



**VILLAGE COUNCIL MEETING
MINUTES, COUNCIL CHAMBERS
226 CYPRESS LANE
VILLAGE OF PALM SPRINGS, FLORIDA
JANUARY 12, 2017 AT 6:30 P.M.**

Mayor Bev Smith called the regular meeting of the Village Council to order at 6:36 p.m.

Present: Mayor Bev Smith, Vice Mayor Brinkman, Mayor Pro Tem Waller, Council Member Gunther, Council Member Shields, Village Manager Richard Reade, Village Attorney Glen Torcivia, Village Clerk Susan Caljean.

Staff present: Police Chief Tom Ceccarelli, as Sergeant at Arms, Finance Director, Rebecca L. Morse, Library Director, Suvi Manner, Parks and Recreation Director, Bill Golson, Land Development Director, Kim Glas-Castro, Public Service Director, David Harden.

The Invocation was given by Village Manager Reade, followed by the Pledge of Allegiance led by Mayor Pro Tem Waller.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor Smith asked if there were any additions, deletions or modifications to the agenda, Village Manager Reade stated that there is one item: Item #19 on the agenda for an interlocal agreement for the Community Redevelopment Agency will be moved to the February 9, 2017 Council meeting. Mayor Smith asked for a motion to approve the agenda as presented.

Vice Mayor Brinkman made a motion to approve the agenda as presented, seconded by Council Member Gunther. Motion carried 5-0.

1. Approval of Village Council Meeting Minutes – December 8, 2016 and December 15, 2016
2. Interlocal Agreement – Public Assistance Funding Agreement – Federal Emergency Management Agency (FEMA) – Hurricane Matthew (FEMA-4283-DR-FL)

Village Manager Reade stated that in early October 2016, the Village was impacted by Hurricane Matthew and experienced numerous emergency costs (i.e., Emergency Operations Center activation, storm preparation and event staffing overtime and debris removal). As a result of this storm, Palm Beach County was one of fifteen (15) counties in Florida that were included in the major disaster declaration that was issued by the U.S. President on October 8, 2016. This declaration provides the Village with the opportunity to apply for public assistance from the federal and state governments to assist in

covering our preparation and recovery costs that resulted from Hurricane Mathew.

To be eligible for reimbursement, the Village must execute a public assistance funding agreement with the Federal Emergency Management Agency (FEMA). If approved, the federal government will reimburse the Village for 75% of eligible costs, the state will reimburse 12.5% and the Village would be responsible for the remaining 12.5% of expenditures.

Note: All official submittals for public assistance related to this disaster must be signed by the person with Signature Authority or designee and sent to the State of Florida Division of Emergency Management via the www.FloridaPA.org website. Thus, the proposed agreement requests the Council designate the Village Manager - Richard Reade - as the Authorized Agent, the Parks and Recreation Director - William Golson - as the Primary Agent, the Assistant to the Village Manager - Brent Morgan - as the Alternate Agent, the Assistant Finance Director - Mariana Ortega-Sanchez - as the Other-Finance/Point of Contact, the Deputy Village Clerk - Jane Worth - as the Other-Risk Management-Insurance designee and the Village Clerk - Susan Caljean - as the Other-Environmental-Historical designee. The proposed public assistance funding agreement was prepared by the Federal Emergency Management Agency (FEMA) and reviewed by the Village Attorney.

3. Resolution No. 2017- 05 – Amend Schedule of Fees

Village Manager Reade stated that periodically, staff reviews the costs involved in meeting all of the services delivered by the Village personnel to the public. As these costs increase or when there are issues that may require new updates for services that are being provided to the public, it is necessary to amend the fee schedule associated with these services. Village Clerk/General Government: The current lien search fees are not being recommended to change until the commencement of the new online access (as provided within Resolution 2016-63 - July 28, 2016 - Village's Schedule of Fees Amendment). However, the timeframes to complete a normal and rush search are proposed to be clarified and extended due to the increase in total number lien searches that are being requested until the commencement of the new online system. The proposed changes are as follows:

**Lien Search Fee - Normal - time frame will be 14 Business Days until commencement of online access

**Lien Search Fee - Rush - time frame will be 7 to 10 Business Days until commencement of online access

**Lien Searches will not be completed between the 8th and the 15th of each month due to Utility Billing Cycle which will extend the due date up to 7 Business Days for each Fee as defined within

**Upon implementation of the online access, there shall only be one (1) Lien Search Fee of \$150 per search. All other fees will be discontinued at this time.

4. Authorize Equipment Purchase and Installation – Piggyback – Police Department (FY 2017 Budget Funded)

Village Manager Reade stated that the Police Department has a need to purchase and install equipment for its newly purchased vehicles to support the public safety services and activities that are provided by our Police Officers. To ensure the lowest possible price, staff is recommending that the Village piggyback off the current Broward County Sheriff's Office contract awarded to Strobes-R-Us. This selection by the Broward County Sheriff's Office was completed through a competitive selection process – Emergency Equipment for Law Enforcement Vehicles – (ITB #13104030) – August 12, 2013.

Within the FY 2017 budget, the Village Council approved \$195,000 to be used for the purchase of police vehicles and associated graphics and equipment. In addition, to these budgeted funds, the police department expects to receive approximately \$73,900 during this fiscal year from insurance payments due to five (5) police vehicles that have been wrecked/totaled since 2012. Once received, these insurance funds will be transferred to the Police department's budget to support the cost for two (2) replacement vehicles (which will also include associated graphics and equipment). Through the Broward County Sheriff's Office bid, the Police department was able to obtain a price of \$44,018.22 to purchase the necessary emergency equipment and lighting to outfit the following vehicles:

- Six (6) 2017 Ford Interceptor marked patrol (utility) vehicles \$41,174.22
- One (1) 2017 Ford Fusion unmarked detective vehicle \$1,422
- One (1) 2017 Nissan unmarked pickup truck \$1,422

If approved, the Village would accept Strobes-R-Us' pricing by piggybacking the Broward County Sheriff's Office Invitation to Bid (a contract/agreement was not required by Broward County for this purchase) including all terms, conditions and pricing therein. The term of the contract is set to expire on August 11, 2017. The Village's Purchasing Code, Section 58-9, Accessing contracts of other government agencies, provides that the Village may award a contract by piggybacking or accessing the goods and/or services from any State of Florida contract; contracts of any Florida political subdivision; or from any other governmental entity (other than the Federal government); provided that the same or substantially similar goods and/or services were competitively solicited. The Village has purchased and installed equipment from this vendor previously and they have provided a quality product.

5. Authorize Police Forfeiture Fund Expenditure/Donation

Village Manager Reade stated that per Florida State Statute 932.7055 (5c3), "any local law enforcement agency that acquires at least \$15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 15

percent of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer program(s).” During Fiscal Year 2016, the Police Department took in \$16,783.82 in forfeiture money and fifteen percent (15%) of this total is \$2,517.57. To meet the requirements of state law, the department is requesting to donate \$2,600 to the Police Athletic League of Palm Springs Explorers program. As a result, this donation would result in the Village exceeding our statutory requirement. This expenditure complies with Florida State Statute and helps the Police department meet its requirement to donate funds in the support of a crime prevention or safe neighborhood program.

6. Interlocal Agreement – Road Construction and Paving Funding – Palm Beach County (Reimbursement of 1/3 of Construction & Paving Costs)

Village Manager Reade stated that Village staff has been working with Palm Beach County to secure funding assistance for the construction and paving of unpaved roadways that were previously annexed into the Village. On November 22, 2016, the Palm Beach County Commission approved the requested funding (\$231,000) and authorized their staff to finalize an agreement with the Village. The proposed Interlocal Agreement would finalize this funding assistance project. The proposed Agreement provides that the County would reimburse the Village for 1/3 of construction and paving costs, up to \$231,000, for four (4) unpaved roadways. The unpaved streets include:

- Canal 11 Road
- Erie Terrace
- Lone Pine Way
- Child Street

Additionally, the County will continue to provide maintenance grading as needed until paving is completed or December 31, 2017, whichever occurs first. The proposed agreement was developed by Palm Beach County and reviewed by the Public Service Director, the Finance Director and the Village Attorney.

7. Approve Road Construction and Paving – Piggyback – Revised – Public Service Department (FY 2017 Budget Funded)

Village Manager Reade stated that the Village has a need to construct and pave four (4) unpaved roads within the Village - Childs Street, Erie Terrace, Lone Pine Way and Sally Lane. These roads were annexed into the Village as unpaved streets. As a result, the Village contracted with Keshavarz Associates to design and prepare construction plans for this project. To ensure the lowest possible price, staff is recommending that the Village piggyback off the current Town of Loxahatchee Groves Contract that was awarded to Hardrives Paving, Inc. This selection was completed through a competitive selection process (RFB Project No. 2016-01 – B Road Pavement Surfacing Project) – on May 6, 2016. The proposed revised price provided under the Town of Loxahatchee’s contract for the construction and paving of four (4) roads is as follows:

- Childs Street, Erie Terrace, Lone Pine Way & Sally Lane \$156,385.55

Note: On August 11, 2016, the Council awarded this contract to Hardrives in the amount of \$240,631.60; however, following further review of the scope of work and the existing roadway infrastructure, the total pricing for this project has been reduced by \$84,246.05. As a result, the Village Council is requested to approve the lower cost for this project. A contract with Hardrives Paving was not executed following original approval in August 2016 as there was an expectation that the cost would be reduced.

As cited under the Village Purchasing Code, Section 58-9. Accessing contracts of other government agencies; The Village may award a contract by piggy-backing or accessing the goods and/or services from any State of Florida contract; contracts of any Florida political subdivision; or from any other governmental entity (other than the Federal government); provided that the same or substantially similar goods and/or services were competitively solicited.

The Village has not worked with the proposed vendor; however, staff has received a positive reference from the Town of Loxahatchee Groves.

8. Resolution No. 2017-01 – Amendment to Utility Installment Payment Program

Village Manager Reade stated that the Village, over the years, has provided property owners (residential and commercial) with the opportunity to finance with the Village for various utility infrastructure related expenses when utilities become available within their community (Resolution Nos. 97-14, 2000-23, and 2016-31). However, availability of the program is currently limited to property owners who are abandoning individual wells and septic systems to connect to the Village's central utility system. Recently we received a request to use the Installment Payment Program from the owner of a vacant parcel to pay connection fees for new buildings to be constructed. As a result, staff is requesting that the Council amend the Program to make it available for vacant properties.

If approved, the proposed amendment would facilitate infill development by making the Village's utility financing program available to vacant property owners throughout the Village.

Note: In-fill development contributes the Village's goal of promoting economic (re-) development. Funding provided under this program are secured by a lien on the property.

The proposed amendment was prepared by the Village Attorney and reviewed by the Public Service Director and Finance Director.

9. Authorize Water Meter Fittings & Water Line Accessories Purchase – Piggyback-Public Service Department (FY 2017 Budget Funded)

Village Manager Reade stated that the Public Service Department, throughout the

year, has a need to purchase pipe, water valves, fittings and water line accessories to perform repairs to the Village's two (2) Water Treatment Plants, Distribution System and Wastewater Collection System. These items are used on a daily basis to ensure that the Village's Utility system is operating at a level that ensures the highest quality of water and sewer service to our customers. To ensure the lowest possible price, staff is recommending that the Village piggyback off the current City of Deerfield Beach contract awarded to Ferguson Enterprises. This selection by the City of Deerfield Beach was completed through a competitive selection process – Water Meter Fittings & Water Line Accessories For Southeast Florida Governmental Purchasing Cooperative Group (ITB No. 2011-12/22) – August 3, 2012. Note: The proposed piggyback contract was completed as part of The Southeast Florida Governmental Purchasing Cooperative (Co-Op). The intent is to bring member cities together and combine their purchasing needs within the Co-Op (which the Village is a member) to receive the best (lowest) price possible.

If approved, the Village would accept Ferguson Enterprises pricing by piggybacking the City of Deerfield Beach's (Southeast Florida Co-Op) contract including all terms, conditions and pricing therein. The initial term of the contract expired on October 31, 2016, however the contract has been renewed for an additional year. There is still one additional renewal option for one (1) year. As cited under the Village Purchasing Code, Section 58-9. Accessing contracts of other government agencies; The Village may award a contract by piggy-backing or accessing the goods and/or services from any State of Florida contract; contracts of any Florida political subdivision; or from any other governmental entity (other than the Federal government); provided that the same or substantially similar goods and/or services were competitively solicited. The Village has worked with the proposed vendor previously and they have provided excellent service.

10. Resolution No. 2017- 02 will be continued to the February 9, 2017 Agenda

11. Proclamation – Crossing Guards Day – February 3, 2017

12. Property Improvement Program (PIP) Matching Grant Awards

Village Manager Reade stated that there are three (3) Property Improvement Program (PIP) awardees have completed improvement projects to their properties and have filed the necessary documentation to receive the matching grant funding under this program:

1. Marialena and Mark Hall
2. Steve Aasterud
3. Angela Thul

13. 2016 Holiday Decorating Contest Awards

Village Manager Reade stated that the Village received a total of thirty-six (36) entries to participate in the 2016 Holiday Decorating Contest this year. Numerous persons served as judges and visited each location on December 7, 2016 to evaluate each entry on a

scale from 1 to 10, with a score of ten being the most desirable. A total of fifteen (15) residential winners were selected along with an honorary award for Kids College. All winners have been invited to attend the Council Meeting and receive their awards.

CONSENT AGENDA

(Public Comment on Consent Agenda Items is permissible prior to voting)

Mayor Smith opened the meeting up for public comment. There were no comments from the public.

Vice Mayor Brinkman made a motion to approve the consent agenda, seconded by Council Member Gunther. Motion carried 5-0.

Mayor Smith opened the meeting up for public comment. There were no comments from the public.

PUBLIC HEARINGS

Clerk stated that said Ordinance 2016-21 was advertised in the Lake Worth Herald on November 17, 2016. Mayor Smith asked the Village Attorney Torcivia to read the Ordinance by title.

14. ORDINANCE No. 2016-21 (SECOND READING) - Village Code Amendment - Chapter 34 - Land Development - Various Sections

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 34 "LAND DEVELOPMENT", ARTICLE III "LANDSCAPING", DIVISION 4 "MAINTENANCE", SECTION 34-224 "REPLACEMENT OF VEGETATION" AND SECTION 34-226 "PRUNING TREES", TO PROVIDE FOR REPLACEMENT OF REQUIRED TREES; ARTICLE VI "LAND USE", DIVISION 1 "GENERALLY", SECTION 34-572 "VIOLATIONS", TO CLARIFY VIOLATIONS; DIVISION 6 "DISTRICT REGULATIONS", SUBDIVISION II "RS RESIDENTIAL SINGLE-FAMILY", SECTION 34-746 "PROPERTY DEVELOPMENT REGULATIONS" AND SUBDIVISION III "RM RESIDENTIAL MULTIPLE-FAMILY", SECTION 34-766 "PROPERTY DEVELOPMENT REGULATIONS", TO CLARIFY MAXIMUM IMPERVIOUS AREA AND DRIVEWAY SETBACKS; SUBDIVISION V "CG COMMERCIAL GENERAL", SECTION 34-828 "SUPPLEMENTAL REGULATIONS", TO ADD SUPPLEMENTAL REGULATIONS RELATED TO VENDING MACHINES; DIVISION 7 "SUPPLEMENTAL DISTRICT REGULATIONS", SUBDIVISION 1 "IN GENERAL", SECTION 34-881 "LANDSCAPING AND PAVING", TO CLARIFY DRIVEWAY SETBACKS; SECTION 34-892 "ACCESSORY USES, BUILDINGS AND STRUCTURES", TO ADD STANDARDS FOR ACCESSORY USES AND IMPROVEMENTS; SUBDIVISION II "RECREATIONAL VEHICLES, COMMERCIAL VEHICLES AND SIMILAR VEHICLES", SECTION 34-914 "PARKING IN SINGLE-FAMILY RESIDENTIAL LAND USE DISTRICTS; USE OF PORTABLE STORAGE CONTAINERS AND ROLL-OFF DUMPSTERS IN ALL ZONING DISTRICTS", TO

CLARIFY MAXIMUM IMPERVIOUS AREA; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Village Manager Reade stated that the Land Development Department is recommending various amendments to the Village's Land Development Code (Chapter 34) to assist the Village in meeting our objectives to promote economic (re-development, encourage more attractive commercial corridors and maintain the value of our residential properties.

The proposed Code amendments are located within several articles of the Land Development Code and include the following:

- Clarification of the maximum impervious area allowed on RS and RM properties (i.e., driveways, patios, swimming pools, etc.) to protect open space and pervious areas to prevent flooding
- Codification of the driveway setback, which has been required through permitting as a matter of policy
- Supplemental regulations on accessory site elements to improve the aesthetics of our commercial corridors by restricting accessory site elements (i.e., vending machines, utility facilities and bollards) that have been required through site plan review as a matter of past policy
- Remedial action required for illegal tree removal and improper pruning, which has been required as a matter of policy
- Clarification that conditions of approval, site plan requirements, and annexation agreements are enforceable through the code compliance process

The Land Development Board held workshop on the proposed amendments during its October 10, 2016 meeting to provide direction on the proposed amendments. Additionally, the Board considered the proposed amendments during their November 15, 2016 meeting and recommended approval. The proposed ordinance was prepared by the Village Attorney and reviewed by the Land Development Director. The proposed ordinance was approved on 1st reading on December 8, 2016, and is presented 2nd and final reading.

Mayor Smith opened the meeting up for public comment. There were no comments from the public.

Council Member Shields made a motion to approve Ordinance 2016-21, seconded by Vice Mayor Brinkman. Roll call vote. Motion carried 5-0.

Clerk stated that said Ordinance 2017-01 was advertised in the Lake Worth Herald on January 5 and January 12, 2017. Mayor Smith asked the Village Attorney Torcivia to read the Ordinance by title.

15. ORDINANCE No. 2017-01 (FIRST READING) - Land Use Amendment and Rezoning (Small Scale) - South Congress Avenue

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, FOR THIRTY-FIVE (35) INDIVIDUAL PARCELS OF LAND LOCATED ON SOUTH CONGRESS AVENUE, AND BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, EACH PARCEL CONSISTING OF LESS THAN 10 ACRES, TO “COMMERCIAL”, “MIXED USE”, “AND MEDIUM DENSITY RESIDENTIAL (<10 DU’s/ACRE)”; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT, “COMMERCIAL GENERAL” AND “MIXED USE” AND “RESIDENTIAL MULTI-FAMILY”, DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP, BEING MORE FULLY DESIGNATED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Manager Reade stated that the proposed ordinance would amend the land use and zoning for thirty-five (35) individual parcels (each parcel is less than 10 acres) along South Congress Avenue, which were included within an voluntary annexation (Ordinance 2016-22) and an involuntary annexation (Ordinance 2016-23). Following the effective date of the annexation, the Village is now initiating the small scale land use and zoning changes from Palm Beach County designations to Palm Springs designations. The properties total 64.12 acres and are currently developed with commercial and multi-family uses and each individual parcel is less than 10 acres in size and all are currently developed or planned for urban uses:

Existing Future Land Use	Proposed Future Land Use	Existing Zoning	Proposed Zoning
PBC – Urban Infill, and Institutional	Commercial, Medium Density Residential, and Mixed Use	PBC –Urban Infill, UI, Multiple-Use Planned Development, MUPD, and Public Ownership, PO	Commercial General, CG, and Multi-Family Residential, RM, Mixed Use, MU

Note: See attached table and maps. The Land Development Board will consider the proposed ordinance during their January 10, 2017 meeting and their recommendation will be provided to the Council prior to consideration. The Local Planning Agency (LPA) will consider this item on January 12th and their recommendation will be provided to the Council prior to consideration. If approved on 1st reading, the proposed ordinance will be considered on 2nd and final reading by the Village Council on February 9, 2017

Mayor Smith opened the meeting up for public comment. There were no comments from the public.

Council Member Gunther made a motion to approve Ordinance 2017-01, seconded by Mayor Pro Tem Waller. Motion carried 5-0.

Clerk stated that said Ordinance 2017-02 was advertised in the Lake Worth Herald on January 5 & January 12, 2017. Mayor Smith asked the Village Attorney Torcivia to read the Ordinance by title.

16. ORDINANCE No. 2017-02 (FIRST READING) - Land Use Amendment and Rezoning (Large Scale) -Morguard Emerald Apartments -Melaleuca Lane

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE VILLAGE OF PALM SPRINGS, WHICH AMENDMENT IS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, IN ACCORDANCE WITH THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AS AMENDED, BEING SECTIONS 163.3161, ET. SEQ., FLORIDA STATUTES, PROVIDING FOR THE AMENDMENT OF THE VILLAGE'S FUTURE LAND USE MAP PURSUANT TO THE LARGE SCALE COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, FOR THE PURPOSE OF INCLUDING THE 20.23 ACRE PROPERTY LOCATED AT 4591, 4614 AND 4665 EMERALD VIS, INCLUDING THE PRIVATE ROAD TRACT, AS "RESIDENTIAL HIGH DENSITY" ON THE FUTURE LAND USE MAP "FLUM"; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITH A LAND DEVELOPMENT "RESIDENTIAL MULTI-FAMILY" ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR DIRECTIONS TO THE VILLAGE CLERK; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER PURPOSES.

Village Manager Reade stated that this proposed ordinance would amend the land use and zoning for the Morguard Emerald Apartments [four (4) parcels totaling 20.23 total acres], which is located along Melaleuca Lane (west of Congress Avenue) and was voluntarily annexed as part of the South Congress Avenue involuntary annexation (Ordinance 2016-23).

Following the effective date of the annexation, the Village is now initiating the large-scale land use and zoning changes from Palm Beach County designations to Palm Springs designations. The properties total 20.23 acres and are currently developed with two-hundred-eighty-four (284) rental apartments and amenities and the development project is more than 10 acres in size.

Existing Future Land Use	Proposed Future Land Use	Existing Zoning	Proposed Zoning
PBC-High Density Residential	High-Density Residential	PBC-Planned Unit Development	Multi-Family Residential/Planned Development, RM/PD

Note: See attached table and maps. The Land Development Board will consider the proposed ordinance during their January 10, 2017 meeting and their recommendation will be provided to the Council prior to consideration.

The Local Planning Agency (LPA) will consider this item on January 12th and their recommendation will be provided to the Council prior to consideration.

If approved on 1st reading, the proposed large-scale map amendment will be forwarded to the Florida Department of Economic Opportunity (DEO) for state review. If the DEO does not have any objections to the proposed amendment, the proposed ordinance will be presented to the Village Council at the next available meeting.

Mayor Smith opened the meeting up for public comment. There were no comments from the public.

Mayor Pro Tem Waller made a motion to approve Ordinance 2017-02, seconded by Vice Mayor Brinkman. Motion carried 5-0.

Clerk stated that said Ordinance 2017-03 was advertised in the Lake Worth Herald on January 19, 2017. Mayor Smith asked the Village Attorney Torcivia to read the Ordinance by title.

17. ORDINANCE No. 2017-03 (FIRST READING) - Village Code Amendment - Engineering Escrow Deposit

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI "LAND USE", TO ADD A NEW DIVISION 14 "COST RECOVERY AND ESCROW DEPOSITS"; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Village Manager Reade stated that the Land Development and Public Service Departments staff is recommending amendments to the Village's Land Development Code (Chapter 34) to strengthen the Village's cost recovery for consultant professional fees. Currently, Village codes and policies provide for the recovery of various costs associated with the Village's use of professional services (i.e., engineering, legal and/or other professional services) required in conjunction with land development. In an effort to

ensure payment/cost recovery, a proposed preliminary escrow deposit would be required to be paid in advance of permit, utility/civil plan and/or land development review. This payment/deposit would then be credited toward the fees charged for professional services for the required review and/or inspections. Note: Supplemental deposits may also be required depending on the complexity of the review and required inspections. All remaining funds at the completion of the project will be refunded to the applicant.

The Land Development Board will consider the proposed ordinance at their January 10, 2017 meeting, and their recommendation will be provided to the Council prior to consideration.

The proposed Code amendment was prepared by the Village Attorney and reviewed by the Land Development Director and the Finance Director. If approved on 1st reading, the proposed ordinance will be considered for 2nd and final reading by the Village Council on February 9, 2017.

Mayor opened the meeting to the public. There were no comments from the public.

Council Member Shields made a motion to approve Ordinance 2017-03, seconded by Council Member Gunther. Motion carried 5-0.

Clerk stated that said Resolution No. 2017-03 was advertised in the Lake Worth Herald on November 24, 2016. Mayor Smith asked the Village Attorney Torcivia to read the Resolution by title.

18. RESOLUTION No. 2017-03 - Special Exception Uses (PSSE 16-06) - Lakeshore Plaza, LLC - 2669 Forest Hill Boulevard (Bays 114 - 116 & 126 - 127)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING), WITH CONDITIONS, A SPECIAL EXCEPTION USE (PSSE16-06) LAKESHORE PLAZA, LLC - 2669 FOREST HILL BOULEVARD FOR APPROVAL TO ALLOW A 3,169 SQUARE FEET RECREATIONAL USE/FACILITY (TENANT BAY 114-116) AND A 2,940 SQUARE FOOT PLACE OF WORSHIP WITHIN TENANT BAYS 126-127; AND ESTABLISHING AN EFFECTIVE DATE.

Village Manager Reade stated that Mr. Bradley Miller, agent for Lakeshore Plaza LLC, the property owner, is requesting special exception (PSSE 16-06) approval to permit a 3,169 square foot recreational use/facility (tenant bay 114-116) and a 2,940 square foot place of worship within the existing plaza (tenant bays 126-127) located at 2669 Forest Hill Boulevard. Both of these uses require Council approval as special exceptions within the CG zoning district. Note: Since the distribution of the Village Council January 12th Meeting Agenda, the Applicant has amended their original request to remove the 2nd church/place of worship that was proposed within tenant bay #124 (930 square foot). Another place of worship is not proposed for this site. As a result, the Executive Brief has been amended to reflect this change. The proposed special exception uses will be located in the existing in-line building, which is comprised of retail, restaurant, and

office uses: Tenant Bays 114-116 - A proposed fitness and retail use would utilize 3,169 square feet for personal fitness training classes (maximum of 64 customers) and retail sales of Herbal Life products (749 square feet of the total proposed area). The applicant contends that the personal fitness training classes are held predominately inside the tenant space; however they are occasionally held outside of the building. The Land Development Board expressed safety and liability concerns regarding customers training in the rear loading/service area of the building and, as a result, Condition #7 was modified to allow outdoor training only within the grass area of the vacant outparcel, and to prohibit outdoor storage of equipment (such as the tractor tires that were outside the rear of the tenant space). Tenant Bays 126-127 - Currently, a church/house of worship is operating in this location without special exception approval. As a result, the applicant is requesting that the existing church/house of worship utilize 2,940 square feet place for worship (maximum occupancy of 285 persons). The applicant contends that the assembly area is designated to hold a maximum of 252 unfixed chairs and that the congregation currently has 50 members and services are held on Wednesday, Saturday and Sunday. The Land Development Board considered these special exception uses during its December 13th meeting and recommended conditional approval.

Mayor Smith announced that April 2nd Lake Clarke Shores will be hosting a picnic for their 60th Anniversary.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 7:31 p.m.

Respectfully submitted,

Mayor, Bev Smith

Susan Caljean, Village Clerk

NEXT REGULAR MEETING: FEBRUARY 9, 2017 AT 6:30 P.M.

If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who need an accommodation in order to attend or participate in this meeting should contact the Village Clerk at 965-4010 at least 3 days prior to the meeting in order to request such assistance.