

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COUNCIL CHAMBERS, APRIL 14, 2016**

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE

Mayor Bev Smith called the regular meeting of the Village Council to order at 6:33 p.m.

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

Absent: Council Member Escalada

Staff present: Police Chief Tom Ceccarelli, as Sergeant at Arms, Land Development Director Kim Glas-Castro, CFO Rebecca L. Morse, Public Service Director John Rouse and Leisure Services Director Bill Golson, Suvi Maner, Library Director.

Mayor introduced School District Chairman, Chuck Shaw, he thanked the Mayor and Council for considering the interlocal agreement for the sales tax.

Invocation was given by Village Manager Reade, followed by the Pledge of Allegiance led by Mayor Bev Smith.

Resolution No. 2016-36

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, CERTIFYING THE ELECTION OF CANDIDATES AND CHARTER AMENDMENTS FOR THE 2016 MUNICIPAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Village Attorney Torcivia read the resolution by title. Mayor Smith stated that this was a public hearing and asked for questions or comments. Hearing none, a motion for approval was made by Vice Mayor Gunther, seconded by Mayor Pro Tem Brinkman. Motion carried 4-0.

1. CERTIFICATION OF ELECTION

Manager Reade stated that during the recent municipal election that was held on Tuesday, March 15, 2016, two Council Member Seats were up for election as well as three (3) Village Charter Amendments. The qualifying period for the election was held from November 10, 2015 through November 24, 2015.

The Village Council is requested to certify the election results as follows:

The Village Clerk certified that only one (1) candidate qualified for each of the available council member seats:

- . Patricia "Patti" Waller - District 2 Council Member Seat
- . Joni S. Brinkman - District 4 Council Member Seat

The *Charter of the Village of Palm Springs Section 5.06* and *Florida Statutes Chapter 101.151(6)* provide that the unopposed council member candidates shall be deemed to have voted for themselves and are certified as elected as of the date of the election, being March 15, 2016.

Note: Due to the approved change in the Village Charter during the March 15, 2016 elections, Council Member Waller and Council Member Brinkman will serve three (3) year terms that will expire in March 2019.

The Village proposed three (3) ballot questions to amend the Village Charter, which had not been amended in 20+ years. The official results, provided by the PBC Supervisor of Elections (SOE) Office, are as follows:

Question 1. Clarify Various Personnel Matters:

| | |
|-----------|----------------|
| Yes Votes | 1,721 (76.83%) |
| No Votes | 519 (23.17%) |

Question 2. Address Housekeeping & Administrative Issues:

| | |
|-----------|----------------|
| Yes Votes | 1,466 (65.48%) |
| No Votes | 773 (34.52%) |

Question 3. Address Council Terms, Vacancies & Meeting Procedures:

| | |
|-----------|----------------|
| Yes Votes | 1,500 (69.41%) |
| No Votes | 661 (30.59%) |

Following certification of the municipal election results by the Village Council, Council Member Waller and Brinkman will be sworn into office to serve their new three (3) year term. Additionally, staff will codify the amended Village Charter and forward it to the State of Florida as required by state law. Further, the new Charter will be posted on the Village’s website and be available for public review at various locations within Village Hall and Library.

Resolution No. 2016-37

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, DESIGNATING A VICE MAYOR AND MAYOR PRO TEM FOR THE ENSUING YEAR 2016-2017, AND PROVIDING AN EFFECTIVE DATE.

2. OATH OF OFFICE FOR NEW CANDIDATES

Susan Caljean, Village Clerk, administered the Oath of Office to Patti Waller and Joni Brinkman.

3. COUNCIL REORGANIZATION

Manager Reade stated the Village Council has certified the results of the March 15, 2016 municipal election and the Oaths of Office has been administered to the newly elected officials.

Section 3.05(a) of the Charter of the Village requires the nomination and election by Council Action of a Vice Mayor and Mayor Pro Tem from among its members at the first regular council meeting after the General Election. The new Vice Mayor and Mayor Pro Tem shall serve until March/April 2019.

Mayor Smith asked for a nomination for the offices of Vice Mayor and Mayor Pro Tem, Council Member Gunther nominated Joni Brinkman as Vice Mayor and Patti Waller as Mayor Pro Tem, seconded by Mayor Smith. Motion carried 4-0.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Manager Reade had one modification to the agenda, item #20, regarding Chili's Restaurant adding Thursdays to the resolution to be included in the extension of the hours of operation.

Mayor Smith asked for a motion to approve the agenda items, a motion was made by Pro Tem Mayor Waller, seconded by Vice Mayor Brinkman. Motion carried 4 -0.

CONSENT AGENDA

Mayor Smith opened the meeting up for public comment. There was no public comment.

4. Minutes of Regular Council Meeting on March 10, 2016
Staff: Susan Caljean, Village Clerk

5. Resolution No. 2016-19 – Tire purchase agreement - Cooperative Purchasing

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, AND/OR HER DESIGNEE, TO EXECUTE A COOPERATIVE PURCHASE CONTRACT WITH GOODYEAR TIRE & RUBBER COMPANY; AND PROVIDING AN EFFECTIVE DATE.

Staff: John Rouse, Public Service Director

6. Resolution No. 2016-20 – Final Utility contract close out - Collie & Kivey Drive (Part A)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, AND/OR HER DESIGNEE, TO EXECUTE A CHANGE ORDER AMENDING A CONTRACT TO AKA SERVICES FOR COLLIE DRIVE AND KIVEY DRIVE SEWER INSTALLATION AND ROAD RECONSTRUCTION PROJECT. (CLOSE OUT-PART A)

Staff: John Rouse, Public Service Director

7. Resolution No. 2016-21 - Final Utility contract close out - Phase IV (Part B)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, AND/OR HER DESIGNEE,

TO EXECUTE A CHANGE ORDER AMENDING A CONTRACT TO AKA SERVICES FOR PHASE IV SEWER INSTALLATION AND ROAD RECONSTRUCTION PROJECT (10TH AVENUE NORTH SOUTH TO CANAL 11 FROM KIRK ROAD WEST TO MILITARY TRAIL. (CLOSE OUT-PART B)

Staff: John Rouse, Public Service Director

8. Resolution No. 2016-33 – Purchase utilities parts and services agreement - Bilfinger Water Technologies (AIRVAC) (Sole Source)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BILFINGER WATER TECHNOLOGIES, INC. (AIRVAC) TO PURCHASE PARTS/SUPPLIES (SOLE SOURCE)

Staff: John Rouse, Public Service Director

9. Resolution No. 2016-34 - Purchase DOC Resin IXOM Watercare (Best Interest Acquisitions)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH IXOM WATERCARE, INC. AND PROVIDING AN EFFECTIVE DATE.

Staff: John Rouse, Public Service Director

10. Resolution No. 2016-35 - Agreement with East Coast Pyrotechnics, Inc. for the purchase of the July 4th fireworks display.

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH EAST COAST PYROTECHNICS, INC. FOR THE PURCHASE OF A FIREWORKS DISPLAY FOR THE 4TH OF JULY CELEBRATION IN THE AMOUNT OF \$10,000; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Golson, Leisure Services Director

11. Resolution No. 2016-38 - Purchase of emergency equipment – Strobes-R-U's (Piggyback)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, AND/OR HER DESIGNEE, TO EXECUTE A PIGGYBACK CONTRACT WITH STROBES-R-US FOR THE PURCHASE OF EMERGENCY EQUIPMENT AND INSTALLATION THROUGH THE BROWARD SHERIFF'S OFFICE, BID #13-1040-30 FOR THE POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

Staff: Tom Ceccarelli, Chief of Police

12. Resolution No. 2016-39 – Purchase Sodium Hexametaphosphate agreement - Carus Corp. (Piggyback)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, AND/OR HER DESIGNEE, TO EXTEND A PIGGYBACK CONTRACT WITH CARUS CORPORATION FROM MAY 1, 2016 THROUGH APRIL 30, 2018 FOR THE PURCHASE AND DELIVERY OF SODIUM HEXAMETAPHOSPHATE; AND PROVIDING AN EFFECTIVE DATE.

Staff: John Rouse, Public Service Director

13. Proclamation - Arbor Day- Friday, April 22, 2016
14. Proclamation - National Public Safety Telecommunications Week- April 10th thru 16th.

End of Consent Agenda....

Mayor Smith asked for a motion to approve the Consent agenda, a motion was made by Council Member Gunther, seconded by Mayor Pro Tem Waller. Motion carried 4 -0.

PRESENTATION

Mayor Smith announced the recipient of the award of Property Improvement Program (PIP) Matching Grants

Manager Reade stated that PIP awardee has completed their improvement projects and have filed the necessary documentation to receive the Village matching grant funds, one of them is present this evening.

| | |
|-----------------|---|
| Owner/Resident: | Regina Mackenzie |
| Address: | 3248 Henthorne Drive (since 1981) |
| Project: | Replaced garage door (Impact code approved) |
| Eligible Costs: | \$1,776.00 |
| Grant Award: | \$ 888.00 |

Ms. Mackenzie thanked the Village for this opportunity.

Mayor Smith opens the meeting up for public comment. (Three minute limit)
Charles Ward of 3368 Kirk Road was concerned with the fencing and water drainage from the Cabrera site and the impact it would have on his property.

Kim Glas-Castro, Land Development Director gave an explanation of the proposed development.

Gary Ready of 3118 Meadow Road attends the Special Magistrate hearings and was wondering how people get fines or liens on their property.

John Tieche of 305 Winged Foot Drive was concerned with the Zika outbreak. He thinks the Village should get after tire sales establishments to keep the tires free from standing water, or store the tires indoors.

Mayor suggested that Palm Beach County should spray Palm Springs for mosquitos.

PUBLIC HEARINGS

15. Resolution No. 2016-40 – Support major league baseball facility in South Central Palm Beach County

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA SUPPORTING THE LOCATION OF A MAJOR LEAGUE BASEBALL TRAINING FACILITY IN SOUTH CENTRAL PALM BEACH COUNTY AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Richard Reade, Village Manager

Manager Reade stated that recently, there has been discussion about the possibility of locating a Major League Baseball (MLB) training camp at John Prince Park, which is adjacent to the Village's future annexation area near South Congress Avenue, Lake Worth Road and 6th Avenue, South. Should this park, which is owned and maintained by Palm Beach County, be selected as a site to host spring training, the Village could potentially realize a number of economic (re)development and tourism opportunities.

As a result, the Village Council is requested to consider a proposed Resolution supporting this opportunity and urging the Palm Beach County Board of County Commissioners to strongly consider exploring the proposed John Prince Park site as a future MLB spring training site.

Mayor Pro Tem Waller had requested that this resolution be put on the agenda. She attended a meeting of the County Commissioners last week and is in full support of this facility and reported that it would be a great economic opportunity for Palm Springs for redevelopment and mixed use development.

Mayor Smith opens the meeting up for public comment. (Three minute limit)

John Tieche of 305 Winged Foot Drive suggested that this may be the time to get 6th Avenue and 10th Avenue widened.

Mayor Pro Tem Waller is a member of the Metropolitan Planning Organization where they have a program called "Smart Streets". The goal of this organization is to make the streets a more pedestrian and bicycle safety environment.

Gary Ready of 3118 Meadow Road had a concern that the area they are looking to develop is near the Lake Worth Utility area.

Village Attorney Torcivia read the resolution by title. Mayor Smith asked for a motion for approval, made by Vice Mayor Brinkman, seconded by Council Member Gunther. Motion carried 4-0.

16. Resolution No. 2016-41- Infrastructure Surtax- Interlocal Agreement

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT AMONG PALM BEACH COUNTY, THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, AND THE SIGNATORY MUNICIPALITIES PERTAINING TO THE SHARED DISTRIBUTION AND USE OF THE ONE CENT LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.

Staff: Richard Reade, Village Manager

Manager Reade reported that on March 22, 2016, Palm Beach County (PBC) approved a plan for a one-cent infrastructure surtax for a 10-year period that would be presented to the voters in Palm Beach County for consideration during the November 2016 election. This proposed sales tax initiative would increase the County's sales tax from 6% to 7%.

Currently, the proposed one-cent sales tax initiative would include the County, the School Board and the Municipalities. The proposed distribution is as follows:

| | |
|--|-------|
| Palm Beach County School Board | 48.0% |
| Palm Beach County | 27.5% |
| PBC Economic Development Cultural Facilities | 4.5% |
| PBC Economic Development Incentives | 1.5% |
| Municipalities | 18.5% |

Note: To include the School Board and change the allocations from the distribution formula as provided within Florida Statutes, an Interlocal Agreement is required from the municipalities representing a majority (51%) of the municipal population within Palm Beach County.

It is anticipated that an ordinance to include ballot language and the details of the County's plan will be presented to the County Commission in April 2016 along with approved municipal agreements.

If approved, the Village could potentially receive a significant amount of funding to support the cost for capital improvement projects (CIP) and equipment that weren't funded due to the recent economic recession and dramatic decreases in assessed property values over the past decade. Thus, this funding would contribute to Village goals, including a number of economic

(re-)development opportunities. Projected funding to the Village is as follows:

| 1 Year Distribution | 10 Year Distribution | 10 Year Distribution (Projected 3% Revenue Increase) |
|---------------------|----------------------|--|
| \$1,162,498 | \$11,624,979 | \$13,726,538 |

Note: Based on 2015 State of Florida Sales Tax Distribution Formula

As a result, the Village Council is requested to consider a proposed Interlocal Agreement supporting this infrastructure surtax opportunity.

The proposed Interlocal Agreement was prepared by Palm Beach County and reviewed by the Village Attorney. The proposed 10-year Village project list was prepared by the Public Service Department with input from each Village Department Director and staff.

If approved by the voters of Palm Beach County during the upcoming November 2016 election, the Village would receive approximately \$11,624,979 million dollars over a 10-year period to complete various capital related projects.

A discussion by Council ensued regarding this issue. The question will be on the ballot in November for the voters to decide.

Village Attorney Torcivia read the resolution by title. Mayor Smith asked for a motion for approval, made by Vice Mayor Brinkman, seconded by Mayor Pro Tem Waller. Motion carried 4-0.

Manager Reade stated that the Village of Palm Springs, for a second year, will be identified as an “entitlement city” with a delineated Community Development Block Grant (CDBG) Target Area in the Palm Beach County 5-Year Consolidated Plan. Palm Beach County has recently notified the Village that our allocation for FY 2016-2017 is \$99,365.

The Village was required to submit a project for the County’s Annual CDBG Work Plan by April 8th. In order to be eligible for the HUD grant, the Village’s project must 1) benefit low and moderate income persons, 2) include a public facility in need of repair or replacement, including ADA and accessibility improvements and/or 3) aid in the elimination of blight.

Staff is proposing to utilize the available funding to support the 1st phase of the unnamed park at the northeast corner of Park Lane and Kirk Road as this year’s project. This project is proposed in the Village’s Capital Improvement Program at an estimated cost of \$149,365 and will include both CDBG and Florida Recreation Development Assistance Program (FRDAP). The Village will be responsible for any project costs in excess of the \$99,365 from the CDBG reimbursement grant. Additionally, the FRDAP grant award of \$50,000 will be used as matching funds along with Village staff labor as an in-kind match.

The proposed park improvements, while located immediately outside of the Villages' CDBG Target Area, will serve the residents of the Target Area by providing usable open space and neighborhood park improvements within walking and biking distance. In 2012, the property was transferred from Palm Beach County to be developed as a public park after the Village annexed the surrounding residential area. This year's CDBG allocation will enable Phase 1 of the park improvements to be completed. The park plan will be designed by a professional which will include the following: preparation of the property to turn the barrow pit lake into a focal point with a walking trail around its perimeter and fountain in the center, playground equipment, landscaping and irrigation system, and paved parking lot with an ADA walkway.

Future park amenities have been identified such as a picnic pavilion and water fountain when funding becomes available. A potential source for the funding could be the FY 2017-2018 CDBG funding allocation.

Through initial discussions with County it has been confirmed that the project will meet the required criteria for CDBG funding.

The Fiscal Year 2016-2017 allocation for the Village is estimated at \$99,365. This is a reimbursement grant.

Mayor Smith opens the meeting up for public comment. (Three minute limit)

John Tieche of 305 Winged Foot Drive thought it was a good idea but stated that there was the worse blight on Kirk Road with abandoned vehicles on that one lot.

17. Resolution No. 2016-42- CDBG project funding- Kirk Road and Park Lane

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING FUNDS ALLOCATED BY PALM BEACH COUNTY HOUSING AND COMMUNITY DEVELOPMENT TO THE VILLAGE OF PALM SPRINGS FOR FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BE USED TOWARD THE FIRST PHASE OF THE PARK LANE PARK, LOCATED AT THE NORTHEAST CORNER OF PARK LANE AND KIRK ROAD; AND PROVIDING AN EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Village Attorney Torcivia read the resolution by title. Mayor Smith asked for a motion for approval, made by Council Member Gunther, seconded by Vice Mayor Brinkman. Motion carried 4-0.

18. Ordinance No. 2016-05- Village Code Amendment- Utility Billing Adjustments (First Reading)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 78

“UTILITIES”, ARTICLE II, “WATER AND WASTEWATER SYSTEM”, DIVISION 1, “GENERALLY”, BY ENACTING A NEW SECTION 78-45, “UTILITY BILLING ADJUSTMENTS” TO PROVIDE REGULATIONS REGARDING ADJUSTMENTS TO CUSTOMER UTILITY BILLS; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

Staff: John Rouse, Public Service Director

Manager Reade stated that in an effort to enhance our customer service and provide clear guidance related to collection/adjustments of Village utility bills, the Public Service Department is recommending the following amendments to the Village Code - *Chapter 78 “Utilities”*:

BILLING ERRORS:

Provides for adjustments to correct billing issues (i.e., charge for water/wastewater in error, a bill was not provided for consumed water/wastewater, etc.)

LEAKS AT THE METER:

Provides a wastewater billing credit for above average usage due to a documented leak on the customer’s side of the water meter. Credit for both water and wastewater charges is also provided when the leak is within three (3) feet of the meter and the Village changed out or repaired the meter within the last three (3) months

SWIMMING POOL FILLING:

Provides customers with an opportunity to request a wastewater billing adjustment based on the number of gallons of water that was used to fill a swimming pool

ACTS OF NATURE:

Provides for a credit if an act of nature (i.e., uprooting of a tree that results in a water line break) causes above average water usage

EXCESSIVE USE:

Provides an excessive use credit to be applied when one month’s usage is three or more times a customer’s average usage and it is not the result of an apparent or deliberate act of the customer

The proposed amendments were developed by the Public Service Department and have been reviewed by the Village Attorney.

If approved on 1st reading, the proposed ordinance will be presented to the Council for consideration on May 12, 2016 for 2nd and final reading.

There is no direct significant fiscal impact of the proposed amendments.

John Rouse gave an explanation regarding billing the tenants vs. landlords. Once every

three years they would allow adjustments. To notify the residents the department will have the information on the water bill as well as the web site.

Mayor Smith opens the meeting up for public comment. (Three minute limit)
There were no comments from the public.

Village Attorney Torcivia read the ordinance by title. It will be considered for second reading and public hearing at the May 12th, 2016 Council meeting. Mayor Smith asked for a motion for approval, made by Vice Mayor Brinkman, seconded by Mayor Pro Tem Waller. Motion carried 4-0.

19. Ordinance No. 2016-06- Floodplain Management (First Reading)

AN ORDINANCE BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA AMENDING THE VILLAGE CODE OF ORDINANCES TO AMEND CHAPTER 1, "GENERAL PROVISIONS", SECTION 1-2, "DEFINITIONS AND RULES OF CONSTRUCTION", TO CLARIFY DEFINITIONS AS A RESULT OF FLOODPLAIN MANAGEMENT; AND AMENDING CHAPTER 10, "BUILDINGS AND BUILDING REGULATIONS", ARTICLE II, "FLORIDA BUILDING CODE", SECTION 10-32, "TECHNICAL AMENDMENTS" TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE AS A RESULT OF FLOODPLAIN MANAGEMENT REQUIREMENTS; AND REPEALING ARTICLE II "FLOOD DAMAGE PREVENTION" WITHIN CHAPTER 34, "LAND DEVELOPMENT", IN ITS ENTIRETY, AND TO ADOPT A NEW ARTICLE II "FLOODPLAIN MANAGEMENT" WITHIN CHAPTER 34, "LAND DEVELOPMENT" TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Manager Reade stated that the Land Development department is recommending an amendment to the Village Code due to recent changes to the Florida Building Code (5th Edition) pertaining to buildings and structures within flood hazard areas to ensure consistency between both documents. The proposed ordinance was developed by the Federal Emergency Management Agency (FEMA) and the Florida Division of Emergency Management have developed a model ordinance and is specifically designed to repeal and replace existing regulations to satisfy the National Flood Insurance Program and Florida Building Code requirements.

Following the effective date of the new Flood Insurance Rate Maps (FIRM), which is the official map of the Village on which FEMA has identified both special hazard areas and the risk premium zones within the Village; the Village will be mandated to adopt these regulations within a 6-month period. As a result, staff is bringing this ordinance forward in advance of the

federal mandate.

Note: FEMA is expecting to finalize the FIRM by September 2016 and possible insurance rate adjustments are expected to be implemented by March 2017. At this time, the Village will maintain fewer properties within a flood hazard area under the new maps; thus, significant rate increases are not expected.

The proposed ordinance has been reviewed and approved for adoption by the State.

The Land Development Board considered the proposed amendments at their April 12th meeting and recommended approval.

The proposed request does not have a fiscal impact to the Village.

Mayor Smith opens the meeting up for public comment. (Three minute limit)
No comment from the public.

Village Attorney Torcivia read the ordinance by title. It will be considered for second reading and public hearing at the May 12th, 2016 Council meeting. Mayor Smith asked for a motion for approval, made by Vice Mayor Brinkman, seconded by Council Member Gunther. tion carried 4-0.

20. Resolution No. 2016-43 – Hours of Operation Variance (PSV16-02) to allow Chili's Restaurant to remain open until midnight on Thursday, Fridays and Saturdays.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING) THE APPLICATION SUBMITTED BY JJ JAMADAR, BRINKER FLORIDA, INC, AGENT FOR CHILI'S RESTAURANT, FOR A VARIANCE (PSV16-02) FROM SECTION 34-891(1) OF THE VILLAGE CODE OF ORDINANCES TO ALLOW THE HOURS OF OPERATIONS AND HOURS OF CONSTRUCTION ACTIVITY, FOR THE PROPERTY LOCATED AT 3349 S. CONGRESS AVENUE, AT PALM SPRINGS PLAZA, PALM SPRINGS, FLORIDA, TO EXTEND HOURS OF OPERATION ON THURSDAYS, FRIDAYS AND SATURDAYS FROM 11:00 PM TO 12:00 AM; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Manager Reade stated JJ Jamadar, Brinker Florida, Inc., Agent for Chili's Restaurant, is requesting a variance (PSV16-02) from the Village Code to operate the new Chili's Restaurant one hour longer on Friday and Saturday nights. The applicant is requesting approval to deviate from Section 34-891(1), "Hours of Operation and Hours of Construction Activity", which specifies that no commercial activity shall occur before 7:00 a.m. or after 11:00 p.m. The proposed time extension variance would be consistent with other retail uses (within the surrounding area and within the Village) that maintain extended hours of operation.

Based on the surrounding characteristics and the proposed restaurant not being located adjacent to residential properties, staff does not find that the requested variance will negatively impact the area or be detrimental to the public welfare.

The proposed request does not have a fiscal impact to the Village.

Mayor Smith opens the meeting up for public comment. (Three minute limit)

J.J. Jamadar from Chili's Restaurant was here to answer any questions and thanked the Village for all their support through the construction process. Their target date to open is the first week of July.

Village Attorney Torcivia read the resolution by title. Mayor Smith asked for a motion for approval, made by Mayor Pro Tem Waller, seconded by Council Member Gunther. Motion carried 4-0.

Manager Reade stated Mr. Damian Brink, agent for Neil and Janese Williams, owners and operators of Kingswood Academy, has filed the final plat mylar for the proposed new Kingswood Academy at 4137 South Congress Avenue (south of Canal 12 and west of Palm Beach State College) for final approval and authorization to record it in the public records of Palm Beach County. The proposed final plat unifies three (3) parcels.

The final plat is consistent with the approved site plan (Resolution 2015-70 - July 25, 2015) and the preliminary plat (Resolution 2016-15 - February 11, 2016), which were both previously approved by the Village Council.

The Village's Surveyor, Engenuity Group, has reviewed and determined that the proposed final plat mylar is in compliance with Chapter 177, F.S. - Platting Regulations.

There is no direct fiscal impact of the proposed plat.

21. Resolution No. 2016-44 – Final Plat – Kingswood Academy – 4137 South Congress Avenue

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT KINGSWOOD ACADEMY, SUBMITTED BY DAMIAN BRINK, AGENT FOR THE OWNERS AND OPERATORS, LOCATED AT 4137 SOUTH CONGRESS AVENUE; AND PROVIDING AN EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Mayor Smith opens the meeting up for public comment. (Three minute limit)

No comment from the public.

Village Attorney Torcivia read the resolution by title. Mayor Smith asked for a motion for approval, made by Vice Mayor Brinkman, seconded by Mayor Pro Tem Waller. Motion carried

4-0.

Mayor asked if there was anyone giving testimony and that the Clerk would swear them in. The Clerk swore in Hector Cabrera of 348 Davis Road.

Manager Reade stated that Mr. Hector Cabrera, property owner, is requesting site plan approval for a residential planned development consisting of seven (7) single family residences. A similar site plan was previously approved in April 2008 (Resolution 2008-09) and platted (Resolution 2008-38 – May 2008); however, the site plan has expired in 2011.

As a result, Mr. Cabrera is seeking site plan approval based on the 7 previously platted lots, as he wishes to avoid replatting. The proposed residential planned development requires ten (10) waivers:

1. Minimum lot area of 5,600 s.f. in lieu of 6,500 s.f.
2. Minimum lot depth of 80' in lieu of 100'
3. Minimum front yard of 22' in lieu of 25'
4. Minimum buffer of 5' in lieu of 10' along perimeter
5. Minimum side corner setback of 15' in lieu of 25' for lot 7
6. Minimum side setback of 6' in lieu of 7.5' on the East side of lot 7
7. The presence of common area and a property owner's association to maintain the common area (each lot will be individually owned, with exception of public roadway)
8. Minimum buffer of 7.5' in lieu of 15' along Kirk Road
9. Minimum of 40' right of way in lieu of 50' for local street and "Y" turn around in lieu of circle since the site is already platted under Resolution 2008-38
10. Minimum of 1 tree every 20' along perimeter buffer

The developer is responsible for all improvements and upon completion, the public road (Tropical Way), utility lines, street lights and drainage facilities will be inspected and accepted by the Village for ongoing maintenance. A Developer's Agreement and Utility/Drainage Easement are presented for Village Council approval.

The Land Development Board considered the proposed site plan application during at its February 9th meeting and recommended conditional approval.

The construction costs of the residences should enhance property values over those assessed on the vacant lots; however, Village responsibility of the infrastructure maintenance will have a fiscal impact to the Village.

22. Resolution No. 2016-16 - Cabrera Subdivision Site Plan- Kirk Road

A RESOLUTION OF THE VILLAGE COUNCIL APPROVING/DENYING WITH CONDITIONS, THE SITE PLAN (SPR16-02) SUBMITTED BY HECTOR

CABRERA, FOR CONSTRUCTION OF SEVEN (7) SINGLE FAMILY HOMES, AS PART OF A RESIDENTIAL PLANNED DEVELOPMENT, ON INDIVIDUAL LOTS ALREADY PLATTED, AND AUTHORIZING THE MAYOR AND/OR DESIGNEE TO APPROVE AND EXECUTE A DEVELOPER'S AND UTILITY EASEMENT AGREEMENT, AS REQUIRED FOR WATER AND SANITARY SEWER SERVICES, LOCATED AT 3386 KIRK ROAD; AND ESTABLISHING EFFECTIVE DATE.

Staff: Kim Glas-Castro, Land Development Director

Mayor Smith opens the meeting up for public comment. (Three minute limit)

The Mayor and Council had several questions regarding this application. The concern was that after the ten (10) year easement who would be responsible for maintaining the fence on the property.

John Tieche of 305 Winged Foot Drive had brought up having a concrete wall installed, the idea was discussed at Land Development meetings but they agreed to have the builder be responsible for the fencing for ten (10) years.

Charles Ward of 3368 Kirk Road was concerned with the maintenance of the fencing that was to be installed.

Village Attorney Torcivia read the resolution by title and added the extra conditions to be included in the site plan approval. Mayor Smith asked for a motion for approval, made by Vice Mayor Brinkman, seconded by Mayor Pro Tem Waller. Motion carried 4-0.

ACTIONS AND REPORTS

Discussion Item - Village Maintenance Obligations vs. Property Owners Associations' Responsibilities vs. Special Assessment Districts

Manager Reade stated that the Village Code currently requires a property owners association or equivalent to be established to assume maintenance responsibility for common areas and shared improvements within all new development projects for which there will be multiple ownership interests (i.e., private lots, outparcels, etc.).

Recently, a residential housing project requested a waiver from this requirement stating that the small size of the subdivision would not support an effective homeowners association (HOA). Staff concurs that a traditional Property Owners Association (POA) would not be sustainable for this particular project, however, it has brought forth concerns that the Village may not desire to be obligated to assume long-term maintenance responsibilities (i.e., drainage, street lights, perimeter buffers, etc.) within private neighborhoods.

An alternative to a property owners association would be the implementation of a special assessment district, where the costs for shared maintenance would be paid by the benefiting

new properties. Within this structure, financial obligations would be estimated to determine a pro-rata assessment for each benefitted property owner. As a non-ad valorem assessment, the annual costs would be collected by the Tax Collector and when transferred to the Village, held in a special district fund. This fund would be drawn upon to cover ongoing maintenance costs within the district (development project). A special assessment district requires a considerable amount of initial effort to legally establish the district, however, it would avoid the issues that typically develop within a small POA/HOA.

Staff is requesting the Council's input to provide direction on the maintenance responsibilities for future development proposals.

Kim Glas-Castro, Land Development Director, is looking for advice from Council that gives direction of maintenance responsibilities for future development proposals. The Mayor and Council agreed that more information is needed to establish a policy.

John Tieche of 305 Winged Foot Drive is not in favor of overbuilding and making sure the builder has to install the roads and sidewalks.

Pamela Twiner is the Walmart neighborhood market store manager wanted to personally invite everyone to the grand opening on June 1st. She requires community involvement from her employees. The Mayor suggested a reading program that the schools have available. Ms. Twiner also mentioned that Walmart has donation monies they like to distribute to different programs in the community.

MANAGER COMMENTS

Manager Reade commented on the ninety-five (95) new employees that the new Walmart has hired. The new El Presidente Store has hired seventy (70) new employees and is expected to hire ninety (90) in total. Manager Reade welcomed Ms. Caljean and Mr. Morgan to the Village of Palm Springs. As a reminder there will be a Great American Clean-Up this Saturday from 8:00 am to 12:00 noon and a barbeque to follow and want to thank Republic for sponsoring the event. We are also having an Arbor Day Event on Friday, April 22, 2016 at the 2400 building at 10:00 am. The Police Department will be hosting movie night on Friday and Minions will be shown. The audit report has been held up due to not receiving some information.

VILLAGE COUNCIL COMMENTS

Vice Mayor Brinkman stated that the children in the schools should be required to go through bike safety training course. Council Member Gunther urged the residents to use the crosswalks and avoid jaywalking. Mayor Pro Tem Waller commented on how clean the new El Presidente store was. The Mayor made a comment of how hard it is to see pedestrians crossing at the crosswalks near the library, possibly a light could be installed there. The Mayor welcomed Mr. Gordon and Ms. Caljean and thanked Jane Worth for all her work keeping the Clerk's office running smoothly. It is also the 90th Anniversary of Green Acres, the Mayor is expecting to attend that celebration.

Joann Stanley from Republic is in the audience and wanted to say they had some issues but are working on them.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 8:32 p.m.

Respectfully submitted,

Susan Caljean, CMC
Village Clerk

Mayor

**NEXT REGULAR COUNCIL MEETING
May 12, 2016 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.