MINUTES, COUNCIL CHAMBERS
226 CYPRESS LANE
VILLAGE OF PALM SPRINGS, FLORIDA
AUGUST 18, 2022 AT 6:30 PM

CALL TO ORDER

Mayor Smith called the Village Council Regular Meeting to order at 6:36 PM (Immediately following the Closed-Door Session).

ROLL CALL

Present: Mayor Beverly Smith, Vice-Mayor Doug Gunther, Mayor Pro Tem Joni Brinkman, Council Member Patti Waller, and Council Member Gary Ready

Absent: None

Also Present: Village Manager Michael Bornstein, Village Attorney Glen Torcivia, Village Clerk Kimberly Wynn, Assistant Village Manager Kim Glas-Castro, Police Chief Tom Ceccarelli as Sergeant in Arms, Planning, Zoning and Building Director Iramis Cabrera, Superintendent Public Service Timothy Crespo, Assistant Finance Director, Mariana Ortega, Parks and Recreation Director, Justin Lucas, and Assistant Utilities Director Paul Ward, and Utilities Director Dr. Jimmy Johnson

INVOCATION

Village Manager Bornstein led the Invocation.

PLEDGE OF ALLEGIANCE

The Village Council led in the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

There were no changes to the Agenda.

CONSENT AGENDA

1. **Approval of July 21, 2022, Village Council Budget Workshop Minutes**
   Staff: Kimberly Wynn, Village Clerk

2. **Approval of July 21, 2022, Village Council Regular Meeting Minutes**
   Staff: Kimberly Wynn, Village Clerk

3. **Resolution No. 2022-31 - Public Nuisance Abatement Program - Record Special Assessment Liens (Village Abatement Costs):** Motion to approve Resolution No. 2022-31; authorizing the Village to assess costs incurred by the Village under Section 10-22 of the Village Code of ordinances for the abatement of certain nuisances within the Village and providing that a lien, plus applicable fees and costs be assessed against the property at 2877 Lake Worth Road, and recorded if the assessment remains unpaid after thirty (30) days.
   Staff: Kimberly Wynn, Village Clerk

   SUMMARY: Under the procedures outlined within the Public Nuisance Abatement section of the Village Code (Chapter 10, Section 10-22 - Procedure for enforcement of a nuisance), liens that have been incurred by the Village to abate unsafe and unhealthy conditions from foreclosed, neglected, and/or abandoned homes must be updated and recorded to ensure reimbursement from the property owner (at some future point in time).

   Under Section 170.21 of the Florida Statutes, the costs expended on manpower, supplies, and equipment to maintain the properties in a safe condition are considered municipal services that benefited a particular property. As a result, the Village maintains the legal authority to levy a special assessment lien (which survives a foreclosure) to recover all costs incurred.

   The proposed resolution includes one (1) property with a total of $2,700.00 that is requested to be approved by the Village Council as a special assessment lien. Code Enforcement, the Police Department, and Public Works worked with the property owner to clean this property up as there were homeless people and unhealthy conditions on this property due to the overgrown vegetation and trees.

   The proposed resolution and a list with the lien have been prepared by the Village Clerk and reviewed by the Village Attorney, the Public Service Department - the Public Works staff, and the Police Department - Code Enforcement Division staff. Resolution No. 2022-31 was advertised in the Lake Worth Herald on March 24, and March 31, 2022.

   If approved, the proposed resolution and associated lien will be forwarded to the PBC Clerk of the Courts to be recorded within the public records of Palm Beach County.

   Fiscal Impact: The proposed special assessment lien will enable the Village to recover previously paid expenditures to ensure the health and safety of our community.

4. **Approve Property Improvement Program (PIP) Matching Grant Awards - 34 Springdale Circle and 672 Springdale Circle:** Approve two (2) grant awards for the property owner at 34 Springdale Circle for $3,640.63 and the property owner at 672 Springdale Circle for $4,133.13 who has completed the Property

Improvement Program. Funding to support the grant awards is available within the FY22 Budget - General Fund.

Staff: Iramis Cabrera, PZB Director

SUMMARY: The Village's Property Improvement Program (PIP) Committee is recommending approval of grant awards for two (2) property owners who have completed an improvement project to their property and filed the necessary documentation to receive matching grant funding under this program:

- Owner/Resident: Taylor J Barahona
- Address: 34 Springdale Circle
- Project: Replace mansard roof with Davinci Bellaforte
- Eligible (Project) Cost(s): $7,281.25
- Matching Grant Award: $3,640.63

- Owner/Resident: Gian Gastone Bertini
- Address: 672 Springdale Circle
- Project: Replaced mansard roof with Davinci Bellaforte
- Eligible (Project) Cost(s): $8,266.25
- Matching Grant Award: $4,133.13

The PIP Selection Committee met on October 29, 2021, and recommended approval of the grant awards (up to 50% or $5,000). If approved by the Village Council, the awardees will be mailed their checks and may be acknowledged at a future Village Council meeting.

Fiscal Impact:

Funding to support the proposed awards is available within the FY22 Budget - General Fund.

5. **Submersible Pump Purchase - Utilities Department (FY 2022 Budget Funded - Water & Sewer Enterprise Fund) - PSI Technologies, Inc. & Hudson Pump & Equipment:** Approve a purchase from PSI Technologies, Inc. & Hudson Pump & Equipment for $128,718.20 for ten (10) submersible wastewater pumps. The term of the contracts is three (3) years (June 9, 2025) with two (2) additional one (1) year renewals. Funding to support the proposed purchase is available within the FY 2022 Budget - Water & Sewer Enterprise Fund.

   Staff: Paul Ward, Assistant Director of Utilities

   SUMMARY: The Utilities Department must purchase submersible wastewater pumps to replace ten (10) aging pumps at various lift stations throughout the Village's utility service area. The pumps proposed to be replaced have recently experienced a significant increase in failures and inefficiency. By upgrading the pumps with new, more reliable, and higher efficiency pumps that are standardized across the Village, it is anticipated that the Village will experience considerable cost savings (as a result of reduced annual electricity costs, staff maintenance costs, etc.). Improved operational efficiencies that are expected will provide a higher quality of service for our utility customers.

Note: To ensure the lowest possible price and to standardize the types of pumps, accessories, and repair services utilized within our utility processes, the Village issued an Invitation to Bid (ITB) and awarded contracts to three (3) qualified vendors - PSI Technologies, Inc. (WILO), Hudson Pump & Equipment (Barnes), and Wastewater Solutions, LLC (Boesch) on June 9, 2022. This selection by the Village of Palm Springs was completed through a competitive selection process – Submersible Wastewater Pumps, Accessories, and Service (ITB #2022B-010 - March 31, 2022).

The Village agreed to each of the three vendors' terms, conditions, and pricing. The term of each contract is set to expire on June 9, 2025, with a renewal option to extend two additional one (1) year terms.

Through the existing agreement with PSI Technologies and Hudson Pump & Equipment, the staff was able to obtain the following proposed cost for the purchase of ten (10) submersible wastewater pumps:

Item:	***Amount:***
Fountainview LS (2 Pumps) PSI Technologies	$11,444.00
McDonald's LS (2 Pumps) PSI Technologies	$18,780.00
Marlboro Courts LS (2 Pumps) PSI Technologies	$24,238.20
Palm Beach Townhomes LS (2 Pumps) Hudson Pumps	$30,396.00
Springdale LS (2 Pumps) Hudson Pumps	$43,860.00
Total	**$128,718.20**

The approved FY 2022 Budget - Water & Sewer Fund included $125,000 for the purchase of replacement lift station pumps.

The proposed quotes were prepared by PSI Technologies and Hudson Pump & Equipment and reviewed by the Utilities Supervisor, Utilities Superintended, Assistant Utilities Director, and the Finance Director.

The Village has worked with the proposed vendors previously, and they have provided excellent service and quality products.

Fiscal Impact:
Funds to support the proposed purchase are available within the FY 2022 Budget - Water & Sewer Enterprise Fund. The Village will not expend more than the amount within the approved budget as it may be adopted/amended each year for these goods and services over the term of this contract.

End of Consent Agenda....

PRESENTATIONS

6. **Presentation of the Septic to Sewer Conversion:** Mr. Tom Jenson, Engineer with Kimley-Horn & Associates, will present the findings of the Septic to Sewer Conversion Study. The Septic Sewer Conversion Study identifies areas in Palm Springs' Utility Service Areas currently not served by a wastewater collection system. Then present options to provide service to those customers. The Florida Department of Economic Opportunity (DEO) funded the study with the Community Planning Technical Assistance Grant.

   Staff: Paul Ward, Assistant Director of Utilities

   SUMMARY: Mr. Tom Jenson, an engineer with Kimley-Horn & Associates, the Village's contracted engineer, will present the findings of the Septic to Sewer Conversion Study. This study will identify areas within the Village of Palm Springs Utility Service Area that are currently not served by our wastewater collection system, and present options to provide that service to those customers. This study was funded by a Community Planning Technical Assistance Grant from the Florida Department of Economic Opportunity.

   Fiscal Impact:
   There is no fiscal impact on this presentation.

   Mr. Paul Ward, Assistant Director of Utilities, introduced Mr. Tom Jensen, a Consultant with Kimley Horn. A large group of residents attended the meeting in response to the Septic to Sewer Presentation. Mr. Jensen explained that the conversion presented was a conceptual plan to determine the areas to move from septic to sewer. He identified the four (4) areas and discussed the advantages and disadvantages of the conversion. The conversion could be expensive; however, the Village was looking at grants to help alleviate costs.

   Mayor Smith offered the Council an opportunity to ask Mr. Jensen questions. Council Member Ready asked Mr. Jensen if he could explain the functions of Kimley Horn to the community. Mr. Jensen discussed what the Kimley Horn firm generally does in the community. Mayor Smith explained that due to the number of comments and requests to speak, she would permit Fire Chief Tracey Adams to speak before public comments.

   At this point, Fire Chief Tracy Adams of Palm Beach County Fire Rescue gave an update to the Council on the Annual Report. She talked about a good insurance rating. Chief Adams announced new life-saving equipment that was available on fire trucks. Fire Rescue continues to prepare for the hurricane system and hire new first responders. She distributed the Annual Report to each of the Council members, and it was entered into the record.

Mayor Smith offered the public an opportunity to speak:

1. Mr. Matthew Takahashi - 2186 West Carol Circle - Mr. Takashi asked what sewer to septic conversion project involved. Mr. Ward explained that the Village was in the conceptual stages of the process. The Village is searching for grants and available funding to help with costs. This will help to determine timelines.
2. Mr. Ashok Kulkarni - 8131 West Lake Drive - Mr. Kulkarni wanted clarification if his home would get converted to a sewer system - he is a resident of Lake Clark Shores (LCS). He entered his memo into the record. Mr. Ward explained that LCS and VPS would not work on the conversion project together at this time. However, they may do so further in the process.
3. Mary Billman - 4681 N Palma Circle - Mrs. Billman asked if the conversion was optional for the residents, or if it was in the planning stages. Mr. Ward explained there would be outreach and the damage would be minimal to their property.
4. Mr. Jon Ettman - 1823 Antigua Road - Mr. Ettman explained to the residents there were two projects taking place in the community at the same time. LCS explained there are two projects going on. Mr. Ward explained that a more individual location is on the website.
5. Mr. Jack Resmond - 2106 Bonnie Drive - Mr. Resmond is in support of the septic conversion, but he had concerns about the cost and constant flooding in the area. Mr. Ward explained that the area is outside of the Village of Palm Springs boundaries.
6. Mr. Scott Siegel recollected a situation that happened 25 years earlier when his driveway was ripped apart. Mr. Takashi asked the staff what the next steps were. Matthew asked for the next steps.
7. Ms. Denise Proffitt - 2559 Meadow Court - Ms. Proffitt asked if available funding such as grants would be researched.
8. Mr. Ray Miles - 1803 Forest Avenue - Mr. Miles spoke about Code Enforcement and issues with a seagrape tree and lighting around the U-Store It building. The business did not comply with the lighting conditions which resulted in vagrants. Mr. Miles spoke about his frustrations with the phone tree. Police Chief Ceccarelli answered Mr. Miles's concerns about the phone tree, more research was needed about the U-Store It building conditions. Mayor Pro Tem Brinkman and Vice Mayor Gunther requested staff to review the conditions of approval.
9. Mr. Johnnie Tieche - 305 Winged Foot Drive- Mr. Tieche explained that the Village hired a fourth person for Code Enforcement. He noted the improvement of code conditions around the Village with the additional personnel.

Hearing no further comments from the public, Mayor Smith closed public comment.

REGULAR AGENDA PUBLIC COMMENT

Mayor Smith offered the public an opportunity for public comment. There were none.

PUBLIC HEARINGS

7. **Resolution No. 2022-36 - Final Garbage Non Ad-Valorem Assessment Rates - FY 2023:** Motion to Approve Resolution No. 2022-36; adopting the final non ad - valorem assessment roll for the Fiscal Year 2022/2023 so as to provide a uniform method for collecting the non ad-valorem assessment for garbage, trash and recyclables collection services and related services on the Palm Beach County Tax Notices.

   Staff: Kimberly Wynn, Village Clerk

   SUMMARY: On July 21, 2022, the Village Council adopted Resolution No. 2022-27, setting the preliminary Non Ad-Valorem assessment rates for Fiscal Year 2022-2023. As a result, Resolution No. 2022-36 proposes to set the final Non-Ad-Valorem assessment roll rates to provide a uniform method for collecting this assessment for garbage, trash, and recyclables collection services in the Village on the Palm Beach County Tax Notices.

   The proposed rates for Fiscal Year 2022-2023 will be as follows:

Single Family Homes	$ 201.00
Multi-Family Homes	$ 125.50
Mobile Homes	$ 125.50

   The Council originally established the uniform method for collecting garbage, trash, and recyclables services on the Palm Beach County Tax Notices by the adoption of Resolution No. 2008-17 in February 2008. This Resolution included all parcels within the incorporated municipal boundaries of the Village of Palm Springs at that time, as well as all parcels subsequently annexed into the Village.

   The Council has adopted a corresponding resolution each year setting rates for the upcoming fiscal year. The proposed Resolution would establish the Non Ad-Valorem rates for garbage based on the cost of collection and disposal at that time. The Village's costs have continued to increase annually because of a cost of living increase, and, most recently, the new contract with Waste Pro includes a 9% increase that went into effect as of April 2022. In April 2023, the rates are projected to increase another 9%. The Village has not increased its garbage rates since 2015. To assist with the reduced administrative margin to offset staff costs.

   Fiscal Impact:
   The projected total annual revenue that the Village would assess is expected to be $1,531,010.40 (which is at a 96% collection rate).

Mayor Smith introduced Resolution No. 2022-36. There was no presentation from the staff. Mayor Smith offered the public and Council an opportunity to speak on Resolution No. 2022-36. There were no comments from the public. The Village Attorney, Mr. Torcivia read the title of the caption into the record.

Vice-Mayor Gunther made a motion to Approve Resolution No. 2022-36. It was seconded by Council Member Ready. The said motion carried 5-0**.**

8. **Resolution No. 2022-37 - Final Adoption of the Stormwater Non Ad-Valorem Assessment Rates - FY 2023:** Motion to Approve Resolution No. 2022-37; adopting the final rates for Stormwater Management Assessments for each parcel within the benefitted area, other than non-assessed property; providing for the certification and adoption of the Stormwater Assessment Roll In accordance with Chapter 78 of the Code Of Ordinances of the Village of Palm Springs; providing for or a public hearing; providing for the adoption of The Stormwater Assessment Roll.
Staff: Kimberly Wynn, Village Clerk

SUMMARY: The proposed Resolution establishes the Non Ad-Valorem assessment roll rates for Fiscal Year (FY) 2023 and provides a uniform method for collecting this assessment for stormwater management services within the Village on the Palm Beach County Tax Notices.

The proposed rates for FY 2023 are as follows:

	Monthly Rate	Annual Rate
Single Family Residential & Condominiums	$4	$48
Multifamily	$4	$48
Commercial (under 2 ESU's	$4	$48
Commercial (2 to 4.99 ESU's)	$8	$96
Commercial (5 to 9.99 ESU's)	$15	$180
Commercial (10 ESU's and above)	$20	$240

The Village Council initially created a stormwater utility (Ordinance No. 2015-43) and established interim assessment rates (Resolution No. 2015-90), to be collected as an annual non ad-valorem assessment to support stormwater issues within the Village. The interim stormwater fee was established with the following conditions:

1. The Interim Fee was for a short-term period of three (3) years

2. The interim fee was justified by a short-term study that demonstrated that the needed stormwater projects and operational costs are balanced with projected revenues.

3. A detailed long-term master plan study would be performed during the interim period that is expected to identify future projects and set future fees based on property use and size.

Fiscal Impact:

The proposed FY 2022 - 2023 rates are projected to remain the same as last year's rates and are determined based on the Equivalent Stormwater Unit (ESU) basis, which is based on an impervious area on properties within the Village. The projected total annual revenue that the Village would assess if approved, is expected to be $524,966.40 (which is at a 96% collection rate).

All stormwater fees collected are only planned to be utilized to assist in funding stormwater capital projects throughout the Village. This fee would not continue to support (or provide funding for) various personnel and other operational costs, which would be funded utilizing the Village's General Fund.

Mayor Smith offered the public an opportunity to speak on Resolution No. 2022-37. The staff presentation was provided at the Village Council Meeting on July 21, 2022. There were no comments from the public or the Council about Resolution No. 2022-37. Village Attorney Torcivia read the title of the caption into the record.

Mayor Pro Tem Brinkman made a motion to approve Resolution No. 2022-37. It was seconded by Council Member Ready. The said motion carried 5-0.

9. ***(QUASI-JUDICIAL HEARING)* - Resolution No. 2022-13 - Site Plan Amendment (SPR22-06) and Special Exception Use (PSSE22-03) - Triomphe Restaurant & Lounge, LLC - 4206-4208 Lake Worth Road*****:*** Motion to consider Resolution No. 2022-13; an application from Mr. Scott Ehrenberg of Berg Design, Inc., agent for the tenant Triomphe Restaurant & Lounge, LLC, "applicant for a Site Plan Amendment, (SPR22-06) with conditions, concurrently with a Special Exception Use (PSSE22-03), to allow a 7,080 square foot restaurant within two (2) tenant bays in an existing Commercial General (CG) shopping center, located at 4206-4208 Lake Worth Road.

Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Scott Ehrenberg of Berg Design, Inc., agent for the tenant Triomphe Restaurant & Lounge, LLC, "applicant", is requesting a Site Plan Amendment (SPR22-06) and Special Exception Use (PSSE22-03) to allow the conversion of 7,080 square feet of retail-office space into a restaurant located on a 4.25-acre parcel that is located at 4236 Lake Worth Road. The proposed tenant will be occupying two (2) tenant bays within the existing Commercial General (CG) shopping center (4206-4208 Lake Worth Road).

Note: The 4.25-acre property was annexed into the Village in 2014 as a developed parcel with a total of 40,240 square feet of building area within two (2) commercial structures.

Previously, the applicant requested a special exception to allow a restaurant to be used by a private club and also requested a relief from the Code to allow business operations to commence at 8:00 am and to be extended until 2:00 am on Sundays, rather than from 12:00 pm to 11:00 pm, as it is required for establishments that dispense alcohol beverages for on-premise consumption and the allowance to operate later than 11:00 pm on premises located within 54 feet from a residential district rather than the required 250 feet.

The Planning and Zoning Board considered the application during their March 8, 2022, meeting and recommended denial. The Board's concerns included illegal operations without proper approval, serving alcoholic beverages without proper licenses, inconsistency with residential uses surrounding the property, noise to be generated, and extended hours of operations. The applicant requested their item be postponed to the April 14, 2022, Village Council meeting to revise their application.

The applicant revised the application to remove the special exception requested for private club use and withdrew the two requested variances on May 17, 2022. This newly revised application is for the special exception and site plan amendment required for the proposed restaurant use.

On July 12, 2022, the Planning and Zoning board voted against the project, recommending denial based on the applicant's justification statement describing that the expanded seating capacity of the restaurant will provide "a location for weddings, funerals, birthdays, " and the floor plan provides for a large (33'x15') raised floor for live entertainment, thus the proposal continues to have the characteristics of a Banquet Hall. Staff and advisory board members addressed deficiencies in the application and expressed concerns that enforcement of the restaurant use would be difficult.

The applicant revised the application to remove the large (33' x 15') raised floor for live entertainment, enlarged the kitchen area, and revised the justification statement to comply with the code for restaurant use only.

Note: There are concerns from staff considering the applicant has operated illegally without a Certificate of Occupancy issued from the Village. There are reports of alcohol being served without proper credentials, and with minors being present. Further, there are reports of construction work completed without a building permit, and the proposed restaurant is converted into a banquet hall and subject to code enforcement. Additionally, the staff is concerned about ongoing complaints that will divert Code and Police attention from the focus of eliminating blight and enhancing safety.

Despite the concerns outlined above, the Planning, Zoning, & Building Staff, as well as the Community Redevelopment Agency (CRA) Staff **do not** object to the proposed special exception use and site plan amendment and recommend conditional approval of the proposed restaurant use requested.

Resolution No. 2022-13 was advertised in the Lake Worth Herald on Thursday, August 4, 2022. The applicant was not in attendance to present their testimony, [staff was not notified in advance] that they would not be present for the meeting.

Fiscal Impact: The proposed project is not expected to have a direct fiscal impact on the Village. However, if approved, this project would require various Village services that will result in increased expenditures to the Village.

Vice Mayor Gunther made a motion to postpone Resolution No. 2022-13 (Site Plan Amendment and Special Exception Use (PSSE22-03) - Triomphe Restaurant & Lounge, LLC - 4206-4208 Lake Worth Road to September 8, 2022, Public Hearing Village Council Meeting. It was seconded by Mayor Pro Tem Brinkman. The said motion carried 5-0.

10. ***(QUASI-JUDICIAL HEARING)* Resolution No. 2022-34 - Sign Variances - McDonald's - 3015 Forest Hill Boulevard (Forest Hill Center):** Motion to Approve Resolution No. 2022-34 with conditions; an application submitted by Mr. Daryl Johnson, agent for the Applicant "McDonald's (Corporate Office) request for five (5) sign variances to install two (2) digital menu board signs and two (2) digital presell signs, one of each at each drive-thru lane order point, at the existing McDonald's fast food restaurant located at 3015 Forest Hill Boulevard (within the Forest Hill Center).

Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Daryl Johnson, agent for the Applicant, McDonald's (Corporate Office), is requesting five (5) sign variances to install two (2) digital menu board signs and two (2) digital presell signs, one of each at each drive-thru lane order point, of the existing fast food restaurant located at 3015 Forest Hill Boulevard, within the Forest Hill Center.

The proposed new digital menu signs are submitted by the Corporate Office to display graphics of menu items in a variety of colors, along with prices, which, if approved, would be a deviation from the Village Code regarding electronic signs. The applicant has stated that the proposed sign text/copy will only change twice daily - when the menu changes from breakfast to lunch/dinner and vice versa. At this time, some digital menu boards are being used by McDonald's within Palm Beach County (photos of the digital menu board within the agenda backup are from a sign installed at 2605 South Military Trail).

Note: The Village Council amended the sign code (Ordinance No. 2015-13 on May 14, 2015) to reduce the maximum size of electronic changeable copy signs (i.e., time & temperature signs at financial institutions, gas/fuel price signs, public service message signs on governmental/public/educational properties).

In December 2016, the Village Council authorized various sign variances for the restaurant (Resolution No. 2016-78):

- Permit two (2) menu boards, one in each drive-thru lane, instead of the 1 permitted menu board.
- Permit thirty-three (33) square feet of sign face area on each of the 2 menu boards in plac of the maximum 25 square feet of sign face area for menu boards.

At this time, the applicant is seeking five (5) sign variances:

- **(PSV22-12)** - A request to allow an electronic changeable menu board and presell signs at each of the two (2) drive-thru lane order points. (Provides relief from Section 34-267 of the Village Code that limits changeable electronic signs to public service messages on governmental, public, or educational properties).

- **(PSV22-13)** - Request to allow four (4) changeable electronic signs (Provides relief from Section 34-267(d) of the Village Code that limits only one (1) electronic sign - per property).

- **(PSV22-14)** - Request to allow multiple colors and varying messages (menu items and price) (Provides relief from Section 34-267(i) from Village Code that limits changeable electronic signs to monochromatic, single messages).

- **(PSV22-15)** - to allow graphics and logos (Provides relief from Section 34-267(l) from the Village Code that permits only text and numbers on changeable electronic signs).

- **(PSV22-16)** - to allow 100% changeable copy area (Provides relief from Section 34-263(f) of the Village Code that limits changeable copy area to be 25% of the proposed sign area)

Sign	**Existing**	**Proposed**
Menu Board	2 signs - 33 sq each = 66 sf	2 signs - 19.9 sf each = 39.8 sf

Presell sign	none	2 signs - 9.9 sf each = 19.8 sf

Based on previous Village Council approvals and direction, the staff is concerned with establishing the following precedence:

- Permitting commercial businesses to utilize changeable electronic signs.
- Allowing graphics on changeable electronic signs.

If approved, staff recommends that the proposed variances be conditioned to require the proposed signs to comply with Section 34-267 of the Village Code, which prohibits animation or video displays and requires sign messages to remain static for a minimum of six (6) seconds with instantaneous change of the display within one second or less.

Resolution No. 2022-34 was advertised in the Lake Worth Herald on August 5, 2022. The Village Clerk swore in the applicants and the staff. Mayor Smith asked the Council to disclose their ex parte communication - there was none.

<u>Fiscal Impact:</u> The proposed request does not have a fiscal impact to the Village.

The Applicants and staff were sworn in by the Village Clerk. They entered their presentations into the record. The applicants explained why it was important to increase the sign height. He said the customers could see the signs which could permit quicker customer service. He compared the menu board that was used by the restaurant to the proposed menu board. He focused on the clutter and the difficulty in reading the menu slowed customer service.

At this time, Mayor Smith offered the public and Council an opportunity to speak on Resolution No 2022-34. Council Member Ready asked the applicant if there was a problem with stacking (cars) at the location. He also questioned if the location had double lanes. Council Member Ready asked about the number of double lanes. Vice Mayor Gunther asked how often the menu board changed. The applicant advised that the board change from breakfast to lunch (once per day). The customer would be aware when this happens. There is not a constant change to the digital menu.

Council Member Waller made a motion to approve Resolution No. 2022-34. It was seconded by Mayor Pro Tem Brinkman. The said motion carried 5-0.

11. <u>***(FIRST READING)*** **Ordinance No. 2022-09 - Village Code Amendment - Chapter 78 - Year-Round Landscape Irrigation Conservation Measures:**</u> **Approve Ordinance No. 2022-09; an amendment to Chapter 78 "Utilities", to add a new Article VI, to the Village's Code of Ordinances relating to "Year-Round Landscape Irrigation Conservation Measures", to** establish specific restrictions and exemptions to set guidance on the prudent use of water and landscape irrigation. If approved by Village Council on 1st Reading, Ordinance

No. 2022-09 will be presented to Council for 2nd and Final Reading on September 8, 2022.

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: South Florida Water Management District (SFWMD) has requested all cities to amend existing water and irrigation conservation program restrictions and exemptions provided within municipal codes to give greater consistency with the rules adopted by the SFWMD.

The proposed ordinance (based on a model ordinance provided by SFWMD) establishes specific restrictions and exemptions to set guidance on the prudent use of water and landscape irrigation as established within SFWMD's rules promulgated in Florida Administrative Code Chapter 40E-24.
In summary, the proposed amendments:

1. Specify the allowable hours for landscape irrigation from 4:00 pm – 10:00 am

2. Define the three (3) days per week permitted for landscape irrigation, determined by the odd- or even-numbering of the property address.

3. Lastly, should the SFMWD declare a water shortage emergency whereby water use shall be further restricted, Village Code Chapter 78, Article III sets forth that such a declaration shall also become enforceable within the Village. Provide exemptions from restrictions for new lawns and landscaping.

The Village staff recommends approval of Ordinance No. 2022-09, consistent with the rules adopted by the South Florida Water Management District.

If approved on the 1st reading, Ordinance No. 2022-09 will be considered for the 2nd and final reading by the Village Council on September 8, 2022.

Fiscal Impact: Proposed Ordinance No. 2022-09 does not have a direct fiscal impact on the Village.

The Assistant Village Manager, Mrs. Glas-Castro, gave the staff presentation. She explained that almost two (2) years ago, South Florida Water Management District (SFWMD) adopted regulations that specified water restrictions for the County. SFWMD has requested adopted rules within the municipal code for consistency from all municipalities. Mrs. Glas-Castro discussed the proposed amendments like the hours and days of use. Also, enforcement of the water restriction was explained. Mrs. Glas-Castro said residents and businesses would receive a warning before they are issued a citation under the Village's fee schedule.

Mayor Smith offered the public and Council an opportunity to speak on Ordinance No. 2022-09. The Council asked how the information would get to the residents and businesses. They also wanted to know how to monitor the ordinance. Council Member Waller clarified that since condominiums have different addresses, property managers can water different areas on different days.

The information will be put on the Village website and utility bills. She asked if the condos could water on different days. Waller asked who was going to monitor this ordinance.

Mayor Pro Tem Brinkman suggested that residents receive a door hanger warning before they are cited. Council Member Ready asked if this ordinance would be enforced by an outside agency or Village Code Enforcement. An outside agency is not going to enforce this water restriction.

Council Member Ready made a motion to Approve Ordinance No. 2022-09. It was seconded by Vice Mayor Gunther. The said motion carried 5-0.

ACTIONS AND REPORTS

There were no Actions and Reports.

VILLAGE MANAGER COMMENTS

There were no comments from the Village Manager.

VILLAGE COUNCIL COMMENTS

The Council provided an update on their activities.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the Regular Council Meeting at 7:50 PM.

The undersigned is the Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on **August 18, 2022**. Which minutes were formally approved and adopted by the Village Council on **September 22, 2022.**

Kimberly Wynn

Kimberly M. Wynn, Village Clerk

NEXT REGULAR MEETING:
THURSDAY, SEPTEMBER 8, 2022 AT 6:30 PM
(IMMEDIATELY FOLLOWING THE CRA BUDGET MEETING)