



**VILLAGE COUNCIL MEETING MINUTES
 VILLAGE HALL - COUNCIL CHAMBERS
 226 CYPRESS LANE
 VILLAGE OF PALM SPRINGS, FLORIDA
 APRIL 14, 2022 AT 6:30 PM**

CALL TO ORDER

Mayor Smith called the Regular Village Council Meeting to order at 6:30 PM

ROLL CALL

Present: Mayor Bev Smith, Vice Mayor Doug Gunther, Mayor Pro Tem Joni Brinkman, Council Member Patti Waller, Council Member Gary M. Ready, Village Manager Michael Bornstein, Village Attorney Glen Torcivia, and Village Clerk Kimberly M. Wynn

Absent: None

Also present: Kim Glas-Castro, Assistant Village Manager, Police Chief Tom Ceccarelli, as Sergeant-at-Arms, Jossie Maliska, Director of Library Services, Iramis Cabrera, Director of Planning, Zoning & Building, Justin Lucas, Director of Parks and Recreation, Mariana Ortega-Sanchez, Assistant Finance Director, Jim Schmitz, Director of Public Works, Timothy Crespo, Superintendent of Public Works, and Rogelio Perez-Gonzalez, Village Planner

INVOCATION

Village Manager Bornstein led the invitation.

PLEDGE OF ALLEGIANCE

The Village Council led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor Smith noted that Item #17, Presentation by Division Fire Chief Tracey Adams-Annual Report - PBCFR- was pulled from the agenda. Fire Chief Adams was unable to attend the meeting. Hearing no further changes, Vice Mayor Gunther made a motion to approve the agenda as presented. Council Member Ready seconded the motion. The said motion carried 5-0.

CONSENT AGENDA

Mayor Smith offered the public an opportunity to speak on any consent agenda item. There were no comments from the public.

- 1. Resolution No. 2022-17 - Approve Amendment No.1 - Community Development Block Grant (CDBG) Agreement with Palm Beach County -**

Park Connector Pathway - FY 2022

Staff: Justin Lucas, Director of Parks & Recreation

SUMMARY: The Parks and Recreation Department is requesting approval of Amendment No. 1 to the Village's October 1, 2021, Community Development Block Grant (CDBG) Agreement R2021- 1613. The previously approved Agreement provided \$130,515 in CDBG funds for the construction of sidewalk improvements for the interconnected pathway system along Davis Road from Alameda to Greenbrier and west to Foxtail Palm Park.

The proposed Amendment No. 1 would change the scope of the Village's FY 2022 project (Agreement R2021-1613), to a sub-phase identified as Canal Road (between Davis Road and Kirk Road). This sub-phase was approved as the Village's FY 2023 CDBG Project at the March 10, 2022, Village Council Meeting. The proposed sub-phase is ready for bidding and will help the Village move forward with the construction of the Park Connector Pathway and meet benchmarks associated with its CDBG program involvement.

NOTE: The proposed amendment will not change the Village's approved FY 2022 CDBG allocation of \$130,515. The Village's FY 2023 CDBG allocation is still to be determined and will be dedicated to the completion of the Davis Road sub-phase.

Village staff pursued multiple grant opportunities (Community Project Funding (CPF): FY 2022 Transportation, Housing and Urban Development Member Designated Project funding and a federally funded Recreation Trails Program Grant through the Department of Environmental Protection) to supplement the construction of the Davis Road sub-phase of the Park Connector Pathway. The Village's project has been funded in the FY 2022 cycle, pending approval by the Florida Department of Environmental Protection's (FDEP) Deputy Secretary and the Federal Highway Administration (FHWA).

NOTE: The list is not final until the FHWA approves and signs it, and work may not begin until approved and authorized.

The staff's request to amend the project scope will provide an opportunity to complete a CDBG funded project in FY 2022 and provide an enhanced pathway for residents living along with Davis and Kirk Roads. The Canal Road project will be constructed on a Lake Worth Drainage District easement. The scope of this work will include a wide meandering coquina pathway, native Florida landscaping, and signage.

The project bidding would take place in May, contract award in June, and start construction in July 2022. The estimated completion would be before the end of 2022.

If approved by the Village Council, the proposed Amendment will be submitted to the Palm Beach County Department of Housing and Economic Sustainability Director for execution.

The proposed Amendment was prepared by Palm Beach County Department of Housing and Economic Sustainability staff and reviewed by the Parks & Recreation Director and the Village Attorney.

Fiscal Impact:

Funding to support the Park Connector Pathway construction is available within the FY 2022 Budget - General Fund utilizing CDBG Funds, Infrastructure Surtax (Sales Tax) and General Fund. FY 2022 Funding was approved to complete the Davis Road sub-phase. Any budget amendments or approvals required would be submitted for approval.

Allocated/Estimated Project Funding in FY 2022 Budget:	Amount
CDBG Estimated Funding	\$130,515
Infrastructure Surtax (Sales Tax)	\$724,035

Estimated Project Cost:	
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Project Probable Cost - Engineer Estimate	\$141,457
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2. **Acceptance of Drainage Easement - 3431 Lake Worth Road - Enrique Casarubbias, Alan Casarrubias, and Josselin Casarrubias**

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: The Public Works Department, in conjunction with the Palm Springs Community Redevelopment Agency (CRA), is requesting the acceptance of a Drainage Easement Agreement to facilitate the future installation of stormwater improvements in conjunction with the 2nd Avenue North/Davis Road drainage projects (Areas 3 and 4 in the Village's Stormwater Master Plan). These planned stormwater improvements flow through and are directly related to the stormwater improvements undertaken by the Florida Department of Transportation (FDOT) and funded by the Palm Springs CRA with the Lake Worth Road Resurfacing, Restoration, and Rehabilitation (RRR) project.

This easement agreement, if approved, would dedicate a five-foot (5') easement along the western perimeter of the commercial property located at 3431 Lake Worth Road. It will overlap an existing private (easement) covenant from 1948 in which the current drainage improvements are located. The proposed easement

agreement benefits the Village and will eliminate any confusion about who is interested in the 1948 instrument.

Acceptance of the proposed Drainage Easement Agreement would enable the Village to enter and utilize the easement property, including the installation, construction, reconstruction, operation, inspection, maintenance, replacement, and improvement of the proposed stormwater facilities. After improvements get installed, the proposed easement area will be maintained by the Village.

The Village Attorney prepared the proposed Utility Easement Agreement and was reviewed by the Assistant Village Manager and the Consulting Village Engineer, Keshavarz and Associates.

Fiscal Impact:

The proposed drainage easement does not have a direct fiscal impact to the Village.

3. **Approve Congress Avenue Sanitary Sewer Project (Task Order No. 305 - Work Authorization HE-CRA1) - Professional Engineering (Design Phase) - CRA Congress Avenue District (FY22 Budget Funded) - Holtz Consulting Engineering, Inc.**

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: The Palm Springs Community Redevelopment Agency (CRA) is requesting approval of Work Authorization HE-CRA1 (Task Order No. 305) with Holtz Consulting Engineering, Inc. for professional engineering and design services related to the installation of sanitary sewer force mains along Congress Avenue, north of Forest Hill Boulevard.

The proposed project is a partnership with Palm Beach County to facilitate redevelopment in the Congress Avenue District of the CRA. The lack of sanitary sewer was outlined in the Finding of Necessity Report for the CRA as one of the factors contributing to blight in the area, and limiting redevelopment potential. The CRA Community Redevelopment Plan identifies the sanitary sewer project as a priority for the corridor.

The Village Council is requested to approve Work Authorization HE-CRA1 (Task Order #305) to support all required professional engineering services and related tasks to the design of the sanitary sewer project to be completed by Holtz Consulting Engineers, the Village's contracted engineering firm (who is also a County contracted engineering firm).

The proposed tasks and associated costs are for professional engineering and design services to complete a Basis of Design Report (BODR), which precedes the preparation of construction plans for the sanitary sewer project.

The Village Council has approved funding (\$50,000) within the FY 2022 Budget - CRA - Congress Avenue District to support this project (design and engineering services). The Village will not expend more than the amount in the approved budget as it may be adopted/amended each year for these goods and services over the term of this contract.

Note: The total approved budget for FY 2022 for this design project is \$50,000.00; however, staff believes that only a portion of the proposed design cost (\$15,195 of the total design cost - \$69,710) of this project will be completed during the fiscal year 2022. Therefore, this project is expected to roll over into the next fiscal year (FY 2023) and the remaining funding of \$54,515 to complete this project is expected to be requested to be approved by the Village Council during the upcoming FY 2023 budget process.

Staff recommends approval of the proposed Work Authorization HE-CRA1 (Task Order No. 305) with Holtz Consulting Engineering for the amount not to exceed \$69,710 for engineering and design services related to the installation of a sanitary sewer force main(s) in the Congress Avenue District of the Palm Springs CRA.

If approved, the Village would accept Holtz's pricing as outlined within the previously approved General Consulting Services Continuing Contract with Holtz including all terms, conditions, and pricing therein.

Note: The Village issued a Request for Qualifications (RFQ) for professional engineering services (RFQ #2018-02 - Utility Engineering Services Continuing Contracts) in accordance with the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

The recommended engineer will be required to meet local, state, and federal procurement funding requirements.

If approved, it is estimated that the proposed design work will take approximately six (6) months (November 2022) from the date the work authorization is issued to Holtz Consulting Engineers.

The proposed Work Authorization HE-CRA1 was prepared by Holtz Consulting Engineers and reviewed by the Assistant Village Manager, Interim Public Services Administrator, the Finance Director, and the Village Attorney.

The Village has worked with the proposed vendor previously and received excellent service and a quality product.

Fiscal Impact:

Funding to support the proposed work authorization (Task Order No. 305) is available within the FY 2022 Palm Springs CRA Budget.

4. **Approve Congress Avenue Sanitary Sewer Project (Task Order No. 305 - Work Authorization EE-CRA1) - Professional Engineering - CRA Congress Avenue District (FY22 Budget Funded) Eckler Engineering Inc.**

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: The Palm Springs CRA is requesting approval of Work Authorization EE-CRA1 (Task Order No. 305) with Eckler Engineering Inc. for professional engineering services (i.e., planning assumptions, review of design report, bidding, and construction services) related to the installation of sanitary sewer force mains along Congress Avenue, north of Forest Hill Boulevard.

The proposed project is a partnership with Palm Beach County to facilitate redevelopment in the Congress Avenue District of the CRA. The lack of sanitary sewer was outlined in the Finding of Necessity Report for the CRA as one of the factors contributing to blight in the area, and limiting redevelopment potential. The CRA Community Redevelopment Plan identifies the sanitary sewer project as a priority for the corridor.

As a result, the Village Council is requested to approve Work Authorization EE-CRA1 (Task Order #305) to support all required professional engineering services and related tasks to the planning, design review, bidding, and construction of the sanitary sewer project to be completed by Eckler Engineering Inc, the Village's contracted engineering firm.

The proposed tasks and associated costs to provide the professional engineering services to complete this design project are as follows:

The Village Council has approved funding (\$50,000) within the FY 2022 Budget - CRA - Congress Avenue District to support this project (design and engineering services). The Village will not expend more than the amount in the approved budget as it may be adopted/amended each year for these goods and services over the term of this contract.

Note: The total approved budget for FY 2022 for this design project is \$50,000.00; however, staff believes that only a portion of the proposed design cost (Tasks 3 and 4) (\$16,186 of the total design cost - \$25,509) of the project will be completed during the fiscal year 2022 (FY2022). Therefore, this project is expected to roll over into the next fiscal year (FY 2023) and the remaining funding of \$105,427 to complete this project is expected to be requested to be approved by the Village Council during the upcoming FY 2023 budget process.

If approved, the Village would accept Eckler's pricing as outlined within the previously approved General Consulting Services Continuing Contract with Eckler including all terms, conditions, and pricing therein. The proposed design work will take approximately 6 months (November 2022) from the date the work authorization is issued to Eckler Engineering Inc.

Note: The Village issued a Request for Qualifications (RFQ) for professional engineering services (RFQ #2018-02 - Utility Engineering Services Continuing Contracts) under the Consultants Competitive Negotiation Act (CCNA) - Section 287.55, Florida Statutes.

The recommended engineer will be required to meet local, state, and federal procurement funding requirements.

The proposed Work Authorization EE-CRA1 was prepared by Eckler Engineering and reviewed by the Assistant Village Manager, Interim Public Services Administrator, the Finance Director, and the Village Attorney. The Village has worked with the proposed vendor previously and received excellent service and a quality product.

Fiscal Impact:

Funding to support the proposed work authorization (Task Order No. 305) is available within the FY 2022 Palm Springs CRA Budget.

5. Approve Village-Wide Landscaping Services Contract - Request for Proposal (RFP) - Public Works Department (FY 2022 Budget Funded - General Fund and Water & Sewer Fund) Epicurean Park, LLC.

Staff: Paul Ward, Superintendent of Utilities

SUMMARY: The Public Works Department, throughout the year, needs to select a vendor to provide landscaping services at Village-owned properties, including the Village Hall complex, parks, roadway medians, Village-owned lots, water treatment plant entrances, and various utility locations. The Village's previous Landscape Service Vendor canceled their agreement.

To ensure the selection of the best-suited vendor, the Village issued a Request for Proposal (RFP) on January 11, 2022, for landscaping services throughout the Village. The Village utilized a Competitive Selection Purchase process under Section 58-5, Competitive Selection Purchase Requirements of the Village Code - Village Wide Landscaping Service (RFP No. 2022R-002 - February 15, 2022).

As a result of the Village's RFP, there were seven (7) proposals received:

<u>Vendor</u>	<u>Total Bid</u>
Epicurean Parks, LLC	\$129,090.00
Fresh Start Maintenance	\$136,880.00
Vincent & Sons Landscaping	\$137,700.24
Salgado Tree Trimming	\$182,425.25

Landscape Service Professionals, Inc.	\$272,247.36
Innovative Grounds	\$397,068.00
Mainguy Landscape Service \$	\$1.00

The Village Manager appointed five (5) members to the Village Wide Landscaping Services Selection Committee. The Committee included representatives from the Public Works Department, Utilities, Parks & Recreations, and Finance. The Selection Committee met on March 16, 2022, to review each submittal and recommend the best proposer. Each company's proposal was evaluated and scored based on price, qualifications, references, and location.

After reviewing the seven (7) proposals received, the Committee selected Epicurean Park, LLC. Thus, the Village Attorney prepared a proposed agreement for Village-Wide Landscaping Services. The Assistant Village Manager, Public Works Director, and Interim Public Service Administrator have reviewed the proposals and request approval from the Council.

Within the Fiscal Year 2022 Budget - General Fund and Water & Sewer Enterprise Fund, the Village Council approved \$118,803.00 in funding for these ongoing contractual services.

If approved, the Village would accept Epicurean Park LLC's terms, conditions, and pricing under the submitted RFP package and the proposed agreement. 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.

The Village has not worked with the proposed vendor previously; however, the Village received positive references from clients of the vendor.

Fiscal Impact:

Funding to support the proposed services is available within the FY 2022 Budget - General Fund, Stormwater Fund & Water & Sewer Fund.

<u>Allocated Estimated Service Funding:</u>	
FY 2022 Approved Budget - Parks and Recreation - General Fund	\$35,737.00
FY 2022 Approved Budget - Public Works - General Fund	\$49,994.00
FY 2022 Approved Budget - Utilities - Water & Sewer Fund	\$33,072.00

Total Approved Budget	\$118,803.00
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<u>Expected Service Costs:</u>	
Total Request/Costs:	\$129,090.00

The Village will not expend more than the amount in the approved budget as it may be adopted/approved each year for these goods and services for the term of the contract.

- 6. **Approve Finance, Planning, Building & Zoning and Administration Flooring Project Award (Task Order No. 300) - Invitation to Bid (ITB) - Public Service Department (FY 2022 Budget Funded – General Fund) - E & F Florida Enterprises, Inc.**

Staff: Walter Sanchez, Project Manager

SUMMARY: The Public Works Department has identified a need to update the flooring in the Finance, Administration, and Planning, Building & Zoning (PZ&B) offices. The existing flooring is the original carpeting installed when the Village Hall was built approximately 20 years ago and is dated, stained, and worn out.

To ensure the lowest possible price for these projects, the Village issued an Invitation to Bid (ITB) on February 10, 2022, for the Finance, PZ&B & Administration Flooring Project. This process was completed by the Village through a competitive selection process - Finance, PZ&B & Admin Flooring Project - (ITB No. 2022B-005 - February 10, 2022).

Within the Fiscal Year 2022 Budget - General Fund, the Village Council approved \$50,000 for the Finance, PZ&B & Administration Flooring Project. As a result of the Village's ITB, the following two (2) bid proposals were received:

Vendor	Total Bid
E&F Florida Enterprises, Inc.	\$49,400.00
QRJ Construction	\$54,202.00

The Village's Purchasing Code - Section 58-5(4)a - Competitive Selection Purchase Requirements, provides that the Village Manager shall have the authority to reject any and all bids, proposals, or other responses if he determines that it is in the best interest of the Village to do so.

After reviewing the two (2) bids received, the Assistant Village Manager, the Procurement Specialist, the Village Project Manager, and the Village Attorney determined that E & F Florida Enterprises, Inc. provided the lowest, responsible, and responsive bid. The staff requests the Council to approve Task Order No. 300 for \$49,400.00 to E&F Florida Enterprises, Inc.

If approved, the Village would accept E&F Florida Enterprises, Inc.'s pricing, including all terms, conditions, and pricing submitted within their ITB proposal. The Village will not expend more than the amount in the approved budget as it may be adopted and amended each year for these goods and services over the term of this contract.

If approved, it is estimated that the proposed Finance, PZ&B & Administration Flooring project is expected to be completed by July/August 2022.

The proposed agreement was prepared by the Village Attorney and reviewed by the Assistant Village Manager, the Procurement Specialist, the Village Project Manager, and the Finance Director.

The Village has previously worked with the proposed contractor and has received excellent service and a quality product.

Fiscal Impact:

Funding to support the Finance, PB&Z & Administration Flooring Project (Task Order No. 300) is available within the FY 2022 - General Fund.

<i>Allocated/Estimated Project Funding:</i>	<i>Amount</i>
FY 2022 Approved Funding - General Fund:	\$ <u>50,000.00</u>
TOTAL ALLOCATED/APPROVED BUDGET	\$ 50,000.00
<i>Expected Project Costs:</i>	<i>Amount</i>
FY 2022 Projected Costs - Construction - General Fund (TO #300):	\$ <u>49,400.00</u>
TOTAL PROJECT REQUEST/COSTS:	\$ 49,400.00

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.

7. Approve Village of Palm Springs Emergency Management Plan

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: An Emergency Management Plan (EMP) is a necessary component of ensuring that the Village will be prepared to properly deal with emergencies, disasters, hazards, and/or storm events that may threaten the lives and property of the Village's residents, businesses, and stakeholders. The proposed EMP is expected to assist the organization in providing an adequate and appropriate response to natural, technical, and/or man-made disasters.

The proposed EMP defines the organizations and departments ("Who"), their

responsibilities (“What”), and includes supporting documentation to detail (“How”). These responsibilities will be implemented. It also provides an efficient, comprehensive organizational structure for the Emergency Response Team; manages emergency operations within the Village by coordinating the use of resources available from other governmental entities, private industry, civic and volunteer organizations, and helps to recover from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters.

The Village's proposed EMP is divided into six (6) sections:

I. Introduction: Outlines the purpose, scope, and methodology to provide an organized system to enable the Village to carry out emergency responsibilities and functions during any disaster including; preparedness, response, recovery, and mitigation of all levels of disasters. This section also identifies various hazard considerations and the geographic and economic profile of the Village.

II. Concept of Operations: Describes the methods for the management of emergency activities during the response, recovery, and mitigation phases of a disaster. The major elements of this section include the structure of the organization, direction and control, resource management, and those actions necessary under the four phases of emergency management (preparedness, response, recovery, and mitigation) to ensure an effective emergency management program. In addition, this section addresses organizational structures, roles and responsibilities, policies, and protocols for providing emergency support. It describes and defines the scope of preparedness and incident management activities.

III. Preparedness Activities: Identifies responsibilities for the plan maintenance, preservation of vital records, exercises, and training.

IV. Mitigation: Provides an overview of coordination of mitigation activities and identifying mitigation projects and submitting the projects to the Local Mitigation Strategy (LMS) Steering Committee.

V. Standard Operating Guides/Procedures: Provides an overview of general department responsibilities in preparing for and responding to a pre-known disaster. Village departments will be responsible for developing operational procedures that address their responsibilities.

VI. Appendix: The appendix provides an overview of forms, acronyms, key terms, and departmental policies.

Note: The individual department policies were not included, in part due to the protection of our internal procedures for our infrastructure and water treatment plants. The approval of the EMP would also provide the Village Manager with the

ability/authorization to update the department procedures as needed (i.e., staffing changes, job responsibility shifting, etc.).

The proposed EMP will be incorporated into a large reference manual that will be updated annually and will include, but is not limited to, staffing lists, contact information for Emergency Managers, State Mutual Aid Agreement, Debris Removal Agreements, the Village's HOA database, media guide, PBC shelters, stores and gas stations with generators and any other storm-related information.

The proposed Emergency Management Plan was prepared by the Village Manager and reviewed by the Village Attorney, Assistant Village Manager, each of the Village's Department Directors, and the County's Division of Emergency Management Director.

Fiscal Impact:

There is no direct fiscal impact on the Village.

8. Appointments to the Fallon Scholarship Committee

Staff: Kimberly Wynn, Village Clerk

SUMMARY: The Fallon Scholarship Committee consists of Police Chief Ceccarelli, the Village Manager, the Library Director, Council Member Waller, and Citizen-at-Large, Robin Hughes.

On March 11, 2021, Mrs. Kim Glas-Castro, Assistant Village Manager, was appointed to fill a temporary position on the Joseph L. Fallon Scholarship Selection Committee until the selection/appointment of the Village's permanent Library Director. In June 2021, Mrs. Josefina Maliska was appointed the Village's new Library Director.

The Village Manager, Mr. Michael Bornstein, requested that Mrs. Kim Glas-Castro, Assistant Village Manager, remains on the Fallon Scholarship Selection Committee as his designee.

There are two (2) upcoming vacancies for the Joseph L. Fallon Scholarship Selection Committee. Mrs. Kim Glas-Castro, Assistant Village Manager, and Library Director Josefina Maliska have expressed an interest in serving as Regular members.

Mrs. Glas-Castro and Mrs. Maliska will serve until resignation from employment with the Village or resignation from the Committee.

Fiscal Impact:

The proposed appointments do not have a fiscal impact to the Village.

9. **Appointments to the Planning & Zoning Board**

Staff: Kimberly Wynn, Village Clerk

SUMMARY: There are two (2) upcoming Regular member vacancies on the Planning and Zoning Advisory Board due to Mr. Richard Hughes and Mr. Lashells' term expires on May 14, 2022. Mr. Hughes, who has served as Vice-Chair, and Mr. Lashells would like to continue to serve on the Planning and Zoning Board as a Regular member. If appointed, Mr. Hughes and Mr. Lashells will serve a three (3) year term ending May 14, 2025.

Mr. James Mandigo submitted his letter of resignation on March 28, 2022, creating a vacancy on the Planning & Zoning Board. Ms. Kimberly Lee-Gehrman, the Senior Alternate, has expressed an interest in being appointed as a Regular member. Mrs. Gehrman would serve an unexpired term ending on May 14, 2024.

Mr. Larry Saingilus, Junior Alternate on the Planning & Zoning Board, would advance to the Senior Alternate position. There will be a Junior Alternate vacancy if all appointments are approved.

Fiscal Impact:

The proposed appointments do not have a fiscal impact on the Village.

10. **Appointment to the Construction Board of Adjustment and Appeals**

Staff: Jane Worth, Deputy Village Clerk

SUMMARY: There are three (3) upcoming Regular member vacancies and two (2) Alternate member vacancies on the Construction Board of Adjustment and Appeals due to the expiration of Ms. Sandra Lynn Player's term.

Ms. Player has expressed an interest in continuing to serve as a Regular Member and has been a valuable asset to this Board. If appointed, she would serve a three (3) year term ending on May 14, 2025.

If the proposed appointment is approved, there would be two (2) Regular member vacancies and one (1) Senior Alternate, and one (1) Junior Alternate vacancy on the Construction Board of Adjustment and Appeals.

Fiscal Impact:

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

11. **Arbor Day Proclamation - April 2022**

Staff: Kimberly Wynn, Village Clerk

SUMMARY: National Arbor Day is April 29, 2022. This year marks the 150th anniversary of the tree planter's holiday. The Village celebrates Arbor Day by planting a tree in a Village park. In 2022, the Village will plant a Gumbo Limbo tree in Areca Palm Park.

The Gumbo Limbo Tree is native to South Florida and grows big and beautifully, developing an unusual red bark. Commonly referred to as the Tourist Tree, this tree takes up a lot of space with thick, low branches that stay near to the ground, fitting best in a large yard. The wood is lightweight, soft, and easily carved. Despite these characteristics, the gumbo limbo is considered one of the most wind-tolerant trees and can withstand hurricane winds.

Gumbo Limbo is a fast grower that you can plant in full sun to partial shade. Expect this tree to lose its leaves in winter, though during warmer winter months it may retain foliage. It is drought and salt tolerant.

The Village's Arbor Day Celebration will be held at 10 a.m. on Friday, April 29 at Areca Palm Park.

Fiscal Impact:

Funding for this event is included in the FY 2022 Budget - General Fund.

12. **National Library Week Proclamation - April 3-9, 2022**

Staff: Kimberly Wynn, Village Clerk

13. **National Public Safety Telecommunicators Week Proclamation - April 10-16, 2022**

Staff: Kimberly Wynn, Village Clerk

14. **Municipal Clerks Week Proclamation - April 2022**

Staff: Kimberly Wynn, Village Clerk

15. **Water Conservation Month Proclamation - April 2022**

Staff: Kimberly Wynn, Village Clerk

End of Consent Agenda....

Mayor Smith offered the public an opportunity to speak on Consent agenda Items. There were no comments from the public.

Council Member Waller made a motion to approve the Consent Agenda, and it was seconded by Mayor Pro Tem Brinkman. The said motion carries 5-0.

PRESENTATIONS

16. Senator Lori Berman - Provide Legislative Updates

Staff: Kimberly Wynn, Village Clerk

Mayor Smith introduced Senator Lori Berman. Senator Berman gave a handout to the Council and provided an update on legislation that passed. Some of the updates include a salary increase for teachers. In addition, she discussed a grant secured by the Village in the amount of \$630,022 for the Public Safety Building/Emergency Operating Hardening. She briefly discussed the Financial Literacy Instruction in Schools and the new mandate that students in public schools take this as a required course to graduate. Senator Berman talked about likely contentious bills that may get challenged in court, such as immigration enforcement, election administration and the "Don't Say Gay" Bill.

Senator Berman discussed preempted bills like the Regulation of Smoking by Counties and Municipalities in public places such as beaches and parks. She also addressed increased property insurance costs which failed (CS/CS/SB 1728). The bill passed the Senate, but failed in Congress. SB 1728 would allow insurers to pay roof claims based on actual cash value, not full replacement value. The Building Safety bill (SB 1702) would affect multi-family buildings three or more stories older than 30 years and give them inspection guidelines.

Senator Berman added that strawberry shortcake is the official dessert of the State of Florida and Key Lime is the official pie.

Mayor Smith offered the public and Council an opportunity to ask questions or comment.

Council Member Waller asked Senator Berman if the regulation of smoking by counties and municipalities asked if pipe smoking is regulated on beaches and parks. Senator Berman said she cannot confirm this information. Council Member Ready thanked Senator Berman for her support of SB 301 (Financial Disclosures).

17. Presentation by Division Fire Chief Tracey Adams Annual Report - Palm Beach County Fire Rescue

Staff: Kimberly Wynn, Village Clerk

SUMMARY: Presentation by Division Chief Tracey Adams will show a short video about Palm Beach County Fire Rescue Year of Events.

<https://youtu.be/1Za9wx6ZDzw>

Fiscal Impact:

None

18. Presentation of the Annual Comprehensive Financial Report for Fiscal Year End - September 30, 2021

Staff: Rebecca Morse, Chief Financial Officer

SUMMARY: Mr. Moises Ariza, a partner with Marcum, LLP, the Village's Independent Auditing Firm, will present the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2021 audit report on the financial statements. The brochure, "Communication With Those Charged with Governance" and the Financial Highlights of the organization are attached to be discussed further at the meeting.

Mariana Ortega introduced this item. She introduced Mr. Moises Aziza, a partner with Marcum, LLP, the Village's Independent Auditing Firm. Mr. Moises discussed the highlights of the audit, and a pamphlet was distributed to the Council. Mr. Aziza talked about grants and the focus on the procurement process. Further discussion ensued between the Council and Mr. Aziza about the findings of the report.

Mayor Smith offered the public and Council an opportunity to comment. Council Member Ready asked how the Village compared to other cities with their use of General Revenues.

The Village Manager, Mr. Bornstein thanked the Finance Department for their hard work and diligence in getting the audit completed.

Fiscal Impact:

There is no fiscal impact. Comprehensive Annual Financial Report (CAFR) and audit for the fiscal year 2021.

PUBLIC COMMENT

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

REGULAR AGENDA

19. Appointment of Voting Delegate(s) to the Palm Beach County League of Cities

Staff: Kimberly Wynn, Village Clerk

SUMMARY: Every year, the Palm Beach County (PBC) League of Cities requests that each municipality designate a voting delegate and an alternate(s), if so desired, to vote on behalf of the Village of Palm Springs at the League of

Cities general membership, special membership, and general membership functions. The appointed delegate(s) vote on official business items at membership meetings.

Currently, Mayor Smith is the voting delegate for the Village. Council Member Waller, Vice Mayor Gunther, and Mayor Pro Tem Brinkman serve as the alternates.

The Village Council is requested to appoint one (1) voting delegate and alternate(s) to the PBC League of Cities.

Mayor Smith introduced this item. Village Clerk Wynn explained that every year Palm Beach County requests a voting delegate and alternates to vote in the interest of the Village. Currently, Mayor Smith is the Voting Delegate and Vice Mayor Gunther, Mayor Pro Tem Brinkman and Council Member Waller are the alternates. Mayor Smith asked if there is a limit to the number of voting delegates that may serve. Village Clerk Wynn stated they can have one voting delegate; however, there is no limit to the number of alternates.

Mayor Pro Tem Brinkman made a motion to appoint Mayor Smith as the Voting Delegate. Vice Mayor Gunther, Mayor Pro Tem Brinkman, Council Member Waller and Council Ready will serve as Alternates Voting Delegates in the Palm Beach County League of Cities. The motion was seconded by Council Member Ready. The motion carried 5-0.

Fiscal Impact:

There is no direct fiscal impact to the Village.

PUBLIC HEARINGS

- 20. Ordinance No. 2022-02 - Land Use Amendment (Small-Scale) - Belmont - 1591 Kirk Road (FIRST READING) THE APPLICANT REQUESTS TO POSTPONE THIS ITEM TO A DATE CERTAIN OF MAY 12, 2022, PUBLIC HEARINGS**

Staff: Kimberly Wynn, Village Clerk

Mayor Smith mentioned this item was postponed to May 12, 2022, Village Council Regular Meeting Agenda.

- 21. Ordinance No. 2022-03 - Village Code Amendment - Chapter 78-45 - Utility Billing Adjustments (Second Reading)**

Staff: Kimberly Wynn, Village Clerk

SUMMARY: The Utilities Department requests an amendment to the Village Code - Chapter 78, Section 78-45 Utility Billing Adjustments, to include an adjustment for excessive use caused by a concealed leak.

A concealed leak is an underground leak in the service line, sprinkler line, a leak inside the wall, or a leak under a building that causes the monthly bill to exceed six (6) times the average monthly consumption based on the last twelve (12) months. If there is a concealed leak, a residential customer may be eligible for a one-time adjustment of 100% of the excess consumption one (1) time within a five (5) year period.

To receive excessive use caused by a concealed leak adjustment, the residential customer must meet the following criteria:

- 1) The customer must notify the Village of the apparent water loss on their property within one (1) business day of discovering the water loss; or five (5) business days following the customer's receipt of a water bill indicating inconsistent usage on their property, whatever is sooner.
- 2) The customer must take corrective action to end water loss within forty-eight (48) hours of discovering the loss of water or receiving an unusually high water bill for their property, whichever occurs first. If no corrective action is feasible, the customer should request that the Village temporarily shut off the water to the property until repaired. The Customer Relation Supervisor can approve refunds of up to \$1,000. The Utilities Director can approve refunds greater than \$1,000 but not exceed \$7,500. If a refund is more than \$7,500, it must get approved by the Utilities Director, Finance Director, and Village Manager.

Ordinance No. 2022-03 was prepared by the Village Attorney and reviewed by the Assistant Village Manager, Interim Public Service Administrator, and the Customer Relations Supervisor. Proposed Ordinance No. 2022-03 was approved on the first reading by the Village Council on March 10, 2022, and presented for the second and final reading.

Fiscal Impact:

The proposed amendment will not have a significant fiscal impact on the Village.

Mayor Smith introduced this item. She asked Assistant Village Manager Glas-Castro were there any additional comments from staff. Assistant Village Manager Glas-Castro noted that staff's presentation was presented to the Council at the First Reading on March 10, 2022. The Village Clerk, Ms. Wynn, read the statement of advertisement into the record (Ordinance No. 2022-03 was advertised in the Lake Worth Herald on March 31, 2022). Mayor Smith offered the public and Council an opportunity to speak about this item. There were no comments from the public. Village Attorney Torcivia read the title of the caption into the record.

Council Member Ready made a motion to approve Ordinance No. 2022-03, and it was seconded by Council Member Waller. There was a roll call vote as follows: Vice Mayor Gunther- Yes; Mayor Pro Tem Brinkman - Yes; Council Member Waller -Yes; Council Member Ready -Yes and Mayor Smith - Yes. The said motion carries 5-0.

22. Resolution No. 2022-09 - Preliminary Plat - Prince Place - 3075 Prince Drive, 3098 Ferrell Drive & a vacant lot on Paetzold Drive (*Quasi-Judicial Hearing*)
Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Miles Rich, the applicant, has filed a preliminary plat to re-plate portions of Lots C, D, and E, Block 98 of The Palm Beach Farms CO. Plat No. 7 (as recorded in Plat Book 5 page 72 of Public Records of Palm Beach County, Florida). The applicant is proposing to join three (3) parcels into a unified plat and delineate nineteen (19) individual townhouse lots, consistent with the site plan approved by the Village Council (Resolution No. 2021-31 - November 18, 2021).

The Village's Surveyor, Craven Thompson & Associates Inc., has reviewed the proposed plat and determined that it complies with Chapter 177, F.S. - Platting Regulations.

The Planning & Zoning Board considered the proposed preliminary plat at their March 8, 2022 meeting and recommended approval.

If approved, a final plat will be presented to the Village Council for consideration. The recording of the plat is required prior to the issuance of a certificate of occupancy for a new residence.

Mayor Smith introduced this item. She asked the Council if there was any ex parte communication; there was none. The Village Clerk swore in the Applicant, Mr. Miles Rich. The Village staff gave their presentation for the record. They explained the preliminary plat was a standard request and that the applicant's available for additional questions. Mayor Smith offered the applicant an opportunity to present. The applicant said that he would just answer questions from the Council. Village Attorney Torcivia read the title of the caption into the record. Mayor Smith offered the public and Council an opportunity to speak. There were no further comments.

Fiscal Impact:

There is no direct fiscal impact from the proposed preliminary plat.

Mayor Pro Tem Brinkman made a motion to Approve Resolution No. 2022-09; it was seconded by Vice Mayor Gunther. The said motion carried 5-0.

23. Resolution No. 2022-14 - Nueva Vida New Life Church - Site Plan Amendment (SPR22-07) and Special Exception (PSSE22-04) - 3066 Drew Way (Quasi-Judicial Hearing)

Staff: Iramis Cabrera, PZB Director

SUMMARY: Nueva Vida New Life Inc., the property owner of the existing church at 3066 Drew Way, is requesting a Site Plan Amendment and a Special Exception Use for a place of worship to construct a new 1,775 square feet sanctuary building.

The existing structures consisting of a place of worship, office, meeting space, and a parsonage residence (totaling 3,551 square feet) will remain on the property as part of the Church campus; with the proposed expansion, the total building area will be 5,326 square feet.

Note: On July 9, 2015, the Village Council approved a Site Plan (SPR15-08) and Special Exception Use (PSSE15-04), under Resolution No. 2015-52, to construct a new 3,814 square foot church building. A building permit was issued on June 7, 2016, but construction was never completed. Currently, the proposed site plan constitutes a reduction of the building area by 2,039 square feet.

A place of worship is a Special Exception Use in the residential single-family (RS) district. The church provides a transition between the commercial uses along Congress Avenue and the single-family residences along Drew Way.

The Planning & Zoning Board considered the requested Site Plan Amendment and Special Exception Use during its regular meeting on March 8, 2022, and recommended approval.

The Planning, Zoning and Building Staff does not object to the expansion of the Special Exception Use and the site plan requested and recommends conditional approval subject to thirty-four (34) conditions.

Fiscal Impact: The proposed request does not have an immediate fiscal impact on the Village since the church is tax-exempt; however, the new construction may have a positive effect on neighboring properties.

Mayor Smith asked the Village Council to disclose any ex parte communication. The Village Clerk, Ms. Wynn, swore in the applicant, John Argudo, the Pastor at Nueva Vida New Life Church, was sworn in. Ms. Cabrera gave staff's presentation. The applicant was given the opportunity to give their presentation. Mr. Argudo said that he did not have a presentation, but he was available to answer any questions. He thanked the Planning, Zoning and Building Department for their help and the Council for their community partnership. Mayor Smith offered the public an opportunity to speak on Resolution No. 2022-14.

1. Mrs. Kathryn Webber (3141 Drew Way, Palm Springs) Ms. Webber said that it was rumored that rehabilitation activities would take place at the location. The location would be used for more than a place of worship. Vice Mayor Gunther addressed Ms. Webber's concern. He told her that the church is required to contact the Village Council before they have a special event.

The Council members asked about the vacant lot that is on the site, and if it would remain vacant. Ms. Cabrera stated that the vacant lot is supposed to remain vacant. Discussion ensued amongst the Council members about the daycare center. Ms. Cabrera stated the church had applied for a building permit.

At that time, Mr. Argudo addressed some of the concerns of Ms. Webber and the Council. He stated that the church is a place of faith that welcomes everyone, and restores families. The intent of the place of worship was not to disturb, but to continue to do positive things in the community. Hearing no further comments, Mayor Smith asked Village Attorney Torcivia to read the title of the caption into the record.

Mayor Pro Tem Brinkman made a motion to approve Resolution No. 2022-14 and it was seconded by Council Member Waller. The said motion carried 5-0.

24. Resolution No. 2022-11 - Site Plan Amendment (SPR22-04) and Special Exception Use (PSSE22-02) - Congress Square - Assembly of Spoken Word - 4175 South Congress Avenue Suites E and F (Quasi-Judicial Hearing)

Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Kevin McGinley of Land Research Management, Inc., agent for Medical Services of America, Inc., Applicant, is requesting a Site Plan Amendment (SPR22-04) and Special Exception Use (PSSE22-02) to allow a 1,640 square foot place of worship within two tenant bays at the Congress Square shopping center in the Commercial General property at 4175 South Congress Avenue.

Note: The 1.86-acre developed property is a 17,590 square foot commercial plaza. The property was annexed into the Village in 2016 as a developed parcel. Additionally, in 2019, the Planning, Zoning, & Building Director approved an Administrative Site Plan Amendment and Special Exception Use to allow 820-square feet for restaurant use.

A place of worship is a Special Exception Use in the Commercial General district. Per the Village Code, the approved Special Exception Use is valid as long as it remains in operation, and should it cease or not get used for more than 12 months, approval becomes null and void.

The Planning & Zoning Board considered the requested Site Plan Amendment and Special Exception Use during its regular meeting on March 8, 2022, and recommended approval.

The Planning, Zoning, & Building Staff does not object to the proposed Special Exception Use and site plan amendment and recommends conditional approval of the proposed development subject to the eight (8) conditions.

Fiscal Impact:

The proposed project is not expected to have a direct fiscal impact on the Village as the use is anticipated to be tax exempt. However, if this project is approved, it would require various Village services, which would result in increased expenditures for the Village.

Mayor Smith asked the Council to disclose ex parte communication. Village clerk Wynn swore in the Applicant, Mr. Kevin McGinley, and staff. Ms. Cabrera gave the staff presentation. Mr. McGinley stated he did not have a presentation, but he was available for questions. Mayor Smith offered the Council and public an opportunity to speak on Resolution No. 2022-11. There were no further comments. Village Attorney Torcivia read the title of the caption into the record.

Vice Mayor Gunther made a motion to approve Resolution No. 2022-11 and Mayor Pro Tem Brinkman seconded it. The said motion carried 5-0.

25. Resolution No. 2022-16 - Final Plat - Patio Court Townhomes - Vacant Lot on Patio Court (*Quasi-Judicial Hearing*)

Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Michael Sanchez, agent for the owner, Patio Court Townhomes, LLC ("Applicant"), has filed a final plat application to subdivide the multifamily parcel of land at the southern terminus of Patio Court into ten (10) individual townhouse lots. The applicant is proposing to delineate ten (10) individual townhouse lots for fee-simple ownership, consistent with the site plan approved by the Village Council (Resolution No. 2019-15 - June 13, 2019).

The Village's surveyor, Engenuity Group, has reviewed the proposed plat and determined it complies with Chapter 177, F.S. - Platting Regulations.

The final plat is consistent with the preliminary plat approved by the Village Council (Resolution No. 2021-38 - December 9, 2021).

If approved, the final plat will be recorded in the public records of Palm Beach County before any sales of townhouse lots.

Mayor Smith asked the Village Council to disclose their ex parte communication; there was none. The Village Clerk swore in the Applicant, Mr. Sanchez. Ms. Cabrera proceeded to give the staff's presentation. She explained that the applicant met all conditions. Mr. Sanchez did not have any testimony, but said he would answer questions. Mayor Smith offered the public an opportunity to speak on Resolution No. 2022-16. Village Attorney Torcivia read the title of the caption

into record.

Council member Waller made a motion to approve Resolution No. 2022-16 and it was seconded by Council Member Ready. The said motion carried 5-0.

Fiscal Impact:

Although there is no direct fiscal impact from the proposed final plat, this property is within the Palm Springs Community Redevelopment Agency (CRA) - Lake Worth District, and redevelopment would result in increased Tax Increment Financing (TIF) revenue.

26. Resolution No. 2022-13 - Site Plan Amendment (SPR22-06), Special Exception Use (PSSE22-03 and Hours of Operation (PSV22-02 and PSV22-03) - Triomphe Restaurant and Lounge - 4206-4208 Lake Worth Road (Quasi-Judicial Hearing)

Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Scott Ehrenberg of Berg Design, Inc., agent for the tenant Triomphe Restaurant, Lounge, & Banquet Hall, LLC, "Applicant", is requesting a Site Plan Amendment (SPR22-06) and Special Exception Use (PSSE22-03) to allow the conversion of a 7,080 square foot retail-office space into a restaurant and private club located on a 4.25-acre parcel 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 40,240 square feet building area within two (2) commercial structures.

The applicant was illegally operating a banquet hall/private club without previous approval by the Village. A restaurant and private club are permissible as special exceptions in the Commercial General (CG) district, and approval by the Village Council is required. If the special exception uses are approved, they would be valid as long as they remain in operation. The approved uses would become null, and void should the uses cease or be unused for more than twelve (12) months.

A Site Plan Amendment is requested to enable the applicant to bring the property up to Code to the greatest extent possible and increase consistency with the Village's Commercial General (CG) zoning district regulations.

Additionally, the applicant is requesting relief from the Code with two variances (PSV22-02 and PSV22-03) from Section 14-61 to allow business operations to commence at 8:00 am and to extend until 2:00 am on Sundays, rather than from 12:00 pm to 11:00 pm, as is required for establishments that dispense alcohol beverages for on-premises consumption. Additionally, the applicant is requesting an allowance to operate later than 11:00 pm on premises located 54 feet from a

residential district rather than the required 250 feet.

1. (PSV22-02) - Variance relief from Section 14-61 to allow operation from 8:00 am until 2:00 am on Sundays instead of 12:00 pm to 11:00 pm operating time required.
2. PSV22-03) - Variance relief from Section 14-61(d) to allow hours of operation later than 11:00 pm located 54 feet away from the nearest residential district instead of the required 250 feet.

Note: The proposed hours of operation variance and distance requirement variance were not considered by the Planning & Zoning Advisory Board. The Village Code (Section 34-891 - Hours of Operation) states that these types of variances are approved by the Village Council.

The Planning, Zoning, and Building Staff have conducted a review of the application and have concerns that the criteria for a Special Exception use have not been met. Specifically, Section 34- 607(b)(3) and (5) have not been met in that:

1. The proposed special exception use may have a detrimental impact on surrounding properties in terms of crime, noise, and another potential nuisance. The establishment was operating illegally without village approval. There are reports of the establishment serving alcohol without proper credentials, and with minors present. There have been multiple complaints to Palm Springs Police regarding loud music and vehicle racing on the site. A special exception is "a use that would not be appropriate generally or without restriction throughout the zoning district". The staff did not find that the requested special exception (private club) would provide for the appropriate use of the land under Section 34-602(d) in consideration of the previously mentioned issues.

The Planning and Zoning Board considered this 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 Planning, Zoning, & Building Staff objects to the proposed special exception use, site plan amendment, and hours of operation variance and recommends denial of the request. Should the Village Council desire to recommend approval of the application, Staff recommend that said motion be subject to the conditions listed on the Staff Report.

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.

Mayor Smith asked the Council to disclose their ex parte communication. There was none. Village Clerk Wynn swore in the applicant, Scott Ehrenberg. The staff gave their presentation and explained why there was a recommendation of denial. Mr. Ehrenberg addressed the concerns that the Planning and Zoning Board had to justify their reason for denial. He said that the property is allowed for Commercial General Use. Mr. Ehrenberg said that the Board mentioned the excessive number of phone calls, but when he reviewed this information there were only a few calls, not the numerous calls that were originally reported from the area. He is willing to compromise with the Village and not extend the hours of operation. He also requested that the property operate as a restaurant.

Mayor Smith offered the public and Council an opportunity to speak on Resolution No. 2022-13.

1. Mr. Richard Hughes, 1830 Albert Lakes - Mr. Hughes stated that he did not support the Special Use Amendment.
2. Mr. Johnnie Tieche, 301 Winged Foot Drive- Mr. Tieche spoke against the project. He added that the restaurant received numerous complaints and may not have a liquor license.
3. Mrs. Kimberly Gehrman (Exempt per F.S. Chapter 119) - Mrs. Gehrman spoke against the project. She discussed the code violations, underage drinking and the establishment not having a business license. She also talked about the partnership the business has with a realtor company.

Vice-Mayor Gunther asked staff if the business owner held a liquor license. He also asked about the numerous noise complaints. Police Chief Ceccarelli confirmed the area was problematic for Code Officers and the Police Officers - despite the documented calls, the officers are often called to the location.

Council Member Ready asked the applicant and staff if the establishment complied with the standards of the health department, and if there were any fire code violations. Ms. Cabrera answered that the village was unable to get into the building to inspect, so she did not know. Council Member Waller said that she is not in support of another nightclub-type business. The applicant advised that the establishment is more of a banquet hall. Mayor Pro Tem Brinkman asked how long the business operated without a business license. Ms. Cabrera said she could not confirm this information; however, it is set up on the inside of the location and there is no business tax receipt on file since January 2021. Ms. Cabrera explained Private Club and Special Event Use based on the Village Code.

Mr. Ehrenberg addressed the concerns of the Council . He explained how he interpreted the definition of a banquet hall. The hour of operation is something that could be negotiated. Mr. Ehrenberg explained that the owner wanted to

correct the problems. Furthermore, juveniles were present at the restaurant; however, they did not consume alcohol. Council Member Ready asked if a liquor license included beer and wine. Mr. Ehrenberg stated that they wanted to postpone this item.

Vice Mayor Gunther said that he agreed, as long as the Applicant provided a business license tax receipt, and the hours of operation were consistent with the Village's Code of Ordinances.

Vice Mayor Gunther made a motion to postpone Resolution No. 2022-13 provided the Applicant submitted a business license tax receipt and the hours of operation were consistent with the Village's Code of Ordinances. Council Member Ready seconded the motion. The motion to postpone passed 4-1 (Mayor Smith dissenting).

ACTIONS AND REPORTS

There were no Actions and Reports.

VILLAGE MANAGER COMMENTS

There were no Village Manager comments.

VILLAGE COUNCIL COMMENTS

There were no comments from the Village Council.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 7:55 PM.

Kimberly Wynn
Village Clerk

**NEXT REGULAR MEETING:
THURSDAY, MAY 12, 2022 AT 6:30 PM**

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 (561) 584-3200 at least three (3) business days prior to the meeting in order to request such assistance.