

Agenda Item No. C - 1

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval of the minutes of Council Regular Meeting of July 6, 2023, Council Budget Workshop Meeting of July 6, 2023 and Council Special Meeting of July 13, 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		08/17/23	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, JULY 6, 2023
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.
- 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 (631) 992-3221, Webinar ID: 317-852-147, Access Code: 692-359-400.

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 the Village Manager, Village Attorney (Mitty Barnard) and the Village Clerk.

PROCLAMATION FOR RECREATION AND PARKS MONTH

REPORTS

Mayor Pinto said the 4th of July Star Spangled Spectacular was stupendous and thanked all the staff and PBSO for their efforts. The overall event felt safe and there were no reported incidents.

Vice Mayor Rodusky agreed with the Mayor on the 4th of July spectacular event. She reported on the PBC League of Cities meeting and provided everyone with a 2023 directory. She also announced that if you want a Vote by Mail ballot for the next election cycle the Supervisor of Elections requires you to re-register. You may visit votepalmbeach.gov, call 561-656-6208 or stop by any of the four Supervisor of Elections offices.

Councilman Hmara also commented on the fantastic 4th of July celebration, reported on the fast traffic exit, and thanked the entire staff for their efforts. He announced the re-opening of the Publix store on Royal Palm Beach. He reported that he was recognized at the PBC League of Cities meeting with a Home Rule Hero Award for sitting as a Chairman on the Legislative Policy Committee and the Director of Emergency Management, Mary Blakeney spoke about being prepared for hurricane season.

Vice Mayor Rodusky added at that PBC League of Cities meeting it was announced that FEMA support or cap, no matter the amount of damage, is \$38,000 per household.

Councilwoman Samios also thanked the staff and sponsors for the 4th of July Spectacular. She announced the following Commons Park events starting with a July 7th Friday night concert/food truck event featuring the VIVA Band then the Shakespeare in the Park performance *Measure for Measure* will take place from July 20-23. A Senior Citizen Health Expo will be held on August 1st at the Cultural Center and the Community Band concert will be there on August 27th.

The Village Manager was optimistic about future development after reading an article in the paper regarding the Babcock Development on the west coast of Florida. The article detailed how they sat under the eye of Hurricane Ian for six hours and had literally no damage due to the fact that the homes were built to sustain hurricane winds. He reported that in a recent Legislative Special Session a fund was set up for making your house stronger against hurricanes and a website has been set up on the State of Florida - Safe Homes where an application can be submitted for a grant of \$10,000 per home for making your home stronger.

The Village Attorney reported an in-person Ethics Training will be held on October 31st at the City of Lake Worth Beach for both state and county obligations.

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 June 15, 2023. (Village Clerk)**
- 2. Approval and authorization to renew Projector Electronic Project Management and Plan Review System annual SaaS (software-as-a-service) licensing and hosting subscription with Evolve Software Corporation for the amount of \$ 106,645.00. (Information Systems Director)**
- 3. Adoption of Resolution No. 23-23, a Resolution of the Village Council of the Village of Royal Palm Beach, Florida, authorizing the submission of a grant application to the Florida Division of Cultural Affairs' Cultural Facilities Program requesting \$250,000.00 in grant funds for the Village's Recreation Center Project (PR2201), and further authorizing an amount of \$500,000.00 as the required matching funds; providing an effective date and for other purposes. (Director of Parks & Recreation)**
- 4. Adoption of Resolution No. 23-24, a resolution of the Village Council of the Village of Royal Palm Beach, Florida, authorizing the grant of**

any and all easements required to effectuate completion of the new Village Hall complex as approved by the Village Council on July 16, 2020 through Resolution No. 20-13 approving Application No. 20-54 (SPM, AAR) and delegating authority to the Village Manager to execute any such easements. (Village Engineer)

Councilwoman 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.

REGULAR AGENDA

- 1. Public hearing for first reading and approval of Ordinance No. 1035 amending Chapter 8. Elections of the Village Code of Ordinances to provide that the Village of Royal Palm Beach shall hold its next municipal election on March 19, 2024, in conjunction with the Presidential Preference Primary Election. (Village Attorney)**

The Village Attorney read Ordinance 1035 into the record by title only. She stated that this ordinance changes the General Municipal Election to coincide with the March 19, 2024 Presidential Preference Primary date.

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

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL BUDGET WORKSHOP
VILLAGE MEETING HALL
THURSDAY, JULY 6, 2023
IMMEDIATELY FOLLOWING COUNCIL REGULAR MEETING**

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 (631) 992-3221, Webinar ID: 317-852-147, Access Code: 692-359-400.

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 the Village Manager, Village Attorney (Mitty Bernard) and the Village Clerk.

**COMMENTS FROM THE PUBLIC – None
REGULAR AGENDA**

1. Budget Message by Village Manager

The Village Manager submitted, in accordance with the Village Code, the proposed 2024 budget to establish an action, operation and financial plan for the delivery of Village services and facilities. He acknowledged the passing of Stanley Hochman the previous Finance Director, and said that the new Finance Director was hired and started four weeks ago. He reported on this year's process of putting the budget together as well as implementing the new OpenGov program. He said it has been a challenge and recognized and thanked Shernett Lee and Janet Campbell for their efforts and positive attitudes. He reported on the Village selling a piece of property, the revenue streams were up and there was a carry-over of four million dollars. He said between the four million dollar carryover and the American Rescue Plan funding no reserves are being used to balance the operating budget. He concluded that the Village is financially sound.

2. Budget Overview by Finance Director

The Finance Director gave a summary of the 2023-2024 budget showing the total budget of \$84,551,978 with 39% for General Operating, 47% Capital Projects, 12% for reserves and 2% stormwater utility. She stated the budget highlights are as follows: property values up again and projected this year at 10.91%, the millage rate of 1.92 has been maintained and consumption based revenues increased 5%.

She gave the Ad Valorem Tax overview which shows the Village's property values, including new construction, have increased 10.91% as follows: Prior year value – \$3.846 billion; current year value – \$4.265 billion with an increase

of \$419 million. The Finance Director stated the budget is proposing to maintain the operating millage rate at \$1.92 mils per thousand.

She showed the impact of the total proposed millage rate of \$1.9200 on homes valued from \$186,000.00-\$261.00, \$261,000.00-\$405.00 and \$337,000.00-\$551.00 all-encompassing the homestead exemption.

The General Fund Revenue Summary is \$33,295,628 with property taxes generating 23%, other taxes and fees 20% which totals 43% of the revenue stream. Licenses and permits are 14%, intergovernmental revenues at 16%, charges for services 1%, fines 1%, miscellaneous revenues 4%, transfers 8% and current year fund balance at 13%. The expenditure summary is \$33,295,628 with personnel services at 39%, contractual services 33% which is comprised of mainly the PBSO, other charges and services 15%, and operating supplies 2%, other operating supplies, department capital outlay and grants and aids are less than 1%. Transfers out are at 11%. The expenditure summary shows merit adjustments are programmed at an average of 3.8% for all employees. A cost of living adjustment of 5.5%. Property insurance premiums will be based on market projections and medical insurance cost is currently under negotiations with a projected increase between 5-7%.

The expenditure summary shows the following position changes are as follows: Public Works – (1) Full-time electrical helper added and (1) Spray Technician split 50% with Stormwater; Parks and Recreation – (1) Public Information Specialist reclassified to the Village Manager, (1) Public Art Professional reclassified to Planning & Zoning, (1) General Maintenance Worker II R/M reclassified as Skilled Trades Worker and (1) General Maintenance Worker I will be eliminated.

The Finance Director stated that the Stormwater Utility Fund Revenue Summary is \$1,321,110 which is funded 85% by the stormwater utility fee and 15% Fund Balance. The expenditure summary is \$1,436,138 which is 48% for personal services, contractual services 1%, other charges and services 40%, operating supplies 5%, other operating supplies less than 1% and transfers 6%.

The Finance Director reviewed the Capital Improvements Funds – CIP at \$49,935,240. The Beautification Fund and the Recreation Facility Fund is less than 1%; American Rescue Plan is 22%; Impact Fee Fund 6%; Sales Surtax 43%; General Capital Improvements Fund 7%, Stormwater Utility 1% and Reserves 21%.

Councilwoman Samios asked that a fourth category be added to the Ad Valorem Tax Overview. The Village Manager stated the main message is that Royal Palm Beach is only 10% of your tax bill.

Vice Mayor Rodusky wished the Finance Director a Happy Birthday!

3. Department Directors Present Operating Budgets

General Fund

1. Village Council

The Village Manager referred to page 29 noting an increase of \$1,000 in the personal services division.

2. **Village Manager**

The Village Manager referred to page 32 reporting the significant change is adding the Public Information Specialist into this department.

3. **Legal**

The Village Manager referred to page 46 explained the increase, noting that the legal services were for developments and reimbursable.

4. **Police**

The Village Manager stated there is a 3% increase with no other changes.

5. **Human Resources**

The Human Resources Director referred to page 36 and stated there are no significant changes. She reported a new software is being implemented, no staffing changes and only normal operating expenses. The Village Manager added that the Payroll Specialist is now divided 50% with the Finance Department and is working as a Benefits Specialist as well.

6. **Planning & Zoning**

The Director of Planning & Zoning referred to page 39 stating it is a status quo budget; however, noting two major changes, one is to personal services to create a Land Use MXD category and zoning category based on acreage and added a Planning and Zoning Intern. The Village Manager added the Public Arts Professional is now in this department.

7. **Finance**

The Finance Director referred to page 42 stating it is a status quo budget with a decrease in the contractual services due to the implementation of the new budget software.

8. **Non-departmental**

The Village Manager referred to page 77 noting the biggest increase is the property insurance with a 60% increase. He reported that we are reevaluating what is being insured and how much it is being insured for. He explained that although the losses over the last 20 years have been less than a million dollars, the insurance companies look at future risk and the value insured. A discussion ensued with regard to the value and risk. The Human Resource Director interjected saying the significant issue is that the larger reinsurance carriers are pulling out of Florida noting catastrophic claims throughout the country. She presented several options that the Village is examining.

9. **Information Systems**

The Information Systems Director referred to page 46 noting in the Interdepartmental budget several line items have had a 3% decrease due to reduced costs. The regular budget is status quo other than hardware and software licensing and support to enhancing our services. She reiterated that

the OpenGov has been implemented where the cost shifted from the Finance department to the IS department. Also with the increase in social media presence additional software has been added for publications. A discussion ensued on cyber security and implementing new monitoring software yearly. Also clarification was given on the 10 Gig local area network upgrade.

10. **Community Development**

The Director of Community Development referred to page 51 stated this is a status quo budget. He reported a 5% increase and noted the new development south of Southern Boulevard will be bringing busy building years ahead. He noted a \$4,000 increase for a Facetime program for applications and inspections which will make the workload for the inspectors more efficient. As far as the Code Enforcement budget goes, he gave a history of the foreclosures in 2008, and says the same type of issues are growing in the neighborhoods today with the overuse of what is defined as a single family home. He and the Village Manager will reevaluate the level of service for next year.

11. **Engineering**

The Village Engineer referred to page 58 reported on a very busy year and thanked his staff. As it relates to the upcoming year, we are maintaining the same level of staffing with a moderate increase in the budget due to inflation.

12. **Public Works**

The Director of Public Works referred to page 62 stated that an overall increased budget of 6.2% is proposed and reviewed the added position and reclassifications. He reported the major items would be in the Other Charges line item with regard to ground maintenance areas. He said this budget addresses all strategic plan items. The Village Manager added this budget includes the purchase of two hybrid vehicles as well.

Utility Fund

1. **Stormwater Utility**

The Director of Public Works referred to page 83 where the operating expenditures are shown. He noted the one level budget change is the reclassification of the spray tech and this is a status quo budget.

13. **Parks & Recreation**

The Parks & Recreation Director referred to page 66 noting the overall budget increase is 6%. He referred to the Cultural Center and reported on a new cleaning service cost of \$48,000 that will be added for weekend events, set up and tear down. He reported on the needs assessment for the addition to the Recreation Center and the process going forward.

4. **Capital Budget**

The Village Engineer presented the 2024-2028 Capital Improvement Program summary and gave an overview of the seven different funds totaling \$49,935,240 in Revenues and \$39,374,361 in Expenditures. The Recreation Facilities Fund 101 expenditures are associated with the acquisition,

improvement, expansion or implementation of parks and recreational facilities and has no revenues or expenditures this year but added Southern Boulevard Park. The Community Beautification Fund 102 is expenditures associated with enhancing the aesthetic landscape and visual perception of the Village that includes two projects Okeechobee Blvd. Main Entrance Sign improvements. The American Rescue Plan Capital Projects 105. The Village Manager stated the fund is limited to broadband, drainage, capital improvements that a show of natural nexus between mitigating Covid-19 impacts, capital improvements as well as administrative expenses. The Village Engineer reviewed the projects that include the Village Meeting Hall renovations and showed a series of the remaining projects. The Impact Fee Fund 301 expenditures are associated with the acquisition, improvement, expansion or implementation of facilities related to new development and expenditures are limited to new roads, public parks and public buildings. This fund includes Recreation Center to Crestwood Pathway, Pedestrian and Bicycle Access to Pond Cypress, replacing the tennis pro office at Camellia Park, restroom renovations and tennis court lighting at Camellia Park as well as adding two pickleball courts to Homeplace Park. He showed a summary of the remaining projects. The Local Discretionary Sales Surtax Fund 302 associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of five or more years and any land acquisition land improvement design and engineering costs. He noted the road re-surfacing has been moved to FY2025 while showing the roadways included in the project. Also this fund includes the renovation and expansion of the recreation center with a timeline of approximately two years to construct. This fund includes resurfacing the fenced in parking lot at the PBSO site and showed the remaining list of budgeted projects. The Village Engineer reviewed the expenditures in the General Capital Improvement Fund 303 where the expenditures are associated with general capital improvements and includes the David B. Farber building renovations, purchase Project Management Software, creates a stabilized grass overflow parking for 250 spaces in the FPL Easement for Commons Park main events, Human Resource Information System, Cultural Center Entry Enhancement. A discussion ensued and it was the consensus of the Council to move the Cultural Center entry enhancements to FY2024 budget. Also included in this fund is the Katz Field building reroof, fencing at the new playground at Veterans Park, an outdoor dining canopy for Seeds Café at Veterans Park, safety surface replacement for both playgrounds at Commons Park, shade structure at Bobbie Jo Lauder Park, additional lighting upgrades at Bob Marcello Park, all children's playground at Commons Park, playscape replacement at Moonlight Park, artificial turf for fields 1 and 2 at Katz Soccer Complex, playscape replacement at Pippins Park, PBSO bathroom renovations and showed the remaining list of budgeted projects. The IS Director clarified the Radio/Satellite Communication Systems Upgrades that include the maintenance of the two-way radio communications. The Village Engineer reported that the Stormwater Capital Improvement Fund 408 where the expenditures are associated with capital improvements for stormwater infrastructure includes a street sweeper and FPL dry detention pond. The Village Engineer added there are \$4 million dollars' worth of non-ARPA grants and \$2.5 million in the works.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL SPECIAL MEETING
VILLAGE MEETING HALL
THURSDAY, JULY 13, 2023
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.
- 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 (415) 930-5321, Webinar ID: 527-881-963, Access Code: 148-547-497.

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 the Village Manager, Village Attorney (Mitty Barnard) and the Village Clerk.

PROCLAMATION RECOGNIZING THE 90TH ANNIVERSARY OF PALM BEACH STATE COLLEGE

LEGISLATIVE UPDATE FROM REPRESENTATIVE JERVONTE “TAE” EDMONDS – Postponed due to illness

REPORTS

Councilwoman Samios reported on the Girls 14 and under Softball team being undefeated for the all-star season. Noting they won the District, won the State and will be playing in the World Series Championship game. Mayor Pinto added that the team will be recognized at the August 17th Council Regular Meeting. She asked that when attending events at the park please leave your area clean. She invited everyone to come to Commons Park on July 22nd from 1:00 p.m. – 6:00 p.m. to celebrate Parks and Recreation Day that will include free activities such as waterslides, bounce houses, kite flying, a DJ and food trucks. She announced the continuation of the Summer Concert Series at Commons Park. On Friday, August 4th there will be a Jimi Hendrix tribute band and Friday, August 18th a Three Dog Night tribute band. She reported that the Book Club meets on the 1st Tuesday of each month from 10:00 a.m. – Noon at the Recreation Center for those interested and August 1st is the Senior Health Expo from 9:00 a.m. – Noon at the Cultural Center. She added that on July 28th a virtual museum tour of the Carter Presidential Library will be held at the Recreation Center.

Vice Mayor Rodusky announced that Shakespeare in the Park *Measure by Measure* will be held at Commons Park on July 20 – 23, 2023.

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. Tentative adoption of the proposed millage rate of 1.9200 and approval of scheduled public hearings on September 14, 2023 at 6:30 p.m. and September 21, 2023, at 6:30 p.m. in the Village Meeting Hall. (Finance Director)**
- 2. Approval of the bid award in the amount of \$284,626.00 and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder for Ferrin & Commons Sports Lighting (PR2303 / PR2305) to Davco Electrical Contractors Corp. (Village Engineer)**
- 3. Approval and authorization to purchase two (2) vehicles from Duval Ford in an amount not to exceed \$54,769.23 by piggybacking Bradford County Sheriff’s Office Contract BCSO 22-27-1.0. (Director of Public Works)**

Councilwoman Samios pulled Item No. 2 for discussion.

Councilman Valuntas made a motion to approve less Item No. 2; seconded by Vice Mayor Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

The Village Manager addressed the bid award process, explaining this item is to upgrade the lights at the girl’s softball complex to state of the art LED lights. He further explained the existing lighting issues at the complex and the process used to get to this point of award. Councilman Valuntas confirmed the timeline for this project started last summer.

Councilwoman Samios made a motion to approve Item No. 2; seconded by Councilman Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

REGULAR AGENDA

- 1. Public hearing to consider Application 22-113 (SE) an application by Jess Santamaria and Lilibeth Leon, and adoption of Resolution No. 23-21 confirming Council action. The applicant is seeking a special exception use approval to allow for a “state licensed massage therapist establishment” within the General Commercial (CG) zoning district, for a property located at 675 Royal Palm Beach Boulevard. Agent: Jess Santamaria and Lilibeth Leon. * (Director of P & Z)**

The Village Attorney (Mitty Barnard) noted this was a quasi-judicial hearing; however, the applicant was not present.

After a short discussion, Councilman Valuntas made a motion to postpone this item to a time certain date of August 17, 2023 at 6:30 p.m.; seconded by Councilwoman Samios. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 2. Public hearing for first reading and approval of Application No. 22-63 (ZTEXT) and Ordinance No. 1036, an application by Royal Palm Brewing Company, amending the Village Code to amend Sections 26-75.2 and 26-89 to eliminate the current prohibition on outdoor seating and patron congregation directly abutting residential zoning districts to allow for permanent outdoor seating at brewpubs, breweries and microbreweries within the Village subject to special exception use approval and additional restrictions and increase the square footage limitation for brewpubs and microbreweries from 5,000 to 6,000, specifically requested for a property located at 543 N. State Road 7, Suite 103. * (Director of P & Z)**

The Village Attorney (Mitty Barnard) noted this was a quasi-judicial hearing; however, the applicant was not present.

Mayor Pinto stated his support of this particular business for outdoor seating; however, did not support an ordinance change. He reviewed the history of the outdoor seating during Covid-19. A discussion ensued on the changes proposed. The Village Attorney clarified this is a zoning text amendment that has been requested by the applicant and is entitled to have the application heard. The Director of P & Z explained how this application was evaluated noting this particular application requires a higher level of scrutiny, he also reviewed the criteria for a variance. A further discussion ensued with regard to allowing outdoor seating in this particular site. The Village Attorney clarified the different criteria for a variance and special exception approval noting a variance runs in perpetuity with the land and a special exception is specific to the request. Also included in this application is adding square footage in order to possibly move this business to a different bay. The Director of Community Development confirmed the outdoor seating has been removed for over a year.

After a lengthy discussion, Councilman Valuntas made a motion to postpone this item to a time certain date of August 17, 2023 at 6:30 p.m.; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 3. Public hearing to consider Landscape Waiver Application No. 23-041 (LW) and approval of order LW-23-03, an application by Frank Baynham, Redd & Associates for consideration of three (3) landscape waivers from: (1) sec. 15-131(b)(1) to allow for a 20-foot landscape buffer where Village code requires 25 feet; (2) sec. 15-131(b)(2) to allow for a 0-foot berm within certain areas of the landscape buffers where Village code requires a three (3) foot berm; and (3) sec. 15-**

131(b)(3) to allow for greater than 20-foot spacing of canopy trees within the west buffer where Village code requires canopy trees to be spaced a maximum of 20-feet on center, for a property located at 600 Business Parkway. * (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 Director of P & Z stated and reviewed the three landscape waivers; 1) to allow for a 20-foot landscape buffer where the code requires 25 feet, a waiver of five feet along the length of the buffer to allow emergency access; 2) to allow for a 0-foot berm within certain areas of the landscape buffers where code requires a three foot berm, a waiver of three feet. The applicant is proposing to eliminate the three foot berm within certain areas along the perimeter landscape buffer along the west and north property lines. The required three foot berm will be provided within the perimeter landscape buffer along the south property line. The applicant contends that due to existing vegetation in the west and north, a landscape waiver has been requested to maintain the existing grades in some areas to not adversely impact the native vegetation. Therefore, the berm would not be contiguous, but would extend to the greatest extent possible without impacting the native canopy; and 3) to allow for greater than 20-foot spacing of canopy trees within the west buffer where code requires canopy trees to be spaced a maximum of 20-feet on center. The Landscape Plan shows the location where the spacing of the trees will be greater than 20 feet on center. The applicant contends that due to existing vegetation in the west buffer, a landscape waiver has been requested to increase spacing of existing vegetation to 30-ft. on center. When combined with the proposed trees, the proposed average spacing in the west buffer is 25-ft. on-center. The Planning and Zoning Commission and staff recommended approval.

Patrick Cunningham, Senior Project Manager for Redd & Associates representing RPB Health & Rehabilitation Center showed the expansion of the facility, presented the proposed landscape waivers and asked for approval of the three landscape waivers. He noted that Frank Baynham representing the applicant was present as well to answer any questions.

Mayor Pinto confirmed with the Village Clerk and the Village Manager there were no advanced public comments submitted prior to the meeting or on-line comments.

Paul Knudsen of 1360 Donwoods Drive stated his opposition to the landscape waivers. He said the architect could have designed it so the waivers were not necessary.

A discussion ensued and further explanation was given on why the waivers were being requested. It was noted the area will be the easiest access after the new addition is built and will be stabilized sod for fire access only.

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

Councilman Valuntas 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 to consider Application No. 23-042 (VAR) and approval of Variance Order VC-23-03, an application by Frank Baynham of Redd & Associates requesting a variance from Section 26-93 (4) (h) to eliminate the required 8-foot high masonry wall along the north, south, and west property lines, for a property located at 600 Business Parkway.* (Director of P & Z)

The Village Attorney confirmed the applicants have been sworn in and ex-parte disclosures have been made. The Director of P & Z stated the applicant is requesting a variance to allow for the elimination of the required 8-foot high masonry wall along the north, south, and west property lines. He explained that code requires that any developed parcel zoned Industrial General (IG), which is adjacent to property zoned residential install an 8-foot high masonry wall along the property line. The applicant contends that due to the nature of the existing/proposed use, and the fact that this use has been in business for almost 40-years without a wall, a zoning variance has been requested to eliminate the required wall. He reviewed the criteria for granting variances and stated the reasons staff is not in support of this variance. The P & Z Commission recommended approval.

Patrick Cunningham, Senior Project Manager for Redd & Associates representing RPB Health & Rehabilitation Center gave a history of the facility. He stated in 2015 when the Village changed the code definition from nursing care/convalescent to senior housing facility it then required a special exception use and did not include the Industrial General category. He said that this facility and particular use has been in operation since 1983 as a permitted use and explained the differences with regard to the 8-foot high masonry wall as it is required today and asked for approval of the variance. He pointed out that this particular use, a senior housing facility, in any other zoning district would not require a wall. He said the purpose of the wall is to protect the nearby residents from adverse impacts and noted there is no outside activity, noise, smells or visual blight associated to impact the neighbors. He added that the wall would require removing some of the existing vegetation, and the proposed setbacks are well more than required.

Mayor Pinto confirmed with the Village Clerk and the Village Manager there were no advanced public comments or on-line comments.

Paul Knudsen of 1360 Donwoods Lane, resident also stated his objection to the elimination of the wall noting that unlike the Counterpoint neighbors, the neighboring residences in the Willows to the north have both the parking lot and the retention pond, giving them a much larger buffer. He reiterated his opposition to the variance.

Mayor Pinto confirmed residents surrounding this project were notified and the Village received no other comments.

Clarification was given to Councilman Valuntas by the Village Manager on where and how the wall would be installed noting it would be catastrophe to the landscaping.

Vice Mayor Rodusky confirmed they have had a good relationship with the neighbors in the past and asked for clarification on the outside recreation area. Mr. Cunningham explained that the recreation area is an outdoor enclosed patio with an opaque six-foot fence.

Councilwoman Samios suggested adding more landscaping in the west portion of the property, possibly doing a living wall in that particular area. The P & Z Director stated it can be added as a condition of approval and the Village Attorney said that the proper action would be to allow the variance removing the wall and then adding the “living wall” condition to the site plan approval.

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 4 – 1 with Councilman Valuntas dissenting.

5. Public hearing to consider Application No. 22-126 (SPM, SE, AAR), an application by Frank Baynham of Redd & Associates, and adoption of Resolution No. 23-20 confirming Council action. The applicant is seeking a site plan modification, special exception, and architectural approval to allow for the construction of a 15,291 square foot expansion of an existing senior housing facility located at 600 Business Parkway. *(Director of P & Z)

The Village Attorney confirmed the applicants have been sworn in and ex-parte disclosures have been made. The Director of P & Z stated the applicant is seeking a Site Plan Modification, Architectural and Aesthetic Review and Landscape plan approval for upgrades to the site including construction of an approximately 15,291 square foot expansion of the existing Senior Housing Facility to add 20 beds to the existing 120-bed facility, Special Exception Use Approval to allow for a “Senior housing facility (SFH)” within the Industrial General (IG) Zoning District, and Architectural Approval for exterior updates including paint, new metal roof, doors and screen walls and courtyard improvements. He said this senior housing facility is located within the Industrial General (IG) Zoning District and is considered a legal nonconforming use. The applicant would like to expand the existing facility; however, the legal nonconformity cannot be expanded or enlarged under Village Code. The applicant has applied for a Special Exception in order to make the existing use a codified special exception use in the Industrial General (IG) Zoning District in order to allow the expansion to proceed. Overall, the proposed Site Plan, Special Exception and Architecture meet all of the Village’s requirements for this type of use in the Industrial General (IL) Zoning District in regards to parcel size, parcel width, setbacks, pervious area, maximum building height, with the exceptions of the Landscape Waiver and Variance requests. He reviewed the landscape plan as well as the architectural renderings. The Planning and Zoning Commission and staff recommended approval with an added condition of approval that a Clusia hedge be placed along the southern half of the west property line.

Patrick Cunningham, Senior Project Manager for Redd & Associates representing RPB Health & Rehabilitation Center gave a presentation on the site plan reviewing the new parking area, landscape plans, noting the dumpster location is now screened and the building height is at 1.5 stories. He pointed out the architectural updates that include the entire facility, not just the expansion area.

Mayor Pinto confirmed with the Village Clerk and the Village Manager there were no advanced public comments or on-line comments.

Paul Knudsen of 1360 Donwoods Lane stated his opposition to the building being built entirely to the west. He also had concerns that the expansion could add hospital services to the facility which is not allowed in the code. He asked that the residents be represented over the corporation and again stated his opposition to this project.

The P & Z Director confirmed this is a rehabilitation center only and no surgical procedures will occur at this property location.

After a discussion and more clarification on the vegetation, it was the consensus of the Council to add a condition of approval regarding a living wall along the entire west property line. The applicant agreed to the added condition of approval.

Councilwoman Samios made a motion to approve with an added condition of approval requiring a “living wall” of landscaping along the entire west property line to be maintained at a height of eight feet at all times; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk