

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, APRIL 12, 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 7:35 p.m.

Present: Mayor John M. Davis, Vice Mayor Bev Smith, Mayor Pro Tem Joni Brinkman, Council Member Chet Osborne, Council Member Patti Waller, Village Manager Karl E. Umberger, Village Attorney Karen E. Roselli, 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, Finance Director 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 Mayor Pro Tem Joni Brinkman.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Move Item #14 TCRPC Presentation to Item #7A

A motion to accept the agenda as revised was made by Vice Mayor Smith and seconded by Mayor Pro Tem Brinkman Motion carried 5 – 0.

CONSENT AGENDA

1. **Minutes of Regular Council Meeting on March 22, 2007**
2. **Public Safety Budget Amendment to recognize grant funds in the amount of \$25,500.00 and donation funds in the amount of \$17,337.00**
Staff: Jay C. Pickens, Public Safety Director
3. **Public Safety Budget Amendment to recognize insurance payment funds in the amount of \$7,550.00**
Staff: Jay C. Pickens, Public Safety Director
4. **Public Safety Forfeiture Funds Expenditure in the amount of \$32,970.00 for the purchase of additional Mobil Video Cameras and portable Digital DVD Cameras for the Patrol Division**
Staff: Jay C. Pickens, Public Safety Director

5. RESOLUTION NO. 2007-23 (EASEMENTS)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING EASEMENT DEEDS FROM SANGWIAN INTALA AND CHANSA CHAITAUM, RONALD M. AND MARY B. SCHROADER AND FRANK M. NEMOTA, FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

6. RESOLUTION NO. 2007-24 (FEE SCHEDULE)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE SCHEDULE OF FEES FOR THE PUBLIC SAFETY DEPARTMENT AND RESTATING THE FEES FOR THE LIBRARY, VILLAGE CLERK/GENERAL GOVERNMENT, CODE ENFORCEMENT, LEISURE SERVICES AND PUBLIC SERVICES DEPARTMENT OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

A motion to approve the consent agenda as presented was made by Council Member Osborne and seconded by Council Member Waller. Motion carried 5 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

7. Mayor’s Proclamation for Public Safety Telecommunications Week for April 8 – 14, 2007

Mayor Davis read the proclamation and presented to Chief Jay Pickens on behalf of his Dispatch employees. Chief Pickens thanked the Mayor and stated these employees were often underrated, but were the first line of help when you call 911.

This item was moved from #14

7A. Presentation by Treasure Coast Regional Planning Council for Draft Planning Study and Corridor Master Plans for Urban Redevelopment Area of Palm Beach County

Dana Little, Treasure Coast Regional Planning Council, came before the Council and apologized for the technical difficulties with the power point presentation, but would give a brief verbal report and return again at the pleasure of the Council. They were the only one of eleven Regional Planning Councils in the State that had an Urban Design Studio in existence and offered assistance in urban planning to local governments. They had worked with Palm Beach County before and were asked to work on the Urban Redevelopment Plan, which was basically a 25 square mile area, with Okeechobee Boulevard to the north, Lake Worth Road to the south, I-95 to the east and between Jog Road and Haverhill Road to the west. There were approximately 85,000 residents within this target area, which included

approximately nine (9) municipalities and a large area of unincorporated County land. They reviewed areas that were or were not likely for redevelopment.

One of the main areas for their focus was Military Trail and Congress Avenue from Southern Boulevard south to Forest Hill Boulevard. The County was interested in looking for transportation concurrency exempt areas. During research, another issue arose involving storm water runoff. The redevelopment plans for these areas would include measures to connect local roads, where feasible, and get future traffic off the main corridor roads. Mr. Little stated that their website now contained the research and proposed plans that have come out of this study. The website was www.tcrpc.org.

Mayor Davis asked for questions from the Council. Mayor Pro Tem Brinkman stated she was a member of the Treasure Coast Regional Planning Council and had seen the presentation. She had asked Mr. Little to come before this Council so everyone could have the same information. Also, previous meetings with the Regional Planning Council involved a short lesson in urban planning for those councils. Vice Mayor Smith asked when they could expect to see change starting to take place. Mr. Little replied that in most cases this would be a 20 to 30 year plan; however, this area had large vacant undeveloped, or unkempt, parcels which could show immediate impact. The final report was presented to the County Commission on the 27th of last month. If the land could be "recycled" and become residential addresses, it would take the strain off going farther west.

Mayor Davis thanked Mr. Little and suggested he contact the Village Manager to reschedule the power point presentation. Mayor Davis stated one of the things he had shown Mr. Little was a report on "Eastward Ho", which had been done by the South Florida Regional Planning Council in conjunction with the Treasure Coast Regional Planning Council back in December 1998. The Village's annexation initiative was started in late 1997 and actually followed the lines of the Eastward Ho proposals by working with these main corridor roads in their redevelopment. Mayor Davis found it interesting that in this past Sunday's newspaper the County had made the statement that they were in the redevelopment business. Well, where have they been for the past ten years, in the suburban business? The Village had been working on the redevelopment of these corridor roads for the past ten years, with Congress Avenue as a main example. Mayor Davis stated he was glad to see our County Commission was finally on board, where they should have been for the past ten years.

PUBLIC COMMENT - None

PUBLIC HEARINGS

8. RESOLUTION NO. 2007-07 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF CARLOS GONZALEZ, AGENT FOR THE OWNER DOWNTOWN SHOPS LLC, FOR SITE PLAN (SPR 07-03) FOR CONSTRUCTION OF A 15,050 SQUARE FOOT ONE-

STORY COMMERCIAL RETAIL BUILDING ON 1.46 ACRES, LOCATED ON THE NORTHWEST CORNER OF LAKE WORTH ROAD AND ADCOCK 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 January 11, 2007. There were no ex parte communications disclosed. Carlos Gonzalez and Director Bette Lowe were sworn in to give testimony. Manager Umberger advised the Council that this site was currently vacant land. The original site plan approved in January 2006 was for a 20,894 sq. ft mixed use office/retail building, but this concept was abandoned due to market conditions. This new plan was a smaller building with more parking and without a drive-thru facility. The Land Development Board had recommended approval at their meeting on January 23, 2007. Mr. Gonzalez testified that the owner felt this new project was more market feasible. They had reviewed and agreed to all comments on Exhibit A; however, since his client had decided to sell these units as condo units, Director Lowe had indicated there would be an additional comment on the exhibit that the condominium documents would need to be submitted for approval. Director Lowe also stated that several items on Exhibit A that stated prior to approval would need to be changed to prior to permit. This was agreeable to all parties.

Mayor Pro Tem Brinkman asked if the build out date of December 2008 was still feasible. Mr. Gonzalez replied that date coincided with the traffic concurrency date and was still the plan of the owner to be complete by that time. If not, they would come before the Council and request an extension. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the resolution and approve the site plan was made by Vice Mayor Smith and seconded by Council Member Waller. Motion carried 5 – 0.

9. ORDINANCE NO. 2007-06 (SECOND 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 stated that notice of public hearing was placed in the Lake Worth Herald on March 15 and March 22, 2007. Village Attorney Roselli read the ordinance by

title. In reply to a comment from Council, Director Lowe replied that the home on the site would remain until the owner was able to obtain another parcel of land and then it would be demolished. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt on second reading was made by Council Member Osborne and seconded by Vice Mayor Smith. A roll call vote was in favor of adoption 5 - 0.

10. ORDINANCE NO. 2007-08 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 1, SECTION 1-2 ENTITLED "DEFINITIONS" TO ADD ADDITIONAL DEFINITIONS AND TO RELOCATE THE EXISTING DEFINITIONS FROM SECTION 34-911 AND SECTION 34-951, TO SECTION 1-2; AMENDING CHAPTER 34, ARTICLE IV, SECTION 34-329 ENTITLED "VARIANCES" PERTAINING SOLELY TO SIGN VARIANCES; AMENDING CHAPTER 34, ARTICLE VI, DIVISION 2, SECTION 34-603 ENTITLED "LAND DEVELOPMENT BOARD"; AMENDING SECTION 34-605 ENTITLED "ZONING BOARD OF ADJUSTMENT"; RENUMBERING FORMER SECTION 36-606 ENTITLED "EXHAUSTION OF REMEDIES" TO NEW CODE SECTION 34-609; CREATING NEW CODE SECTION 34-606 TO BE ENTITLED "CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS"; CREATING NEW CODE SECTION 34-608 TO BE ENTITLED "SPECIAL EXCEPTION PROCEDURE"; AMENDING CHAPTER 34, DIVISION 6, SECTION 34-822 ENTITLED "PERMITTED USES"; AMENDING SECTION 34-824 ENTITLED "SPECIAL EXCEPTIONS"; AMENDING CHAPTER 34, DIVISION 7, BY AMENDING SECTION 34-881 ENTITLED "LANDSCAPING"; REPEALING SECTION 34-887 ENTITLED "CHURCHES AND HOUSES OF WORSHIP"; CREATING NEW CODE SECTION 34-893 TO BE ENTITLED "CANOPIES PROHIBITED"; CREATING NEW CODE SECTION 34-894 TO BE ENTITLED "SWING SET AND PLAY STRUCTURE REGULATIONS"; REPEALING SECTION 34-911 ENTITLED "DEFINITIONS"; AMENDING SECTION 34-914 ENTITLED "PARKING IN SINGLE FAMILY RESIDENTIAL LAND USE DISTRICTS"; REPEALING SECTION 34-951 ENTITLED "DEFINITIONS"; AMENDING CHAPTER 34, DIVISION 8, SECTION 34-1322 ENTITLED "DEFINITIONS, APPLICATION OF DIVISION"; 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

Manager Umberger advised the Council this ordinance would provide policies and procedures for issues not currently addressed in the regulations and to provide clarification on those sections that have recurring issues. The Council had requested several times a review of the entire Chapter 34, which was in process of being done; however, a few of the more pressing issues needed to be addressed immediately. The Land Development Board had recommended approval of this ordinance at their meeting on April 10, 2007. Mayor Davis stated this was a public hearing and asked for questions and comments from the

public. Hearing none, Village Attorney Roselli read the ordinance by title. A motion to adopt on first reading was made by Council Member Waller and seconded by Vice Mayor Smith. Mayor Pro Tem Brinkman asked for a clarification on sign variances. Previously the Council had given waivers. Attorney Roselli stated this ordinance established actual criteria for sign variances. Also, there had been discussion at Land Development Board regarding previous versus impervious with regard to pavers. Director Lowe stated this had become a real problem because people were paving their entire yards and the pavers had previously been treated as pervious material, when in fact they are not. The calculations were different for pavers than concrete or asphalt, which would still allow for installation of pavers. Hearing no further comments, motion carried 5 – 0.

11. ORDINANCE NO. 2007-09 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING THE ROAD RIGHT-OF-WAY OF FOREST HILL BOULEVARD BETWEEN MILITARY TRAIL AND FLORIDA MANGO ROAD INCLUDING INTERSECTIONS, THE ROAD RIGHT-OF-WAY OF LAKE WORTH ROAD BETWEEN SECOND AVENUE AND SOUTH CONGRESS AVENUE INCLUDING INTERSECTIONS AND THE ROAD RIGHT-OF-WAY OF SOUTH CONGRESS AVENUE BETWEEN FOREST HILL BOULEVARD AND SUMMIT BOULEVARD INCLUDING INTERSECTIONS; BORDERED BY THE VILLAGE, OWNED BY PALM BEACH COUNTY; AND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR AMENDMENT TO THE CORPORATE LIMITS OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS SET FORTH IN SECTION 2.01 OF THE VILLAGE CHARTER TO INCLUDE SAID ANNEXED LANDS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADVERTISING; AND PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF STATE UPON ADOPTION. Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council these road right-of-ways were originally part of annexation interlocal #12, which was adopted on January 12, 2006; however Palm Beach County requested all state owned roadways be removed from interlocal agreements and annexed by separate ordinance. Although Florida Department of Transportation does not complete annexation applications, they do not normally object to the annexations that occur. The Land Development Board had recommended approval at their meeting on April 10, 2007. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt on first reading was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. Motion carried 5 - 0.

12. ORDINANCE NO. 2007-10 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN AND THE FUTURE LAND USE MAP OF THE VILLAGE, TO BE KNOWN AS A 2007 CYCLE 1 AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AS AMENDED, BEING SECTIONS 163.3161, ET. SEQ., FLORIDA STATUTES, THE COMPREHENSIVE LAND USE LAWS OF THE STATE OF FLORIDA; THE LANDS CONSISTING TWO (2) PARCELS TOTALING 19.50 ACRES; WITH PARCEL ONE OWNED BY TONSET COMPANY, INC. AND PARCEL TWO OWNED BY TRINITY TEMPLE, INC.; PARCEL ONE BEING LOCATED ON THE EAST SIDE OF CONGRESS AVENUE, SOUTH OF FOREST HILL BOULEVARD; AND PARCEL TWO BEING LOCATED ON THE SOUTH SIDE OF LARK ROAD IMMEDIATELY SOUTH OF PARCEL ONE AND BOTH PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO HIGH DENSITY RESIDENTIAL; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY (RM) 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 the Tonset property was annexed into the Village by Ordinance No. 2006-42 on October 12, 2006; and the Trinity Temple property was annexed by Ordinance No. 2000-26 on May 25, 2000. The Land Use and Zoning were now being amended from the County to the Village to be more compatible with the surrounding area; however, since the acreage was more than 10 acres, the large scale amendment process must be used. Mayor Pro Tem Brinkman disclosed that she had a conversation with the developer, but felt she could base her decision solely on the information presented tonight. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the ordinance by title. A motion to adopt on first reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller Motion carried 5 – 0.

13. ORDINANCE NO. 2007-11 (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 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

Manager Umberger advised the Council that the property was currently vacant, had been annexed into the Village on November 13, 2003, and assigned a commercial land use. In 2005, the property was rezoned to residential as the market dictated at that time; however the recent downturn in the residential market dictated that the only viable development for that site is commercial or light industrial. The Land Development Board had recommended approval of the request at their meeting on April 10, 2007. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Carlos Gonzalez, agent for the owner, stated he confirmed what had been stated and the only feasible use for this land was now commercial. Hearing no further comments, Village Attorney Roselli read the ordinance by title. A motion to adopt on first reading was made by Vice Mayor Smith and seconded by Council Member Osborne. Motion carried 5 – 0.

REGULAR AGENDA**ACTIONS AND REPORTS****14. This item was moved to Item #7A****15. Re-appointment to the Leisure Services Board**

Staff: Virginia M. Walton, Village Clerk

Mayor Davis stated Mark Essary had been appointed as an alternate member of the Board at the last council meeting; however, due to the recent resignation of Tom Whittenbarger, Mr. Essary was now eligible to become a regular member to fill that un-expired term. A motion to appoint Mark Essary as a regular member for an un-expired term until March 27, 2009, was made by Council Member Osborne and seconded by Vice Mayor Smith. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Vice Mayor Smith stated House Bill 7001, regarding property taxes, was discussed at the Palm Beach County League Board Meeting, and it was suggested that everyone contact the Republican representatives because it appeared they were pushing this bill. Also, Vice Mayor Smith asked Director Lowe about things being looked at by the Transportation Committee. Director Lowe replied that these were the amendment for the transit oriented design and the amendment to the transportation concurrency exemption area, both of which would be going to Land Use Advisory Board Meeting tomorrow, which Director Lowe would attend.

Mayor Pro Tem Brinkman stated she had given Manager Umberger a copy of a staff report from TCEA, which would go to LUAB and then to DCC on April 18, 2007 as a transmittal item. This would be put in the Council Read File.

Vice Mayor Smith stated one more item from the League meeting was a concern that the TCRPC was being asked to make recommendations on density. Mayor Pro Tem Brinkman, a member of TCRPC, said the County, particularly Commissioner Markus, was in favor of the TCRPC making recommendations to individual jurisdictions if a density use was appropriate and it appeared others were getting on board with this idea. The Staff at TCRPC was not in favor of this and made it quite clear they did not feel that was in their jurisdiction. Staff, however, would be giving clarifications on items being voted on because it was felt some council members were not fully apprised of the details of items requiring their vote.

Council Member Waller stated she only had a comment that she would like to see all of these agencies get out of our Home Rule business.

Manager Umberger stated the SFWMD, as of tomorrow, would be restricting watering to two days per week. The Village would be required to only use the water park two days, and it was felt Saturday and Sunday would be the best days. With regard to the ball fields, they were also on two days per week, but there were several addresses associated with the ball fields, some odd and some even.

Village Attorney Roselli gave the Council an update on the Boca trial that the Village was a party to. The trial had taken place over three days and both parties had been instructed that a decision would be forthcoming. That was four weeks ago and still no ruling; however, both parties had indicated they would appeal any decision, so this would not be the end of the matter.

Mayor Davis invited anyone wishing to see if he was abiding by the water restrictions to come by his home and see the brown grass.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:33 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor