

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, JUNE 14, 2007**

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

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

Present: 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 and Finance Director Rebecca L. Morse.

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

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Village Manager: Item #4 continued to June 28<sup>th</sup> agenda  
Vice Mayor: Add Item #12 – Discussion on Voter Initiative

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

**CONSENT AGENDA**

1. **Minutes of Local Planning Agency Meeting on May 24, 2007**
2. **Minutes of Regular Council Meeting on May 24, 2007**
3. **RESOLUTION NO. 2007-43 (CONTRACT)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING CHANGE ORDER NUMBER ONE TO THE LARUE PLANNING AND MANAGEMENT SERVICES INC. CONSULTING SERVICES CONTRACT FOR AN AMOUNT NOT TO EXCEED \$105,000; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

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

**PUBLIC COMMENT**

Michelle Rodriguez introduced herself as the new Community Representative for the American Cancer Society and she hoped to become active in the Village presenting seminars on smoking and also was looking for participation in the Relay for Life, which was scheduled for April 2008 at Forest Hill High School.

## **PUBLIC HEARINGS**

**This item will be continued to the June 28, 2007 agenda**

**4. RESOLUTION NO. 2007-05 (SITE PLAN – CABRERA/KIRK ROAD)**

**5. RESOLUTION NO. 2007-35 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING) WITH CONDITIONS THE APPLICATION OF ALAN KRINSKY, AGENT FOR THE OWNER, HAPPY LOCO WINES INC.; FOR A SPECIAL EXCEPTION USE (PSSE 07-04) FOR A WINE BAR, LOCATED AT 3401 SOUTH CONGRESS AVENUE WITHIN THE PALMS SPRINGS PLAZA; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Notice of public hearing was placed in the Lake Worth Herald on June 7, 2007. Applicant was not present. Manager Umberger advised the Council the primary use of this site was for retail wine sales, but there would be a small area where customers could sit down and taste a glass of wine and order some hors d'oeuvres, such as cheese. The Land Development Board had recommended approval of this request, with staff conditions, at their meeting on June 12, 2007. Staff had recommended approval of the 1400 square foot wine bar with operating hours limited to 7am to 11 pm Monday thru Saturday and 12 noon to 11 pm on Sunday; no expansion or increase in intensity of use would be permitted without applying for an additional special exception approval from the Council and no outdoor seating permitted.

There were questions from Council regarding the hours of operation and whether beer would be sold as well as wine. The consensus of Council comments was not to allow beer or open bottles leaving the premises. Director Lowe replied that beer and wine were on the same license obtained by the applicant; however, there had been no indication that they intended to sell beer. If the Council wished, an additional condition could be included to prohibit beer. It was agreed that additional language would be added to the resolution to prohibit the consumption or sale of beer and no open bottles to be allowed off the premises.

Hearing no further comments from Council, Vice Mayor Smith stated this was a public hearing and asked for comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution, as amended with the new language regarding beer sales or consumption and open bottles prohibited,

was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. Motion carried 4 – 0.

**6. RESOLUTION NO. 2007-37 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF RENDEL FORBES, AGENT FOR THE OWNER, PALM SPRINGS SEVENTH DAY ADVENTIST CHURCH, FOR SITE PLAN (SPR 07-09) FOR CONSTRUCTION OF A 13,632 SQUARE FOOT TWO-STORY CHURCH BUILDING ON 3.2 ACRES, LOCATED AT 4234 CANAL 8 ROAD; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Notice of public hearing was placed in the Lake Worth Herald on June 7, 2007. Michael and Zara Clark, Rendel and Dana Forbes and Director Bette Lowe were sworn in to give testimony. Manager Umberger advised the Council this site was on Canal 8 Road between Kirk Road and Military Trail, and immediately adjacent to the Woodlands Townhome community. At the Village's request, Palm Beach County had closed Canal 8 Road two years ago just east of this site and had installed a guardrail. The Church, in turn, had donated land for a turnaround. Other than the church, there were only a few single family residences on the road; and, other than the church parishioners, additional traffic was minimal.

Michael and Zara Clark provided renderings of the north and west elevation of the proposed church, which showed gothic style windows, some stained glass windows, a ten foot steeple and connecting walkways between the church and the fellowship hall. In response to questions from the Council regarding the road, Mr. Forbes stated they had been working with the County and believed the County would assist in paving of the road. Mrs. Forbes stated they had received a communication from the County that stated the road would be paved in the next 60 to 90 days. In response to questions about parking, with relation to the traffic flow, Director Lowe replied the parking would be adequate if the site was restricted to the 644 maximum seating noted in the report. Any special events would require a temporary permit.

Vice Mayor Smith 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, subject to conditions, was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

**7. RESOLUTION NO. 2007-39 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF GUILLERMO FERRER, OWNER OF CONGRESS STORAGE LLC, FOR AMENDMENT TO SITE PLAN (SPR 03-05), REQUESTING AN EXTENSION TO THE BUILD OUT DEADLINE OF JUNE 27, 2007, FOR CONSTRUCTION OF BUILDING “C” FOR THE FINAL PHASE OF THE LIMITED AND DIRECT ACCESS STORAGE FACILITY, AND TO GRANT AN EXTENSION TO THE SPECIAL EXCEPTION USE (PSSE 07-05) FOR A STORAGE FACILITY, LOCATED AT 3599 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.** Staff: Bette Lowe, Land Development Director

Notice of public hearing was placed in the Lake Worth Herald on June 7, 2007. Guillermo Ferrer was sworn in to give testimony. Manager Umberger advised the Council the original site plan was approved in 2002, with a build out completion of 2005. a Phase II for the project was approved in 2003, and in 2005 an extension of the build out date to June 2007 was approved. This was a request for an additional extension to that date. The applicant had requested a two year extension to June 27, 2009; however, Staff and the Land Development Board had recommended only a one year extension to June 27, 2008.

Mr. Ferrer testified that he was a small investor/builder and had only so much capital to invest in projects. Due to the downward trend in the economy, he found it was not fiscally feasible to go forward with the final phase of construction on the self-storage center at this time and his finances were now invested in his other project on 2<sup>nd</sup> Avenue North. Mr. Ferrer had requested the two year extension to enable him to finish his 2<sup>nd</sup> Avenue project and free up capital to then put into the storage center. He felt the market would be better at that time. Council was concerned about granting any further delays on this completion and asked for reassurances from Mr. Ferrer that, if granted, this would be the last extension; and also assurances that the vacant parcel would be maintained in good condition until construction began. Director Lowe responded that the property was sodded, but not irrigated at this time. Mr. Ferrer assured the Council he would maintain the parcel in good condition.

Vice Mayor Smith 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 for two years until June 27, 2009 was made Council Member Waller and seconded by Council Member Osborne. Motion carried 4 – 0.

## **8. RESOLUTION NO. 2007-42 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITHOUT CONDITIONS THE APPLICATION OF R. G. ROY HOSPITAL AND SPECIAL MANAGEMENT SERVICES, LLC, FOR AMENDMENT TO SITE PLAN (SPR 05-18), REQUESTING AN EXTENSION TO THE BUILD OUT DEADLINE OF JUNE 27, 2007, FOR CONSTRUCTION OF A 32,646 SQUARE FOOT VETERINARY CLINIC AND TRAINING FACILITY, LOCATED AT 3884 FOREST HILL BOULEVARD; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Notice of public hearing was placed in the Lake Worth Herald on June 7, 2007. Richard Barnes and Terri Perdue were sworn in to give testimony. Manager Umberger advised the Council the original site plan had been approved in 2005, with a condition that the project have a completion build out date of October 27, 2007. The applicant was requesting a one year extension to October 27, 2008. All other conditions of the original site plan would remain in effect. Director Lowe stated the project was ready to go and they would probably only need a couple of extra months from the October 2007 date; however, the applicant did not want to wait until the deadline was critical to request this extension.

Council consensus was no objection to this request. Vice Mayor Smith stated this was a public hearing and asked for comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the time extension to October 27, 2008 was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

Village Clerk Walton advised the Council that an error was noted in the resolution title stating the date for build out was June 27, 2007 and the extension request was June 27, 2008, not October; therefore, the resolution title had been read incorrectly stating these dates. An amended motion to adopt the resolution with the October dates was made by Mayor Pro Tem Brinkman and seconded by Council Member Osborne. Motion carried 4 – 0.

**9. RESOLUTION NO. 2007-40 (EAR)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE OF PALM SPRINGS COMPREHENSIVE PLAN; STATING THE INTENT OF THE VILLAGE COUNCIL TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; APPROVING THE REPORT IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.** Staff: Bette Lowe, Land Development Director

Notice of public hearing was placed in the Palm Beach Post on June 1, 2007.

Manager Umberger advised the Council the EAR presentation by James LaRue, LaRue Planning and Management Services, Inc., had been heard at the January 24, 2007 council meeting. Comments had been received back from the Department of Community Affairs, had been reviewed and addressed. The report presented tonight was ready for adoption. Mr. LaRue stated the DCA comments had been on recreational issues and housing issues. Council Member Osborne commented the report appeared to be very thorough, but he had a question on Section 2-12, which referenced very low, low income housing. Mr. LaRue replied that the State had three levels of housing standards, 60/80/120, which were very low, low, and moderate. Mr. LaRue also advised the Council that the Village had eighteen (18) months from adoption of the report to complete any necessary amendments and his Firm would be working with the Village on accomplishing this.

Vice Mayor Smith stated this was a public hearing and asked for comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the EAR Report was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

#### **10. ORDINANCE NO. 2007-07 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 10, ARTICLE II OF THE CODE OF ORDINANCES, ENTITLED "BUILDING AND BUILDING REGULATIONS" ARTICLE II, ENTITLED "FLORIDA BUILDING CODE" SECTION 10-31; TO ADOPT BY REFERENCE, THE MOST CURRENT EDITIONS OF THE ENTIRE FLORIDA BUILDING CODE TOGETHER WITH APPENDICES A, B, C, AND E; THE FLORIDA PLUMBING CODE TOGETHER WITH APPENDICES E AND F; THE EXISTING FLORIDA BUILDING CODE WITH APPENDICES B AND D; THE FLORIDA MECHANICAL CODE; THE FLORIDA RESIDENTIAL CODE; THE FLORIDA FUEL & GAS CODE; THE NATIONAL ELECTRIC CODE; AND THE LIFE SAFETY CODE; AND REPEALING SECTION 1-51 ENTITLED "PERMIT FEES;" REPEALING SECTION 10-52 ENTITLED "AUTHORITY TO ASSESS FEES;" REPEALING SECTION 10-53 ENTITLED "INSPECTION FEES;" REPEALING SECTION 10-54 ENTITLED "SPECIAL FEES;" REPEALING SECTION 10-55 ENTITLED "TIME LIMITATIONS ON PERMITS;" REPEALING SECTION 10-56 ENTITLED "REFUNDS;" REPEALING SECTION 10-57 ENTITLED "RECORDS;" REPEALING CHAPTER 10, ARTICLE III ENTITLED "UNSAFE AND UNFIT BUILDINGS;" REPEALING SECTION 10-91 ENTITLED "UNLAWFUL;" REPEALING SECTION 10-92 ENTITLED "NOTICE;" REPEALING SECTION 10-93 ENTITLED "VACATING BUILDINGS;" REPEALING SECTION 10-94 ENTITLED "ENTRY OR OCCUPANCY OF CONDEMNED AND PLACARDED BUILDINGS;" REPEALING SECTION 10-95 ENTITLED "REPAIR OR DEMOLITION;" REPEALING SECTION 10-96 ENTITLED "RIGHT TO INSPECT;" 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 amendment to the Village's Code of Ordinances at Chapter 10 "Buildings and Building Regulations" and revising the amendments and the Administrative Section of Chapter 1 to meet the Florida Building Codes. The Administrative Section had been revised to delete all technical modifications to the Codes, which was prohibited by Florida Statute, and then to revise this section to include more procedural elements. Director Lowe and Village Attorney Roselli had worked on these extensive revisions for the past three to four months.

Vice Mayor Smith asked for questions or comments from Council. Hearing none, Vice Mayor Smith 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 Council Member Osborne and seconded by Council Member Waller. Motion carried 4 – 0.

**REGULAR AGENDA**

**RESOLUTIONS**

**11. RESOLUTION NO. 2007-33 (RATE STUDY)**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO PROVIDE UTILITY CONSULTING SERVICES FOR A WATER AND WASTEWATER RATE AND FEE STUDY BETWEEN THE VILLAGE OF PALM SPRINGS AND PUBLIC RESOURCES MANAGEMENT GROUP, INC.; AND PROVIDING AN EFFECTIVE DATE.** Staff: Bill Davis, Public Service Director.

Manager Umberger advised the Council Bid No. 2007R-001 had been duly noticed in the Palm Beach Post on February 25, 2007. All bids had been received and opened on March 20, 2007, and reviewed by a committee. Negotiations had been successfully completed with the top candidate, Public Resources Management Group Inc. to provide services for the development of the water and wastewater rate and fee study in an amount not to exceed \$35,900. Council Member Osborne commented that the scope of services seemed to cover a lot for the fee agreed on. Finance Director Morse replied that she felt the Council should be pleasantly surprised with the scope of this report.

Vice Mayor Smith stated this was a public hearing and asked for questions or comments from the public. James Cooper, 202 Russell Drive, requested the Council take into account, when reviewing these new rates, that not all families are average and the rates in the past have not been fair to non-average families. His family consisted of a total of six children, with four still living at home with two adults. If an average person

used 100 gallons per day, that would be approximately 3,000 gallons per month per person in the household. By that estimation, it would be impossible for his family of six to use less than 6,000 gallons a month. Therefore, he was automatically billed at the higher rate scale. He was the sole income provider for his family, since his wife stayed at home to home-school the children. Although Mr. Cooper stated he was happy to live in the Village when he saw the water restrictions imposed in other municipalities, he requested that the Council give all consideration when any rate increase was proposed.

Vice Mayor Smith thanked Mr. Cooper for his comments and stated the rate and fee study was a requirement and assisted in keeping rates as fair and equal as possible.

Hearing no further comments, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the agreement with Public Resources Management Group Inc. was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. Motion carried 4 – 0.

#### **ADD: 12. LET US VOTE INITIATIVE Discussion**

Vice Mayor Smith stated the Village had been approved by this Initiative for a possible donation; however, the Palm Beach County Commission was putting this item on their workshop agenda for June 19, 2007 at 2 PM. It might be a good idea if Council Members attended. Vice Mayor Smith suggested it might be prudent to wait until after the County had discussed this item. This Let Us Vote Initiative was being brought forward by municipalities to place a referendum on the ballot that states Home Rule Stands and any changes planned by the County affecting Home Rule would have to go on a dual ballot to be voted on by residents of the municipality impacted and by voters countywide. If this had been in place prior to the Fire-Rescue issue we had just gone through, that would never have taken place. Council Member Waller stated she had been approached by someone wanting her to sign a petition. The Initiative needed 75,000 signatures to be placed on the ballot. The County is slowly taking power away from the municipalities and this was a way to take some of that back. It was a consensus that the Council would have a presence at this workshop meeting, along with the Village Manager.

#### **VILLAGE COUNCIL COMMENTS**

Council Members had no comments; however, Manager Umberger gave the Council an update on the Senate vote for property tax reform. Manager Umberger stated the Senate had voted 25 – 12 to pass a Super Exemption and the Constitutional Amendment would be placed on the General Election Ballot in 2008. If passed by voters, this exemption would impact the 2009/2010 fiscal budget. The Senate was still discussing the statutory rollback bill to go to last year and the bill to place it on the ballot, but they were trying to finish it by tomorrow. We don't know yet what will happen, but the League tends to think there will be legal challenges because not only was the

County usurping the cities powers, but now the State was also going after taking powers away from the cities.

**ADJOURNMENT**

Hearing no further business, Vice Mayor Smith adjourned the meeting at 8:41 p.m.

Respectfully submitted,

\_\_\_\_\_  
Village Clerk

Approved by Council \_\_\_\_\_

\_\_\_\_\_  
Mayor