

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 16, 2023 and Council Regular Meeting of March 16, 2023.

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		04/20/23	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF THE COUNCIL ANNUAL ORGANIZATION MEETING
VILLAGE MEETING HALL
THURSDAY, MARCH 16, 2023
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.royalpalmbeachfl.gov/webmeetings.
- Telephone: Public may listen only via phone remotely by dialing United States +1 (562) 247-8422, Webinar ID: 866-017-883, Access Code: 818-551-347.

PLEDGE OF ALLEGIANCE

Mayor Pinto held a moment of silence in honor of Stanley G. Hochman, the Village's longtime Director of Finance who passed away on Friday, March 10th. He was the Finance Director and Village Treasurer for 22 years.

SWEARING IN OF COUNCIL MEMBERS FOR GROUPS 2 AND 4

The Village Clerk swore in Councilman Richard Valuntas and Councilwoman Jan Rodusky.

ROLL CALL

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

Also, present was the Mayor, Vice Mayor Samios, Councilman Hmara, the Village Manager, Village Attorney (Keith Davis) and the Village Clerk.

REGULAR AGENDA

- 1. Resolution No. 23-03 appointing Diane DiSanto as Village Clerk.**

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

- 2. Resolution No. 23-04 appointing Shernett Lee as Village Treasurer.**

Councilman Hmara made a motion to approve; seconded by Councilwoman Rodusky. 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. Councilman Valuntas nominated Vice Mayor Samios who accepted the nomination, with the nomination approved by unanimous vote of Council. Planning and Zoning Commission, Jan Rodusky. Vice Mayor Samios nominated Councilwoman Jan Rodusky who accepted the nomination, with the nomination approved by unanimous vote of Council. Education Advisory Board, Jeff Hmara. Councilman 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 Councilman Valuntas as the Central Palm Beach County Chamber of Commerce Liaison Officer who accepted the nomination using Councilwoman Rodusky as backup, with the nomination approved by unanimous vote of Council.

Councilman Valuntas nominated Mayor Pinto as the Western Communities Council Liaison Officer who accepted the nomination using Vice Mayor Samios as backup, with the nomination approved by unanimous vote of Council.

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

Councilman 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 Samios nominated Jan Rodusky 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 16, 2023
6:30 P.M.**

Ways to Participate

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- Telephone: Public may listen only via phone remotely by dialing United States +1 (562) 247-8422, Webinar ID: 866-017-883, Access Code: 818-551-347.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

All members of the Council were present along with Village Manager, Village Attorney (Keith Davis) and the Village Clerk.

PROCLAMATION RECOGNIZING MARCH AS ROYAL PALM BEACH BICYCLE MONTH

REPORTS

Councilwoman Samios offered her condolences to the Hochman family. She reported on West Fest, Baseball/Softball Opening Day, and Young at Heart festivities. She invited everyone to attend the Seafood Festival on March 18th and 19th at Commons Park, the Family Bike Rodeo on March 25th and Green Market at Village Hall through the month of April. She announced that the Strategic Planning Session is scheduled for the week of March 27th and encouraged residents to participate. She also announced that March is Woman's History Month.

Councilman Valuntas also announced that Florida Atlantic University basketball team will be participating in the NCAA tournament.

Councilman Hmara reported on the Education Advisory Board where H.L. Johnson was showcased. He said the Principal reported that the average years of teaching experience at the school is 14.9 years and is an "A" rated school with 819 students. They offer two choice programs that include a STEAM and Cambridge International Program and is the first in Palm Beach County to be issued a "grower's permit" creating the opportunity for them to sell their produce at the Village's Green Market this year. He announced that on April 12th the school district will hold their Kindergarten Roundup and referred anyone wanting more information to palmbeachschools.org/kindergarten. He also reported on the Crestwood Middle School Multi-Cultural Assembly. The Education Advisory Board will hold their interviews for the scholarship awards

on Saturday April 1st. Councilman Hmara reported on the recently held American Cancer Society Relay for Life reporting the event raised \$160,000. He attended the Transportation Planning Agency meeting where he noted they are in the process of compiling the Long Range Plan for 2050 where discussion was held on growth, electronic vehicles as well as autonomous vehicles.

Vice Mayor Rodusky reported on Palm Beach County Days held in Tallahassee where two appropriations for the Village are being pursued that include the canal restoration and LaMancha Underdrain. She reported on the “Let’s Move Challenge” and explained it is a countywide digital vibes youth program that teaches music, dancing, arts and digital media.

The Village Attorney reported on the Legislative Session where he highlighted HB 401 - Sovereign Immunity, HB 170 - Business Impact Ordinance, Senate Bill 102 - Live Local Act/Affordable Housing, HB 833 - Vacation Rental and HB 37 - Financial Disclosure Bill for Form 6.

Councilman Samios made a motion to move the agenda items for the April 6th meeting to Council Regular Meeting of April 20th; seconded by Councilman Valuntas, Mayor Pinto put the motion to a vote and it passed unanimously.

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 February 16, 2023. (Village Clerk)**
- 2. Approval and authorization for the Mayor to execute an Interlocal Agreement Between Palm Beach County and the Village of Royal Palm Beach Providing for Traffic Control Jurisdiction with the Village of Royal Palm Beach by Palm Beach County and Terms Pertaining to the Upgrade of the Royal Palm Beach Elementary School Zone Traffic Control Devices. (Village Engineer)**
- 3. Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 303 in the fiscal year 2022-2023 Budget. Said amendment to transfer a total of \$150,000 from Fund Balance – 303 to new project EN2306 Royal Palm Beach Elementary School Zone. (Assistant Finance Director)**
- 4. Fiscal Year 2022 Annual Comprehensive Financial Report (ACFR). (Assistant Finance Director)**
- 5. Approval of a special event permit for the Village of Royal Palm Beach to hold a Garage Sale at Village Hall (where the green market**

is held) on Sunday, April 2, 2023 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 a Cultural Diversity Day at Veterans Park on Saturday, May 13, 2023 from 1:00 p.m. to 9:00 p.m. (P & Z Director)**
7. **Approval of a special event permit for the Village of Royal Palm Beach to hold a Memorial Day Service at Veterans Park on Monday, May 29, 2023 from 9:00 a.m. to 11:00 a.m. (P & Z Director)**
8. **Requesting ratification of the emergency purchase of a van from Duval Ford in the amount of \$75,896.00 by piggybacking the Florida Sheriffs Association Cooperative Purchasing Program. Funding source is from CIP Project PW22TR, Truck Replacement. (Director of Public Works)**
9. **Adoption of Resolution No. 23-02, a resolution of the Village Council of the Village of Royal Palm Beach, Florida, providing for the approval and authorization for Senator Gail Harrell to utilize the Official Village Municipal Seal as part of a display in her Tallahassee and district offices; further providing that this use is for a proper civic purpose; providing an effective date; and for other purposes. (Village Manager)**
10. **Approval and authorization for the Village Manager to enter into a Professional Services Agreement for Structural Services with TRC Worldwide Engineering for two years. (Village Engineer)**

Councilwoman Samios pulled Consent Agenda No. 2 for discussion.
Vice Mayor Rodusky pulled Consent Item No. 4 for discussion.

Councilwoman Samios made a motion to approve the Consent Agenda 1, 3, 5-10; seconded by Vice Mayor Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

Councilwoman Samios asked for clarification on Consent Agenda Item No. 2. The Village Manager stated that the Village is responsible for the traffic control devices on the roadways throughout the Village; however, on County roadways all traffic control devices must meet the County's criteria. He added the Village is financially responsible for all traffic signals located in the Village.

Councilwoman Rodusky asked for highlights from the Financial Report on Consent Agenda Item No 4.

Moises Ariza, Auditor Partner and Branden Lopez, Director was present representing Marcum, LLC. Mr. Ariza said on behalf of the firm he extended their condolences to the Hochman family and thanked Stanley Hochman and Shernett Lee for their help in the past year. Mr. Ariza summarized page no. 1 that includes the basis for opinions noting the Village received the highest

regard it can receive. He referred to page 4 and 11 explaining the justifications and reported the Village has an equity of more than 68 million dollars. He highlighted, reviewed and explained the Report on Compliance for the Major Federal Program on page 98 noting that pages 98-100 show no non-compliance items to report. He referred to page 101 and reviewed the Federal Awards received as well as referred to the communication letter where there were no disagreements with reporting. He again thanked the Village Manager, Stanley Hochman and Shernett Lee.

Councilwoman Samios made a motion to approve Consent Agenda Item No. 2 and Consent Agenda Item No. 4; seconded by Vice Mayor Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

REGULAR AGENDA

- 1. Public hearing to consider Variance Application 22-128 (PVAR), an application by Investment Equity Group III, LLC, to allow a parking variance from Village Code Sec. 23-51(2) q. to allow for 17 parking spaces where Village Code requires 42 parking spaces, a variance of 25 parking spaces, for a property located at 11710 Okeechobee Boulevard within the Village Center. Agent: Brian Terry, Insite Studio, Inc. * (P & Z Director)**

This was quasi-judicial and the Village Attorney swore in all who will speak on this item as well as Regular Agenda Items 2 and 3 and asked for ex-parte disclosures on all three agenda items as well. The P & Z Director stated the applicant is requesting a parking variance to allow for 17 parking spaces in lieu of 42, a variance of 25 parking spaces. He reviewed the section of the code pertaining to the requirements and reported that the variance is being requesting in conjunction with a site plan modification, special exception, landscape waiver and architectural approval request. He noted that March 19, 2020 a variance was granted to reduce the number of required parking spaces from the required 149 to 143 parking spaces for the Village Center, resulting in a variance of six spaces. The P & Z Director reviewed the criteria to grant variances and reviewed the justification statement provided by the applicant. Staff did not support the parking variance and requested denial. The Planning and Zoning Commission recommended approval with the condition that the applicant work with Village staff to reduce the requested number by considering the elimination of the outdoor seating area, dumpster and landscape areas.

Councilwoman Samios stated her concerns with eliminating the dumpsters and outdoor seating.

Brian Terry of Insite Studio, Inc. presented the request on behalf of the developer, Investment Equity Group III, to reduce the number of required parking spaces from 42 to 17, explaining that the requests of the Planning & Zoning Commission to eliminate the outdoor seating and removal of a dumpster to reduce the request were not an option with the developer. He showed the proposed stacking area and parking area as well as the architectural plan for the building. He noted that parking requirements in Royal Palm Beach for a

stand-alone restaurant are significantly higher than what a Starbucks needs, as there is a 50 seat capacity including the outdoor seating.

Bryan Kelley, Traffic Engineer with Simmons & White Engineering reported on a shared parking study and reviewed the methodology. He added their review included the Institution of Transportation Engineers which sets industry standards for coffee shop requirements noting the results concluded that the store would need 13 spaces during the week and 22 on weekends. He also noted there will be a significant surplus on weekends because the nearby medical offices will not be open.

Brian Terry showed the potential to add a parking space but again reiterated they could not remove a dumpster.

Roger Livingston, one of the owners of the Denny's Restaurant in the same plaza said he expects that the lack of parking at Starbucks will hurt his business. He stated his concerns with the cross access and his parking being within a few feet of Starbucks and patrons parking in his parking area. He also addressed his concerns with the back up on the drive thru as well as safety concerns with the amount of traffic, delivery drivers and the queuing up in the Denny's parking lot blocking parking spaces creating safety hazards for families.

Councilman Valuntas clarified Mr. Livingston's concern with the amount of parking spaces and overflow queuing. Councilwoman Samios expressed her concerns and a discussion ensued with regard to the queuing, size and parking at the two existing Starbucks in the Village.

Ashley Rumble of the Investment Equity Group III was present and responded to a question concerning a full menu vs. coffee only and confirmed this is the smallest footprint for Starbucks but it would include a menu of more than just coffee items.

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

Councilwoman Samios made a motion to approve; seconded by Vice Mayor Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed 3-2 with Councilman Valuntas and Councilman Hmara dissenting.

- 2. Public hearing to consider Application 22-164 (LW), an application by Investment Equity Group III, LLC, for the consideration of a Landscape Waiver from Village Code Section 15-133 (d)(2), to allow for a reduced landscape island width of 5 feet north of the dumpster and 3 feet on the southwest corner of the site where Village Code requires 8 feet, waivers of 3 feet and 5 feet respectively, for a property located at 11710 Okeechobee Boulevard within the Village Center. Agent: Brian Terry, Insite Studio, Inc. * (P & Z Director)**

The P & Z Director stated the applicant is requesting a landscape waiver to allow for a reduced landscape island width of five feet north of the dumpster and three feet at the southwest corner of the site. The Planning & Zoning Commission and staff recommended approval.

Brian Terry of Insite Studio, Inc. was available for questions and clarified the angles of the landscape area.

Councilman Hmara asked that the record show he misspoke and wanted to change his vote to approve Regular Agenda Item No. 1, but knowing it would not affect outcome, the issued was not re-opened for discussion.

A discussion ensued to clarify Councilwoman Samios concerns with regard to the landscaping angles and it was suggested that a condition of approval to be added for extra foliage to be added on the landscape islands.

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

Councilman Samios made a motion to approve with an added condition of approval for additional foliage in the landscaped areas; seconded by Vice Mayor Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

3. Public hearing to consider Application 22-127 (SPM,SE,AAR), an application by Investment Equity Group III, LLC, and adoption of Resolution 23-01 confirming Council action. The applicant is seeking a site plan modification, special exception use, and architectural approval to allow a “restaurant with drive through” for a property located at 11710 Okeechobee Boulevard within the Village Center. Agent: Brian Terry, Insite Studio, Inc. * (P & Z Director)

The P & Z Director stated this is a Site Plan Modification, Special Exception Use and Architectural Approval to allow a restaurant with drive-through that includes 2,221 square feet of indoor space and 298 square feet of outdoor seating. He reported the overall proposed meets all the Village’s requirement in the General Commercial Zoning district with the exceptions of the parking variance and landscape waiver. The applicant has agreed to staff recommended conditions of approval as follows: The proposed driveway entrance is located on Okeechobee Boulevard. In order to prevent vehicles from queueing within the public right of way, the following conditions of approval shall be required. If during a 365 day period more than ten independent SAFETY INCIDENTS occur; Starbucks shall be required to modify operations, up to and including closing the drive thru in an effort to eliminate future “SAFETY INCIDENTS”. “SAFETY INCIDENT” shall be defined as a single occurrence where the onsite vehicle queue extends beyond the North property line for a period exceeding ten seconds. Staged protests, traffic accidents and Village Council approved special events shall not be counted as a ‘SAFTEY INCIDENT’. Also, “SAFETY INCIDENTS” shall not be counted during the first thirty calendar days that Starbucks is open for business in order to allow for a grand opening. The

Planning and Zoning Commission recommended approval with the two additional staff stated conditions.

Mayor Pinto asked how this will be monitored. The Village Manager responded it will be overseen by staff not business owners.

Ashley Rumble of the Investment Equity Group III added that if that happens operational items can be done as well to govern but what would not be acceptable is other businesses governing Starbucks. He also suggested that directional signage be added on Civic Center Way in an effort to encourage patrons to follow a safer flow of traffic in the cross-access parking lot.

Councilwoman Samios cited two other locations in similar areas with traffic issues and asked for clarification on the traffic flow.

Brian Terry of Insite Studio, Inc. explained the proposed traffic flow as well as the stacking. A discussion ensued with regard to changing the proposed traffic plan to exit onto Okeechobee Boulevard as well as other options. The Village Manager clarified exiting onto Okeechobee Boulevard was not an option.

Bryan Kelley, Traffic Engineer with Simmons & White Engineering explained the Palm Beach County Traffic Concurrency and queuing data analysis as well as the data from the two other stores. He showed the proposed number of queuing available for the site. An extensive discussion ensued on the traffic movement, queuing lanes, directional signage and the placement of the menu board.

Mr. Terry representing the applicant agreed to monitor the traffic, drive thru and all conditions of approval. It was confirmed that the Village would be the entity to confirm traffic issue when a complaint is reported.

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

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

4. Public hearing for first reading and approval of Ordinance No. 1033, amending Chapter 23. Traffic and Vehicles. at Section 23-16. Manner of parking vehicles upon streets, public rights-of-way, publicly owned parking spaces, vacant lots and swales; penalties. to clarify the swale parking restrictions within the village and add additional regulations to address parking of vehicles on publicly-owned property. (P & Z Director)

The Village Attorney stated this ordinance amends part of the Village Code regarding vehicle parking on publicly owned spaces, swales and vacant lots. He said this code requires on-street parking to be parallel with the direction of traffic, it restricts the parking of vehicles on streets for no longer than two hours without the permission of the adjacent property owner, prohibits

overnight parking in the street adjacent to private property exception by the adjacent property owners, prohibits parking on swales adjacent to private property without the permission of the adjacent property owner, limits the number of guest parking in the swale adjacent to private project except by the adjacent property owner, list certain streets where no overnight parking is allowed and prohibits motorized vehicles from parking on Village-owned property except within designated parking spaces or as allowed by posted signage or other Village designation.

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 questioned how it would affect residents that live on a corner or cul-de-sac. The Village Manager clarified and confirmed you cannot park in front of any other property for longer than two hours or in the swale overnight. Mayor Pinto confirmed that code enforcement will be enforcing.

Councilman Valuntas 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.

5. **Public hearing for first reading and approval of Ordinance No. 1018, amending Chapter 26. Zoning. at section 26-22. Definitions. to modify an existing definition and add three entirely new definitions; and at section 26-57. Accessory uses, buildings and structures; model homes; vehicle auction sales and electric vehicle charging stations. to clarify the setback regulations for sheds and play structures with design features exceeding eight (8) feet in height and add additional regulations for sheds, accessory structures over 150 square feet and detached private garages. (P & Z Director)**

The Village Attorney stated this ordinance clarifies the definition of “accessory structure” and adds three new definitions for “garage, detached private” “principle/primary structure” and “shed”. It also clarifies the setback requires for sheds and play structures with design features that exceed eight feet in height, requires accessory structures over 150 square feet to match the color and architectural style of principal structure, prohibits shipping containers as accessory structures, provides size, accessibility and setback requirements for detached garages and limits the size of sheds on single family residential lots to 150 square feet and to have a building heights or less than or equal to the principal structure.

Mayor Pinto clarified this will be the code moving forward. A discussion ensued with regard to the residents requesting future variances.

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 further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk