

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, SEPTEMBER 13, 2007**

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

Mayor John M. "Mike" Davis called the regular meeting of the Village Council to order at 7:30 p.m.

Present: Mayor John M. Davis, Vice Mayor Bev Smith, Mayor Pro Tem Joni Brinkman, Council Member Chet Osborne, Village Manager Karl E. Umberger, Village Attorney Karen E. Roselli, and Village Clerk Virginia M. Walton. Council Member Patti Waller was absent.

Staff present were Public Safety Director Jay C. Pickens, as Sergeant at Arms, Land Development Director Bette J. Lowe, Finance Director 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 Mayor Pro Tem Brinkman.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: continue item #10 to the September 27, 2007 agenda
Pull item #16 from the agenda

A motion to accept the agenda as revised was made by Council Member Osborne and seconded by Vice Mayor Smith. Motion carried 4 – 0.

CONSENT AGENDA

- 1. Minutes of Regular Council Meeting on August 23, 2007**
- 2. RESOLUTION NO. 2007-60 (AGREEMENT)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, ATTACHED HERETO AS EXHIBIT "1", PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXING SIX (6) ENCLAVES OF TEN ACRES OR LESS, THOSE LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" TO THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

A motion to approve the consent agenda as presented was made by Vice Mayor Smith and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

3. Mayor's Proclamation for Citizenship Day September 17, 2007/Constitution Week September 17 – 23, 2007

Mayor Davis read the proclamation and instructed the Village Clerk to forward the document to the proper party.

4. Mayor Proclamation for POW/MIA Recognition Day September 15, 2007

Mayor Davis read the proclamation and presented it to VFW Post 4360 Commander Juan Linan and other representatives from the VFW and the VFW Ladies Auxiliary who were present. Mayor Davis stated he would be attending the POW/MIA ceremonies at the VFW on Saturday. Commander Linan thanked the Mayor and Council and presented Mayor Davis with a new United States Flag and a POW/MIA Flag to be flown at Village Hall.

PUBLIC COMMENT

Nancy Rockswold, 3832 Park Lane, came before the Council to put it on record that she did not wish to be annexed into Palm Springs. Mayor Davis thanked her for her comments.

(Clerk's Note: 3832 Park Lane was a parcel included in Resolution 2007-60 Interlocal Agreement with Palm Beach County on tonight's consent agenda)

PUBLIC HEARINGS

5. RESOLUTION NO. 2007-48 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF THE OWNERS, BUENA VISTA HOMES OF THE PALM BEACHES, INC., FOR SITE PLAN APPROVAL (SPR 07-11) AND A SPECIAL EXCEPTION USE (PSSE 07-06) FOR CONSTRUCTION OF A 29,500 SQUARE FOOT WAREHOUSE/OFFICE/FLEX SPACE COMMERCE CENTER, ON 2.18 ACRES, TO BE LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF 2ND AVENUE NORTH AND DAVIS ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on June 28, 2007. There were no ex parte communications disclosed. Director Lowe and Carlos Gonzalez were sworn in to give testimony. Manager Umberger advised the Council that this property was being rezoned from

residential to commercial general by way of Ordinance No. 2007-11 on tonight's agenda. The Land Development Board had recommended approval of this request, subject to staff conditions, at their regular meeting on August 14, 2007. Mr. Gonzalez testified that because of the downturn in the residential market, the owner's believed commercial development of this property was more marketable. Mr. Gonzalez presented a rendering and floor plan for the Council and residents, and addressed the concerns of the neighboring Community for the Deaf Organization about privacy. Mr. Gonzalez stated they had provided a six foot (6") wall plus a ten foot (10") buffer along the property line. In response to questions from Council Member Osborne on how many flex units and their size, Mr. Gonzalez replied that there was a total of 14 units. The two end units would be the larger units with a wing-tip design and a 45 degree view from 2nd Avenue and Davis Road; and the remaining 12 units were approximately 1850 square feet each. In response to questions from Vice Mayor Smith on what type of tenants, Mr. Gonzalez replied that they would be small businesses, such as contractors, tile companies, etc. who needed an office space and a small inventory warehouse in the rear. It was agreed that there would be no large manufacturing companies allowed.

Hearing no further comments from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. The representatives from the Community for the Deaf Organization stated they had no comments or questions. Hearing no further comments, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the site plan and special exception use, subject to staff conditions, was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

6. RESOLUTION NO. 2007-58 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF CARLOS M. GONZALEZ, AGENT FOR THE OWNER, ABEL ECHEMENDIA; FOR SITE PLAN APPROVAL (SPR 07-07) FOR CONSTRUCTION OF TWENTY (20) TWO-STORY PUD CLUSTER SINGLE FAMILY RESIDENCES ON 3.58 ACRES LOCATED ON THE WEST SIDE OF REO LANE, SOUTH OF PARK LANE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on June 28, 2007. There were no ex parte communications disclosed. Director Lowe and Carlos Gonzalez were sworn in to give testimony. Manager Umberger advised the Council this site plan and special exception had previously been approved by Resolution No. 2005-39, and then amended by Resolution No. 2005-77 in October 2005; however, the Applicant failed to begin construction within the approved time frame. The Land Development Board had recommended approval of this request, subject to staff conditions, at their regular meeting on August 14, 2007. Mr. Gonzalez testified that the owners had retained the original footprints of the single

family homes, but had designed smaller alternative and more affordable models to improve the marketability. In response to questions from Vice Mayor Smith, Mr. Gonzalez replied that the new models would be 18,000, 21,000 and 23,000 square feet and the price range would be approximately \$250,000 - \$300,000. Director Lowe added that the owners were retaining the choice to build the previous larger models should the market warrant in the near future.

Hearing no further comments from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing no comments, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the site plan, subject to staff conditions, was made by Vice Mayor Smith and seconded by Council Member Osborne. Motion carried 4 – 0.

7. RESOLUTION NO. 2007-63 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF SUMMIT CONGRESS PLAZA LLC FOR A SITE PLAN APPROVAL (SPR 07-15) FOR CONSTRUCTION OF THREE (3) ONE-STORY COMMERCIAL RETAIL BUILDINGS TOTALING 20,000 SQUARE FEET, ON 5.36 ACRES LOCATED 620 FEET SOUTH OF SUMMIT BOULEVARD ON THE WEST SIDE OF CONGRESS AVENUE IN THE VILLAGE OF PALM SPRINGS, FL; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on June 28, 2007. There were no ex parte communications disclosed. Director Lowe, Christie Tuttle and Brad Miller were sworn in to give testimony. Manager Umberger advised the Council that an annexation agreement had been approved at the meeting of September 14, 2006 which required a site plan review within twelve months of the annexation in order to take advantage of certain waivers. The Land Development Board had recommended approval of this request, subject to staff conditions, at their meeting of August 14, 2007. Director Lowe advised the Council that Item #10 on the Conditions Exhibit would be revised to read “applicant is requesting an administrative variance to delete the terminal islands behind the building in the west parking area”. Director Lowe stated Staff had no objection to this revision. Ms. Tuttle stated they were in agreement with all Staff conditions. Ms. Tuttle stated there would be twenty feet of additional landscaping on the property and in the islands. In response to questions, Ms. Tuttle replied that there would be three dumpsters on site.

In response to a question from Mayor Pro Tem Brinkman regarding renovating the bus stop to be compatible with the new building’s architecture, Mr. Miller replied that this had been discussed at the Land Development Board and with Director Lowe and it had been decided not to do anything with the Palm Tran bus stop because the green on the existing structure was already compatible with the color scheme for the new buildings. Mayor Pro Tem Brinkman also asked if the owners had considered the possibility of

adding a 2nd story to these one story buildings in the future to be in line with the URA design concept. Mr. Miller stated that he had consulted with the owners and they liked the idea, but the project could not wait for the finalization of the URA. They could possibly at the construction phase look into beefing up the structures to allow for this possibility in the future. Mayor Davis added that the URA had many problems and might not happen in the foreseeable future. He agreed the applicants needed to proceed with their project and not be delayed waiting for the URA to be completed.

Hearing no further comments from the Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the site plan was made by Council Member Osborne and seconded by Vice Mayor Smith. Motion carried 4 – 0.

8. RESOLUTION NO. 2007-64 (AMEND SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF MIRZA HOME & CONSTRUCTION CO., FOR AMENDMENT TO SITE PLAN (SPR 05-08), REQUESTING AN EXTENSION OF THE BUILD OUT DEADLINE FROM OCTOBER 1, 2007 TO OCTOBER 1, 2008, FOR CONSTRUCTION OF FIVE (5) SINGLE FAMILY TWO-STORY RESIDENCES TO BE KNOWN AS “HIDDEN SPRINGS” AND LOCATED AT 3682, 3686, 3690, 3694 AND 3698 DAVIS ROAD, A QUARTER MILE NORTH OF LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on August 30, 2007. There were no ex parte communications disclosed. The applicant was not present. Manager Umberger advised the Council that the Land Development Board had recommended approval of the request at their meeting on September 11, 2007. Director Lowe testified that the project was already under construction; however, the traffic concurrency would expire before he was completed. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the extension was made by Mayor Pro Tem Brinkman and seconded by Council Member Osborne. Motion carried 4 – 0.

9. RESOLUTION NO. 2007-65 (SPECIAL EXCEPTION – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF GUILLERMO A. LOPEZ, AGENT FOR THE OWNER, EL SEMBRADOR; FOR A SPECIAL EXCEPTION USE (PSSE 07-09) FOR OPERATION OF A CHURCH IN AN EXISTING STOREFRONT IN SUITE 120 AT LAKESHORE

PLAZA, LOCATED AT 2677 FOREST HILL BOULEVARD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on August 30, 2007. There were no ex parte communications disclosed. The applicant was not present. Manager Umberger advised the Council that the church was aware that there was one nightclub and several restaurants serving liquor presently in the shopping center, but felt there was no conflict since their hours of operation would be from 9:00 am to 1:00 pm on Sundays and 6:00 pm to 11:00 on Wednesdays. There are no accessory uses proposed with the church. Director Lowe also stated that the question of hours of operation came up at the Land Development Board Meeting and the owners had stated they had no problem with the hours. If they wished to change the hours, they would come back to Council with that request. The Land Development Board had recommended approval of the request at their meeting on September 11, 2007.

Hearing no comments from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the special exception use was made by Vice Mayor Smith and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

This item was continued to the September 27, 2007 agenda

10. RESOLUTION NO. 2007-66 (SPECIAL EXCEPTION – T-MOBILE ANTENNA)

Staff: Bette Lowe, Land Development Director

11. ORDINANCE NO. 2006-60 (THIRD READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .60 ACRES OWNED BY DANIELLA HENRY; LOCATED AT 1466 SOUTH CONGRESS AVENUE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, 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 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

Village Clerk Walton advised the Council that the original notice of hearing was

placed in the Lake Worth Herald on November 9 and 16, 2006 and this ordinance was re-advertised on August 30, 2007. Village Attorney Roselli read the ordinance by title. Manager Umberger advised the Council that this ordinance was previously approved at the January 11, 2007 Regular Council meeting; however, the Florida Department of Community Affairs would not review the amendment because the Evaluation and Appraisal Report (EAR) for the Village's Comprehensive Development Plan was not adopted until June 14, 2007.

Hearing no comments or questions from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on third reading was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. A roll call vote was in favor of adoption 4 – 0.

12. ORDINANCE NO. 2006-61 (THIRD 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 LAND CONSISTING OF LESS THAN 10 ACRES, OWNED BY SUMMIT CONGRESS PLAZA LLC, AND LOCATED AT 865 SOUTH CONGRESS AVENUE, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO COMMERCIAL LAND USE; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL (CG) 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

Village Clerk Walton advised the Council that the original notice of hearing was placed in the Lake Worth Herald on November 9 and 16, 2006 and this ordinance was re-advertised on August 30, 2007. Village Attorney Roselli read the ordinance by title. Manager Umberger advised the Council that this ordinance was previously approved at the January 11, 2007 Regular Council meeting; however, the Florida Department of Community Affairs would not review the amendment because the Evaluation and Appraisal Report (EAR) for the Village's Comprehensive Development Plan was not adopted until June 14, 2007.

Hearing no comments or questions from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on third reading was made by Vice Mayor Smith and seconded by Council Member Osborne. A roll call vote was in favor of adoption 4 – 0.

13. ORDINANCE NO. 2007-05 (THIRD READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .81 ACRES OWNED BY MICHAEL W. AND MELANIE E. SAVIDGE; LOCATED AT 3767 LAKE WORTH ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, 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 COMMERCIAL GENERAL (CG) 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

Village Clerk Walton advised the Council that the original notice of hearing was placed in the Lake Worth Herald on January 11 and 18, 2007, and this ordinance was re-advertised on August 30, 2007. Village Attorney Roselli read the ordinance by title. Manager Umberger advised the Council that this ordinance was previously approved at the February 22, 2007 Regular Council meeting; however, the Florida Department of Community Affairs would not review the amendment because the Evaluation and Appraisal Report (EAR) for the Village's Comprehensive Development Plan was not adopted until June 14, 2007.

Hearing no comments or questions from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on third reading was made by Mayor Pro Tem Brinkman and seconded by Vice Mayor Smith. A roll call vote was in favor of adoption 4 – 0.

14. ORDINANCE NO. 2007-06 (THIRD 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 LAND CONSISTING OF LESS THAN 10 ACRES, OWNED BY HECTOR CABRERA, LOCATED ON 3386 KIRK ROAD, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO LOW DENSITY RESIDENTIAL; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT MULTI-FAMILY RESIDENTIAL 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

Village Clerk Walton advised the Council that the original notice of hearing was placed in the Lake Worth Herald on March 15 and 22, 2007 and this ordinance was re-advertised on August 30, 2007. Village Attorney Roselli read the ordinance by title. Manager Umberger advised the Council that this ordinance was previously approved at the April 12, 2007 Regular Council meeting; however, the Florida Department of Community Affairs would not review the amendment because the Evaluation and Appraisal Report (EAR) for the Village's Comprehensive Development Plan was not adopted until June 14, 2007.

Hearing no comments or questions from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on third reading was made by Council Member Osborne and seconded by Vice Mayor Smith. A roll call vote was in favor of adoption 4 – 0.

15. ORDINANCE NO. 2007-11 (THIRD 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 LAND CONSISTING OF LESS THAN 10 ACRES, OWNED BY MARBELLA AT PALM SPRINGS LLC, LOCATED ON THE NORTHWEST CORNER OF 2ND AVENUE AND DAVIS ROAD, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO COMMERCIAL; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL (CG) 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

Village Clerk Walton advised the Council that the original notice of hearing was placed in the Lake Worth Herald on April 5 and 12, 2007 and this ordinance was re-advertised on August 30, 2007. Village Attorney Roselli read the ordinance by title. Manager Umberger advised the Council that this ordinance was previously approved at the April 26, 2007 Regular Council meeting; however, the Florida Department of Community Affairs would not review the amendment because the Evaluation and Appraisal Report (EAR) for the Village's Comprehensive Development Plan was not adopted until June 14, 2007.

Hearing no comments or questions from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on third reading was made by Vice Mayor Smith and seconded by Mayor Pro Tem Brinkman. A roll call vote was in favor of adoption 4 – 0.

This item was pulled from the agenda

16. ORDINANCE NO. 2007-10 (THIRD READING - LARGE SCALE LAND USE & REZONE/TONSET & TRINITY CHURCH)

Staff: Bette Lowe, Land Development Director

17. ORDINANCE NO. 2007-07 (THIRD READING)

A ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 10, OF THE CODE OF ORDINANCES, ENTITLED "BUILDING AND BUILDING REGULATIONS" BY AMENDING ARTICLE I, SECTION 10-9 ENTITLED "EXTERIOR OF STRUCTURE OF BUILDING"; REPEALING ARTICLE II, DIVISION 1, SECTION 10-31 ENTITLED "ADOPTED; AMENDMENTS", INCLUDING ALL OF CHAPTER 1 ENTITLED "ADMINISTRATION"; SECTION 10-32 ENTITLED "CHANGES IN CODES DURING CONSTRUCTION"; SECTION 10-51 ENTITLED "PERMIT FEES"; SECTION 10-55 ENTITLED "TIME LIMITATIONS ON PERMITS"; SECTION 10-57 ENTITLED "RECORDS"; AND REPEALING ARTICLE III, DIVISION 2, SECTION 10-91 ENTITLED "UNLAWFUL"; SECTION 10-92 ENTITLED "NOTICE"; SECTION 10-93 ENTITLED "VACATING BUILDINGS"; SECTION 10-94 ENTITLED "ENTRY OR OCCUPANCY OF CONDEMNED AND PLACARDED BUILDINGS"; SECTION 10-95 ENTITLED "REPAIR OR DEMOLITION"; AND SECTION 10-96 ENTITLED "RIGHT TO INSPECT"; CREATING NEW ARTICLE II OF CHAPTER 10, TO BE ENTITLED "FLORIDA BUILDING CODE"; CREATING NEW SECTION 10-31 TO BE ENTITLED "CHAPTER ONE AMENDMENTS"; CREATING CHAPTER I TO BE ENTITLED "ADMINISTRATION"; CREATING SECTION 101 TO BE ENTITLED "GENERAL"; CREATING SECTION 102 TO BE ENTITLED "APPLICABILITY"; CREATING SECTION 103 TO BE ENTITLED "BUILDING DEPARTMENT"; CREATING SECTION 104 TO BE ENTITLED "DUTIES AND POWERS OF BUILDING OFFICIAL"; CREATING SECTION 105 TO BE ENTITLED "PERMITS"; CREATING SECTION 106 TO BE ENTITLED "CONSTRUCTION DOCUMENTS"; CREATING SECTION 107 TO BE ENTITLED "TEMPORARY STRUCTURES AND USES"; CREATING SECTION 108 TO BE ENTITLED "FEES"; CREATING SECTION 109 TO BE ENTITLED "INSPECTIONS"; CREATING SECTION 110 TO BE ENTITLED "CERTIFICATES AND BUILDING USE"; CREATING SECTION 111 TO BE ENTITLED "TESTS"; CREATING SECTION 112 TO BE ENTITLED "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; CREATING SECTION 113 TO BE ENTITLED "SEVERABILITY"; CREATING SECTION 114

TO BE ENTITLED “VIOLATION AND PENALTIES”; PROVIDING FOR SECTION 115 TO BE RESERVED; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that the original notice of hearing was placed in the Lake Worth Herald on June 7 and 14, 2007, and this ordinance was re-advertised on August 30, 2007. Village Attorney Roselli read the ordinance by title. Manager Umberger advised the Council this ordinance revised the administrative section to delete all technical modifications to the Codes, which is prohibited by Florida Statute, and then revised the administrative section to include more procedural elements. This ordinance was previously approved at the June 28, 2007 Regular Council meeting; however, it was required that it be posted to the Florida Building Commission website within 30 days of adoption. Therefore, a third reading was required to permit staff to comply with this requirement.

Hearing no comments or questions from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on third reading was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. A roll call vote was in favor of adoption 4 – 0.

18. ORDINANCE NO. 2007-14 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, INCREASING THE RATES OF LOCAL BUSINESS TAXES BY FIVE PERCENT FOR FISCAL YEAR 2007/2008; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on August 9 and 16, 2007. Village Attorney Roselli read the ordinance by title. Mayor Davis asked for questions from Council. Hearing none, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on second reading was made by Vice Mayor Smith and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

19. ORDINANCE NO. 2007-15 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A TOTAL OF THIRTEEN (13) PARCELS OF LAND CONSISTING OF A TOTAL OF 5.28 ACRES, INDIVIDUALLY OWNED; LOCATED AT 3866, 3863, 3890, 3893, 3922, 3925, 3945, 3961, 3966 PARK LANE AND 2806, 2784, 2785 REO LANE; 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on August 9 and 16, 2007. Village Attorney Roselli read the ordinance by title. Mayor Davis asked for questions from Council. Hearing none, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on second reading was made by Council Member Osborne and seconded by Vice Mayor Smith. Motion carried 4 – 0.

20. ORDINANCE NO. 2007-16 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A TOTAL OF FOURTEEN (14) PARCELS OF LAND CONSISTING OF A TOTAL OF 5.90 ACRES, INDIVIDUALLY OWNED; LOCATED AT 2573, 2590, 2591, AND 2592 38TH TERRACE SOUTH, 3855, 3886, 3900, 3911, 3923, 3947, 3942 AND 3946 DALE ROAD AND 2584 AND 2616 KIRK ROAD; 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on August 16 and 23, 2007. Village Attorney Roselli read the

ordinance by title. Mayor Davis asked for questions from Council. Hearing none, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on second reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Osborne. Motion carried 4 – 0.

21. ORDINANCE NO. 2007-18 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES IN AND FOR THE VILLAGE OF PALM SPRINGS, FLORIDA FOR FISCAL YEAR 2007/2008; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff: Rebecca Morse, Finance Director

Manager Umberger advised the Council that this ordinance would establish the operating millage rate of \$4.0076 per \$1,000 of assessed valuation and establish the voted debt service millage rate of \$.5755 per \$1,000 of assessed valuation, for a total millage rate of \$4.5831. The operating millage rate of \$4.0076 is 9% less than the rolled back rate of \$4.4040, and would produce \$3,793,610 in ad valorem tax revenue at 100% collection for fiscal year 2007/2008. The voted debt service millage rate would produce \$544,770 in revenue at 100% collection to cover the 2002 General Obligation Bonds. The second reading would be at the September 27, 2007 Council Meeting.

Mayor Davis asked for questions from the Council. Hearing none, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on first reading was made by Vice Mayor Smith and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

22. ORDINANCE NO. 2007-19 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff: Rebecca Morse, Finance Director

Manager Umberger advised the Council this ordinance would establish the 2007/2008 total budget at \$27,187,081, comprised of the General Fund budget of \$13,426,018; the Debt Service Fund budget of \$522,650, and a budget of \$13,238,413 for the Water and Sewer Enterprise Fund. The budget summary legal advertisement would be published in the Palm Beach Post on September 24, 2007.

Mayor Davis asked for questions from the Council. Hearing none, Mayor Davis stated this was a public hearing and asked for questions or comments from the public.

Hearing none, a motion to adopt the ordinance on first reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Osborne. Motion carried 4 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

23. Discussion of Charter Amendment to move Elections from March to November and extend Council Terms to Four Years

Staff: Karl E. Umberger, Village Manager

Manager Umberger stated that an item for discussion at the 2007/2008 Budget Workshop had been the feasibility of a charter amendment to move the municipal elections to coincide with the county-wide elections cycles in November and also to change the Council seat terms to either three or four years from the current two year terms. At present 31 of 38 municipalities in Palm Beach County held their elections on the second Tuesday in March, in accordance with Chapter 83-498 Laws of Florida, which is the Uniform Municipal Election Act, effective January 2, 1984. Under Section 8 of this Chapter, the provision of the Act supersedes any municipal charter provisions unless that municipality adopts an ordinance exempting them from the Act.

There are advantages and disadvantages to moving elections to November. Voters do associate the month of November with voting. Also, the Village might experience a higher voter turnout; however, voters still have the option of skipping over races and issues on a long ballot. There are cost advantages. If the Village moved to a November election day to piggyback the County elections, the Village would split the cost of the elections 50/50 with the County. However, the County only holds elections on even numbered years; therefore with the current two year terms, the Village would still bear the entire cost of elections on odd numbered years. The only true cost savings to the Village would require the council seat terms to be extended to four years and bring all council seats to elections on an even numbered year. As an example, District 2 & 4 elections in March 2008 would have a one time two year term and then go to a four year term so that those seats would be elected in 2008-2010-2014, etc. The Mayor, District 1 & 3 elections in 2009 would have a one time term of three years and then go to a four year term so that those seats would be elected in 2009-2012-2016, etc. Presently the approximate yearly cost of an election is \$12,000, and could possibly be higher once we return to paper ballots and optical scanning. By sharing the cost with the County and extending the terms out four years, these costs would be cut by 50% and spread out to every other year.

Some disadvantages to grouping our elections with the Federal/State/County elections would be the size of the ballot. Also, municipal candidates and any municipal referendum questions would be at the end of any Federal/State or County candidates and referendum questions, which might confuse the Village's voters trying to find their candidates. Also, the local municipal elections would be overshadowed by the larger

elections and trying to bring the local issues to the media could be a problem since they would concentrate on Federal/State or County issues first. There would also be a delay in certification of the Village's elections results because by State Law, the Supervisor of Elections cannot issue the final Certification of the Election until the ten day period after the election has ended and the military, overseas and absentee ballots have been tabulated.

Village Clerk Walton also advised the Council that there were a few municipalities who had already made this change to November, but had not extended the council seat terms. These municipalities had not seen a cost savings and their voter turnout had only slightly increased.

Mayor Davis asked for questions from the Council. Vice Mayor Smith commented that a four year term would help the elected official since it took a good year to familiarize yourself with the job and by then, with a two year term you had to begin looking at being re-elected instead of concentrating on the job. It took time to bring forward good changes and the extended term would allow for that time. However, Vice Mayor Smith also stated that she was not sure how the public would perceive this change and right now might not be the best time to make changes.

Council Member Osborne also commented that he was in favor of moving the elections to November and was also in favor of the four year terms for many of the same reasons stated by Vice Mayor Smith. However, he also saw the disadvantages. Mayor Pro Tem Brinkman stated she understood the advantages, but she was inclined at the present time to leave the election month and the terms alone for now. Manager Umberger stated Council Member Waller had spoken to him prior to her leaving on her trip and her preference was to leave things as they are for the time being.

Mayor Davis asked for a consensus from the Council. The consensus was to leave the elections in March and leave the terms at two years for now and re-address the issue during the next budget process.

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Brinkman commented that she had attended the County URA meeting last night. It appeared the County had a very aggressive agenda and was going for a vote in October and have something in place by the end of the year or early Spring.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:54 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor