

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, NOVEMBER 10, 2011**

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE

Mayor Bev Smith called the regular meeting of the Village Council to order at 7:30 p.m.

Present: Mayor Bev Smith, Mayor Pro Tem Joni Brinkman, Council Member Patti Waller, Council Member Sergio Escalada, Village Manager Karl E. Umberger, Village Attorney Glen J. Torcivia, and Village Clerk Virginia M. Walton. Vice Mayor Doug Gunther was absent.

Staff present were Public Safety Director Mark Hall, as Sergeant at Arms, Land Development Director Bette J. Lowe, CFO Rebecca L. Morse and Public Service Director Bill Davis.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Council Member Patti Waller.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: add item #7A – District II School Board Rep. Chuck Shaw
Add item #7B – Mayor’s Council Presentation
Items #9 & #17 will be pulled from the agenda
Item #20 – adjust number of properties on lien list from 37 to 36,
Since payment was received after agenda books distributed

A motion to accept the agenda as revised was made by Council Member Escalada and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

CONSENT AGENDA

1. Minutes of Regular Council Meeting on October 13, 2011
Staff: Virginia Walton, Village Clerk
2. Approval of Eckler Engineering Task Order No. 122 for Design Services, in the amount of \$32,000, including \$5,280 for sixteen easement sketches and descriptions; and Construction Services on an hourly rate plus direct expenses basis not to exceed \$24,800, for the Diamond Lane Water and Sewer Improvements. Staff: Bill Davis, Public Service Director
3. Approval of Police Department Forfeiture Fund Expenditure, in the amount of \$6,775, for the purchase of biometric security software for the new laptop mobile computers, and fingerprint readers and biometric security software for desktop computers with access to FDLE’s CJ Net, as mandated by FDLE.
Staff: Chief Mark Hall, Public Safety Director

4. RESOLUTION NO. 2011-79 (AMEND CONTRACT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING ADDENDUM NUMBER 1 TO TASK ORDER NO. 120 FOR DESIGN SERVICES PROVIDED BY ECKLER ENGINEERING, IN THE AMOUNT OF \$6,700.00, FOR THE REHABILITATION OF STRAWBERRY FIELDS, MARLBORO COURT AND THE ESTATES OF LAKE CLARKE SHORES PUMP STATIONS; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

5. RESOLUTION NO. 2011-80 (AMEND CONTRACT)

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE AMENDMENT NO. 1 TO THE CONTRACT WITH AKA SERVICES, INC., IN THE ADDITIONAL AMOUNT OF \$54,558.17, FOR A NEW TOTAL AMOUNT OF \$163,952.33, FOR CONSTRUCTION OF THE GRAVITY SEWER SYSTEM IMPROVEMENTS FOR COCONUT ROAD, NORTH OF LAKEWOOD ROAD AND A PORTION NORTH OF HUNT ROAD; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

6. RESOLUTION NO. 2011-81 (EASEMENTS)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING EASEMENT DEEDS FROM NELSON LOPEZ, ROBERT CARTER, JOEY D. TURNER AND ANDREW DIAZ FOR PROPERTIES LOCATED ON COCONUT ROAD, FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

7. RESOLUTION NO. 2011-82

A RESOLUTION BY THE PALM SPRINGS VILLAGE COUNCIL URGING LOCAL RETAILERS SELLING TOBACCO PRODUCTS, TO REFRAIN FROM SELLING AND MARKETING FLAVORED TOBACCO PRODUCTS, WHICH TEND TO PROMOTE AND INFLUENCE UNDERAGE AND/OR YOUTHFUL CONSUMPTION. Staff: Karl Umberger, Village Manager

A motion to approve the consent agenda as revised was made by Council Member Waller and seconded by Council Member Escalada. Motion carried 4 – 0.

End of Consent Agenda.....

ANNOUNCEMENTS AND PROCLAMATIONS**ADD: 7A.** Introduction by District 2 School Board Representative Chuck Shaw

Mr. Shaw stated that the final vote on the re-districting by the School Board would be in approximately two weeks, and he would now be the representative for Palm Springs Schools, which would now be in District II. Mr. Shaw stated he was raised in this area, and even went to what is now Palm Springs Middle School. Therefore, he was very pleased to now be representing the Village. Mayor Smith responded that the Village was excited and happy to have Mr. Shaw presenting the Village schools. Mr. Shaw stated if anyone wished to reach him with any concerns, his office phone number was 434-8038, and thanked the Council.

ADD: 7B. Mayor's Council Presentation.

Mayor Smith presented Council Member Escalada a Certificate of Achievement for completing the Institute of Government Program for Elected Municipal Officers (EMO). Council Member Escalada thanked the Mayor and commented that this was an excellent program and he had learned a great deal.

8. Announcement of Winners of City Government Week "Design a Neighborhood Park" Contest, and awarding of Certificates and Checks.

Manager Umberger advised the Council that invitations had been sent to all Palm Springs Elementary School 5th grades to submit creative ideas for designing a new neighborhood park recently acquired by the Village. The event had been coordinated by Village Clerk Walton, with assistance from Officers Joe Derogatis and Frank Castro, the Police liaisons with the schools. Twenty-three semi-finalist entries had been submitted. The Village Selection Committee chose the top five winners. The winners were Isabel Garcia, Colton Martinez and Tommy Dague from St. Luke's Catholic School, and Vanessa Medrano and Kate Pinder from Clifford O. Taylor/Kirkland Elementary. Each winner received a Certificate of Achievement and a \$25.00 check.

Mayor Smith and the Council congratulated the students on their designs, and for the extra effort they put into the contest by presenting a near professional presentation including the fun part, the activities part, the resting part, a cost budget, as well as some fundraising suggestions to offset the costs. The Council also congratulated the parents of the winning students, stating it was obvious they received a lot of support. The students had done such an amazing job, that it had been decided that ideas from all five designs would be incorporated into the final park design. Mayor Smith asked when the park would be completed. Manager Umberger responded that the parcel was already being cleared and completion was estimated around early Spring 2012.

PUBLIC COMMENT - none

PUBLIC HEARINGS**This item was pulled from the agenda**

9. ORDINANCE NO. 2011-21 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS FLORIDA AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI, "LAND USE", DIVISION 7 "SUPPLEMENTAL DISTRICT REGULATIONS", SUBDIVISION 1 "IN GENERAL", ADDING A NEW SECTION 34-895 "TEMPORARY LAND USES IN A ZONING DISTRICT"; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

10. ORDINANCE NO. 2011-22 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE ELEVEN (11) PARCELS CONSISTING OF LESS THAN 10 ACRES EACH, INDIVIDUALLY OWNED, AND LOCATED ON 4062, 4090, 4104, 4117 DALE ROAD, 4097, 4153, 4207, 4219 LINDA LANE, AND 2661, 2674 AND A VACANT PARCEL ON KIRK ROAD, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO MEDIUM DENSITY RESIDENTIAL FOR ALL PARCELS, WITH THE EXCEPTION OF 2674 KIRK ROAD, WHICH SHALL BE "LOW DENSITY RESIDENTIAL"; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT "RESIDENTIAL MULTI-FAMILY" ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that these properties were previously involuntarily annexed into the Village and the Village was now initiating the amendments of the land use and zoning from Palm Beach County to the Village. The Land Development Board had recommended approval at their meeting on November 8, 2011.

Mayor Smith stated this was a public meeting and asked for questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt on first reading was made by Council Member Escalada and seconded by Council Member Waller. Motion carried 4 – 0.

11. ORDINANCE NO. 2011-23 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE SIXTEEN (16) PARCELS CONSISTING OF LESS THAN 10 ACRES EACH, INDIVIDUALLY OWNED, AND LOCATED ON 3605, 3621, 3635, 3724, 3708 AND A VACANT PARCEL ON GULFSTREAM ROAD, 3660 CANAL ROAD 5, 3660 AND 3915 CANAL ROAD 1, 3527, 3530, 3575, 3591, 3593, 3633, AND 3630 COCONUT ROAD, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO "LOW DENSITY RESIDENTIAL" FOR ALL PARCELS, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT "RESIDENTIAL MULTI-FAMILY" ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that these properties were previously involuntarily annexed into the Village and the Village was now initiating the amendments of the land use and zoning from Palm Beach County to the Village. The Land Development Board had recommended approval at their meeting on November 8, 2011.

Mayor Smith stated this was a public meeting and asked for questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt on first reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Escalada. Motion carried 4 – 0.

12. ORDINANCE NO. 2011-24 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE VILLAGE OF PALM SPRINGS, WHICH AMENDMENT IS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, IN ACCORDANCE WITH THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AS AMENDED, BEING SECTIONS 163.3161, ET. SEQ., FLORIDA STATUTES, PROVIDING FOR THE AMENDMENT OF THE VILLAGE'S FUTURE LAND USE MAP PURSUANT TO THE LARGE SCALE COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, FOR THE PURPOSE OF INCLUDING THE 12.59 ACRE PROPERTY RECENTLY ANNEXED INTO THE VILLAGE, AND LOCATED AT 4260 DALE ROAD, ON THE FUTURE LAND USE MAP "FLUM"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR DIRECTIONS TO THE

VILLAGE CLERK; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER PURPOSES. Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that this 12.59 acre parcel was previously annexed into the Village and had retained the County land use and zoning designations pending the processing of this Village initiated large scale comprehensive plan amendment. The property is currently developed with a mobile home park. The Land Development Board had recommended approval at their meeting on November 8, 2011.

Mayor Smith stated this was a public meeting and asked for questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt on first reading was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

13. ORDINANCE NO. 2011-25 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE VILLAGE OF PALM SPRINGS, WHICH AMENDMENT IS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, IN ACCORDANCE WITH THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AS AMENDED, BEING SECTIONS 163.3161, ET. SEQ., FLORIDA STATUTES, PROVIDING FOR THE AMENDMENT OF THE VILLAGE'S FUTURE LAND USE MAP PURSUANT TO THE LARGE SCALE COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, FOR THE PURPOSE OF INCLUDING THE 10.64 ACRE PROPERTY RECENTLY ANNEXED INTO THE VILLAGE, AND LOCATED AT 4316 FOREST HILL BOULEVARD, ON THE FUTURE LAND USE MAP "FLUM"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR DIRECTIONS TO THE VILLAGE CLERK; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER PURPOSES.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that this 10.64 acre parcel was previously annexed into the Village and had retained the County land use and zoning designations pending the processing of this Village initiated large scale comprehensive plan amendment. The property is currently developed with retail uses. The Land Development Board had recommended approval at their meeting on November 8, 2011.

Mayor Smith stated this was a public meeting and asked for questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt on first reading was made by

Council Member Escalada and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

14. ORDINANCE NO. 2011-26 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE THREE (3) PARCELS CONSISTING OF LESS THAN 10 ACRES EACH, OWNED BY SYMS CORPORATION, AND LOCATED AT 4466 AND 4380 FOREST HILL BOULEVARD AND 1840 MILITARY TRAIL, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO "COMMERCIAL" FOR ALL PARCELS, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT "COMMERCIAL GENERAL" ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director.

Manager Umberger advised the Council that these properties were previously annexed into the Village, and the Village was now initiating the amendments to the land use and zoning from Palm Beach County to the Village. The Land Development Board had recommended approval at their meeting on November 8, 2011.

Mayor Smith stated this was a public meeting and asked for questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt on first reading was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

15. ORDINANCE NO. 2011-27 (FIRST READING)

AN ORDINANCE OF THE VILLAGEVILLAGE OF PALM SPRINGS FLORIDA ESTABLISHING REGULATIONS FOR ESTABLISHMENTS THAT DISPENSE CONTROLLED SUBSTANCES; AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 1 "GENERAL PROVISIONS", SECTION 1-2; AT CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI, "LAND USE", DIVISION 6 "DISTRICT REGULATIONS", SUBDIVISION IV, "CN COMMERCIAL NEIGHBORHOOD", SECTION 34-792 and SUBDIVISION V, "CG COMMERCIAL GENERAL", SECTION 34-824; AND ADDING A NEW SUBDIVISION XXV AT CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI, "LAND USE", DIVISION 7 "SUPPLEMENTAL DISTRICT REGULATIONS", ENTITLED "SALE OR DISPENSING OF CONTROLLED SUBSTANCES"; RENUMBERING CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI, "LAND

USE”, DIVISION 8 “OFF STREET PARKING AND LOADING”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that these regulations mirror those found in Chapters 893.035, 893.0355 and 893.0356 of the Florida Statutes. The Village had adopted a zoning in progress moratorium for new pain management clinics on February 25, 2010, to allow adequate time for regulations to be developed at the state and local level. These regulations will help to deter the illegal distribution of drugs and associated criminal activity within the Village. The Land Development Board recommended approval at their meeting on November 8, 2011.

Mayor Smith stated this was a public meeting and asked for questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt on first reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Escalada. Motion carried 4 – 0.

16. ORDINANCE NO. 2011-28 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF .05 ACRES OWNED BY PALM BEACH COUNTY; LOCATED ON COCONUT ROAD SOUTH; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO LOW DENSITY RESIDENTIAL, PURSUANT TO THE “SMALL SCALE” COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council this parcel was a strip along the frontage of Coconut Road South, abutting Canal Road South. The property was currently a vacant portion of the Coconut Road South right-of-way. The Land Development Board recommended approval at their meeting on November 8, 2011.

Mayor Smith stated this was a public meeting and asked for questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt on first reading was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

This item was pulled from the agenda

17. RESOLUTION NO. 2011-70 (INTERLOCAL)

18. RESOLUTION NO. 2011-75 (TEMPORARY LICENSE APPEAL)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING) THE EXTENSION OF A TEMPORARY LICENSE AGREEMENT SUBMITTED BY FORDS OFF LEASE INC., FOR VEHICLE STORAGE ON A VACANT LOT ACROSS FROM THE EXISTING CAR SALES BUSINESS LOCATED AT THE NORTHWEST CORNER OF 2ND AVENUE NORTH AND DAVIS ROAD; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that a temporary license agreement had been granted on September 10, 2008 for vehicle storage on the vacant lot at 2nd Avenue North and Davis Road, across from the existing car sales business. The agreement had been granted for three year and expired on July 10, 2011. The owner was notified on August 10, 2011 that the license had expired and the owner had applied to the Land Development Director for a five year extension on August 12, 2011. The request had been denied based on adverse impacts to the area. In accordance with Section 34-829 of the Village's Land Development Code, the Applicant was appealing to the Village Council. A Staff Report, including photos of existing conditions on the sites, was attached to the resolution.

Mayor Smith disclosed that she had met with the owners, Mr. & Mrs. Fischer, along with their Attorney, Manager Umberger and Director Lowe a couple of months ago and discussed this matter. Mayor Pro Tem Brinkman disclosed that she had spoken on the phone last week with the Applicant's Attorney, Bonnie Miskel.

Bonnie Miskel, Counsel for the Applicant, 5355 Town Center Drive, Boca Raton, FL, stated that in the past three years, Off Lease business had boomed, stressing it to the seams since they have outgrown the existing site. The back lot had been a scenario for them until another site could be located that would be large enough to house their entire business. Finding property that was land use and zoned properly had been difficult. They have not been successful yet. Ms. Miskel submitted 42 letters from surrounding business neighbors support this extension, as well as three (3) aerial photos of the site. Ms. Miskel stated there were two issues with the Staff Report recommendations: 1) one year was not enough to locate, purchase and develop the new site, and 2) this new agreement was not renewable, and the Applicant would like the option of requesting additional renewals. Ms. Miskel asked Director Lowe for clarification on item #3 site plan. Also item #8 stated trailers on the front parcel needed to be moved, but that trailer had been vested under the annexation agreement.

Mayor Smith asked for public comment. George Baris, 3476 2nd Avenue, Palm

Springs, stated he was the owner of Frenchy's, which has been on that location for 68 years. Mr. Baris stated he had no problem with Off Lease, but did have problems with their transport company. One of the trucks has pulled the electrical system out of his building. It had taken the Palm Springs Police to get contact information out of Off Lease about the name of the company. The repairs had been about \$6,000, not including his business being shut down for one day and having no cable for sports for two weeks. The transport drivers block his parking and driveway 5 or 6 times a day, and unload in the middle of the street at 2nd Avenue and Davis Road.

Lawrence Silver, 5356 Lake Osborne Drive, stated he had been living in this area for over 50 years, he was the Chair of the Lake Osborne Civic Association, whose members shop and visit Palm Springs regularly. Mr. Silver stated he was very aware of conditions along the Lake Worth corridor and hoped that the Council would grant this extension because the area has improved very much since Off Lease opened.

John Giasullo, 127 Andros Harbour Place, Jupiter, stated he was the General Manger for Off Lease. They admit there have been issues in the past, but those issues have been addressed and there have been no new issues recently. They are well aware of the negative impact of loading and unloading and try to keep these to a minimum. Along with the negative, Mr. Giasullo stated that there had been many positive impacts on the area as well created by Off Lease. They are open to new ideas, are flexible and willing to discuss anything.

Allen Marcovitch, 1155 SW 25th Avenue, Boynton Beach, stated he was the Realtor who had originally brought Off Lease to Palm Springs, and was trying to find another parcel suitable for moving the entire business. There was one possibility on Congress Avenue, and moving Off Lease to this new location would stir development in this area. Mr. Marcovitch stated he was also a fifty percent owner of another business in the area of the new site. He had a site planner here if the Council would like to see renderings of the possible plans. Mayor Smith responded that the Council agenda item was the temporary license, not a new site plan location; and it would not be appropriate to discuss that now.

Carlos Gonzalez, 2831 Exchange Court, West Palm Beach, stated he was a part owner of the business across the street and had met about a month ago with Off Lease about leasing his space. He had asked Village Staff about using his site for car sales in the past and had been denied. Mr. Rodriguez stated he had no problem with the extension request, but if Off Lease gets special zoning, he would consider that discrimination.

Eola Tuck, 1328 111th Way, Coral Springs, stated she and several family and friends have been customers at Off Lease of the past three years. The business has over 300 people coming in a day, who spend money at surrounding restaurants, gas stations and other businesses in Palm Springs. This is revenue to the Village in addition to Off Lease.

Ms. Miskel asked the Council to remember that previous to Off lease cleaning up and fencing the back lot for inventory use, this area had been full of trans and homeless people. It was now a secure clean area and Off Lease was a good neighbor.

Mark Fisher, owner of Off Lease, stated their business had grown out of the existing site; however there was no land they could find in Palm Beach County that was zoned for a used car dealer business. He understood that the trucks unloading was a problem and they were trying to stop the problem. They had addressed the issues of the pool company sign being damaged and Frenchy's electrical system. They were willing to work with Palm Springs, but they needed some help in understanding their situation as well.

Juan Palacio, 7381 Westcott Terrace, Lake Worth, stated he had lived in the area for over 30 years and as he understood the situation, the biggest nuisance was the loading and unloading of vehicles. If a gate could be built at the north end of Davis Road, the trucks could pull into the Off Lease lot, unload within the property lines and then exit onto 2nd Avenue North. This should alleviate the problem.

Director Lowe responded that she did not agree with a lot of what had been said here tonight and did not feel that Off Lease was a good neighbor, at least as far as Palm Springs was concerned. They had numerous violations for the wall, landscaping, and burm being done without Village approval or permits; and have continued up until just a week ago, with transports unloading on 2nd Avenue, which was a safety hazard. The request for site plan was not a mistake. What is there is not what was approved in the original site plan and agreement. They have definitely outgrown their site. The storage lot is of concern. It is full with no room for a transport to access. The temporary license agreement is just that...temporary. This would create a permanent use. Director Lowe admitted that her office received calls almost every day with car businesses wanting to open in the Village. Most were smaller. Director Lowe reminded the Council that if they went down that path of zoning for dealerships, then it opened the door for dealerships all over Palm Springs. Director Lowe added that, not taking anything away from Off Lease for cleaning up the lots, the credit for cleaning up the homeless, prostitutes and trashing sites was more rightly given to Palm Springs Public Safety. This area has a long way to go, but lots on surrounding streets were starting to clean up as well. This type of use in the middle of this may not be motivation for them to continue. Director Lowe stated her denial was because this was not the best use of this land or appropriate use at this time.

Council Member Escalada stated he had taken a hard look at this and had even verified some of the issues in the Staff Report personally. It was not the intention of the Village to deter businesses from opening; however, residents and businesses alike have the responsibility to follow the codes of the Village. Today, during a drive by the facility, Council Member Escalada stated he had to hit the brakes hard to avoid hitting a vendor unloading batteries in the middle of 2nd Avenue. This is a safety hazard. Council

Member Escalada stated the conditions in the staff report should be doable and give the business sufficient time to either re-locate or prove they can exist there within the codes of the Village.

Mayor Pro Tem Brinkman stated the Council has long been aware that she was not a fan of these temporary agreements; however, this had been granted and the business had been successful. In looking at the aerial, it appeared that there was potential, if inventory was reduced, of re-configuring the site to have room for transports to off load on site instead of the roadways. This could be done as part of the re-submittal of the site plan. Regarding condition #7, the retaining wall could also be part of the site plan, with either approval retroactive or it being eliminated. There should also be a time certain for the landscaping being re-installed with adequate irrigation; possibly, no later than 60 days. Rather than the requirement for a \$5,000 Bond, the Applicant should submit a cost estimate certified by an Engineer, and then bonded at 110% of the cost estimate. Mayor Pro Tem Brinkman had no problem with the extension approval date being tonight's date and the non-renewable clause being deleted. Mayor Pro Tem Brinkman also added that the next item on the agenda was contingent of this item being approved and might be discussed now. Mayor Smith asked if Mayor Pro Tem Brinkman had any issues with the next item. Mayor Pro Tem Brinkman responded she did not.

Council Member Waller stated she was not in favor of a three year extension; however, would agree to a one year extension from the date of approval. Council Member Waller's main concerns were safety and traffic congestion. The Applicant needed to be a better neighbor to surrounding businesses and comply with all Village codes.

Ms. Miskel responded for the Applicant that the off loading on site was a good suggestion and would be included in the site plan submission. They had no problem conceding this item.

Mayor Smith asked for Council consensus with Mayor Pro Tem Brinkman's suggestion that items #18 and #19 be considered together and if there were any concerns with item #19. Council Member Escalada stated no problem as long as it remained parking for employees only. Mayor Smith summarized Council recommendations for Resolution 2011-75 for clarification. Positive consensus was for a one year extension from November 10, 2011; the agreement would be renewable, there must be a site plan submitted with trailers off Davis Road and 2nd Avenue; landscaping corrected within 60 days; tie bond to cost estimate and acceptable to the Land Development Director; approve all conditions in staff report as well as the five items stated tonight. Ms. Miskel asked that the offloading be allowed on the front lot or the back lot. Mayor Pro Tem Brinkman added that the bond tied to the estimate may not be necessary since there was a time certain of 60 days for landscaping completion.

Hearing no further comments, Village Attorney Torcivia read the resolution by

title, including all staff recommendations as amended by Council tonight. A motion to approve as amended was made by Mayor Pro Tem Brinkman and seconded by Council Member Escalada. Motion carried 4 – 0.

19. RESOLUTION NO. 2011-77 (TEMPORARY LICENSE APPEAL)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING) THE A TEMPORARY LICENSE AGREEMENT SUBMITTED BY UNITED CEREBRAL PALSY ASSOCIATION OF MIAMI, INC., FOR USE OF FORTY (40) PARKING SPACES FOR OFF LEASE INC. EMPLOYEE VEHICLES ON THEIR PROPERTY LOCATED AT 3592 2ND AVENUE NORTH; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that on October 14, 2011 the petitioner submitted this request; however, the Land Development Director had denied the request. Staff report on this item was attached to the resolution.

Mayor Smith asked for any additional comments from the Council, since this item has already been discussed with the previous item. Hearing no comments, Carlos Gonzales, 2831 Exchange Court, West Palm Beach, asked to make a comment. Mr. Gonzalez stated that this lot was not just used for employee parking; but in fact was used for selling vehicles. Cerebral Palsy had no way to enforce who parks on this lot or why; and he hoped the Village understood that it would require code enforcement to assure this agreement was complied with. There were sufficient evidence in photos presented tonight to show these violations.

Council Member Escalada asked Chief Hall what actions the Village could take when vehicles with no tags, and obviously for sale vehicles, are found on these lots. Chief Hall responded if that occurred, they would be in violation of the agreement. In those instances, his department would confer with Director Lowe. Upon her request, the police, or code enforcement, would respond, take photos, and commence a code enforcement violation case. An untagged vehicle would only be allowed if the Council had granted permission through an agreement. Therefore, any vehicle that did not have a tag would not be an employee's vehicle and therefore illegally parked. Mayor Pro Tem Brinkman suggested that all previous conditions be applied to this agreement and make this agreement part of the Off Lease site plan to be submitted.

Hearing no further discussion, Village Attorney Torcivia read the resolution by title. A motion to approve was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

20. RESOLUTION NO. 2011-78 (AMEND NUISANCE LIENS)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING AMENDMENT NO. 4 TO THE LIENS AGAINST CERTAIN PARCELS OF LAND SERVICED BY THE VILLAGE OF PALM SPRINGS AS A RESULT OF VIOLATIONS OF THE PUBLIC NUISANCE ORDINANCE, FOR OUTSTANDING NUISANCE ABATEMENT SERVICE CHARGES; AUTHORIZING THE VILLAGE MANAGER OR DESIGNEE TO PERIODICALLY IDENTIFY OTHER PARCELS WITH OUTSTANDING NUISANCE ABATEMENT SERVICES CHARGES; DIRECTING THE VILLAGE CLERK TO RECORD SAID LIEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that pursuant to Florida Statutes Section 170.21, any costs incurred by the Village in manpower, supplies and equipment to maintain foreclosed, neglected or abandoned homes were considered a municipal service which benefited that particular property and the Village has a legal authority to levy a special assessment lien to recover all costs incurred. These liens survive foreclosure. Since the original nuisance abatement liens were filed in January 2009, the number of properties has gone from 18 to as high as 44, with this current amendment being 36 properties. It was noted that when the agenda was distributed, there were 37 properties; however, a payment had been received on one of those properties.

Mayor Smith stated this was a public meeting and asked for questions or comments from the Council and then from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt was made by Council Member Escalada and seconded by Council Member Waller. Motion carried 4 – 0.

21. RESOLUTION NO. 2011-83

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE AN AGREEMENT WITH MUNICIPAL CODE CORPORATION ADVANTAGE FOR LASER PRINTING AND MAILING SERVICES OF UTILITY BILLS AND DELINQUENT NOTICES, IN ACCORDANCE WITH VILLAGE CODE CHAPTER 58 "PURCHASING", SECTION 58-23 "PROFESSIONAL SERVICE CONTRACTS"; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

Manager Umberger advised the Council that in accordance with Village Code Chapter 58 "Purchasing", Section 58-23 "Professional Service Contracts", the Village would like to use the service offered for laser printing and mailing of the utility bills and delinquent notices. Staff had determined that using an outside vendor for printing and mailing of utility bills and delinquent notices is more cost effective, more efficient and using the upgraded system was in the best interests of the Village. The agreement would be for three years, with services renewing automatically from year to year; and

either party having the right to change or cancel with thirty days written notice.

Mayor Pro Tem Brinkman asked if the delinquent notices would be on the same schedule as currently in place or would there be a delay. Manager Umberger responded that on the new bills the dates for past due and delinquents would be listed together. There would not be a second mailing. The current in-house system does have a second mailing. Director Morse added that the new bill format made the due dates very clear, as well as giving additional room for notices about rate studies, water chlorination, etc., that could not be included in the previous style bills. Mayor Smith was concerned about the possibility of the original bill not being delivered properly, without a second notice. Council Member Escalada suggested that the date information be flexible and listed clearly the shut off dates and time. After discussion by Council, there was still concern about not sending the second notice. Manager Umberger suggested they place a copy of the proposed bill format in the Council Read File for their review.

Mayor Smith asked if this new billing would enhance the Village's ability to take credit or debit card payments. Manager Umberger responded that issue was under discussion. Mayor Smith stated this was something the Village should consider, not only for utilities, but for all departments in the Village. Director Morse added that the Village did accept credit cards now online and at the utilities counter, with the exception of Visa at the counter because of their regulations about the convenience fee charged. Mayor Smith suggested Staff look into the costs associated with accepting all cards in all departments and bring information back to Council for further discussion. Mayor Smith felt this might alleviate the need for shutting off water for many customers, and Director Davis agreed. Mayor Pro Tem Brinkman also suggested the Village look at online payments directly from checking accounts.

Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to approve was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. Motion carried 4 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

22. Renewal of yearly Contract for Glen J. Torcivia and Association, Inc.,
Village Attorney Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that this renewal agreement would provide services from November 8, 2011 through November 7, 2012. The rate of services would be \$195 per hour. Manager Umberger added that he believed the services the Village had received from Glen Torcivia and, as they were called, "Glen's Angels", being Christy, Jennifer and Lara, have been the best services since he has been the Manager. They were very attentive, very knowledgeable, and researched before just giving out an answer; and all Department Heads concurred with those

comments. Council comments were all in agreement with the excellent services provided by Attorney Torcivia and his Staff. Village Attorney Torcivia thanked the Council for their comments and added that he was blessed with a great staff.

A motion to approve the renewal contract was made by Mayor Pro Tem Brinkman and seconded by Council Member Escalada. Motion carried 4 – 0.

23. Appointment to the Leisure Services Board
Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that an application had been received from resident Ryan Morse, indicating his desire to assist the Leisure Services Board as an alternate member. Mr. Morse's experience and education in Sports Management should be an asset to this Board. A motion to appoint Ryan Morse as an alternate member of the Leisure Services Board for a one year term until March 27, 2012 was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

VILLAGE COUNCIL COMMENTS

Council Member Waller commented that she was happy to be back in town and understood that Halloween, although rainy, was still a good event; and as usual, Chief Hall and his officers did a good job. Council Member Waller stated she was sorry that she would not be in town to participate in the Santa Ride this year.

Mayor Pro Tem Brinkman asked when the Santa Ride would be this year. Manager Umberger responded it would be December 17th. Mayor Pro Tem Brinkman commented that the Council all must know what the photos of the former Dr. Fleas site that were presented to Council during the Off Lease presentation were about, and what they were proposing would require changes to the Village Code. Since the Council had not discussed recently what the vision might be for the major corridors now in the Village, it might be advisable to have some workshops and determine what type of businesses and uses the Council wished to see prior to making any code amendments. Another item was the Interlocal for URA that had been signed with the County back when the Oxygen project was first proposed. In that agreement, the Village had agreed to do certain things and these things have not been done yet, which included amending the comprehensive plan to include an affordable housing component, and amending our property development regulations to be consistent with the URA guidelines should another large development need to use the transportation concurrency exemption. The Council should consider giving Staff direction to do these changes now in order to be prepared should another big box developer come forward. Council Member Waller commented that she felt the entire Village was affordable housing.

Mayor Smith stated this was a good idea and the workshops could be scheduled

for January or February. Director Lowe stated her department had started working on the overlay district; however, if Council wished, staff could be re-directed to start working on the URA requirements. Mayor Pro Tem Brinkman added that she took exception to a comment that was made tonight about there not being a traffic concurrency problem on Congress Avenue; which was incorrect. Manager Umberger added that he took exception to another comment on the car lot improvements making Lake Worth Road what it was today. Mr. Gonzalez, who was present tonight, was in fact responsible for at least three new improved developments along that corridor and his projects had met all Village codes.

Council Member Escalada stated he had not been present at the last Council Meeting, but had listened to the recording of the meeting and wished to extend his kudos to Chief Hall for obtaining all the grant safety equipment for his department. Another comment stems from his attendance at the League of Cities EMO program, which included forty-seven members from different cities in Florida. The discussion of budgets and depleted revenues was high on that agenda. He took great pride in knowing that the Village's millage rate of 3.5% was the lowest of all cities present, the average being 6 – 8%. Also, many of the cities were just now looking at annexations as a source of revenue, and there were many issues discussed about involvement and working relationships with their Counties. These discussions further proved the foresight of the Council and how the efforts of the Village in these areas have paid off for the residents of Palm Springs.

Mayor Smith again congratulated Council Member Escalada on his EMO Certificate and stated she was sure his classes were as enlightening as they had been for all the Council. It was difficult to discuss many things due to the Sunshine requirements and these programs gave an opportunity to have those discussions and gain the networking knowledge. Mayor Smith also thanked Attorney Torcivia and his staff and stated the Council was looking forward to working with them for another year. Mayor Smith announced that the Holiday Decorating Contest judging would be December 6th, the Santa Ride would be December 17th, the next Local Planning Agency meeting would be December 8th at 7:15 pm, and the next Regular Council Meeting would be December 8th at 7:30 pm.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor