

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, FEBRUARY 25, 2010**

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 Glen J. Torcivia, and Village Clerk Virginia M. Walton.

Staff present were Public Safety Director Jay C. Pickens, as Sergeant at Arms, Land Development Director Bette J. Lowe, CFO Rebecca L. Morse, Public Service Director Bill Davis and Leisure Services Director Bill Golson.

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

Hearing no additions, deletions or modifications to the agenda, a motion to accept the agenda as presented was made by Council Member Brinkman and seconded by Council Member Gunther. Motion carried 5 – 0.

CONSENT AGENDA

1. Minutes of Regular Council Meeting on February 11, 2010
2. Approval of Public Safety Forfeiture Fund Expenditure in the amount of \$4,000
Staff: Jay Pickens, Public Safety Director
3. RESOLUTION NO. 2010-17

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING TWO EASEMENT DEEDS FROM HANS F. PEARSON, 3673 COCONUT ROAD SOUTH AND CHARLES E. CORYN, 3718 COCONUT ROAD SOUTH, FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.
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 Vice Mayor Waller. Motion carried 5 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS – None Scheduled

PUBLIC COMMENT

Gary Ready, 3118 Meadow Road, stated he would like to see the Village recognize Mike Snook, Public Works Supervisor, for the outstanding job he does on a daily basis. Mr. Ready stated he was a great employee and thought the Village should know the many things he does. Mayor Davis thanked Mr. Ready for his comments as suggested that Public Service Director Davis should arrange what he felt was appropriate.

PUBLIC HEARINGS

4. ORDINANCE NO. 2010-02 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 8.66 ACRES OWNED BY HEALTH CARE DISTRICT OF PALM BEACH COUNTY; LOCATED AT 2601 10TH AVENUE NORTH; 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 notice of public hearing was placed in the Lake Worth Herald on February 4 and February 11, 2010. There were no ex parte communications disclosed. Council Member Brinkman stated she had not recused herself from voting on first reading of this ordinance, but had stated for the record that her employer had responded to an RFP from the Applicant for this project. After conferring with the Village Attorney, and although there was no clear personal benefit to her, Council Member Brinkman stated she would recuse herself from this vote due to the fact that her employer had just been selected through the RFP process for this project.

Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing no public comments, a motion to adopt on second reading was made by Council Member Gunther and seconded by Mayor Pro Tem Smith. A roll call vote was in favor of adoption 4 – 0, with Council Member Brinkman recused.

5. ORDINANCE NO. 2010-03 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, PALM BEACH COUNTY, FLORIDA, DECLARING A MORATORIUM

THROUGH AUGUST 11, 2010, FOR THE VILLAGE TO DEVELOP REGULATIONS FOR PAIN MANAGEMENT CLINICS IN CONFORMANCE WITH THE LAND DEVELOPMENT CODE AND THE COMPREHENSIVE PLAN; AND PROVIDING 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 February 4 and February 11, 2010. There were no ex parte communications disclosed. Mayor Davis stated this was a public hearing and asked for questions or comments from the public and from the Council. Mayor Pro Tem Smith asked if the time frame for this moratorium was the same as the County. Director Lowe responded the County moratorium was for one year, but the Village would not need that long to bring forward the new regulations.

Hearing no comments from the public, a motion to adopt on second reading was made by Council Member Brinkman and seconded by Mayor Pro Tem Smith. A roll call vote was in favor of adoption 5 – 0.

6. RESOLUTION NO. 2010-18 (SPECIAL EXCEPTION)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING, WITH CONDITIONS, THE APPLICATION OF CLUB PURPLE RAIN, INC., FOR A SPECIAL EXCEPTION USE (PSSE 10-02) TO OPERATE A NIGHTCLUB, TO BE LOCATED AT 4430 SOUTH MILITARY TRAIL, IN SYMS PLAZA; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that Syms Plaza had been annexed on December 11, 2008. At that time, the tenant space that Club Purple Rain wished to occupy was vacant. The Applicant was proposing a nightclub with an occupant load of approximately 250 people, and would have a full liquor bar. They would be open Wednesday through Sunday from 9 PM to 4 AM. The Land Development Board had recommended approval at their meeting on February 9, 2010, subject to the conditions in Exhibit "A". Attorney Michael Posner and Club Manager James Roberts were present to answer questions, but gave no presentation. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and from the public.

Council Member Brinkman questioned the reasoning behind the two items that the Land Development Board had requested be deleted from Exhibit "A". Director Lowe responded that the Land Development Board felt that it was out of their prevue, as far as land use codes, to regulate whether there would be dancing on the tables, or the installation of video games, pool tables and televisions. Council Member Brinkman did not agree with their decision and asked that item #15, prohibiting dancing on tables, be put back into the conditions. Council Member Brinkman also asked what type of entertainment and/or events was proposed for this club and how would they be controlled.

Mr. Roberts responded that the club would strictly be for music, dancing and drinking. Controls would be a combination of controls at the door with cover charge fees, private security to turn people away when the club was full and the local police to enforce loitering. Council Member Brinkman also asked whether parking spaces had been determined as adequate and were there any cross access parking agreements. Director Lowe responded that cross access agreements had not been requested because the entire shopping center parking would be available, since this club would be open when all the other businesses were closed.

Mayor Davis asked the Council for a consensus on items #5 and #15, since Council Member Brinkman had requested item #15 be put back in the conditions. Vice Mayor Waller wanted items #5 and #15 put back in. Council Member Gunther wanted item #15 put back in the conditions. Mayor Pro Tem Smith wanted item #15 put back in and item #5 re-worded to allow video games only, but no pool tables or regular gaming machines. Council Member Gunther then added that item #5 should be put back in allowing video games only and televisions, but no pool tables. Both Council Member Gunther and Vice Mayor Waller wanted assurances that no pornographic videos would be on the televisions.

Mr. Roberts assured the Council that they were in agreement with all conditions and they had no desire or intention of having adult entertainment, pornography or gambling of any kind. Council Member Brinkman asked if any of the principals or owners of this club had any common ownership with the Red Barn in the Westgate area. Attorney Posner introduced "Nadine" and stated she was one of the principals in Club Purple Rain. She stated there was no common ownership. Village Attorney Torcivia was instructed to add the appropriate language to Exhibit "A" to comply with the Council's consensus.

Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt, subject to the conditions as specified tonight, was made by Vice Mayor Waller and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

7. Review of Temporary License Agreement
Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council this request was from Web Auto Sales, LLC, for the use of Internet Auto Sales at 3285 Lake Worth Road, Suite K. The specific requirements were outlined in Section 4 of the agreement. This location is part of the Palm Springs Park of Commerce. There was Council consensus with no objections to the agreement.

8. Appointments to the Board of Adjustment
Staff: Virginia Walton, Village Clerk

Mayor Davis stated there were two regular member positions available on the Board of Adjustment and two applications had been received. Richard Hughes, a current regular member of the Board, and Elizabeth Shields, a current junior alternate member of the Board. Due to the resignation of long time member, Sue Ryan, Ms. Shields would be moved from alternate to regular member. Hearing no further nominations, a motion to appoint Richard Hughes and Elizabeth Shields as regular members of this Board for terms that would expire on February 10, 2013, was made by Council Member Gunther and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Council Member Gunther applauded Chief Pickens for the active radar on the streets and commented that he had received comments from the residents that they were pleased. Council Member Gunther asked if the Village still had the radar trailer he remembered from years ago. Chief Pickens responded that the trailer had gone out of service some time ago.

Mayor Pro Tem Smith added that Palm Beach had a portable trailer that attached to a pole, flashed, and could be moved around; however, knew this was something not in the Village’s current budget. Mayor Pro Tem Smith also thanked Public Service Director Davis for battling the winter blizzards in Washington, D.C. to attend the Water Association Conference and Water Tasting Competition.

Mayor Davis stated the next Regular Council Meeting would be March 11, 2010 at 7:30 PM.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:04 p.m.

Respectfully submitted,

Village Clerk

Approved by Council_____

Mayor