

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 21, 2024.

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		12/19/24	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE COUNCIL CHAMBERS
THURSDAY, NOVEMBER 21, 2024
6:30 P.M.**

Ways to Participate

- In Person: Public may participate in person at the Village Council Chambers, 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.royalpalmbeachfl.gov/webmeetings.
- Telephone: Public may listen only via phone remotely by dialing United States +1 (562) 247-8422, Webinar ID: 580-344-371, Access Code: 562-232-717.

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Jeff Hmara
Councilwoman Selena Samios
Councilwoman Jan Rodusky
Councilman Richard Valuntas

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 Hmara noted that Council Group #3 seat is still open.

Mayor Hmara held a moment of silence for the PBSO deputies that were killed in the line of duty.

INFORMATIONAL UPDATE BY IVAN MALDONADO, EXECUTIVE DIRECTOR AND YASH NAGAL, PMP, DIRECTOR OF TRANSIT PLANNING OF PALM BEACH COUNTY PALM TRAN

Mr. Ivan Maldonado, Executive Director introduced himself and gave some background on the different positions the he held previously with various transportation agencies. He introduced Yash Nagal, PMP, Director of Transit Planning who gave an overview of the transit system, busing program in the Royal Palm Beach area, and their capital improvement plan that includes bus shelters. He also gave insight to the future of Palm Tran and its pilot program. See attached presentation.

Councilwoman Samios stated her concerns with regard to the senior citizens using Palm Tran's new technology with their new ride programs. Councilwoman Rodusky and Councilwoman Samios both expressed concerns regarding safety of students and senior citizens using Uber to get transported to a bus stop. The Village Manager confirmed that Royal Palm Beach residents could Uber to the Palm Tran stop on Sansburys Way. Councilwoman Samios questioned the type of service needed for taking a bicycle and Mr. Nagal responded he would look into it and report back.

REPORTS

Councilwoman Samios announced the Young at Heart luncheons are held on the first Friday of the month, also they are taking reservations for a cruise at the end of February to the Bahamas on the Margaritaville at Sea. She announced concerts in the park on Friday, December 6th with (Livin on a Prayer) a Jon Bon Jovi tribute band and December 20th (The Petty Hearts) a Tom Petty and the Heartbreakers tribute band. She invited everyone to attend WinterFest on Saturday, December 7th from 2:00 p.m. to 9:00 p.m. that includes free crafts, tree lighting at 6:00 p.m., photos with Santa at 6:30 p.m. and a Taylor Swift tribute band concert starting at 7:00 p.m. In addition, Saturday December 12th and December 19th from 5:00 p.m. to 8:30 p.m. there will be a Meet with Santa at Commons Park. She thanked staff and American Legion Post #367 for the Veterans Day Observance. Councilwoman Samios reported on the farm city luncheon and read into the record a letter recognizing Farm City Week. She wished everyone a Happy Thanksgiving.

Councilman Valuntas reported on an email received from PBSO making a request to rent out Commons Park for a swearing in ceremony and employee appreciate day. After a short discussion and clarification from the Village Manager, it was the consensus of Council to co-sponsor the event and directed staff to provide PBSO with a Special Event Permit application to present to Council. It was also noted, the event would be open to the public. Councilman Valuntas reviewed the election-qualifying period as well as the results while suggesting that the candidate for Council Group #1 that was unopposed be appointed to the Council to fill the opening until March when the swearing in will take effect. A discussion ensued with regard to the possibility of a controversial issue coming up in the next three months and having a whole Council to vote. In addition, clarification was given on the legal appointment process in moving forward to fill the empty Group #3 seat until March 2025 and to make an appointment to the Vice Mayor seat.

Councilman Valuntas made a motion to appoint Selena Samios as Vice Mayor that is currently vacant and approve Resolution No. 24-34; seconded by Councilwoman Rodusky. Mayor Hmara put the motion to a vote and it passed 4 – 0.

The Village Attorney (Keith Davis) further explained this unique situation with regard to appointing someone to fill the open Council Seat #3. The Village Attorney (Mitty Barnard) confirmed with Adam Miller that if it is the Council's intent to appoint him to the Council Group Seat #3, he has agreed to resign his position on the Planning and Zoning Commission immediately.

Councilman Valuntas made a motion to appoint Adam Miller to Council Group #3 seat that is currently vacant and approve Resolution No. 24-35; seconded by Councilwoman Rodusky. Mayor Hmara put the motion to a vote and it passed 4 – 0.

The Village Clerk officiated the Oath of Office for Adam Miller into the Group #3 Council seat.

Councilwoman Rodusky reported on the Florida League of Cities Conference and gave an update on the Utilities and Natural Resources and Public Works meeting where three priorities were discussed that included Utility Enterprise Fund transfers, State Parks and comprehensive waste and recycling. When the committee met two more issues were added, one water initiative and tree protection. The committee members picked the Utility Enterprise Fund transfers and one water initiative that supports holistic water management and policies to seek to enhance integration between different water systems. Councilwoman Rodusky reported on the National League of Cities 100th Year Celebration in Tampa and presented the attached copy of the Executive Summary of Policy Amendments and Resolutions that were passed. She further explained some of the issues that helps the Village with Home Rule.

Mayor Hmara also attended and reported on the National League of Cities 100th Year celebration. He explained some of the benefits of attending these conferences. He reported on the Education Advisory Board meeting where the Crestwood Middle School was showcased noting the school has maintained a “B” rating since 2022 and is actively working on obtaining an “A” rating. He announced that the school will hold a Career Day on December 13th.

PETITIONS – Donielle Pinto of 152 Berenger Walk, petitioned the Council to revive the Veterans Park small amphitheater classroom area.

STATEMENTS FROM THE PUBLIC ON NON AGENDA ITEMS OR CONSENT AGENDA ITEMS - None

CONSENT AGENDA

The Village Attorney (Mitty Barnard) read into the record the Consent Agenda as follows:

1. **Approval of the minutes of the Council Regular Meeting of October 17, 2024. (Village Clerk)**
2. **Approval and authorization for the Village Manager to enter into an Agreement with Brightview Landscape Services, Inc. as the lowest responsive, responsible bidder for Park Maintenance Services commencing December 1, 2024 and ending November 30, 2025. (Director of Parks and Recreation)**
3. **Authorization to reject all bids received and opened at 3:00 p.m. on Tuesday, October 15, 2024 for PR2201, the RPB Recreation Center Renovations and Expansion Design Build Project. (Village Engineer)**
4. **Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a Winter Festival at Royal Palm Beach Commons Park on Saturday, December 7, 2024 from 2:00 p.m. to 9:00 p.m. (P & Z Director)**
5. **Approval of a Special Event Permit for Our Lady Queen of the Apostles Catholic Church to hold a Christmas Village and Festival at**

100 Crestwood Boulevard on December 6, 7, 13, & 14, 2024 from 4:00 p.m. until 11:00 p.m., and December 8 & 15, 2024 from 4:00 p.m. until 10:00 p.m. (P & Z Director)

6. **Approval of a Special Event Permit for H.L. Johnson Elementary RPB Village School, SDPBC, to hold a Winter Concert at VRPB Commons Park Amphitheater Stage at 11600 Poinciana Boulevard on December 10, 2024 from 5:00 p.m. until 8:00 p.m. and December 12, 2024 from 5:00 p.m. until 8:00 p.m. (P & Z Director)**
7. **Approval of a Special Event Permit for Amber's Animal Outreach to hold a Christmas Fundraiser at the Community Animal Hospital of Royal Palm Beach on Saturday, December 15, 2024 from 1:00 p.m. to 4:00 p.m. (P & Z Director)**
8. **Adoption of Resolution 24-31, 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 and Fund 408 in the fiscal year 2023/2024 Budget. Said amendment represents the year-end budget adjustment and appropriates \$267,420 from Restricted Fund Balance for Police Education, Fund 304 Undesignated Fund Balance and Interest Earnings Revenue to increase amounts budgeted in the Police, Legal and Transfers In. (Finance Director)**
9. **Adoption of Resolution 24-30, a resolution of the Village Council of the Village of Royal Palm Beach, Florida, approving and authorizing, in accordance with established policy, to make a budget amendment for Fund 408 in the fiscal year 2023/2024 Budget. Said amendment to transfer a total of \$4,143,097 from Fund 105, 302 and 304 to Fund 408 for the following projects: Storm Drain Outfall Replacement (PW23SD), Canal Bank Stabilization (PW1806), La Mancha Subdivision (PW2204) and WTP Site Modification (PW1902). (Finance Director)**
10. **Adoption of Resolution 24-32, a resolution of the Village Council of the Village of Royal Palm Beach, Florida, to declare certain personal property owned by the Village to be either surplus to its needs and sold at a publicly-noticed sale or determined to be obsolete, non-serviceable, or beyond economic repair pursuant to and in accordance with the provisions and requirements of Section 2-3 of the Village Code, and authorizing the Village to remove such surplus property when sold or disposed of from the fixed assets of the Village. (Finance Director)**
11. **Adoption of Resolution 24-33, a resolution of the Village Council of the Village of Royal Palm Beach, Florida, approving and authorizing, in accordance with established policy, to make a budget amendment for Fund 408 in the Fiscal Year 2024/2025 Budget. Said amendment to transfer a total of \$1,800,000 from Fund 304 Undesignated Fund**

Balance to La Mancha Underdrain Project (PW2204). (Finance Director)

- 12. Approval of bid award and authorization for the Village Manager to enter into contract with R & D Paving, LLC, the lowest responsible, responsive bidder, in the amount of \$5,069,848.45 for CIP PW2204, La Mancha Subdivision Underdrain. Funding for the capital project is through ARPA Funds and funds budgeted in Fund 408-3800-538.65-99. (Director of Public Works)**

Vice Mayor Samios pulled Item No. 12 and Mayor Hmara pulled Item No. 6 for discussion.

Vice Mayor Samios made a motion to approve the Consent Agenda less Items 6 and 12; seconded by Councilwoman Rodusky. Hearing no discussion, Mayor Hmara put the motion to a vote and it passed unanimously.

Vice Mayor Samios requested clarification on the LaMancha Subdivision Underdrain. The Village Manager confirmed the issue is the runoff of the water from west to east over LaMancha into the reserve area. He also confirmed with the underdrain addition the ground water will be intercepted in order to lower it from the sidewalks to avoid damage to the roadway. A two-foot trench will also be dug on both sides of the road with sand, perforated pipe as well as paving the area.

Vice Mayor Samios made a motion to approve the Consent Agenda Item 12; seconded by Councilman Valuntas. Hearing no further discussion, Mayor Hmara put the motion to a vote and it passed unanimously.

Mayor Hmara asked Principal Amado to speak on Item #6. Principal Amado took this opportunity to thank the Council for their partnership last year and asked for approval on their Special Event Permit.

Councilman Valuntas made a motion to approve the Consent Agenda Item 6; seconded by Mayor Hmara. Hearing no further discussion, Mayor Hmara put the motion to a vote and it passed unanimously.

REGULAR AGENDA

- 1. Public hearing to consider Landscape Waiver Application No. 24-037 (LW) and approval of order LW-24-02, an application by Solid State Design Consultants, on behalf of Kennit of Palm Beach Inc., for consideration of a landscape waiver from Sec. 15-133(b)(1) to allow for a 4-foot wide perpendicular divider strip where Village Code requires a 5-feet, for a property located at 11328 Okeechobee Boulevard. Agent: Chad Mackey. * (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 Director of P & Z reviewed the Landscape Waiver request where the applicant contends the sidewalk pathway allows for a 2' overhang from ADA parking space.

Installation of the 4' wide sidewalk and 6" curb leaves 6' on the west side of new path of travel for a 4' island greenspace and 2' overhang per code requirements. The Planning and Zoning Commission and staff recommended approval.

Jacob Pearson of DMI Paving and Sealcoating, representing the applicant Solid State Design Consultants on behalf of Kennit of Palm Beach, Inc. was available for any questions.

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

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

2. Public hearing to consider Landscape Waiver Application No. 24-078 (LW) and approval of order LW-24-03, an application by Insite Studio, on behalf of AI Florida Division DC LLC, is requesting a Landscape Waiver from Sec. 15-133(b) to eliminate the required 5-foot wide perpendicular divider strips, for a property located at 1171 N. State Road 7. Agent: Brian Terry. * (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 Director of P & Z stated the applicant is requesting a landscape waiver to eliminate the required 5-foot perpendicular divider strips. He showed the overall site plan and parking areas of the Aldi Distribution Center containing 182 parking spaces. The total number of parking spaces on the site is 383 of 213 are required by code, leaving a surplus of 170 parking spaces. He stated the applicant's request for the waiver is substantiated by site constraints, the burden of additional pavement causing a smaller retention area, and the project viability as well as public benefit. Staff explained their recommendation for denial. The Planning and Zoning recommended approval with a condition of approval that the applicant add the required landscaping from the eliminated perpendicular divider strips to other locations on the site.

Brian Terry, PLA, PSM of Insight Studio representing the applicant made a presentation on the landscape waiver as well as presented the site plan modification and architectural approval request. He stated the applicant agreed to the condition of approval imposed by the Planning and Zoning Commission, asked for approval and was available for questions.

A lengthy discussion ensued with regard to the parking areas, available spaces, storm water retention, relocations of the trees, and the need for the additional parking spaces for the third shift employees.

Keith Overmyer, Project Manager of Aldi Warehouse Development, was sworn in, representing Aldi explained the need for more parking due to the addition of a third shift being added for warehouse employees only.

Additional discussion ensued with regard to the elimination of the landscaping strips and the proposed landscaping and tree relocation.

Dana Gillette, PT, PSM of Erdman Anthony was sworn in and responded to the concerns and questions regarding the parallel parking spaces.

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

After careful consideration with the timeline, discussion ensued with regard to the possibility of postponing to a time certain and after comments were made, the applicant withdrew the Landscape Waiver request.

- 3. Public hearing to consider Application No. 24-053 (SPM, AAR) an application by AI Florida Division South DC, LLC, and adoption of Resolution No. 24-24 confirming Council action. The applicant is seeking site plan modification and architectural approval to modify the previously approved site plan to reduce the Phase 2 expansion from 151,172 square feet to 67,347 square feet, accommodate a parking lot expansion, modify the landscape areas, and establish the location of required public art, for a property located at 1171 N. State Road 7. Agent: Dana Gillette of Erdman Anthony. * (P & Z Director)**

This was quasi-judicial and the Village Attorney (Mitty Barnard) stated the applicants remain sworn in and asked the Council for ex-parte disclosures. The Director of P & Z reviewed the previously approved site plan and the request now to modify Phase 2 expansion. He showed the illustration of the proposed art in public places totaling \$182,000 included in the conditions of approval. The Planning and Zoning Commission and staff recommended approval.

Brian Terry, PLA, PSM of Insight Studio representing the applicant confirmed how the final plans will be resubmitted for final approval as well as the revisions that will not include the additional landscaping suggested by the Planning and Zoning Commission.

Councilman Miller reiterated comments made by a resident at the Planning and Zoning Commission regarding the landscaping and directed code enforcement to review and enforce should it not meet the approved landscaping plan.

The Village Attorney added that should this be approved an added condition of approval “that all plans are revised to add the 5’ wide perpendicular divider strip that was withdrawn in the prior Landscape Waiver application, so that all plans conform with Village code”.

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

Councilman Miller made a motion to approve with the condition stated by the Village Attorney; seconded by Vice Mayor Samios. Hearing no further discussion, Mayor Hmara put the motion to a vote and it passed unanimously.

4. Public hearing to consider Application No. 24-040 (ZTEXT) and Ordinance No. 1052, an application by Gunster on behalf of West Palm Radiation Associates, LLC, amending the Village's Zoning Code to amend Secs. 26-22 and 26-87 of the Village Code to add a definition for the term "Veterinary Oncology Center, No Overnight Stay" and add "Veterinary Oncology Centers, No Overnight Stay" as a special exception use within the Office Commercial (CO) zoning district and add entirely new Sec. 26-75.8. Veterinary Oncology Centers, No Overnight Stays, within the Office Commercial (CO) zoning district to provide for Supplemental Land Use Regulations for this use. (P & Z Director)

The Director of P & Z reviewed the ordinance definitions that include "no overnight stays or boarding". This facility provides examination, diagnostic, and cancer treatment services for domestic animals kept for pleasure rather than commercial purposes. Other treatment services include surgery, chemotherapy, radiation therapy, immunotherapy, or palliative care. The building proposed to house a veterinary oncology center shall contain a radiation vault. The radiation vault must be certified as required by the Florida Department of Health, Bureau of Radiation Control prior to a certificate of occupancy. The office, veterinarian, or other employees must be licensed or certified by the Florida Department of Health to operate the radiation equipment. The veterinarian shall be certified as a Radiation Oncologist by the American College of Veterinary Radiology, American College of Veterinary Internal Medicine, or equivalent certifying organization. He stated the services shall only be provided to domesticated animals and the exterior of the building shall be kept free of all unsanitary conditions. The Director of P & Z showed the site where the applicant is proposing the operation that has an existing radiation vault. The Local Planning Agency and staff recommended approval.

John Roach, AICP of Gunster Law Firm and Brian Seymour, Land Use Attorney made a presentation on the proposed text amendment and specifically as it applies to the cancer treatment of domestic animals with no overnight stays. He showed the proposed building located at 12993 Palms West Parkway where this facility will be located. He explained a Special Exception use will be applied for should this ordinance pass.

Vice Mayor Samios questioned how many other oncology vaults are in the Village. Brian Seymour, Land Use Attorney for the applicant stated he did not know the exact number but did reiterate the uniqueness and opportunity of this existing radiation vault. Additional discussion was held on what is a domesticated animal and clarification was given on the size of the space and other businesses located in the building.

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

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

- 5. Public hearing to consider Application 24-051 (FP) an application by WGI, Inc. and adoption of Resolution No. 24-27 confirming Council action. The applicant is seeking Final Plat approval to plat 12.28± acres of land; for a property located on the northwest corner of Okeechobee Boulevard and Royal Palm Beach Boulevard. Agent: Lindsay Libes. (P & Z Director)**

The Planning and Zoning Director recommended postponement of this agenda item to a time certain of December 19, 2024.

Councilman Valuntas made a motion to approve the postponement of Regular Agenda Item R – 5 to a time certain of December 19, 2024; seconded by Councilman Miller. Hearing no discussion, Mayor Hmara put the motion to a vote and it passed unanimously.

- 6. Public hearing for second reading and adoption of Ordinance No. 1053, providing for the Village of Royal Palm Beach’s continued inclusion in the Palm Beach County Fire/Rescue Municipal Service Taxing Unit (“MSTU”) for the provision of fire protection, fire rescue, advanced life support (or similar emergency services), fire code enforcement and other necessary and incidental services. (Village Attorney)**

The Village Attorney (Keith Davis) read into the record Ordinance No. 1053 by title only. He explained this is the second reading and the merger with Palm Beach County Fire Rescue occurred in 1998 and in 2005, the Village entered into a MSTU agreement. If approved, this will be the third 10-year agreement.

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

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

- 7. Public hearing for second reading and adoption of Ordinance No. 1050, amending Village Code Chapter 22. Subdivision of Land. at various sections within Articles I through III to comply with Section 177.073, Florida Statutes (“expedited approval of residential building permits before a final plat is recorded”). (Village Engineer)**

The Village Attorney (Keith Davis) read into the record Ordinance No. 1050 by title only. The Village Attorney stated this is in direct response to Senate Bill 812 effective October 1, 2024 approval of this ordinance will conform to the state law.

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

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

8. Public hearing for first reading and approval of Ordinance No. 1054, amending Chapter 11.5. Floodplain Management. to update the date of the flood insurance study and flood insurance rate maps and reformat local amendments to the Florida Building Code. (GIS Manager)

The Village Attorney (Keith Davis) read into the record Ordinance No. 1054 by title only. He stated this first reading recognizes the new flood plain map and rate study which goes into effect on December 20, 2024. This ordinance allows for Village residents to continue into the national flood insurance program and provides for reformatting at the suggestion of FEMA.

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

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

9. Presentation of the Village of Royal Palm Beach Code Enforcement Division Overview and Operation Procedures. (Community Development Director)

The Community Development Director as well as the Code Enforcement Staff gave an overview of the operations procedures of the Code Enforcement Division per Florida State Statutes.

ADJOURNMENT

Mayor Jeff Hmara

Diane DiSanto, Village Clerk