariza referred to page 4 through 9 that summarizes Management’s Discussion and Analysis and Page 10, which shows the Statement of Net Position that shows the Village is financially sound. He highlighted page 95 the Independent Auditors’ Report on Internal Control Over Financial Reporting where it showed there are no deficiencies to report and in compliance. He thanked the Village Manager and the Finance Department.

Councilwoman Rodusky made a motion to approve Consent Agenda Item #2; seconded by Vice Mayor Samios. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

REGULAR AGENDA

1. **Public hearing to consider Application 21-42 (SPM), an application by Nil Petroleum Inc., and adoption of Resolution 22-03 confirming Council action. The applicant is seeking a major site plan modification approval to amend the approved landscape plan for an existing automotive service station in order to remove and change certain plant material, for a property located at 11318 Okeechobee Boulevard. Agent: Nuruddin Sheikh of Nil Petroleum Inc. * (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 seeking approval for a Major Site Plan Modification in order to amend the approved Landscape Plan to reflect current conditions and to add landscaping in certain areas to bring the site up to current Village Code requirements. The application is to replace existing trees in poor condition with new species and the addition of new landscape materials including new shade trees, palm trees, and shrubs. Overall, the proposed site plan is in conformance with the Village's requirements for the Neighborhood Commercial (CN) Zoning District. The P & Z Commission and staff recommended approval.

Dana Gillette of Erdman Anthony was present representing the applicant and was available for questions.

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

2. **Public hearing to consider Application 21-75 (LW), an application by Tuttle Royale Apartments, LLC, for the consideration of a Landscape Waiver from Village Code Section 15-131 (d) (1), to allow for a minimum of an 11 inch and a maximum of one (1) foot ten inch encroachment into the required 25 foot perimeter landscape buffer due to proposed garage structures within a 401-unit multifamily residential development on a 29.356± acre parcel of land lying within the Multifamily Residential District (RM-14) zoning district, located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (U.S. 441). * (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 Landscape Waiver for residential use adjacent to roadway. This request is associated with a subsequent item on the agenda that is for a Site Plan Modification and Architectural and Aesthetic Review consideration. The current code requires that the perimeter landscape buffer be a minimum of 25 feet and this request is to allow a minimum of an 11 inch and a maximum of one foot 10 inch encroachment into the required buffer. The applicant contends that they are proposing to install garage structures where standard parking spaces were previously located as part of a site plan revision. The design of the garage structures are such that there are garage

structures that encroach into the required 25' Landscape Buffer. The P & Z Commission and staff recommended approval.

Brian Tuttle, applicant was present for any questions.

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

- 3. Public hearing pursuant to Sec. 163.3225(1), *Florida Statutes*, to consider Application No. 19-0120 (DA) requesting approval of an amendment to the previously approved Development Agreement between the Village and the developer for a proposed 401-unit multifamily residential development on a 29.356± acre parcel of land located on the south side of Southern Boulevard approximately 7/10 of a mile west of State Road 7. Agent: Jeff Evans from Evans Land Consulting, LLC. (Director of P & Z)**

The Director of P & Z stated the applicant is requesting approval of an amendment of a previously approved Development Agreement between The Village of Royal Palm Beach and the Developer of the Southern Boulevard Properties POD 2, in accordance with Sections 163.3220 -163.3243, *Florida Statutes*, the Florida Local Government Development Agreement Act (the "Act"). The execution of the agreement was required as part of the development approval as the minimum unit floor areas proposed were less than those required by the Village Code in the Multiple Family Residential (RM-14) Zoning District at Section 26-86 (4) (h), to proceed with such request, the project developer is required to enter into an agreement with the Village, in accordance with the Act and subject Village code section. The proposed amendment is needed as the developer is proposing modifications to some unit floor areas. The proposed changes will increase the size of some units and the overall average size of units for the entire development in comparison with the sizes approved under the original agreement; however, the units will continue to be less than the requirement by the code. The Planning & Zoning Commission and staff recommended approval.

Brian Tuttle, applicant summarized the upgrades that were made to the development.

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

- 4. Public hearing to consider Application 21-62 (SPM, AAR), an application by Tuttle Royale Apartments, LLC, and Resolution 22-02 confirming council action. The applicant is seeking site plan modification, and architectural approval for a 401-unit multi-family**

residential development located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7 (U.S. 441). Agent: Jeff Evans. * (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 proposes to revise the unit mix, add six detached garage structures, eleven carport structures, a mail kiosk, change four building types, add fenced yards, install additional handicapped spaces, install ramps at both trash compactors, add parking inlet, coordinate a dog run entry and divide the dog park based on animal size. The proposed project meets the requirements for the Multifamily Residential (RM14) Zoning District in regards to Parcel Size, Parcel Width, Setbacks, Pervious Area, Parking Requirements, Landscape Areas, and Maximum Building Height. Overall, and except for the parking variances previously granted by the Council, reductions in apartment unit sizes as approved in the Development Agreement and landscape waiver requests, the proposed Site Plan Modification is in conformance with the Village's requirements for the Multifamily Residential (RM-14) Zoning District. The Planning and Zoning Commission and staff recommended approval.

Brian Tuttle, applicant was present for any questions.

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

5. 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 Director of P & Z stated the applicant is requesting final plat approval in eight separate tracks that include multi-family, single-family, commercial and public park uses. The final plat will be referred to as Tuttle Royale and will allow for a Planned Commercial/Residential development. The P & Z Director stated the proposed plat conforms to the platting requirements of the code and recommended approval.

Brian Tuttle, applicant stated this plat includes an 11-acre park dedicated to the Village with total roadway and lighting costs exceeding 20 million dollars.

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

6. Public hearing for second reading and adoption 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 is second reading and the 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 Councilwoman Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

7. Public hearing for second reading and adoption of Ordinance No. 1023, adopting an amendment to the Village's Comprehensive Development Plan in accordance with the mandates set forth in Section 163.3184, et seq., Florida Statutes, to add and adopt a private property rights element. (Village Attorney)

The Village Attorney stated this is second reading and is a state mandated requirement regarding private property rights through the development 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 Rodusky made a motion to approve; seconded by Councilman Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk