

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, JANUARY 12, 2006**

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, Village Manager Karl E. Umberger, Village Attorney Karen E. Roselli, and Village Clerk Virginia M. Walton. Council Member Bev Smith arrived at 7:40 p.m. after approval of consent agenda.

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, Leisure Services Director Bill Golson and Village Engineer Don Eckler.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Mayor Pro Tem Waller.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Add: Item 7A. Leisure Services Presentation
Continue: Item No. 9 to January 26, 2006 Agenda
Continue: Item No. 13 to February 9, 2006 Agenda

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

CONSENT AGENDA

- 1. Minutes of December 8, 2005 Local Planning Agency Meeting**
- 2. Minutes of the December 8, 2005 Regular Council Meeting**
- 3. RESOLUTION NO. 2006-04**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA SUPPORTING THE ENACTMENT OF GENERAL STATE LEGISLATION PROPOSING AN ENTIRELY NEW SEC.163.08, *FLORIDA STATUTES*, RELATED TO THE REQUIREMENT FOR A DUAL REFERENDUM VOTE OF THE ELECTORS IF A COUNTY EXTENDS COUNTYWIDE LEVEL OF SERVICE STANDARDS FOR THE PROVISION OF ANY MUNICIPAL SERVICES WITHIN ANY MUNICIPALITY; PROVIDING

SUPPORT FOR A PROPOSED LOCAL BILL LIMITING PALM BEACH COUNTY'S AUTHORITY TO ADOPT ANY COUNTYWIDE LEGISLATION WHICH WOULD HAVE THE EFFECT OF PREVENTING MUNICIPALITIES FROM PROVIDING FIRE-RESCUE DISPATCH SERVICES OR WHICH WOULD AUTHORIZE THE USE OF COUNTYWIDE REVENUES TO FUND THE COUNTY'S FIRE-RESCUE DISPATCH SYSTEM; FURTHER PROVIDING SUPPORT FOR ANY RELATED GENERAL OR LOCAL BILL WITH SIMILAR INTENT AND OBJECTIVES WHICH FURTHERS THE INTERESTS OF MUNICIPALITIES IN MAINTAINING THEIR HOME RULE POWERS AND ABILITY TO DELIVER TRADITIONAL MUNICIPAL SERVICES; PROVIDING FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. Staff: Karl E. Umberger, Village Manager

4. RESOLUTION NO. 2006-05

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT FOR THE COLLECTION OF SOLID WASTE WITH WASTE MANAGEMENT INC., OF FLORIDA, A FLORIDA CORPORATION D/B/A WASTE MANAGEMENT OF PALM BEACH FROM OCTOBER 1, 2005 TO SEPTEMBER 30, 2006; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

5. RESOLUTION NO. 2006-06

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED A BID FOR UTILITY SYSTEM IMPROVEMENTS FOR BONNIE DRIVE, HAYDEN DRIVE, SPRINGFIELD LANE, MAJOR DRIVE AND REO LANE TO AKA SERVICES, INC. IN THE AMOUNT OF \$1,671,352.50; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

6. RESOLUTION No. 2006-09

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH MICHAEL ANTHONY COMPANY; OWNER OF A 14.23 ACRE PARCEL OF LAND LOCATED AT 1200 SOUTH CONGRESS AVENUE, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

End of Consent Agenda.....

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

ANNOUNCEMENTS AND PROCLAMATIONS

7. Awards for 2005 Holiday Decorating Contest Winners

Mayor Davis and Public Service Director Bill Davis presented a plaque and check for \$100 to each of the fifteen winners. Mayor Davis commented the Village looked exceptionally beautiful this year.

7A. Leisure Services Presentation to Dani Bailey

Director Bill Golson recognized one of his employees, Dani Bailey, who had obtained her Certification from the Florida Recreation and Park Association. Dani is in charge of all the Village Holiday Events, the Travel Club and the classes offered by the Leisure Services Department. This certification will enable Dani to network with other certified professionals and bringing new and innovative ideas to the Village programs.

PUBLIC COMMENT - none

PUBLIC HEARINGS

8. RESOLUTION NO. 2005-64 (SITE PLAN – QJ)

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.

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 November 2, 2005. There were no ex parte communications disclosed. Village Clerk Walton swore in Director Lowe and Christian Ballesteros to give testimony. Manager Umberger advised the Council the proposed building would have 26,850 square foot of retail and office space with a drive-thru for teller. An annexation agreement permitted the mixed use, but required a unity of title. Manager Umberger stated that the owner, Mr. Ballesteros, has worked very closely with the surrounding residents and businesses to address all concerns and has brought forward a very good plan for the revitalization of Lake Worth Road. Director Lowe made

notice of the revised Exhibit "A" Conditions placed on the Dias at the beginning of the meeting.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Ron Schroeder, Adcock Lane spokesperson, stated the residents originally had many concerns about the project; however, the owners had met with them and alleviated their concerns. The residents of Adcock Lane were very pleased with the project. Mr. Ballesteros added that they had agreed to widen Adcock Lane and maintain part of the road, along with the landscaping, in conjunction with granting a right/of/way easement.

Director Lowe clarified that the changes on the revised exhibit were as follows: #28(entrance would not be expanded to 40 feet) & #16(parking space was moved) were deleted and a new # was added asking where the different sods were going, and incorporate landscaping with the bollards. A further request from Vice Mayor Brinkman was that the signage, when submitted, was compatible with the architecture of the building. Mr. Ballerteros agreed with the comment.

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

This item will be continued to the January 26, 2006 Agenda

9. RESOLUTION NO. 2005-83 (SITE PLAN)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF PRINCIPLE DESIGN & DEVELOPMENT, INC., AGENT FOR THE OWNER, DR. ROBERT ROY; FOR SITE PLAN REVIEW (SPR 05-18); FOR CONSTRUCTION OF A 31,740 SQUARE FOOT VETERINARY CLINIC AND TEACHING HOSPITAL ON A VACANT PARCEL CONSISTING OF 2.795 ACRES LOCATED AT 3884 FOREST HILL BLVD.; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Direct

10. RESOLUTION NO. 2006-01 (SITE PLAN - QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING EXISTING SITE PLAN (SPR 04-10) AND SPECIAL EXCEPTION (PSSE 04-01) TO EXTEND THE BUILD-OUT DATE FROM JANUARY 28, 2006, TO MAY 28, 2006; FOR OF CONSTRUCTION OF A 5,355 SQUARE FOOT ADULT ENTERTAINMENT CLUB WITH A 4COP LIQUOR LICENSE AND FULL SERVICE RESTAURANT, KNOWN AS "CLUB PEEK-A-BOO", LOCATED AT 3174 LAKE WORTH ROAD; 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 December 8, 2005. There were no ex parte communications disclosed. Village Clerk Walton swore in Carlos Gonzalez to give testimony. Manager Umberger advised the Council that the delay in completion of the project was due to legal complications with Ms. St. James and Fernando Carmona, the owners. The Land Development Board had recommended a four month extension with an optional administrative extension of thirty days, for good cause, at their meeting on December 13, 2005. Carlos Gonzalez testified that he felt they would be able to complete the project within the four month extension.

Mayor Davis 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 was made by Vice Mayor Brinkman and seconded by Council Member Osborne. Motion carried 5 – 0.

11. RESOLUTION NO. 2006-08 (PRELIMINARY PLAT - QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY PLAT FOR HENRY - CABRERA SUBDIVISION, SUBMITTED BY HECTOR CABRERA, AGENT FOR THE OWNER, HENRY CABRERA, FOR THE PROPERTY LOCATED ON SOUTHEAST CORNER OF KIRK ROAD AND CANAL 9 ROAD; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that advertising was not required on this item. Manager Umberger stated the plat subdivides a .61 acre parcel into three single family lots. The Land Development Board recommended approval of the request at their meeting on January 10, 2006.

Hearing no comments, Village Attorney Roselli 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.

12. RESOLUTION NO. 2006-07

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A REVISED 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 FORTY-EIGHT (48) 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 that on October 27, 2005, the Council had approved Resolution No. 2005-90, an interlocal agreement for annexation of 55 parcels. Palm Beach County had objected to the inclusion of seven of the parcels in that agreement. Therefore, this interlocal agreement was for 48 parcels, including the right-of-ways internal to the area. Vice Mayor Brinkman suggested that since the legal description had been revised to remove the seven parcels, the sketch map should also reflect the deletion of the parcels.

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

This item will be continued to the February 9, 2006 Agenda

13. ORDINANCE NO. 2006-01

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 2.04 ACRES OWNED BY LION COUNTRY SAFARI INC.; LOCATED AT 1212 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

14. ORDINANCE NO. 2006-02 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .68 ACRES OWNED BY JESSICA SAENZ; LOCATED AT 1478 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 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 contiguous to the Village with the Lutine Realty property to the west, and was currently the site of a single family residence. The Land Development Board had recommended approval of the request at their meeting on December 13, 2005. 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 the ordinance on first reading was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

15. ORDINANCE NO. 2006-03 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESSES;" TO PROVIDE SPECIFIC CONTENT NEUTRAL TIME, PLACE, AND MANNER RESTRICTIONS FOR THE STREET-SIDE SOLICITATION OF DONATIONS AND EMPLOYMENT AND THE DISTRIBUTION OF PRINTED MATERIALS IN ARTICLE III ENTITLED "SOLICITORS;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-46 TO BE ENTITLED "LEGISLATIVE PURPOSE;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-47 TO BE ENTITLED "DEFINITIONS;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-48 TO BE ENTITLED "PROHIBITION OF SOLICITATION OF DONATIONS OR EMPLOYMENT OR THE DISTRIBUTION OF PRINTED MATERIALS ON PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-49 TO BE ENTITLED "PROHIBITION OF SOLICITATION OF DONATIONS OR EMPLOYMENT AND THE DISTRIBUTION OF PRINTED MATERIALS IN COMMERCIAL PARKING AREAS AND CERTAIN MULTI-FAMILY RESIDENTIAL AREAS;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-50 TO BE ENTITLED "PERMITS;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 14-51, TO BE ENTITLED "VIOLATION; PENALTY;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Jay C. Pickens, Public Safety Director

Manager Umberger advised the Council that this ordinance was the result of resident complaints and Public Safety Department comments to those complaints. The Council had directed staff to bring back a solution. Mayor Pro Waller commented it appeared to be a good ordinance. Mayor Davis felt the ordinance was fairly comprehensive. 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 the ordinance on first reading was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

****Clerk’s Note:** after legal advertising and first reading, it was found that the section numbers had been changed in the new codification of the code book. First reading of the corrected ordinance will be at the January 26, 2006 meeting.**

16. ORDINANCE NO. 2006-04 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF PALM SPRINGS, TO CREATE NEW CHAPTER 39, TO BE ENTITLED “SEXUAL OFFENDER AND SEXUAL PREDATOR REGULATIONS; CREATING NEW CODE SECTION 39-1 TO BE ENTITLED “FINDINGS AND INTENT;” CREATING NEW CODE SECTION 39-2 TO BE ENTITLED “DEFINITIONS”; CREATING NEW CODE SECTION 39-3, TO BE ENTITLED “PROHIBITIONS, EXCEPTIONS; PENALITES;” TO PROVIDE A SEPARATION REQUIREMENT OF 1500 FEET FROM THE RESIDENCES OF SEXUAL OFFENDERS AND PREDATORS AND CERTAIN PERMITTED USES; CREATING NEW CODE SECTION 39-4, TO BE ENTITLED “RENTAL OF REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND PREDATORS PROHIBITED”; CREATING NEW CODE SECTION 39-5, TO BE ENTITLED “ANNUAL REGISTRATION OF PRIVATE SCHOOL BUS STOPS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Jay C. Pickens, Public Safety Director

Manager Umberger advised that previous direction from the Council had resulted in this ordinance addressing the concerns about numerous recent occurrences in our state and elsewhere and established a policy providing for maximum protection for the lives and safety of Village residents. In response to Council questions, Village Attorney Roselli replied that the ordinance did cover home day care facilities, and a process for clarifying the requirements of rental properties was pending for a future council meeting.

After discussion, Director Lowe stated the application forms for licenses could be amended to include these requirements.

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 the ordinance on first reading was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

17. ORDINANCE NO. 2006-06 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING ONE PARCEL OF LAND CONSISTING OF 14.23 ACRES; OWNED BY MICHAEL ANTHONY COMPANY, LOCATED AT 1200 SOUTH CONGRESS AVENUE; 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 the property was contiguous to the Village with the Shirley Brown Trust property to the west. The land use and zoning changes would be included in the large scale comprehensive plan amendment currently being prepared for Cycle I of 2006. The Land Development Board had recommended approval of the request at their meeting on January 10, 2006.

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 the ordinance on first reading was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

18. ORDINANCE NO. 2006-07 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF .15 ACRES, OWNED BY H. L. RE INVESTMENTS, L.L.C.; LOCATED AT 2877 FOREST HILL BOULEVARD; 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 that on April 10, 2003, the Council had annexed a property owned by H.L. RE Investments LLC on Forest Hill Boulevard. The parcel being annexed tonight was inadvertently omitted from that original annexation request. The Land Development Board had recommended approval of this request at their meeting on January 10, 2006.

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 the ordinance on first reading was made by Council Member Smith and seconded by Council Member Osborne. Motion carried 5 – 0.

19. ORDINANCE NO. 2006-08 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .17 ACRES OWNED BY JACQUELINE GREEN; LOCATED AT 3830 DAVIS ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO RESIDENTIAL, 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 MULTI-FAMILY RESIDENTIAL (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 this property was contiguous with the Faith, Hope and Charity property and the VCA Animal Hospital property to the east, and was currently the site of a single family residence. The Land Development Board had recommended approval of the request at their meeting on January 10, 2006.

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 the ordinance on first reading was made by Mayor Pro Tem Waller and seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

20. ORDINANCE NO. 2006-09 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA ADOPTING AND ENACTING A NEW MUNICIPAL CODE FOR THE VILLAGE OF PALM SPRINGS, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Staff: Karen E. Roselli, Village Attorney

Manager Umberger advised the Council that Staff and Municipal Code Corporation had worked closely to revise the entire code book, including the new parking ordinance, as well as the re-numbering and relocation of many code sections.

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 the ordinance on first reading was made by Council Member Osborne and seconded by Council Member Smith. Motion carried 5 – 0.

REGULAR AGENDA

RESOLUTIONS

21. RESOLUTION NO. 2006-03

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNOUNCING QUALIFICATIONS AND THE QUALIFYING TIME FOR CANDIDATES FOR THE GENERAL ELECTION MARCH 14, 2006; DESIGNATING VOTING LOCATIONS; APPOINTING THE CANVASSING BOARD; ASSIGNING THE SUPERVISOR OF ELECTIONS TO HANDLE THE ABSENTEE BALLOTS; PROVIDING FOR A RUN-OFF ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

Manager Umberger advised the Council the resolution announced the elections for Council Members for District 2 and District 4, for two-year terms, on March 14, 2006. The qualifying of candidates will be from January 31, 2006 to February 14, 2006. The Canvassing Board will consist of Mayor Davis, Chet Osborne, Bev Smith and Virginia Walton, with Arthur Anderson appointed to handle absentee ballots and represent the Village at the L&A testing.

Hearing no comments, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution was made by Council Member Smith and seconded by Council Member Osborne. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Vice Mayor Brinkman stated she had enjoyed her time serving the village on the Council since January 1999 and announced her plans to run for re-election. Vice Mayor Brinkman commented that the first Motion to Intervene has been heard today and wanted to know what the status of our motion. Manager Umberger replied that five municipalities had their motions heard and the judge had approved their motions. There were four more municipalities to be heard, including ours. Village Attorney Roselli stated she would be in touch with the Boca Raton attorneys in the next day or two to discuss the motions and would get more information on when the Village's Motion to Intervene would be heard. Vice Mayor Brinkman also asked if the State of Florida legislation passed regarding the amount of children in a day care center, changing it to fourteen. Palm Beach County had an ordinance which set the number at ten. It was discussed and determined that no revision to the Village's ordinance was necessary.

Council Member Bev Smith stated she had received several calls recently about children riding bicycles at night in the streets with no helmets and no lights on the bicycles. It appeared to be mostly middle age children. Public Safety Director Jay Pickens was directed to look into the matter. Council Member Smith also asked if the Supervisor of Elections could be contacted about changing the polling location from the Church on Gulfstream Road to possibly the Village Lab building. Village Clerk Walton responded that the Supervisor of Elections had already contracted with the Church for the 2006 Elections; but a request could be made for the following year.

Mayor Pro Tem Waller congratulated the winners of the holiday decorating contest, and announced her plans to run for re-election on March 14th, which also was her birthday.

Mayor Davis stated it was another great year in the Village, and the holiday decorations were beautiful. Mayor Davis announced the Special Council Meeting on January 19, 2006, which would address the Lake Worth Utilities Issue; the next Local Planning Agency Meeting on January 26, 2006 and next Regular Council Meeting on January 26, 2006.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:34 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor