



**VILLAGE COUNCIL MEETING MINUTES,
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE, PALM SPRINGS, FLORIDA
JUNE 8, 2023 AT 6:30 PM**

CALL TO ORDER

Vice-Mayor Brinkman called the Village Council Regular Meeting to order at 6:30 PM.

Present: Vice-Mayor Joni Brinkman, Council Member Doug Gunther, and Council Member Gary Ready

Absent: Mayor Pro Tem Patti Waller and Mayor Bev Smith

Also Present: Village Attorney Glen Torcivia, Village Manager Michael Bornstein, Village Clerk Kimberly Wynn, Planning, Zoning & Building Director Iramis Cabrera, Assistant Village Manager Kim Glas-Castro, Public Works Director Timothy Crespo, Public Utilities Director Jimmie Johnson, Assistant Public Utilities Director Paul Ward, Police Chief Thomas Ceccarelli, as the Sergeant-in-Arms

INVOCATION

The Village Manager, Michael Bornstein, led the Invocation.

PLEDGE OF ALLEGIANCE

The Village Council led in the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

The Village Clerk, Ms. Wynn, stated there were changes to the Agenda. Additional details (Exhibit A and the Resolution) were provided to Council and the public before the meeting for Item # 6, Resolution No. 2023-26 Amendment to the FY 2023 Fee Schedule. In addition, there is a change to the Regular Agenda to include Item #8, Increase to the Garbage Non-Ad-Valorem Rates for FY 2024 - Effective October 1, 2023. An exhibit is also added to backup (Local Municipal Rates) is added to this item. Lastly, Item #12, Ordinance No. 2023-06 Village Code Amendment - Chapter 10 - Buildings and Building Regulations, includes an amended ordinance and exhibit provided to the Council and the public before the meeting.

Council Member Gunther made a motion to approve the Agenda as amended. Council Member Ready seconded the motion. The said motion carried 3-0.

CONSENT AGENDA

Vice-Mayor Brinkman offered the public an opportunity for public comment. There were no comments from the public.

1. **May 11, 2023, Village Council Regular Meeting Minutes:** Motion to approve the May 11, 2023, Village Council Regular Meeting Agenda.
Staff: Kimberly Wynn, Village Clerk

2. **Change Order No. 1 - Lift Station Rehabilitation (Task Order No. 233) Contract Time Extension- Utility Department - (FY 2023 Budget Funded - Water & Sewer Fund) - B&B Underground Construction:** Motion to approve Change Order No. 1 (Task Order No. 233) with B&B Underground Construction for the Lift Station Rehabilitation of Florida Mango, Waterside, and Woodhaven Lift Stations project to extend the project completion date by an additional 350 calendar days (total current time from 180 days to 530 days). The proposed Lift Station Rehabilitation project is expected to be completed substantially before April 1, 2024, and end on May 1, 2024. There is no direct fiscal impact on this specific request.
Staff: Jimmy Johnson, Utilities Director

SUMMARY: On July 21, 2022, the Village Council approved Task Order No. 233 with B&B Underground Construction for Lift Station Rehabilitation of Florida Mango, Waterside, and Woodhaven Lift Stations. On October 19, 2022, a notice to proceed was issued, with 180 days for substantial completion and 210 days for completion.

During the initial construction phases, supply chain issues and material shortages caused the Natural Gas Generator to delay delivery. As a result, according to the manufacturer, the generator will be delivered on February 26, 2024, much later than the original contract completion date of May 17, 2023.

Therefore, the Village's contracted contractor, B&B Underground Construction, and the Utilities department are requesting an extension to the contract time for Task Order No. 233 (Change Order No. 1) to the amount of 350 days.

<u>Item</u>	<u>Contract Days</u>
Original Contract Days	180
<u>CO No. 1 Time Extension</u>	<u>350</u>
Revised Contract Days	530

Upon approval, the new substantial completion date will be April 1, 2024, and the new completion date will be May 1, 2024.

The proposed Change Order No. 1 was prepared by B&B Underground and reviewed by the Village's Engineer, Engenuity Group, the Village Project Manager, the Assistant Utility Director, and the Utility Director.

Fiscal Impact: There is no fiscal impact regarding Change Order No. 1 - Lift Station Rehabilitation (Task Order No. 233) Contract Time Extension - Utility Department - (FY 2023 Budget Funded - Water & Sewer Fund) - B&B Underground Construction.

3. **Utility Billing Payment Platform - Utilities Department (FY 2023 Budget Funded - Water & Sewer Enterprise Fund) – PayNearMe, Inc.:** Motion for the approval of an Agreement with PayNearMe, LLC., an enhanced payment system platform for the Utilities Department that offers a broader range of payment types to improve customer satisfaction and service quality. Following a budget transfer, funds to support the proposed purchase are available within the FY 2023 Budget - Water & Sewer Enterprise Fund.

Staff: Jimmy Johnson, Utilities Director

SUMMARY: The Utilities Department needs a payment system platform that offers a broader solution of payment types to increase customer satisfaction and service excellence. Payment types offered by PayNearMe, LLC beyond our current service offerings include Apple Pay, Google Pay, Venmo, Cash App, Paypal, and cash payments accepted at selected retail stores.

Note: To ensure the best possible payment platform solution that integrates with the Village and offers more alternative payment solutions for the Village, staff recommended PayNearMe, LLC.

If approved, the Village would accept the PayNearMe, LLC contract, including all terms, conditions, and pricing. The term of the proposed Agreement would expire on June 8, 2028, and may be renewed for successive one-year periods in perpetuity. The Village will not expend more than the amount in the approved budget as it may be adopted/amended yearly for these goods and services over the contract term.

The Village's Purchasing Code, Section 58-11, Best interest acquisitions, provides that the Village may acquire or contract for a non-real property, goods, or services without utilizing the competitive selection purchase requirements where the Village Council declares by at least a four-fifths affirmative vote that the competitive selection process is not in the best interest of the Village. The Village Council shall make specific factual findings supporting its determination, and such contracts shall be placed on the Regular Agenda. This provision may not be used to contract goods or services. As amended, such agreements would exceed the limits outlined in FS § 287.055 or 255.20.

The proposed Agreement was prepared by PayNearMe, LLC, and reviewed by the Village Attorney, Assistant Utilities Director, Utilities Director, Information Technology Director, and Finance Director.

The Village has not previously worked with the proposed vendor but has received reviews from other utilities regarding their excellent service and quality solutions.

Fiscal Impact: Funds to support the proposed purchase within the FY 2023 Budget - Water & Sewer Enterprise Fund, will be available after an internal budget transfer

4. **Geographic Information System (GIS) Software and Services - Term Extension - ESRI:** Motion for the approval of a three (3) year ESRI Small Municipal and County Government Enterprise Agreement (SGEA) which provides the software needed for the Geographic Information System (GSIS) services, including the GIS data. On July 14, 2020, a three-year agreement was approved and will expire on July 21, 2023. If approved, the proposed Agreement expires on September 20, 2026, with renewal on a three (3) year basis under the terms of the current Agreement.
Staff: Iramis Cabrera, PZB Director

SUMMARY: The ESRI Small Municipal and County Government Enterprise Agreement (SGEA) is a three-year agreement granting our organization access to Esri term license software. As owner and manufacturer, ESRI is the sole source provider of all US domestic Small Municipal and County Government Enterprise Agreements (EA).

On July 14, 2020, a three-year Enterprise Agreement was approved and expired on July 21, 2023.

Various Village of Palm Springs departments need continuous Geographic Information System (GIS) services, including adding GIS data. To continue with the GIS software products, the staff is requesting the renewal of the Enterprise Agreement that will grant the Village access to GIS software.

If approved, the Village would accept Esri pricing, including all terms and conditions. The term of the proposed Agreement would expire on September 30, 2026, and may be renewed after that on a three-year basis under the terms of the current Agreement.

The Village will not expend more than the amount within the approved budget as it may be adopted/amended for these goods and services over the term of this Agreement.

Fiscal Impact: Funding to support services under this proposed Agreement will be available within the FY 2023 - FY 2026 Budget - General Fund. The proposed Agreement has a fiscal impact of \$30,000 a year until September 30, 2026.

5. **Appointment to the Police Officers' Pension Board of Trustees:** Motion to approve the appointment of Mr. Thomas Gehrman as a Resident Member to the Palm Springs Police Officers' Pension Board of Trustees for an unexpired term that ends September 30, 2024.
Staff: Kimberly Wynn, Village Clerk

SUMMARY: There has been a Resident Member vacancy on the Police Officers' Pension Board of Trustees since 2018. Mr. Thomas Gehrman expressed an interest in becoming a Resident Member of the Police Officers' Pension Board of Trustees. If appointed, he will serve an unexpired term ending September 30, 2024.

If approved, the Police Officers' Pension Board of Trustees would have no vacancies.

Fiscal Impact: The proposed appointment does not have a fiscal impact on the Village.

6. **Resolution No. 2023-26 Amendment to the FY 2023 Fee Schedule:** Motion for the approval of Resolution No. 2023-26 to amend the FY 2023-26 Fee Schedule to amend the fees for Chapter 2, Division 2, of the Village Code to update the Schedule of Fees for various services, and, restating the fees for Division 2, Chapter 38 "Parks and Recreation Department", "Planning, Zoning, and Building", and the "Department of Public Safety", and "Administration/Village Clerk."
Staff: Kimberly Wynn, Village Clerk

SUMMARY: Periodically, staff review the costs involved in meeting all of the Village services that are delivered to the public. As these costs increase and/or when there are issues that may require a new fee to be assessed, it is necessary to amend the fee schedule associated with these services to better address the actual impact on the Village's budget. Code Enforcement, Parks & Recreation, the Police Department, and the Administration/Village Clerk Departments have requested an amendment to the schedule of fees.

Fiscal Impact: The additional revenue received is expected to offset operating expenses and promote a clean and safe community.

End of Consent Agenda....

Council Member Ready made a motion to approve the Consent Agenda. Council Member Gunther seconded the motion. The said motion carried 3-0.

PRESENTATIONS

7. **National HIV Testing Day Proclamation - June 27, 2023:** Recognizing National HIV Testing Day on June 27, 2023 in the Village of Palm Springs.

Staff: Kimberly Wynn, Village Clerk

Council Member Gunther read the National HIV Testing Day proclamation onto record (on behalf of Vice-Mayor Brinkman) and presented it to Ms. Brittany Henry, Director of Prevention Programs, who was present and gave comments. She discussed the strides with HIV, and how important it is to know your status. She thanked the Village for their support.

At this point, the Village Manager, Mr. Bornstein, introduced the new Director of Parks and Recreation, Juan Ruiz. Mr. Ruiz expressed his pleasure in being a part of the Village. He talked about his overall aspirations for the Department and appreciation for the opportunity.

PUBLIC COMMENT

Vice-Mayor Brinkman offered the public an opportunity to comment.

Battalion Chief Tracy Adams advised that the number of calls for the month of May was 443 with the average dispatch time of 45 seconds, and approximately 4 minutes response. She encouraged everyone to friend PBCFR on social media. She discussed the rescue efforts of Fire Rescue Heroes locally.

Donna Booth - 344 Pinehurst Road - Ms. Booth commented on the speeding that happened in her Pinehurst neighborhood. She cited the increase in traffic. She is not opposed to speedbumps in the neighborhood. She is concerned if the Village has enough police officers, or if we need to look at the sheriff's office.

REGULAR AGENDA

8. **National HIV Testing Day Proclamation - June 27, 2023:** Recognizing National HIV Testing Day on June 27, 2023, in the Village of Palm Springs.

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1. **Donna Booth - 344 Pinehurst Road** - Ms. Booth commented on the speeding that happened in her Pinehurst neighborhood. She cited the increase in traffic. She is not opposed to speedbumps in the neighborhood. She is concerned if the Village has enough police officers or if we need to look at the sheriff's office.

REGULAR AGENDA

8. **Increase Garbage Non-ad Valorem Rates for FY2024 - Effective October 1, 2023:** Motion for the approval to increase the Non-Ad Valorem rates for FY 2024 by 12% to generate enough revenue to cover costs through FY 2024 with the Village's contract Hauler.

Staff: Kimberly Wynn, Village Clerk

SUMMARY: In 2008, the Village adopted Resolution No. 2008-61 to establish Non-Ad Valorem (NAV) rates for garbage based on the cost of collection and disposal at that time. As a result of an increase in the cost of living, the Village's prices continued to increase each year. Waste Pro's contract recently included a 9% increase as of April 2023.

A total cost of \$1,656,130 is projected at the current rate. The projected prices include a 9% contract increase effective April 1, 2023. This contract expires April 1, 2024. To account for the potential increase in the Village's contract with the contractor hauler, this needs to be taken into account.

The staff requests a 12% increase in the NAV to generate enough revenue to cover costs through FY 2024. This translates into the following annual rate

	<u>CURRENT RATE</u>	<u>PROPOSED RATE</u>
Single Home	\$201.00	\$225.00
Multi-Family	\$125.50	\$140.00
MHP	\$125.50	\$140.00

<u>Collection Ratio</u>	<u>Without Direct Billing from the Utility Billing Department</u>	<u>*With Direct Billing from the Utility Billing Department</u>
96%	\$1,605,250	\$1,728,007
100%	<u>\$1,672,135</u>	<u>\$1,800,007</u>

***Note:** Add the amount collected from the direct billing of customers on Palm Beach County Property Appraiser that are categorized as multi-family (MF) but collected as a single-family (SF) home by the Utility Billing Department.

Timothy Crespo, Director of Public Works, introduced this item. He explained that the Village of Palm Springs must increase its garbage rates for FY 2024 by 12% to make up for the shortfall in revenue from garbage rates. He conducted a review of local municipalities and concluded that the Village is within the market range of other cities' rates. A total cost of \$1,656,130 is projected at the current rate. The staff requests a 12% increase in the NAV to generate enough revenue to cover costs through FY 2024.

Vice-Mayor Brinkman offered the Council and the public an opportunity for comments and questions. There were none. Council Member Ready made a motion to approve an increase to the Garbage Non-Ad Valorem Rates. Council Member Gunther seconded the motion. The said motion carried 3-0.

Fiscal Impact: An analysis of the revenue needed, and the rates required to cover costs at 100% collection is specified. The proposed increase is 12%.

PUBLIC HEARINGS

9. **(Quasi-Judicial Hearing) Resolution No. 2023-28 - Residential Planned Development Site Plan (SPR23-03) with three (3) Waivers - Village of Valor - 2nd Avenue North:** A motion to approve a Residential Planned Development Site Plan (SPR23-03) submitted by Place Planning, agent for Village of Valor LTD, Applicant, for a site plan with waivers and conditions for the construction of two (2) buildings with four (4) stories, which would create fifty-four (54) units, within a parcel of 5.47 gross acres, located on a vacant lot on 2nd Avenue North (PCN 70-43- 44-20-01-098-0020).
Staff: Iramis Cabrera, PZB Director

SUMMARY: Place Planning, agent for Village of Valor LTD ("Applicant"), is requesting a Residential Planned Development (RPD) Site Plan (SPR23-03) with three waivers, for the construction of two (2) buildings with four (4) stories for a total of fifty-four (54) units, within 5.47 gross acres parcel, located in a vacant lot on 2nd Avenue North Parcel No. 70-43-44-20-01-098-0020.

The buildings will provide fifty-four (54) units of affordable housing for low-income military veterans and their families, many of whom were either previously homeless or at risk of being homeless. This will aid in their housing stability and, through Stand Down, will provide a wide range of counseling services customized to each resident. Services available to residents include therapy and counseling, childcare (off-site), financial assistance, paid job training and placement, and transportation for those who cannot drive or have no vehicles. The proposed facility will consist of two (2) buildings containing 54 multi-family units, support services, common areas, space for bicycle parking, a pool, and a recreational facility on a 5.47-acre parcel.

Note: The Village Code - Section 34-1063 (c) Waivers - provides that waivers may be granted by the Village Council following an advisory recommendation by the Planning & Zoning Board. The P&Z Board recommended approval at its May 9, 2023 meeting. All requests for waivers shall be identified on the site plan and accompany an application for site plan approval of planned development.

The Applicant is requesting three (3) waivers for the proposed RPD site plan:

Relief from Sec. 34-1064 to allow an increase of 12'5" in building height from the permitted 35' to allow 47'5" for the proposed buildings.

Relief from Sec. 34-1329 (b) to allow a reduction in the required parking spaces from 169 to 117 spaces.

Relief from Sec. 34-766 (1) to allow a minimum lot area of 5.47 acres (238,273 sf) instead of the 11.46 acres (499,500 sf) minimum requirement for fifty-four (54) units.

Note: Based on the property standards within the Residential Multi-Family (RM) zoning district (specifically the minimum lot area requirements) outlined in Village Code section 34-766(1), this proposed 5.47 gross acre parcel could only support a maximum of 26 dwelling units rather than the proposed fifty-four (54) by the developer. The Applicant is seeking one (1) waiver in order to obtain approval; therefore, the ability to maximize density on the property with fifty-four (54) units.

The Planning, Zoning, and Building Staff does not object to the Residential Planned Development Site Plan with three(3) waivers and recommends conditional approval of the proposed development subject to 32 conditions.

Fiscal Impact: The proposed project is expected to increase the Village's assessed property valuation

Vice-Mayor Brinkman asked the Council if there was any ex-parte communication. There was none. The Village Clerk, Ms. Wynn, read the statement of the advertisement and swore to the applicants that were giving testimony.

The Applicant presented his presentation and entered it into the record. He explained it to the board and entered it into the record. He explained he is requesting

a Residential Planned Development Site Plan with three waivers to provide affordable housing for military veterans and their families that are low income. Many of the veterans were previously homeless or at risk of being homeless. The Applicant entered his presentation into the record. Then introduced Dr. Crockett and Roy Foster. and Emory discussed the Village of Valor in furtherance. The Village of Valor is a unique project that assists veterans that are experiencing financial setbacks. They provide services that include medical, housing and food, and sustainability in the community. Mr. Roy Foster spoke on the benefits of this program. He stated that he was homeless at one time, but he has dedicated himself to restoring veterans that need assistance. He is requesting approval.

Ms. Cabrera advised that the project was approved previously in 2015, but more amenities have been added since then.

Mr. Robert (sp?) spoke on this item about his concerns with torrential rains causing flooding. He wants to be sure there is enough drainage for his home and the other eight homes in the area.

Council Member Ready asked how many staff members were on site. Mr. Foster stated there are a maximum of three (3) members at one time in the building. Mr. Ready asked about the elevator on the building; if it goes out, what is the plan.

Dr. Crockett discussed some of the programs available to veterans, like work and skill sets. Council Member Gunther asked if this project fails, and this has to move towards a rental which is the option. There was a discussion about the alternate plan. Gunther asked whether there is adequate space for pervious areas. Gunther asked if the property is proposed to be platted. The applicants have a backup to add more parking. Ready asked if they would look at asking other businesses for a cross-agreement for more parking.

10. **(Quasi-Judicial Hearing) Resolution No. 2023-27 - Sign Variance - Taco Bell - 3330 South Congress Avenue:** Motion for approval of Resolution No. 2023-27 with conditions is submitted by Mr. David Netzler, an agent for Taco Bell ("Applicant") in response to the request for four (4) sign variances. One (1) digital menu board sign will be installed at the drive-thru lane order point of Taco Bell's fast food restaurant located at 3330 South Congress Avenue.
Staff: Iramis Cabrera, PZ&B Director

SUMMARY: Mr. David Netzler from Maximum Maintenance of Tampa, Inc., agent for Taco Bell ("Applicant"), is requesting four (4) Sign Variances to allow a single 18.67 square foot electronically changeable menu board sign located in the drive-thru lane order point of the existing fast-food restaurant located at 3330 South Congress Avenue.

The Applicant has submitted the proposed new digital menu board sign to display graphics and logos of menu items in various colors and 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 regular menu items. The Village Council recently approved the same requested variances for the McDonald's site located at 3671 South Congress Avenue (Resolution No. 2022-50 - December 8, 2022).

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).

At this time, the Applicant is seeking four(4) sign variances:

(PSV23-06) - Variance Relief from Section 34-267 to allow a single 18.67 square foot electronically changeable menu board located in the drive-thru lane order point where the code limits changeable electronic signs to public service messages on governmental, public, or educational properties.

(PSV23-07) - Variance Relief from Section 34-263(f) to allow menu boards with 100% changeable copy area where Code limits changeable copy area to 25%.

(PSV23-08) - Variance Relief from Section 34-267(i) to allow multiple colors and varying messages (menu items and price) where the code limits changeable signs to monochromatic, single messages.

(PSV23-09) - Variance Relief from Section 34-267(l) to allow graphics and logos where Code permits only text and numbers on changeable electronic signs.

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

Allowing graphics on changeable electronic signs. Permitting commercial businesses to utilize 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. 2023-27 was advertised in the Lake Worth Herald on May 25, 2023.

Fiscal Impact: The proposed request does not have a fiscal impact on the Village.

Vice-Mayor Brinkman asked the Council to disclose their ex parte communication.

There was none. The Village Clerk, Ms. Wynn, read the statement of the advertisement on the record and swore in the applicants that were giving testimony on this item.

Mr. David Netzler, the Agent for Taco Bell, stated that he would like to request four (4) sign variances to change the existing menu boards. The variances would permit an 18.67 square foot electronic changeable menu board sign to be located in the drive-thru area located for the restaurant at 3330 South Congress Avenue. Mr. Netzler stated that the new menu boards were more updated.

Vice-Mayor Brinkman offered the Council an opportunity to ask questions about Resolution No. 2023-27. Council Member Ready asked if the menu boards remained static all day. Mr. Netzler advised that he was not certain of that answer. Council Member Ready also asked about a scanning QRC application that is on the menu board and the hours of operation for the drive-thru and the dining room.

Mr. Torcivia read the title of the Resolution into the record. Vice-Mayor Brinkman acknowledged there was public comment and permitted him an opportunity to speak.

Mr. Robert Matykiel - 3363 and 3373 Summer Street - Mr. Matykiel gave the Council three pictures of the restaurant's exterior conditions. He spoke about the bright lights and the blight on the property. He does not support the project. He asked staff to check the site in support of why he did not support the sign variances.

The Council agrees that staff need to check the location and its condition.

Council Member Gunther made a motion to approve Resolution No. 2023-27, and it was seconded by Council Member Ready. The said motion carried 3-0.

11. **(Second Reading) Ordinance No. 2023-07- Village Code Amendment - Chapter 78 -Utilities:** Motion for the approval of Ordinance No. 2023-07, Amending Chapter 78 "Utilities," Article II, "Water And Wastewater," Division 2 "Connections" By Amending Section 78-69 "Connection Required" Pertaining To Connection To Public Utility Systems. Requiring properties to connect to a utility line within 100' of a residence, regardless of utility service area jurisdiction.

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: The Palm Springs Community Redevelopment Agency (CRA) and Palm Beach County have partnered to extend sanitary sewers along the Congress Avenue corridor north of Forest Hill Boulevard. The properties currently served by septic tanks that will benefit from this infrastructure are within the Palm Beach County Water Utilities service area.

During design conversations, the County staff expressed concern about using their code enforcement process to require Village property owners to connect to

the sewer force main once installed (this would require a change in County policy). Instead, they suggested that the Village would be in a better position if it required the connection of a new utility line.

According to the proposed Ordinance, properties must connect to a utility line within 100' of a residence, regardless of utility service area jurisdiction. Code Enforcement will enforce the Village's standard code enforcement procedures.

This Ordinance was drafted by the Assistant Village Manager and reviewed by the Village Attorney, Utilities Director, Assistant Utilities Director, and CRA Code Enforcement Officer.

The proposed Ordinance was approved on 1st reading at the May 11, 2023, Village Council meeting and is being presented for consideration on the 2nd and final reading.

Fiscal Impact: The proposed Ordinance does not have a fiscal impact on the Village.

The Assistant Village Manager, Mrs. Glas-Castro, presented Ordinance No. 2023-07. The staff did their presentation on First Reading, but she recalled that this Ordinance was requested so that there would be a way to reinforce residents to connect to a utility line within 100' of a residence, regardless of utility service area jurisdictions in Palm Beach County or the Village.

Vice-Mayor Brinkman offered the Council and the public an opportunity to comment on Ordinance No. 2023-07. Vice Mayor Brinkman asked if there was a payment plan offered. Assistant Village Manager, Ms. Glas-Castro, advised a payment plan would be available.

Village Attorney Torcivia read the title of the caption into the record.

Council Member Ready approved Ordinance No. 2023-07. Council Member Gunther seconded the motion. There was a roll call vote as follows: Council Member Gunther, Council Member Ready, and Vice-Mayor Brinkman. The said motion carried 3-0.

12. **(Second Reading) Ordinance No. 2023-06 - Village Code Amendment - Chapter 10- Buildings and Building Regulations:** Motion for the approval of Ordinance No. 2023-06 to Amend Chapter 10 "Buildings and Building Regulations, Article I, "In General," By Amending Sections 10-8 "Exterior Property Areas," 10-12 "Village Council Findings" and 10-30 "Foreclosed, Vacant And Unimproved Property Registration Program"; to establish minimum requirements for commercial and industrial properties that are vacant and unimproved.

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: The Village staff is requesting an amendment to the Village Code - Chapter 10 - Buildings and Building Regulations, Article I, "In General," Sections 10-8 "Exterior Property Areas," 10-12 "Village Council Findings," and 10-30 "Foreclosed, Vacant and Unimproved Property Registration Program" to establish minimum requirements for vacant and unimproved commercial and industrial property.

In an effort to strategically focus code enforcement activities on those properties that are creating blight and nuisances along the major corridors, the staff is proposing minimum requirements for vacant or unimproved commercial and industrial parcels that have historically been neglected by property owners. The minimum requirements will secure the property, enhance the aesthetics with minimum landscaping, and provide a direct contact person who will be responsible for addressing issues, such as the dumping of trash, graffiti, overgrown grass, and illegal parking of commercial vehicles.

The proposed vacant and unimproved property requirements include the following:

Registration with contact information from the owner or authorized individual who has responsibility for the property and can make decisions to address conditions on the property, including expenditures required to remedy issues;

Installing/maintaining sod and perimeter landscape hedge and irrigation;

Securing property with a 6' perimeter fence;

Providing signage on the fence with contact information.

Note: The annual registration fee has been included within the Village's Fee Schedule, which is the subject of separate Council consideration on this Agenda.

The proposed minimum property requirements will require owners to make a minimum investment in the property and not simply hold it as an asset.

The proposed Ordinance was prepared by the Assistant Village Manager and reviewed by the Village Attorney, Planning, Zoning, Building Director, and Code Enforcement Officers.

The proposed Ordinance was approved on 1st reading at the May 11, 2023, Village Council meeting and is being presented for 2nd and final reading.

Note: Code Enforcement staff assisted in the identification of 86 nonresidential vacant or unimproved properties that may be subject to the proposed Ordinance. A

courtesy letter was mailed to the address of record for each of these properties, informing the owners of the proposed provisions.

Fiscal Impact: The proposed Ordinance does not have a direct fiscal impact on the Village.

Assistant Village Manager Mrs. Glas-Castro spoke about this. She advised the Council that after this Ordinance passed on the First Reading, the staff sent courtesy notices to the affected property owners. The Village may have been overly enthusiastic in its attempts to reach out to many to let them know of the pending Ordinance change. The Village had received feedback from property owners about the Ordinance. Mrs. Glas-Castro stated that revisions had been made to the language in Exhibit C.

Vice-Mayor Brinkman offered the Council an opportunity to comment. The Council asked Mrs. Glas-Castro to explain when a property would fall under Category H. They also wanted to know the time constraints involved in foreclosing a property. The Village Attorney, Mr. Torcivia, explained there is a process starting with a special magistrate and then the accumulation of fines. The process could extend from months to a year - it depends.

Vice-Mayor Brinkman offered the public an opportunity to speak.

Robert Oresky, 3595 Middleburg Drive, Wellington (Trails Properties): Mr. Oresky owns multiple properties in the Village. He commented that he did not agree with the word "now" or the word "unimproved" in the Ordinance in Section 3 (A). He did not see a benefit to the Village and requested the word be removed.

The Village Council went into a discussion regarding the language. The Village Attorney advised them that the term is a policy decision. The Council felt there was validity to Mr. Oresky's concern with the terms.

Village Attorney Torcivia read the title of the caption into the record.

Council Member Gunther made a motion to approve Ordinance No. 2023-06 as amended to remove the term "Unimproved." It was seconded by Council Member Ready. There was a roll call vote: Council Member Gunther, Council Member Ready, and Vice-Mayor Brinkman. The said motion carried 3-0.

ACTIONS AND REPORTS

There were no Actions and Reports.

VILLAGE MANAGER COMMENTS

There were no comments from Village Manager Bornstein.

VILLAGE COUNCIL COMMENTS

The Village Council commented on their activities.

ADJOURNMENT

Hearing no further business, Vice-Mayor Brinkman adjourned at 8:07 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 **June 8, 2023**. Which minutes were formally approved and adopted by the Village Council on **June 22, 2023**

Submitted by:

Kimberly M. Wynn

Village Clerk

**NEXT REGULAR MEETING:
THURSDAY, JUNE 22, 2023, AT 6:00 PM**