

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, FEBRUARY 9, 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, Mayor Pro Tem Patti Waller, Council Member Chet Osborne, Council Member Bev Smith, Village Manager Karl E. Umberger, Village Attorney Karen E. Roselli, and Village Clerk Virginia M. Walton. Vice Mayor Joni Brinkman was absent.

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 Council Member Bev Smith.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Correct: #6 to read Seth A Ford Inc. rather than Concosta Inc.
Correct #11 and #12: council letters should read ordinance rather than resolution. Agenda was correct.
Continue: #8 to the February 23, 2006 agenda
Add: #15 Additional appointments to the Board of Adjustment

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

CONSENT AGENDA

- 1. Minutes of the Special Council Meeting of January 19, 2006**
- 2. Minutes of the LPA Meeting of January 26, 2006**
- 3. Minutes of Regular Council Meeting of January 26, 2006**
- 4. RESOLUTION NO. 2006-02**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA,
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MELROSE
SOUTH PYROTECHNICS, INC. FOR THE PURCHASE OF A FIREWORKS**

DISPLAY FOR THE 4TH OF JULY CELEBRATION; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Golson, Leisure Services Director

5. RESOLUTION NO. 2006-12

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING EASEMENT DEEDS FROM HAYDEN DRIVE AND SPRINGFIELD LANE AREA PROPERTY OWNERS AS REQUIRED FOR EXPANSION OF WATER AND SANITARY SEWER SERVICES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

6. RESOLUTION NO. 2006-13

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CONCOSTA, INC., FOR CONSTRUCTION MANAGER SERVICES FOR THE COMPLETION OF RECREATIONAL COMPLEX COMPONENTS; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl e. Umberger, Village Manager

7. RESOLUTION NO. 2006-14

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FLORIDA LEAGUE OF CITIES KEY PRIORITY ISSUES DURING THE 2006 LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

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

PUBLIC COMMENT - none

PUBLIC HEARINGS

This item is being continued to the February 23, 2006 Agenda

8. RESOLUTION NO. 2005-83 (SITE PLAN - QJ)

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 Director

9. ORDINANCE NO. 2006-03 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES, ENTITLED "PEDDLERS AND SOLICITORS;" 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; PROVIDING FOR THE CREATION OF NEW CODE SECTION 50-1 TO BE ENTITLED "LEGISLATIVE PURPOSE;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 50-2 TO BE ENTITLED "DEFINITIONS;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 50-3 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 50-4 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 50-5 TO BE ENTITLED "PERMITS;" PROVIDING FOR THE CREATION OF NEW CODE SECTION 50-6, 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 Pickens, Public Safety Director

Village Clerk Walton advised the Council that notice of public hearing was placed

in the Lake Worth Herald on January 5 and January 19, 2006. Village Attorney Roselli 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.

Tyrone Cap, 2000 Springdale Boulevard, asked if this ordinance covered the flower peddlers on the corners and also people asking for change. Public Safety Director Pickens responded that this would cover both situations. Hearing no further comments, a motion to adopt on second reading was made by Council Member Smith and seconded by Council Member Osborne. A roll call vote was in favor of adoption 4 – 0.

10. ORDINANCE NO. 2006-01 (FIRST READING)

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

Manager Umberger advised the Council the property was contiguous to the Village with the Hispanic Human Resources Council property to the west, and was currently vacant land. The Land Development Board had recommended approval of the request at their meeting on December 13, 2005. Hearing no comments from Staff or Council, 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 Smith. Motion carried 4 – 0.

11. ORDINANCE NO. 2006-05 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 10, PERTAINING TO BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CREATING NEW SECTION 10-34 TO BE ENTITLED "APPLICATIONS FOR BUILDING PERMITS; OWNER-BUILDER PERMITS;" 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 created a new code section specifically for owner-builder permits. Chapter 489 Florida Statutes allowed owner-builders to obtain permits for construction work on their own property with certain restrictions. In spite of those restrictions being full explained by Land Development Staff when the permits are issued, there has been an increasing number of problems with these owner-builder permits. The most significant problems have been in unlicensed activity and lack of knowledge of the construction proposed. The building department and the Village cannot assume the associated liability with attempting to provide the means and methods for these construction projects with residents inexperienced in construction codes.

Hearing no comments from Staff or Council, 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 4 – 0.

12. ORDINANCE NO. 2006-10 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 14, ARTICLE II, SECTION 14-32 OF THE CODE OF ORDINANCES, PERTAINING TO BUSINESS PERMITS AND ENTITLED "REGULATORY FEE; APPLICATION" TO REQUIRE A SEPARATE BUSINESS PERMIT FOR EACH DWELLING RENTED WITHIN THE VILLAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council this ordinance amended the section of the Village Code relating to business permits for owners that do business in the Village, but do not have offices within the Village. This amendment would require all persons

renting residential units in the Village, excluding apartment buildings and hotels, to obtain a business permit for each dwelling unit rented. The information required with the application for a business permit would also be clarified.

Council Member Smith asked if this covered all residents renting rooms in the Village and was the permit fee an annual one. Land Development Director Lowe replied that it did cover all residents and the fee was annual. Hearing 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, 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 4 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

13. Appointments to Land Development Board

Mayor Davis stated there were two positions on the Land Development Board which would expire on January 25, 2006. The current members, Jeff Elkins as a regular member and James Worth as an alternate member, had indicated their willingness to continue to serve. A motion to re-appoint Jeff Elkins as a regular member for a term to expire on January 25, 2009, and James Worth as an alternate member for a term to expire on January 25, 2007, was made by Council Member Osborne and seconded by Council Member Smith. Motion carried 4 – 0.

14. Appointment to the Board of Adjustment

Mayor Davis stated one regular member position on this Board would expire on February 10, 2006. The member currently holding this position, Ed Burroughs, had indicated his willingness to continue to serve. A motion to re-appoint Ed Burroughs as a regular member for a term to expire on February 10, 2009 was made by Council Member Smith and seconded by Mayor Pro Tem Waller. Motion carried 4 – 0.

ADD: 15. Appointments to the Board of Adjustment

Mayor Davis stated there were two additional regular member positions on this

Board that would expire on February 10, 2006. The members currently holding these positions, Alice Lattimore and Johnnie Tieche, had indicated their willingness to continue to serve. A motion to re-appoint Alice Lattimore and Johnnie Tieche as regular members for terms to expire on February 10, 2009, was made by Mayor Pro Tem Waller and seconded by Council Member Smith. Motion carried 4 – 0.

VILLAGE COUNCIL COMMENTS - None

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 7:49 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor