

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, DECEMBER 14, 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 Patti Waller, Mayor Pro Tem Bev Smith, Council Member Chet Osborne, Council Member Joni Brinkman, 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 Village Engineer Don Eckler.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

As a result of Land Development Board recommendations, the annexation agreements are moved to the regular agenda:

Item #2 moved to regular agenda item #9A

Item #5 moved to regular agenda item #9B

Item #6 moved to regular agenda item #9C

Item #11 continued to January 11, 2007 agenda

Item #13 continued to January 11, 2007 agenda

Items #19, #23 & #24 first readings: changes will be addressed when item presented.

Item #20, #21, #22, #23 & #24 – Council letters and ordinances were revised to reflect rezoning was Village initiated rather than by property owner.

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

CONSENT AGENDA

1. **Minutes of Regular Council Meeting on November 9, 2006**
2. **RESOLUTION NO. 2006-78 (AGREEMENT)**
This item was moved to regular Agenda Item #9A
3. **RESOLUTION NO. 2006-99 (EASEMENTS)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING EASEMENT DEEDS FROM MAUREEN R. PENA, ALBERTO P. ALVAREZ, TERRY D. CORCORAN AND NANCY W. MILLER AND DUSTIN AND KAREN SCHAFFER, AS REQUIRED FOR EXPANSION OF SANITARY SEWER SERVICES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

4. RESOLUTION NO. 2006-101

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, SUPPORTING MUNICIPAL HOME RULE AUTHORITY AND THE MEANS BY WHICH CONFLICTS BETWEEN THE COUNTY AND MUNICIPALITIES MAY BE RESOLVED; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl E. Umberger, Village Manager

5. RESOLUTION NO. 2006-102 (AGREEMENT)

This item was moved to regular agenda Item #9B

6. RESOLUTION NO. 2006-103 (AGREEMENT)

This item was moved to regular agenda Item #9C

7. RESOLUTION NO. 2006-105 (CONTRACT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 3 TO TASK ORDER NO. 92 IN THE AMOUNT OF \$262,282.00 TO AKA SERVICES INC; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

8. Approval of Fund Balance Reservations and Designation

Staff: Rebecca Morse, Finance Director

9. RESOLUTION NO. 2006-109 (AWARD BID)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARING A BID FOR THE PURCHASE OF A TRACTOR AND BOOM MOWER TO SUNRISE TRACTOR AND EQUIPMENT, INC. OF WEST PALM BEACH, FLORIDA, IN THE AMOUNT OF \$47,995.00; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

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

PUBLIC COMMENT

Darby Gerber, 3100 Evans Drive, stated she had moved here two years ago and has had a continuous problem with excessive noise from certain homes in her area. She had spoken to Lt. Sykes, but the problem continued. Ms. Gerber asked what recourse she had and Mayor Davis replied she should speak with Police Chief Pickens, who was present. Ms. Gerber thanked the Mayor.

Johnnie Tieche, 305 Winged Foot Road, thanked Chief Pickens for the increased presence of patrol cars in the older sections of the Village. Their presence appeared to be helping with some problems in those areas.

PUBLIC HEARINGS**ADD: 9A. RESOLUTION NO. 2006-78 (AGREEMENT)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH CHARLES R. CUSICK, LAWRENCE E. CUSICK AND FAYE L. CUSICK, OWNERS OF THE PROPERTY LOCATED AT 4275 FOREST HILL BOULEVARD, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council the Land Development Board had recommended denial of this request due to the high density use of the site. In accordance with those recommendations, the agreement had been revised to remove the auto sales use and to move the parking garage, if needed, to the south side of the site which would front Forest Hill Boulevard. Based on these changes, Staff recommended approval of the request. Council Member Brinkman asked for a clarification on whether the five foot setback waiver was for the side or front setback. The Home Depot representative, Daniel Wagespeck, replied that they would meet the fifteen foot side setbacks required by Code, and the five foot setback was just for the front. The Applicant also responded that they understood the stipulations in the agreement with regard to rental trucks on the site. Mayor Davis stated the Council appreciated all the time and effort the Land Development Board put in on behalf of the Village and felt that the changes made should alleviate their concerns.

Hearing no further comments from the Staff, the Council or the public, Attorney Roselli read the resolution by title. A motion to approve the resolution and agreement, as revised, was made by Council Member Osborne and seconded by Vice Mayor Waller. Motion carried 5 – 0.

ADD: 9B. RESOLUTION NO. 2006-102 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH ROLLING HILL FARMS, INC., OWNERS OF THE PROPERTY LOCATED AT 4323, 4387 and 4349 FOREST HILL BOULEVARD, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council the Land Development Board had recommended denial of this request for the same reasons as stated in the previous Item 9A. The same changes had been made to this agreement and based on these changes, Staff recommended approval of the request.

Hearing no further comments from the Staff, the Council or the public, Attorney Roselli read the resolution by title. A motion to approve the resolution and agreement, as revised, was made by Vice Mayor Waller and seconded by Council Member Brinkman. Motion carried 5 – 0.

ADD: 9C. RESOLUTION NO. 2006-103 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH TRAIL PROPERTIES INC., OWNERS OF THE PROPERTY LOCATED AT 4397 FOREST HILL BOULEVARD, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council the Land Development Board had recommended denial of this request for the same reasons as stated in the previous Items #9A and #9B. The same changes had been made to this agreement and based on these changes, Staff recommended approval of the request.

Hearing no further comments from the Staff, the Council or the public, Attorney Roselli read the resolution by title. A motion to approve the resolution and agreement, as revised, was made by Mayor Pro Tem Smith and seconded by Council Member Osborne. Motion carried 5 – 0.

10. RESOLUTION NO. 2006-70 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF HIGH POINT ON CONGRESS, LLC, FOR A SITE PLAN (SPR 06-08) FOR CONSTRUCTION OF 8,130 SQUARE FEET OF RETAIL SPACE, 33,740 SQUARE FEET OF WAREHOUSE SPACE AND 33,670 SQUARE FEET OF OFFICE SPACE AND A SPECIAL EXCEPTION (PSSE 06-01) FOR A 4,550

SQUARE FOOT DRIVE-THRU FAST FOOD RESTAURANT WITH SEATING FOR 100, ON A 7.34 ACRE PROPERTY LOCATED ON THE EAST SIDE OF CONGRESS AVENUE IMMEDIATELY SOUTH OF HOLLY DRIVE; 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 August 3, 2006 and on November 2, 2006 for the variance. There were no ex parte communications disclosed. Dale Hedrick, Jon Schmidt, Kevin McGinley and Director Lowe were sworn in to give testimony. Manager Umberger advised the Council that the Land Development Board had recommended approval of this site plan at their regular meeting on September 11, 2006. Mr. McGinley stated they were in agreement with the Staff conditions. In reply to questions from the Council, Mr. Schmidt advised the landscaping in question would be coco plums, and the phase two site would be maintained until construction commenced. Mr. Hedrick advised the Council that these buildings would be the first "LEAD certified" buildings in this area and would adhere to all environmental, energy efficient and water efficient criteria to meet this standard. The buildings were expected to be completed by the end of 2007.

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 and approve the site plan was made by Mayor Pro Tem Smith and seconded by Council Member Brinkman. Motion carried 5 – 0.

This item will be continued to January 11, 2007 Agenda

11. RESOLUTION NO. 2006-84 (SITE PLAN PEOPLE WITHOUT WALLS CHURCH)

12. RESOLUTION NO. 2006-94 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF CONGRESS PROPERTIES OF PALM SPRINGS, INC., FOR A SITE PLAN (SPR 06-12) FOR CONSTRUCTION OF A 14,820 SQUARE FOOT WALGREENS PHARMACY AND A SPECIAL EXCEPTION (PSSE 06-04) FOR TWO DRIVE-THRU LANES, ON A 3.39 ACRE PROPERTY LOCATED AT 1780 SOUTH CONGRESS AVENUE; 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 12, 2006. There were no ex parte communications disclosed. Todd Soren and Daniel Fee were sworn in to give testimony. Manager Umberger advised the Council that the Land Development Board had recommended approval of the site plan at their regular meeting on November 14, 2006. Phase Two was not part of this site plan; but would be submitted for site plan approval at a later date. In the meantime, there would be a driveway down the center

and a buffer. The royal palms existing on Congress Avenue would be re-located on the phase two site. In reply to questions about when the project would begin and the existing buildings demolished, Mr. Soren stated once the paperwork and permits were completed, it would be approximately six to eight months from that point. The Council was in consensus that the sooner the better to demolish the abandoned buildings.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Kim Moore, 2906 Seminole Road, stated she was present representing the homeowners from Seminole Road and they were looking forward to the demolition of the abandoned buildings to help with the homeless people living there and the surrounding lands; but they would like to be assured that the ingress and egress would not create another flow of traffic from Forest Hill Boulevard through their neighborhood. Hearing no further comments, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the site plan, subject to Exhibit "A", was made by Vice Mayor Waller and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

This item will be continued to January 11, 2007 agenda

13. RESOLUTION NO. 2006-104 (SITE PLAN CONGRESS OAKS)

14. RESOLUTION NO. 2006-106 (PRELIMINARY PLAT – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY PLAT FOR THE TARQUINO ESTATES SUBDIVISION, SUBMITTED BY ROSA TARQUINO; FOR THE PROPERTY LOCATED AT 2828 REO LAND; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council that advertising was not required for this item. There was no ex parte communications disclosed. Manager Umberger advised Council that the Land Development Board had recommended approval of the preliminary plat at their regular meeting on December 5, 2006. There was no testimony given. 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 and approve the preliminary plat was made by Council Member Osborne and seconded by Council Member Brinkman. Motion carried 5 – 0.

15. RESOLUTION NO. 2006-107 (FINAL PLAT – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT OF THE TARQUINO ESTATES SUBDIVISION, SUBMITTED BY ROSA TARQUINO; FOR THE PROPERTY LOCATED AT 2828 REO LANE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council that advertising was not required for this item. Manager Umberger advised Council that the Land Development Board had recommended approval of the final plat at their regular meeting on December 5, 2006. There was no testimony given. 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 and approve the final plat was made by Mayor Pro Tem Smith and seconded by Vice Mayor Waller. Motion carried 5 – 0.

16. RESOLUTION NO. 2006-108 (FINAL PLAT – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT OF THE DALE ROAD ESTATES SUBDIVISION, SUBMITTED BY VINCE ZABIK, AGENT FOR THE OWNER, SHOWCASE REAL ESTATE INVESTORS, LLC; FOR THE PROPERTY LOCATED AT 3848 DALE ROAD; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council that advertising was not required for this item. Manager Umberger advised Council that the Land Development Board had recommended approval of the final plat at their regular meeting on December 5, 2006. There was no testimony given. 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 and approve the final plat was made by Council Member Brinkman and seconded by Council Member Osborne. Motion carried 5 – 0.

17. ORDINANCE NO. 2006-56 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF PALM SPRINGS, FLORIDA TO ASSIGN THE VILLAGE'S RESIDENTIAL MULTI-FAMILY (RM) ZONING CATEGORY TO APPROXIMATELY 14.23 ACRES OF LAND GENERALLY LOCATED AT 1200 SOUTH CONGRESS AVENUE AS DEPICTED ON THE ATTACHED LOCATION MAP (EXHIBIT "A") AND WHICH IS OWNED BY PALM SPRINGS TOWN HOMES, INC.; 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 public notice was placed in the Lake Worth Herald on October 19 and October 26, 2006. Village Attorney Roselli read the ordinance by title. 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 Smith. A roll call

vote was in favor of adoption 5 - 0.

18. ORDINANCE NO. 2006-58 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ESTABLISHING DISTRICTS IN WHICH CANDIDATES FOR VILLAGE COUNCIL MUST RESIDE FOR THE ELECTIONS HELD 2007 THROUGH 2010; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Virginia Walton, Village Clerk

Village Clerk Walton stated that public notice was placed in the Lake Worth Herald on October 19 and October 26, 2006. Village Attorney Roselli read the ordinance by title. 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 Waller. A roll call vote was in favor of adoption 5 - 0.

19. ORDINANCE NO. 2006-48 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 4.54 ACRES; OWNED BY CHARLES R. CUSICK, LAWRENCE E. CUSICK AND FAYE L. CUSICK, LOCATED AT 4275 FOREST HILL BOULEVARD; AND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING THAT THE ANNEXATION IS SUBJECT TO THE ANNEXATION AGREEMENT ENTERED INTO AND ACCEPTED THROUGH RESOLUTION NO. 2006-78 ON DECEMBER 14, 2006, 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 this ordinance was for annexation only and the property was contiguous to the Village with the Manoharan property to the South. The parcel was currently the site of a single family residence. The land use amendment and re-zoning would be processed after second reading of the ordinance in early 2007. The Land Development Board had recommended denial of the annexation at their meeting on December 5, 2006, based on the high density use; however, those concerns had been addressed in the changes to the annexation agreement previously

approved on this agenda. Mayor Davis again stated the Council appreciated all the time and effort the Land Development Board put in on behalf of the Village and felt that the changes made should alleviate their concerns.

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 Council Member Osborne and seconded by Council Member Brinkman. Motion carried 5 – 0.

20. ORDINANCE NO. 2006-60 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .60 ACRES OWNED BY DANIELLA HENRY; LOCATED AT 1466 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 this property was contiguous to the Village with the Saenz property to the South. The property was currently the site of a vacant single family residence and the land use amendment and rezoning of the site was Village initiated. The Land Development Board had recommended approval of this annexation, land use amendment and rezoning at their regular meeting on November 14, 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 on first reading was made by Mayor Pro Tem Smith and seconded by Vice Mayor Waller. Motion carried 5 – 0.

21. ORDINANCE NO. 2006-61 (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 SUMMIT CONGRESS PLAZA LLC, AND LOCATED AT 865 SOUTH CONGRESS AVENUE, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO COMMERCIAL LAND USE; 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 this property had been annexed into the Village by Ordinance No. 2006-51 on September 28, 2006. The land use amendment and rezoning of the site was Village initiated. The Land Development Board had recommended approval of the request at their regular meeting on November 14, 2006. 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 Mayor Pro Tem Smith and seconded by Council Member Osborne. Motion carried 5 – 0.

22. ORDINANCE NO. 2006-62 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF PALM SPRINGS, FLORIDA TO ASSIGN THE VILLAGE'S RESIDENTIAL MULTI-FAMILY (RM) ZONING CATEGORY TO APPROXIMATELY 17.44 ACRES OF LAND GENERALLY LOCATED AT 2765 10TH AVENUE NORTH, AS DEPICTED ON THE ATTACHED LOCATION MAP (EXHIBIT "A") AND WHICH IS OWNED BY CORNERSTONE PALM SPRINGS LLC; 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 parcel was annexed into the Village by Ordinance No. 2003-14 on April 24, 2003. The land use amendment was included in the large scale comprehensive plan amendment that was adopted at the November 9, 2006 Council Meeting. The rezoning request was Village initiated. The Land Development Board had recommended approval of the request at their regular meeting on November 14, 2006. 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 Vice Mayor Waller and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

23. ORDINANCE NO. 2006-63 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING THREE (3) PARCELS OF LAND CONSISTING OF A TOTAL OF 3.96 ACRES OWNED BY ROLLING HILLS FARMS, INC.; LOCATED GENERALLY AT 4323 FOREST HILL BOULEVARD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING THAT THE ANNEXATION IS

SUBJECT TO THE ANNEXATION AGREEMENT ENTERED INTO AND ACCEPTED THROUGH RESOLUTION NO. 2006-102 ON DECEMBER 14, 2006; 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 this property was contiguous to the Village with the Cusick property to the East and was currently the site of a vacant single family residence. The land use amendment and rezoning of the site was Village initiated. The Land Development Board had recommended denial of the annexation at their meeting on December 5, 2006, based on the high density use; however, those concerns had been addressed in the changes to the annexation agreement previously approved on this agenda. Mayor Davis again stated that the changes made should alleviate their concerns.

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 Council Member Brinkman. Motion carried 5 – 0.

24. ORDINANCE NO. 2006-64 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING THREE (3) PARCELS OF LAND CONSISTING OF A TOTAL OF .66 ACRES OWNED BY TRAIL PROPERTIES INC.; LOCATED GENERALLY AT 4397 FOREST HILL BOULEVARD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING THAT THE ANNEXATION IS SUBJECT TO THE ANNEXATION AGREEMENT ENTERED INTO AND ACCEPTED THROUGH RESOLUTION NO. 2006-103 ON DECEMBER 14, 2006; 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 this property was contiguous to the Village with the Rolling Hill Farms Inc. property to the East and was currently the site of several vacant residential buildings. The land use amendment and rezoning of the site was Village initiated. The Land Development Board had recommended denial of the annexation at their meeting on December 5, 2006, based on the high density use; however, those concerns had been addressed in the changes to the annexation agreement previously approved on this agenda. Mayor Davis again stated that the changes made should alleviate their concerns.

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 Mayor Pro Tem Smith and seconded by Council Member Brinkman. Motion carried 5 – 0.

25. ORDINANCE NO. 2007-01 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CHANGE THE TERM "OCCUPATIONAL LICENSE(S) TO THE TERM "BUSINESS TAX AND BUSINESS TAX RECEIPT TO CONFORM WITH FLORIDA STATUTORY CHANGES EFFECTIVE JANUARY 2007, AND SPECIFICALLY AMENDING CHAPTER 1, SECTION 1-2 ENTITLED "DEFINITIONS", AND AMENDING SECTION 1-12(d) ENTITLED "GENERAL PENALTY"; AMENDING CHAPTER 10, SECTION 10-53 (a) ENTITLED "INSPECTION FEES"; CHAPTER 34, AMENDING SECTION 34-890 ENTITLED "HOME OCCUPATIONS", AMENDING SECTION 34-983 ENTITLED "ALF, OCCUPATIONAL LICENSE, REQUIRED", AMENDING SECTION 34-1003 ENTITLED "NURSING FACILITIES OCCUPATIONAL LICENSES, REQUIRED", AMENDING SECTION 34-1023 ENTITLED "CHILD CARE FACILITY OCCUPATIONAL LICENSES, REQUIRED", AMENDING SECTION 34-1043 ENTITLED "FAMILY DAYCARE FACILITY OCCUPATIONAL LICENSES, REQUIRED", AMENDING SECTION 34-1295(a) ENTITLED "PERMITTED USES"; AND CHAPTER 70, ARTICLE II "INSURANCE PREMIUM TAX", AMENDING SECTION 70-31 ENTITLED "IMPOSED", AMENDING SECTION 70-32 ENTITLED "DUE DATE", AMENDING SECTION 70-94 ENTITLED "OCCUPATIONAL LICENSES REQUIRED, EXEMPTIONS", AMENDING SECTION 70-95 ENTITLED "DUE DATE; DELINQUENCIES", AMENDING SECTION 70-96 ENTITLED "APPLICATION; DISPLAY", AMENDING SECTION 70-97 ENTITLED "SUPPORTING AFFIDAVITS, AMENDING SECTION 70-98 ENTITLED "TERM OF LICENSE; TRANSFERABILITY; FEE PRORATION", AMENDING SECTION 70-99 ENTITLED "EVIDENCE OF ENGAGING IN

BUSINESS”, AMENDING SECTION 70-100 ENTITLED “DUPLICATION LICENSE AND SPECIAL PERMIT PROCEDURE” AND AMENDING SECTION 70-101 (1 THRU 10) ENTITLED “LICENSE FEE SCHEDULE”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Karen E. Roselli, Village Attorney

Manager Umberger advised the Council this ordinance revised the Village Regulations at Chapter 70 “Taxation” to comply with House Bill No. 1269, which changed the term “Occupational License” to “Business Tax”. The State Legislature had determined that unscrupulous individuals had taken advantage of the “license” nomenclature and presented the occupational license to consumers as proof of competency to perform various repairs and services. This revision, it was felt, would better protect residents from consumer fraud. 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 Vice Mayor Waller and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

26. ORDINANCE NO. 2007-03 (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 CHAPTER 39, SECTION 39-2 ENTITLED “DEFINITIONS”; AND SECTION 39-3, ENTITLED “PROHIBITIONS; EXCEPTIONS; PENALITIES”; TO EXPAND THE SCOPE OF THE SEXUAL PREDATOR REGULATIONS TO APPLY TO SEXUAL OFFENDERS CONVICTED OF SIMILAR SEXUAL OFFENSES IN OTHER STATES AND JURISDICTIONS; 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 stated the Council had previously adopted Ordinance No. 2006-04 on January 26, 2006; however, this ordinance further refined the previously adopted regulations in order to attempt to provide for the maximum protection of the lives, safety, physical and mental well being of the residents of the Village. 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 Council Member Brinkman. Motion carried 5 – 0.

27. ORDINANCE NO. 2007-04 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 34, ARTICLE VI, DIVISION 12 OF THE CODE OF ORDINANCES, PERTAINING TO TRANSPORTATION PERFORMANCE STANDARDS TO CREATE NEW CODE SECTION 34-1434 TO BE ENTITLED “PROPORTIONATE FAIR-SHARE MITIGATION PROGRAM”; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger stated this ordinance pertained to Transportation Performance Standards of Village roadways. The 2005 Amendments to the State of Florida Growth Management Legislation directed all local governments to enact concurrency management ordinances to allow for proportional share contributions from developers toward traffic concurrency requirements for those roadways owned and maintained by the Village. Although this ordinance complies with the letter of the law, it would not be enforceable until such time as the Village establishes a roadway concurrency system; however, the Department of Community Affairs (DCA) has indicated that failure to adopt an ordinance of this nature would delay approval of any future land use amendments.

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 Vice Mayor Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

28. Appointment to the Construction Board of Adjustment and Appeals

Staff: Virginia Walton, Village Clerk

Mayor Davis stated this Board had two alternate member vacancies and one application had been received from Rhondia Siano, a Construction Project Manager. A motion to appoint Ms. Siano as a Senior Alternate Member to the Construction Board of Adjustment and Appeals for a term to expire on April 27, 2007, was made by Mayor Pro Tem Smith and seconded by Council Member Osborne. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Vice Mayor Waller wished everyone Happy Holidays.

Mayor Pro Tem Smith thanked Bill Davis and his staff for a great ride for the decorating contest. It was a lovely evening.

Mayor Davis wished everyone Happy Holidays and Be Safe.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:43 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor