

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, NOVEMBER 12, 2009**

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 Patti Waller, Mayor Pro Tem Bev Smith, Council Member Joni Brinkman, Council Member Doug Gunther, Village Manager Karl E. Umberger, Village Attorney Christy Goddeau, and Village Clerk Virginia M. Walton.

Staff present were Public Safety Capt. 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 Vice Mayor Patti Waller.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Add Item 8A. Public Safety Service Awards Presentation
Move Item #11 to Item #8B after public comment

Council Member Brinkman: Add Update on Lake Worth Committee under Council Comments

A motion to accept the agenda as revised was made by Vice Mayor Waller and seconded by Council Member Brinkman. Motion carried 5 – 0.

CONSENT AGENDA

1. Minutes of Regular Council Meeting on October 8, 2009
2. Approval of Library Annual Plan of Services
3. Public Safety Budget Amendment to recognize Justice Assistance Grant Funds in the amount of \$27,540.00, which will be utilized to purchase Level IIIA Ballistic Shields and Level IIIA Ballistic Helmets.
4. Public Safety Forfeiture Fund Expenditure in the amount of \$1,470.00, for the purchase of 42 Surefire® flashlights.
5. RESOLUTION NO. 2009-82

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED A BID FOR UTILITY FENCING AROUND THE WATER TREATMENT PLANT AND VARIOUS SEWAGE LIFT STATIONS

TO COMMERCIAL FENCE CONTRACTORS, INC., IN THE AMOUNT OF \$48,060.00; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

6. RESOLUTION NO. 2009-83

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING AN EASEMENT DEED FROM KENNETH E. NOLEN, ROBERT S. TEMPLE AND ERNESTO GODOY-ESPINAL, OWNERS OF THE PROPERTIES LOCATED AT 3975 COCONUT ROAD, 3672 COCONUT ROAD AND 3618 LAKEWOOD ROAD, FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

7. RESOLUTION NO. 2009-85

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING AN EASEMENT DEED FOR FIVE (5) EASEMENTS FROM CHURCH OF HOLY REDEEMER, INC., OWNER OF THE PROPERTY LOCATED AT 3730 KIRK ROAD, FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

8. Approval of Task Order No. 101 to Eckler Engineering Inc. in the amount of \$55,000 for design services and limited services during construction not to exceed \$24,000, for the 24-Inch Force Main between LWDD Canal 8 and LWDD Canal 9. Staff: Bill Davis, Public Service Director

A motion to approve the consent agenda as presented was made by Mayor Pro Tem Smith and seconded by Council Member Gunther. Motion carried 5 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

8A. Public Safety Service Awards Presentation

Capt. Mark Hall read the award to be presented to Palm Springs Public Safety Officers and civilians for outstanding performance during the recent robbery at Sterling Bank on Congress Avenue in Palm Springs. “On November 3, 2009, at approximately 1:21 PM, the Sterling Bank, located at 2764 Congress Avenue, was robbed. The suspect handed the teller a note that said put the money in the bag. The teller handed over the money from the drawer and the suspect fled. Bank employees were able to get an accurate description of the vehicle and tag number as it left the parking lot and immediately called 911. Palm Springs Emergency Communications Officers dispatched the call quickly and accurately to the patrol units in the area. Sgt. Collura, upon receiving the dispatch information, quickly located the vehicle traveling north on

Congress Avenue from the Bank. A felony stop was conducted on the vehicle by numerous Palm Springs police units in the parking lot of the Culligan Water Company. Due to the overwhelming show of force, the suspect immediately surrendered and was taken into custody without incident. Recovered inside the vehicle was \$7,488.00 stolen from the Bank. Two bank employees were taken to the scene and positively identified the suspect as the person who had handed them the note. Investigators from the Criminal Investigation Unit immediately responded to the Bank and location of arrest to secure all evidence and process both crime scenes. The apprehension of this felon was an outstanding team effort by bank employees, emergency communication officers, patrol officers and the criminal investigations unit.

Capt. Hall stated it was with great pride that the Excellence in Police Service Award was presented to all those involved in this safe and successful arrest; and with regard to the Bank Employees, Certificates of Appreciation for handling themselves in a calm, professional and brave manner, which resulted in the arrest of the bank robber. Mayor Davis and Capt. Hall called up Sterling Bank employees to accept the Certificate of Appreciation Awards, Lourdes Romm and Mary Sue Wadsley. Capt. Hall commented that when the bank video was reviewed, he didn't know why, but it appeared the bank robber was more nervous than the employees. Next called forward were Emergency Communications Officers Paula Del Valle and Victoria Martinez.

Capt. Hall then called forward from Road Patrol, Sgt. Louis Collura, Cpt. Christopher Fusaro, Officer Leroy Spruill, Officer Gary Zito, Officer Raphael Hernandez, Officer Ryan McClusky, Investigator Jan Hansen and Investigator Frank Milo. Mayor Davis presented the awards to each officer.

Mayor Davis commented that you hated to see anything bad happen in any municipality; but when something bad happened, you wanted to see an immediate response like what happened in this instance. This was not an isolated incident. When situations arise, our police office rise to the occasion. It was an honor to be able to honor them this evening. Mayor Davis thanked everyone.

PUBLIC COMMENT

Elizabeth Shields, 2111 Prairie Road, asked if the timing for the traffic signal at Dolan Road and Congress Avenue could be adjusted to give the cars coming from Dolan more time. Right now it turned red so quickly, cars were captive there through several lights. Ms. Shields also stated she was back again about the noise coming from Club Ibiza. After she had come before the Council last time, the Club had complied and the noise level was down; however, they were back to the loud levels again well after midnight. Ms. Shields stated she had gone down to the Club herself and seen that they were leaving the front doors open.

Capt. Mark Hall responded that Public Safety would have to make a request to

Department of Transportation concerning the traffic signal. With regard to Club Ibiza, Capt. Hall responded that he had worked with the owners after the last complaints and they had added sound proofing on their wall in the front of the building, the bass noise coming from speakers was hard to make meet criteria. He would speak with the owners again.

Gary Ready, 3118 Meadow Road, stated his neighbors had asked if the Santa sleigh ride would continue this year since the fire trucks were now owned by the County. Mr. Ready also asked why some of the commercial buildings were still using Waste Management since the Village now had the exclusive contract with Republic Services.

Manager Umberger responded that the Santa Sleigh Ride would continue the same as always with a loaner truck from the County. Manager Umberger responded that Republic Services would take over the commercial and multi-family buildings once the existing contracts with Waste Management expired.

PUBLIC HEARINGS

MOVED FROM ITEM No. 11

8b. ORDINANCE NO. 2009-19 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, REGARDING THE RE-DESIGNATION OF TWO PARCELS TOTALING 17.94 ACRES, OWNED BY CORNERSTONE PALM SPRINGS LLC, LOCATED AT 2765 10TH AVENUE NORTH; AMENDING THE OFFICIAL LAND DEVELOPMENT DISTRICT (ZONING) MAP OF THE VILLAGE OF PALM SPRINGS BY RE-DESIGNATING THE ABOVE DESCRIBED PROPERTIES FROM VILLAGE OF PALM SPRINGS RESIDENTIAL MULTI-FAMILY "RM" TO VILLAGE OF PALM SPRINGS COMMERCIAL GENERAL "CG"; 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 there was a correction to the acres from 17.44 to 17.94 acres. The property was annexed into the Village on March 28, 2002. At that time it was assigned a high density residential land use designation and multi-family zoning classification to complement the Mobile Home Park existing on the property. The land use was amended to commercial on February 26, 2009, in anticipation of redevelopment. The Applicant has now requested the rezoning of the property to commercial general, as they are proceeding with their plans to redevelop the property as a shopping center or big box retail center. The Land Development Board recommended approved of the request at their meeting on November 10, 2009.

Mayor Davis asked if there were any ex parte communications to be disclosed. Council Member Brinkman stated that she had a short telephone conversation with

Bonnie Miskel, Attorney for Cornerstone; however, she would be making her decision based on the facts presented tonight. Mayor Davis stated this was a public hearing and asked for any questions or comments from the public.

Shane Weaver, Attorney with the Legal Aid Society, stated he was there on behalf of the mobile home owners. Mr. Weaver stated he was here to raise the same arguments that were raised at the Land Development Board Meeting. Although this ordinance was only at first reading, Mr. Weaver stated he wanted to put on the record that they did not feel there had been an affirmative finding of adequate and suitable facilities for the relocation of the homeowners, as was the requirement under Florida Statutes 723.083, taking into account the financial situations of the homeowners involved. Mr. Weaver stated there was some discussion on this issue at the Tuesday meeting, but the conversation went off in the direction of whether Cornerstone was compensating the homeowners sufficiently. Although that was important, the issue tonight was whether the Village had adequately complied with FS. 723.083. The relationship between the mobile home owners, the park and municipality is unlike any other landlord/tenant relationship in the State, and was recognized as such in Statute 723, with special protections.

At the Tuesday meeting, there was a report submitted by Cornerstone with a survey showing relocation areas. Mr. Weaver stated he was unsure if that report and survey had been verified by the Village. What was submitted to the Village stated there was only 22 mobile home lot vacancies, which was not sufficient to accommodate the relocation of the mobile homes. Cornerstone had then suggested apartments and single family homes, which would not be adequate and suitable under the statutory interpretation. Mr. Weaver asked that this matter be tabled until such time as confirmation of compliance with Statutes 723.083 could be addressed. Mr. Weaver thanked the Council for their time and offered to answer any questions they might have. Mr. Weaver did request that he be allowed to return to the podium for rebuttal should there be a need after Cornerstone's presentation.

Attorney Bonnie Miskel, representing Cornerstone Group, stated the two main issues tonight for the Council was first whether the request for rezoning was consistent with the underlying land use; and Village Staff had already confirmed that the commercial general zoning would be consistent with the commercial land use designation. Ms. Miskel agreed with Mr. Weaver that the second consideration would be whether there had been a finding of adequate affordable housing for relocation. Ms. Miskel disagreed with Mr. Weaver, however, in that the Land Development Board had considered the report on adequate affordable housing submitted with the rezoning request, and the matter was discussed at their meeting. Ms. Miskel added that Mr. Weaver failed to mention that Mr. David Mantwell had been present and spoke at that meeting, and was also present tonight, as owner of a mobile home park within 50 miles of the Cornerstone site, had 35 spaces available of affordable housing and was eager to meet with the mobile home owners. Ms. Miskel submitted a letter to the Village Clerk from Mr. Mantwell stating all of the above. Ms. Miskel also submitted an Attorney

General Opinion for the record. Ms. Miskel stated Mr. Weaver was only looking at part of the report, not the whole report that was originally done. Mr. Weaver was only looking to see if there were mobile home lots available. The AG Opinion was very clear that it did not limit the Council, the Park, or the mobile home owners to only finding mobile home lot vacancies. Anything could be looked at so long as it was affordable. Ms. Miskel brought forward several witnesses to speak on affordable housing.

Mr. Phillip Knowles, Mobile Homes Transport Inc., stated his business was the moving of mobile homes. Mr. Knowles stated that in 2008 he had relocated 108 mobile homes successfully, which were aged from 1965 to 2008. Mr. Knowles stated he had looked at the mobile homes in this park and had already removed several. Thirteen were moved successfully, with the others already having no roofs and could not be moved safely on the roads. In total, his company has moved over 1,000 mobile homes in relocation projects. Mr. Knowles responded from his inspection of the outside of the trailers, at least 98% of them could be moved. The exception would be if someone had modified the inside of their trailer. Mr. Knowles stated that he had briefly spoken to the owners of several mobile home parks and he had secured at least 28 lots available so far, which did not include the 35 spots offered by Mr. Mantwell. These park owners were willing to pay the difference between the actual cost of moving the trailers and what the State would give in assistance money, so there would be no out of pocket for the trailer owners.

Mr. David Mantwell, owner of Sunshine Mobile Manor, in South Stuart, confirmed to the Council what Ms. Miskel had stated about the 35 spots available and his willingness to work with the mobile home owners. This was a Senior Park and was definitely affordable housing.

Mr. Howard Steinholtz, Principle with the Urban Group, stated his company had prepared the affordable housing study for Cornerstone Group. In the last three years, their company has worked on the relocation of mobile home park owners in at least ten parks in South Florida. Their report had identified affordable housing that complied with the Florida Statutes 723. There were actually thousands of mobile home lots available in the primary areas of Martin, St. Lucie, Palm Beach, Broward and Northern Dade Counties. At the Cornerstone site, there were originally 170 active lots; however, that number was down to approximately 68 lots that were in compliance with their lease and park rules and regulations. Ms. Miskel stated that she realized that some of the owners did not believe this, but Cornerstone was sensitive to the difficult issues involved in converting these parks and moving residents and they were working very diligently to find a way to make them happy. Unfortunately, even Mr. Weaver has stated that he does not represent all the owners and he can't assure them that any agreement would be approved by all owners. He only represents the Association. Cornerstone had tried meeting with everyone individually, posted notices, held meetings, and continue to try to get everyone to where they want to be. No one has been given notice yet, and will not be given notice for a few months. Hopefully, during that time a resolution can be accomplished.

Mayor Davis stated this was a public hearing and asked if there was anyone else who wanted to comment. Craig Sergeant, 313 Mid Pines Road, stated he was against the rezoning. He had grown up around the Palm Springs area. Many smaller businesses had been replaced with big box stores and the quality of life was not the same as years ago. Mr. Sergeant stated the big box stores just brought more crime to the area. Mr. Sergeant stated he knew the Village was thinking the big box store would be tax dollars; however, the tax dollars would go to the State and the County, with not a lot to the Village; and he felt that 10th Avenue couldn't handle any more traffic. The zoning should stay residential.

Karen Edgar, 2765 10th Avenue North, Lot 17, Sunshine Village Mobile Home Park, stated she understood the owners wanted to redevelop the property, but she was disabled and spent \$381 per month for her lot rent and she didn't know where she could go to live at that same price level, or how could she qualify to go somewhere else.

Mayor Pro Tem Smith stated there were some valid questions raised tonight about the relocation of the residents and wanted further information on the financial details of moving the residents. Mayor Davis responded that the movement of the residents was a matter between them and Cornerstone and not at issue tonight. Director Lowe added that she had looked at the research done by Cornerstone and determined that adequate facilities had been identified to relocate the mobile home owners, and she had personally looked at other housing alternatives. Director Lowe also stated that one issue not addressed tonight was that Cornerstone had every right to evict these people whether the property was rezoned or not. Staff does feel that there are adequate facilities for the mobile home owners.

Mayor Davis stated there had been a lot of press on this subject, which might lead people to believe this was just happening now; however this property had been purchased in 2005. At that time, the property including the clubhouse was zoned commercial. The eventual re-development of the property has always been an open subject and although the economy has delayed development of the land, at no time was it ever planned to leave this site as a mobile home park. Mayor Davis added that the only issue before the Council tonight was the change of zoning to be consistent with the land use present on the property, so that the property was in compliance with the Village's Comprehensive Land Use Plan. What Mr. Weaver, the mobile home owners and Cornerstone are dealing with has nothing to do with what the Council had before them tonight.

Hearing no further comments, Village Attorney Goddeau read the ordinance by title. A motion to adopt on first reading was made by Council Member Gunther and seconded by Vice Mayor Waller. Motion carried 5 – 0.

9. ORDINANCE NO. 2009-10 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BASED ON THE VILLAGE'S ADOPTED EVALUATION AND APPRAISAL REPORT AND UPDATED DATA AND ANALYSIS, WHICH INCLUDE AMENDMENTS TO THE TEXT OF THE FUTURE LAND USE, TRANSPORTATION, HOUSING, INFRASTRUCTURE, CONSERVATION, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENTS, AND PUBLIC SCHOOL FACILITIES ELEMENTS OF THE ADOPTED COMPREHENSIVE PLAN AS AMENDED; TO REVISE AND UPDATE THE EXISTING GOALS, OBJECTIVES, AND POLICIES IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES, AUTHORIZING TRANSMITTAL OF THESE ADOPTED AMENDMENTS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; 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 for second reading was placed in the Lake Worth Herald on October, 29, 2009. Village Attorney Goddeau read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the public and from the Council. Council Member Brinkman asked where the .1 ratio came from on page one, since the Village was now on a par with the County, which allowed a 1 for in fill development and CCRT areas. Council Member Brinkman stated the Village might want to consider making the .1 ratio higher. Director Lowe responded that was in the Code, because no one had been able to achieve even 50% at this point. Most vacant large parcels in the Village also had current drainage problems. Council Member Brinkman stated, even so, it would place the Village on a more even playing field with the County. Mr. Jim La Rue, stated that in some of the commercial areas, the Village did have a higher ratio. It might be best for the Village to leave this as it was. Council Member Brinkman also asked if on page 4 it should read recycled water or reclaimed water. Mr. La Rue responded it should be reclaimed, in accordance with 9J5. Council Member Brinkman asked for a clarification on the K3 policy revision to the Code. Would we require the developers be compliant with the new procedures, or actually get qualified. Director Lowe responded the last sentence said compliant, which gave the Village more flexibility. Council Member Brinkman stated this might seem picky, but the difference between compliant and qualified would make a large difference in future development in the Village. After much discussion, it was determined the sentence would remain as stated.

Mayor Davis stated this was a public hearing and asked for any questions from the public. Hearing no comments, a motion to adopt the ordinance on second reading was made by Vice Mayor Waller and seconded by Mayor Pro Tem Smith. A roll call vote was in favor of adoption 5 – 0.

10. ORDINANCE NO. 2009-16 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PERTAINING TO THE REGULATION OF NIGHTCLUBS; PROVIDING SHORT TITLE; PROVIDING DEFINITIONS; PROVIDING A SECURITY/LAW ENFORCEMENT PRESENCE; PROVIDING MANDATORY IDENTIFICATION REQUIREMENT; PROVIDING ENFORCEMENT AND PENALTIES; PROVIDING POLICE SUPERVISION LIMITATION; PROVIDING RIGHT OF ENTRY FOR PURPOSE OF INSPECTION; PROVIDING FOR LIMITATION OF LIABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Jay Pickens, Public Safety Director

Village Clerk Walton advised the Council that notice of public hearing from second reading was placed in the Lake Worth Herald on August 6 and August 12, 2009. Village Attorney Goddeau read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the public and from the Council. Hearing no comments, a motion to adopt the ordinance on second reading was made by Council member Brinkman and seconded by Council Member Gunther. A roll call vote was in favor of adoption 5 – 0.

11. ORDINANCE NO. 2009-19 (FIRST READING)

This item was moved to Item 8b on the agenda.

12. ORDINANCE NO. 2009-20 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 1.11 ACRES OWNED BY RITZ ASSOCIATES LLP; LOCATED AT 3678 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 (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

Manager Umberger advised the Council this parcel was compact and contiguous to the Village with Burger King to the south, and was currently the site of a vacant retail center. The Land Development Board had recommended approval of the request at their meeting on November 12, 2009.

Hearing no 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 Goddeau read the ordinance by title. A motion to adopt on first reading was made by Mayor Pro Tem Smith and seconded by Council Member Brinkman. Motion carried 5 – 0.

13. ORDINANCE NO. 2009-21 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING SECTION 34-891, VILLAGE CODE, TO ALLOW FOR PERIODS OF LONGER THAN ONE YEAR FOR DEVIATIONS FROM THE LIMITATIONS ON HOURS OF OPERATION FOR COMMERCIAL USE BUSINESS ACTIVITIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that this amendment to the Code would allow the Council more discretion in approving extended hours for businesses that have no significant impacts on the neighboring areas. The Land Development Board had recommended approval of this request at their meeting on November 12, 2009.

Hearing no 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 Goddeau read the ordinance by title. A motion to adopt on first reading was made by Vice Mayor Waller and seconded by Council Member Gunther. Motion carried 5 – 0.

14. RESOLUTION NO. 2009-70 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE SITE PLAN (SPR09-08) SUBMITTED BY STOREFRONTS AT CONGRESS, FOR CONSTRUCTION OF A COMMERCIAL BUILDING CONSISTING OF 23,637 SQUARE FEET OF RETAIL OR OFFICE SPACE, OR A MIXTURE OF RETAIL/OFFICE SPACE, FOR THE 2.48 ACRE VACANT PROPERTY LOCATED 265 FEET FROM THE INTERSECTION OF CONGRESS AVENUE AND 2ND AVENUE NORTH, ON THE SOUTH SIDE OF 2ND AVENUE NORTH; 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 September 3, 2009. There were no ex parte communications disclosed. Mr. George Boza was sworn in to give testimony. Manager Umberger advised the Council this parcel proposed to build a 23,637 square

foot office/retail shopping center. The Land Development Board had recommended approval of the request at their meeting on November 12, 2009. Mr. Bouza stated they had reviewed and complied with all the conditions. Director Lowe stated that item #2 on the conditions had already been satisfied, and could be deleted from the exhibit.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Vice Mayor Waller stated, after viewing the rendering, that this would be a great improvement for the area. Council Member Brinkman asked if the traffic study was done for all types of retail, and Director Lowe responded it was. Council Member Brinkman also asked, with regard to item #24, when the dedication of the right-of-way would be done, since there were improvements coming in that area. After discussion, it was determined that item #24 would be amended to read "...at the commencement of construction on Phase II...". Hearing no further comments, Village Attorney Goddeau read the resolution by title. A motion to adopt was made by Council Member Brinkman and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

15. RESOLUTION NO. 2009-71 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF LAKESHORE CENTER LLC FOR SITE PLAN (SPR09-09) FOR A COMMERCIAL CLUSTER DEVELOPMENT CONSISTING OF 21,758 SQUARE FEET OF RETAIL/OFFICE MIXED USE SPACE IN ADDITION TO THE EXISTING BUILDINGS, PARKING, LANDSCAPING AND DRIVEWAYS, FOR THE 8.55 ACRES LOCATED AT 2677 FOREST HILL BOULEVARD IN LAKESHORE PLAZA; 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 September 3, 2009. There were no ex parte communications disclosed. Miguel Cabrera was sworn in to give testimony. Manager Umberger advised the Council that the property consisted of an existing shopping center and a vacant outparcel, which is the subject of this sit plan review. The Land Development Board had recommended approval of the request at their meeting on November 12, 2009.

Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and from the public. Vice Mayor Waller questioned the trees at 27 feet on center, instead of 20 feet. Mr. Cabrera stated that was the requirement for a cluster development. Vice Mayor Waller stated she would prefer going back to 20 feet on center. Mr. Cabrera stated he could comply with that request if it was made a condition prior to permit. Council Member Brinkman asked if this requirement was just for the outparcel, or the entire site. Director Lowe responded it was just for the outparcel site. On item #14, it was noted there was a typo and the

request for extension deadline was December 31, 2009, not 2010. After being questioned about item #19, Director Lowe responded she was including the existing dumpsters on the site. The new dumpsters would be required to be screened; but it was requested they screen the existing dumpsters in the front of the buildings.

Elizabeth Shields, 2111 Prairie Road, asked where this construction would be. Manager Umberger responded the building would be in front of the existing plaza.

Graig Sergeant, 313 Mid Pines Road, stated when the existing dumpsters were first installed they were enclosed, but the hurricanes damaged the enclosures. When the site was annexed, should not a requirement have been the enclosures be reconstructed. Also there were trees damaged in the hurricanes and were now bare spots on the site. Manager Umberger stated the property was annexed in as non-complying and would be accepted as it was. Director Lowe stated item #18 addressed the replacement of trees to fill in bare spots on the site.

Hearing no further comments, Village Attorney Goddeau read the resolution by title. A motion to adopt was made by Council Member Gunther and seconded by Vice Mayor Waller. Motion carried 5 – 0.

16. RESOLUTION NO. 2009-75 (SPECIAL EXCEPTION – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF DEBBIE CALLAWAY, FOR A SPECIAL EXCEPTION USE (PSSE09-09) FOR OPERATION OF A HOME DAYCARE FACILITY IN A RESIDENTIAL HOME LOCATED AT 429 SAN MATEO DRIVE; 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 September 3, 2009. There were no ex parte communications disclosed. Debra Callaway was sworn in to give testimony or answer questions by Council. Manager Umberger advised the Council that the Land Development Board had recommended approval of this request at their, subject to the conditions attached as Exhibit "A" to the resolution.

Mayor Davis stated this was a public hearing and asked for comments from the public. Hearing none, Village Attorney Goddeau read the resolution by title. A motion to adopt was made by Mayor Pro Tem Smith and seconded by Council Member Brinkman. Motion carried 5 – 0.

REGULAR AGENDA

RESOLUTIONS

17. RESOLUTION NO. 2009-88

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING A LABOR AGREEMENT WITH THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (PBA) FOR THE PERIOD OF OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2012; AUTHORIZING EXECUTION OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that the ratification vote for this negotiated contract was held on November 5 and November 6, 2009; and the majority vote was in the affirmative. The contract was for a term of three years; and according to Article 44.1, each part would have the right to open those articles that deal with compensation for the contract years of 2010 and 2011. Mayor Davis thanked Manager Umberger for the excellent job he has done in taking over all union negotiations for the past few years. This has saved the Village the cost of hiring an outside attorney.

Hearing no further comments, Village Attorney Goddeau read the resolution by title. A motion to adopt the resolution and approve the contract was made by Vice Mayor Waller and seconded by Council Member Brinkman. Motion carried 5 – 0.

18. RESOLUTION NO. 2009-84

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING A DEED OF DEDICATION FOR BONNIE BOULEVARD, FROM CONDOMINIUM ASSOCIATION OF LAKESIDE VILLAGE, INC., USE AS A PUBLIC ROAD; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council this Deed of Dedication for a public roadway was submitted by Lakeside Village Condo Association for continued public access. The Village's roadway improvement plan for the upgrading and resurfacing of streets has identified portions of Bonnie Boulevard and Davis Road as in need of repair, drainage enhancements and resurfacing. This roadway is used for emergency vehicles, public transportation and other public uses.

The Lakeside Village Condo Association and the Village had been in discussions since April 1991 over easements and dedication of the road right-of-way; but had not finalized the negotiations due to a title issue. Lakeside has cleared up the title issues by Quit Claim Deed and had signed the agreement, including participation in the costs of the upgrading project. The Police Chief and Utilities Director had made recommendations for the traffic and drainage issues.

Vice Mayor Waller disclosed that she lived in Lakeside Village and both she and

her husband were associated with the Board of Directors where these issues were discussed. Village Attorney Goddeau questioned Vice Mayor Waller and it was determined she would receive no direct benefit and would be allowed to vote. Mayor Davis commented that this was a long time coming. Everyone on the past Councils and Association Boards had agreed, but it just never got done. The coming changes would be good for these roads. Hearing no further comments, Village Attorney Goddeau read the resolution by title. A motion to approve was made by Council Member Gunther and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Vice Mayor Waller commented that she was very proud of the police officers. Also, Vice Mayor Waller stated she had been on the Board of Directors for Lakeside Village when Bonnie Boulevard dedication to the Village was first brought forward in 1991.

Council Member Brinkman stated the Lake Worth Committee had discussed the legal opinion letter submitted by the Village Attorney, a copy of which would be in the Council's mailboxes. The decision was that the only place the residents could go with their reliability complaints was to the Lake Worth Commission. At the next meeting on December 3rd, the Lake Worth Utilities Director would be invited to attend. The committee would also be asked to do a final report for submission to the Council. The Committee was drafting a letter/petition that they would like posted on the website, so that residents could download and sign. The letters/petitions would be collected and delivered by the Committee members to the Lake Worth Commission.

Council Member Gunther commented that it appeared everything was set to go over on Gulfstream. Director Davis stated they were only waiting for a permit from the Health Department. Council Member Gunther also wished everyone a Happy Thanksgiving.

Mayor Pro Tem Smith – no comments.

Mayor Davis stated he had take the Council to a Lake Worth Commission Meeting over 12 years ago on the Lake Worth Electric issue. Mr. Rammeccio was Mayor at the time, and they had not had very much success. Mayor Davis stated he was willing to look at the results, but he would do so reluctantly based on past history. Mayor Davis stated the folks that live in Lake Worth were good folks, but that opinion did not extend to the past elected officials.

Mayor Davis announced the next Local Planning Agency Meeting would be on December 10, 2009 at 7:15 pm and the next Regular Council Meeting would be on December 10, 2009 at 7:30 pm.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 9:36 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor