

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, OCTOBER 27, 2005**

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 Joni Brinkman, Mayor Pro Tem Patti Waller, Council Member Chet Osborne, Council Member Bev Smith, Village Manager Karl E. Umberger, Village Attorney Paul J. Nicoletti (was available by teleconference if required), 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 Vice Mayor Joni Brinkman.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Item #13 continued to November 10th Agenda
Item #18 continued to November 10th Agenda
Item #19 continued to November 10th Agenda
Add: Item #24A Hurricane Update

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

CONSENT AGENDA

- 1. Minutes of Local Planning Agency Meeting on October 13, 2005**
- 2. Minutes of Regular Council meeting on October 13, 2005**
- 3. Approval of Library Annual Plan of Service**
- 4. RESOLUTION NO. 2005-86
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 2 TO TASK ORDER NO. 91 FOR REHABILITATION OF McDONALD'S, SHADETREE AND LAKE ARBOR PUMP STATIONS TO TLC DIVERSIFIED IN THE AMOUNT OF \$121,356; AND PROVIDING AN EFFECTIVE DATE.
Staff: Bill Davis, Public Service Director**

5. RESOLUTION NO. 2005-91

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TOWN OF LAKE CLARKE SHORES FOR PUBLIC SAFETY COMMUNICATION DISPATCH SERVICES FOR A FIVE-YEAR PERIOD; PURSUANT TO SECTION 163.01, FLORIDA STATUTES, ET SEQ.; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Jay C. Pickens, Public Safety Director

6. RESOLUTION NO. 2005-92

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE 9-1-1 INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY; PURSUANT TO SECTION 163.01, FLORIDA STATUTES, ET SEQ.; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Jay C. Pickens, Public Safety Director

7. RESOLUTION NO. 2005-94

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING ADDENDUM NUMBER 1 TO TASK ORDER NO. 91, FOR THE ADDITION OF THE LAKESIDE VILLAGE PUMP STATION REHABILITATION, IN THE AMOUNT OF \$10,000 FOR ENGINEERING DESIGN, AND IN AN AMOUNT NOT TO EXCEED \$22,000 FOR SERVICES DURING CONSTRUCTION, TO ECKLER ENGINEERING, INC.; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

8. RESOLUTION NO. 2005-95

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING ADDENDUM NUMBER 1 TO TASK ORDER NO. 89, FOR ADDITIONAL TIME REQUIRED FOR DEVELOPMENT OF SUPPORTING DATA TO MEET SFWMD REQUIREMENTS, IN THE AMOUNT OF \$10,000 TO ECKLER ENGINEERING, INC.; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

9. RESOLUTION NO. 2005-96

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING ADDENDUM NUMBER 1 TO TASK ORDER NO. 74, FOR INCREASED CONSTRUCTION SERVICES, IN THE AMOUNT OF \$35,000, TO ECKLER ENGINEERING, INC.; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

10. **Approval of Unity of Title by Enrique Casarrubias in favor of the Village of Palm Springs** Staff: Bette Lowe, Land Development Director
11. **Approval of Cross Access and Parking Easement Agreement between Hugh W. Bayless and Janet L. Truesdell, Trustee, and the Village of Palm Springs** Staff: Bette Lowe, Land Development Director

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

ANNOUNCEMENTS AND PROCLAMATIONS

12. **Mayor's Proclamation for November as Hospice/Palliative Care Month**

Mayor Davis read the proclamation and gave to Village Clerk for forwarding to Hospice.

This item was continued to November 10, 2005 Agenda

13. **Presentation in Honor of Retirement of Village Clerk Irene Burroughs**

PUBLIC COMMENT

Terri Jada, 34 Davis Road, and Rhonda Allison, came before the Council concerning a code enforcement lien on her property. Ms. Jada stated she had built an addition on the side of her house last year and was cited by code enforcement and told to take the structure down. She had taken it partially down, but then left the state to take care of an elderly woman in Vermont. Ms. Jada stated she was not aware of the fines or the lien because the person staying at her house never let her know. Ms. Jada was refinancing her home and felt there were extenuating circumstances that should be considered. Ms. Jada felt she had not gotten a sufficient response from Land Development as to what she needed to do in order to comply with the violation and stop the fines. Ms. Jada felt the code officer was not forthcoming with specific information for compliance either. Ms. Jada stated the Village had made an offer of \$5,000 cash and then the Village would hold a second mortgage for the balance of the fines and then had changed the offer to \$10,000 and a second mortgage. Ms. Allison stated Ms. Jada had attempted to raise the \$5,000, but did not have \$10,000. Ms. Jada requested the fines be reduced to either \$500 or \$1,000 and the Village's foreclosure be removed from her

property.

Manager Umberger replied that he had met with Ms. Jada and her Mortgage Broker. The Village Attorney's Firm had filed a foreclosure action on behalf of the Village in June 2005, and Ms. Jada's broker had not done due diligence in finding this foreclosure or the lien. The offers Ms. Jada referenced had been discussed, but never formally made. On further advice of the Village Attorney's Firm, Manager Umberger stated the Village had been advised to not proceed, thus putting the Village in first position when the other refinancing was completed. Director Lowe responded to Ms. Jada's comments. Ms. Lowe had personally gone out to Ms. Jada's property with her present and had been very clear as to what needed to be done for compliance. Ms. Jada had also attended a code enforcement hearing requesting an extension of 30 days for compliance and had been informed what needed to be done and had agreed to that deadline. The extended compliance date was not met.

In reply to questions from the Council, Ms Jada stated she had lived in the Village for approximately 10 years. In reply to questions from the Council, Manager Umberger replied that the original violation occurred almost 2 years ago. After further discussion, a motion was made by Council Member Osborne that Council agree with Staff and advise Staff to go forward with the Attorney's recommendations to pursue the options available to the Village. The motion was seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

PUBLIC HEARINGS

14. RESOLUTION NO. 2005-09 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF NIVALDO VAZQUEZ, AGENT FOR THE OWNER, INTERAMERICAN BANK; FOR SITE PLAN REVIEW (SPR 05-02); FOR CONSTRUCTION OF A 1,755 SQUARE FOOT ONE-STORY ADDITION, A 179 SQUARE FOOT COVERED ENTRY; AND A 639 SQUARE FOOT COVERED DRIVE-THRU LOCATED AT 2265 SOUTH CONGRESS AVENUE AND A SPECIAL EXCEPTION (PSSE 05-02) FOR AUTOMATED TELLER MACHINES (ATM'S) AND OTHER DRIVE-IN, DRIVE-UP, DROP-OFF OR WALK-UP FACILITIES IN A COMMERCIAL GENERAL ZONING DISTRICT; 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 October 13, 2005. There were no ex parte communications disclosed. Juan Molina, Architect for the owners, and Land Director Bette Lowe were sworn in to give testimony. Manager Umberger stated the Land Development Board had recommended approval with conditions at their meeting on

August 9, 2005.

Juan Molina, Team Architecture, stated the intent was to renovate the existing bank from a commercial bank into a full service banking facility. Mr. Molina stated they had been working with staff and neighbors regarding all outstanding issues and felt they had met all those issues, with the exception of a few items held up because of the hurricane. Land Development Director Lowe clarified that the outstanding items on Exhibit A were #3 abstracted survey and #19 civil engineering minor questions and the applicant was requesting an extension for these items until the time of permit. Item #16 had been complied with. The balance of comments stand as presented. In reply to questions from Council, Mr. Molina replied the typical stacking of cars for this size bank would be four deep. Village code required 5, but this site had approximately 7 to 8. Also, item #34 clarified that egress from Dolan would be right turn only. With regard to item #10, the unity of title should be changed to state a total of three (3) parcels rather than two (2). In reply to another question from Council, Director Lowe stated the third parcel would need the land use and zoning amended from residential to commercial.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Manager Umberger read the resolution by title. A motion to adopt the resolution, subject to revised conditions, was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

15. RESOLUTION NO. 2005-58 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF PETER GILSTAD/SONG & ASSOCIATES, AGENT FOR THE OWNER, COMPREHENSIVE COMMUNITY CARE NETWORK, INC.; FOR SITE PLAN REVIEW (SPR 05-11); FOR RENOVATION OF THE ENTIRE 15,000 SQUARE FOOT FIRST FLOOR AREA FOR A SPECIAL NEEDS CLINIC, SOCIAL SERVICES OFFICES AND A NEW ENTRANCE/RECEPTION AREA, AND 5,000 QUARE FEET ON SECOND FLOOR AREA FOR NEW MEETING ROOMS AND STAFF SUPPORT AREAS, AND EXTERIOR RENOVATIONS TO INCLUDE NEW SITE LIGHTING, FULL LANDSCAPING, RECONSTRUCTED PARKING SURFACE AND REPLACEMENT OF EXISTING MANSARD ROOFS WITH NEW STUCCO SURFACES, FOR THE EXISTING BUILDING LOCATED AT 2330 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council that notice of public hearing was placed in the Lake Worth Herald on October 13, 2005. Vice Mayor Brinkman disclosed that she had met with the Director and some of his Team for Comprehensive Community Care Network, but felt she could base her decision on the testimony presented tonight. Manager Umberger stated the Land Development Board had recommended approval of

the request at their meeting on August 9, 2005.

Director Lowe testified there were a few outstanding issues. Due to funding constraints, the applicant requested the site plan go forward even though it was not 100% complete and requested an extension until time of permit for the outstanding items. The 10 foot buffer on the east was required, but may not be possible. The terminal items were required at 5 feet, but may not be possible. These two items may require variances. In response to questions from Council regarding parking, Director Lowe replied the reduced parking and drive aisles were not a major deterrent since a large portion of their clients use public transportation. There were sufficient handicap spaces.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Manager Umberger read the resolution by title. A motion to adopt the resolution, subject to revised conditions, was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

16. RESOLUTION NO. 2005-97 (PLAT – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY PLAT FOR ST. GEORGE LANDINGS, SUBMITTED BY CARLOS GONZALEZ, AGENT FOR THE OWNER, GONZALEZ-MUSIBAY CONSTRUCTORS AND LAND DEVELOPERS LLC, FOR THE PROPRETY LOCATED ON SECOND AVENUE NORTH WEST OF CONGRESS AVENUE; AND PROVIDING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council legal advertising was not required for this item. Manager Umberger advised Council this plat subdivided the parcel into 40 individual lots. The Land Development Board had recommended approval at their meeting on October 11, 2005. Carlos Gonzalez, agent for the owner, stated there was only one variation on the plat. Originally, when the site plan was approved, a 10 foot right-of-way for 2nd Avenue was not dedicated; however, this had changed and would be dedicated to the Village. The Village would now maintain the internal roadways.

There were no questions or comments. Manager Umberger read the resolution by title. A motion to adopt the resolution was made by Mayor Pro Tem Waller and seconded by Council Member Smith. Motion carried 5 – 0.

17. RESOLUTION NO. 2005-98 (PLAT – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY PLAT FOR ST. CHARLES LANDINGS, SUBMITTED BY CARLOS GONZALEZ, AGENT FOR

THE OWNER, GONZALEZ-MUSIBAY CONSTRUCTORS AND LAND DEVELOPERS LLC, FOR THE PROPERTY LOCATED ON SECOND AVENUE NORTH WEST OF CONGRESS AVENUE; AND PROVIDING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council legal advertising was not required for this item. Manager Umberger advised Council this plat subdivided the parcel into 40 individual lots. The Land Development Board had recommended approval at their meeting on October 11, 2005. The internal roads would not be maintained by the Village on this project. Hearing no questions or comments, Manager Umberger read the resolution by title. A motion to adopt the resolution was made by Vice Mayor Brinkman and seconded by Council Member Osborne. Motion carried 5 – 0.

This item will be continued to November 10, 2005 Agenda

18. RESOLUTION NO. 2005-64 (SITE PLAN)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF CHRISTIAN BALLESTEROS/CBR GROUP ARCHITECTS, AGENT FOR THE OWNER, DOWNTOWN SHOPS LLC; FOR SITE PLAN REVIEW (SPR 05-15); FOR CONSTRUCTION OF 20,894 SQUARE FEET OF OFFICE AND RETAIL SPACE ON 1.46 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF LAKE WORTH ROAD AND ADCOCK LANE; AND ESTABLISHING AN EFFECTIVE DATE.

This item will be continued to November 10, 2005 Agenda

19. RESOLUTION NO. 2005-85 (SITE PLAN)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION SUBMITTED BY JASON WOBESER, OWNER OF WOODY'S CAR WASH FOR SITE PLAN REVIEW (SPR 05-20) AND A SPECIAL EXCEPTION (PSSE 05-05) FOR CONSTRUCTION OF A 4,454 SQUARE FOOT AUTOMATIC CAR WASH WITH CUSTOMER SERVICE AND DETAILING AREAS, LOCATED AT 3263 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

20. RESOLUTION NO. 2005-90

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXATION OF FIFTY-FIVE (55) PARCELS OF TEN

ACRES OR LESS THOSE LANDS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council the fifty-five (55) parcels were located generally between the LWDD L-10 Canal on the North, the LWDD L-11 Canal on the South, Kirk Road on the West and approximately 200 feet east of Rostan Lane on the East. The rights-of-way internal to the area were also included. The properties total 77.98 acres. The land use amendments and rezoning would be completed with the large scale plan amendment early next year. The Land Development Board had recommended approval at their meeting on October 11, 2005. Hearing no questions or comments, Manager Umberger read the resolution by title. A motion to adopt the resolution was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

21. ORDINANCE NO. 2005-29 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA AMENDING ORDINANCE NO. 2003-02 ADOPTED OCTOBER 28, 2004; PROVIDING FOR A GENERAL EMPLOYEES MUNICIPAL PENSION TRUST FUND; PROVIDING DEFINITIONS; CONTINUING THE ESTABLISHMENT AND CREATION OF THE FUND; PROVIDING FOR MEMBERSHIP REQUIREMENTS; PROVIDING FOR TRANSFER OF SERVICE BETWEEN VILLAGE PENSION PLANS; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR MANAGEMENT OF THE PENSION FUND; PROVIDING FOR FINANCING AND CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PENSION BENEFITS; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BOARD DECISIONS; PROVIDING FOR INVESTMENT AND MANAGEMENT OF PENSION FUND ASSETS; PROVIDING FOR COMMENCEMENT AND DISTRIBUTION OF BENEFITS; PROVIDING FOR DUTIES AND RESPONSIBILITIES OF TRUSTEES; PROVIDING FOR INDEMNIFICATION OF TRUSTEES; PROVIDING THAT BENEFITS ARE EXEMPT FROM EXECUTION AND ASSIGNMENT; PROVIDING FOR MISCELLANEOUS PROVISIONS; PROVIDING FOR TERMINATION OF THE PENSION FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. Staff: Paul J. Nicoletti, Village Attorney

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on October 6 and October 13, 2005. Acting on behalf of the Attorney, Manager Umberger read the ordinance by title. There were no further comments from Staff or Council. 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 Smith and seconded by Vice Mayor Brinkman. A roll call vote was taken and the motion carried 5-0.

22. ORDINANCE NO. 2005-30 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING ORDINANCE NO. 2004-45, ADOPTED OCTOBER 28, 2004 PROVIDING FOR A REVISED AND RESTATED HAZARDOUS DUTY EMPLOYEES PENSION FUND; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Paul J. Nicoletti, Village Attorney

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on October 6 and October 13, 2005. Acting on behalf of the Attorney, Manager Umberger read the ordinance by title. There were no further comments from Staff or Council. 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 Mayor Pro Tem Waller. A roll call vote was taken and the motion carried 5-0.

23. ORDINANCE NO. 2005-31 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING 190 PARCELS OF LAND CONSISTING OF A TOTAL OF 77.8387 ACRES; INDIVIDUALLY OWNED, GENERALLY LOCATED BETWEEN THE LWDD L-10 CANAL ON THE NORTH, AND THE LWDD L-11 CANAL ON THE SOUTH, AND KIRK ROAD ON THE WEST, AND APPROXIMATELY 200 FEET EAST OF ROSTAN LANE ON THE EAST; 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on October 6 and October 13, 2005. Acting on behalf of the Attorney, Manager Umberger read the ordinance by title. There were no further

comments from Staff or Council. 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 Vice Mayor Brinkman and seconded by Council Member Smith. A roll call vote was taken and the motion carried 5-0.

24. ORDINANCE NO. 2005-32 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 30, LAND USE, AT SECTIONS 30-502, 30-504, 30-522, AND 30-524 TO INCLUDE FAMILY DAY CARE HOMES AS A PERMITTED USE IN THE SINGLE FAMILY RESIDENTIAL, RS, AND MULTI-FAMILY, RM, LAND DEVELOPMENT DISTRICTS; AND AMENDING SECTION 30-564 AND 30-565 TO INCLUDE CAR WASH AS A SPECIAL EXCEPTION USE IN THE COMMERCIAL GENERAL, CG, LAND DEVELOPMENT DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Palm Beach Post on October 6 and October 20, 2005. Acting on behalf of the Attorney, Manager Umberger read the ordinance by title. There were no further comments from Staff or Council. 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 Brinkman. A roll call vote was taken and the motion carried 5-0.

REGULAR AGENDA

24A. Hurricane Update

Manager Umberger stated the Village was open for business, with limited power mostly along the Forest Hill Corridor. Leisure Services was on limited services and assisting with storm recovery. The Village was feeding approximately 90 employees with 12 hour shifts. Utilities had an additional 11 generators obtained from EOC, all systems were operational and the Village had maintained water pressure throughout the hurricane and aftermath. There was no system wide boil water. There would be no cut offs on water service and meter reading would be postponed. There would be an average billing calculated and sent out this month. Public Works had all roadways open and garbage pick up had started on Wednesday and would be back on regular schedule. Contract had been signed for the same private hauler as last year for the townhomes and condominiums. Most stop signs at most interior streets had been replaced and stop signs had been placed at intersections where traffic lights were not

operational. Public Safety had maintained shifts throughout this time and was back on regular shifts, with extra traffic duties where needed and stepped up patrols. Land Development Department had been under full damage assessment with six trained teams since Tuesday and had met two deadlines from FEMA and EOC. Director Lowe she had not set a dollar value as yet, but the businesses had been hit harder this year. There were 67 with minor damage and 14 with major damage. With single family homes, 817 had minor damage and 120 with major damage. On multi-family residences, 992 had minor damage and 460 had major damage. Regarding mobile homes, 29 had minor damage, 44 had major damage and 5 were totally destroyed. Manager Umberger stated all Village personnel were used and there had been positive feedback from residents on the presence out in the field. The dollar value on Village property damage was approximate \$950,000. The Finance Department would have a cash payout this Friday. The Library, even though without power, had remained opened this week. Bill Golson would again be the FEMA liaison. With regard to the curfew, it was presently 9PM to 5AM and would be expanded as more power was restored.

Mayor Davis stated the County Commission had suggested municipalities for safety reasons should plan local events for Halloween rather than the usual neighborhood traffic. After discussion, it was decided that Public Safety and Leisure Services would coordinate an alternative Halloween program on Monday afternoon from 3PM to 6PM and pass out flyers to notify residents.

Council Member Osborne and Mayor Davis complimented Staff for stepping up to the plate and working immediately after the storm passed.

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Waller stated it seemed the worst of times brought out the best in people. Also she had been surprised to see the Budweiser Truck at Lakeside Village. Mayor Pro Tem Waller also thanked staff.

Council Member Smith commented that she was reassured to know Staff was there during tough conditions.

Council Member Osborne stated he saw FP&L out there working and it seemed more and more gas stations were opening.

Vice Mayor Brinkman stated she had gone out walking through the Village after the storm and got many positive comments from residents about seeing Staff and Public Safety out and about immediately after the storm.

Mayor Davis stated there would only be one meeting in November on November

10, 2005.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 9:04 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor