

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, JULY 28, 2011**

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

Mayor Bev Smith called the regular meeting of the Village Council to order at 7:30 p.m.

Present: Mayor Bev Smith, Vice Mayor Doug Gunther, Mayor Pro Tem Joni Brinkman, Council Member Patti Waller, Council Member Sergio Escalada, Village Manager Karl E. Umberger, Village Attorney Glen J. Torcivia, and Village Clerk Virginia M. Walton.

Staff present were Public Safety Director Mark Hall, as Sergeant at Arms, Land Development Director Bette J. Lowe and Public Service Director Bill Davis.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Council Member Patti Waller.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: continue item #7 to the August 25th agenda

Add under Announcements and Proclamations:

1A. Presentation of FDLE Awards

1B. Certificates of Appreciation for Movie Night

Add under Actions and Reports:

8A. Offer for parcel on Congress & Greenbrier

A motion to accept the agenda as revised was made by Vice Mayor Gunther and seconded by Council Member Escalada. Motion carried 5 – 0.

CONSENT AGENDA

1. Minutes of Regular Council Meeting on July 14, 2011
Staff: Virginia Walton, Village Clerk

A motion to approve the consent agenda as presented was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. Motion carried 5 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

ADD

- 1A. Awards Presentation – Charles Kane, Florida Public Safety Institute

Mr. Kane, Southeast Coordinator, stated he served as a Law Enforcement liaison between the Florida Department of Transportation Safety Office and Law Enforcement Agencies throughout the State. Mr. Kane stated that Palm Springs Police Department

had attended the Annual Awards Ceremony last week in Orlando, and had taken first place in every category that they had participated in. Through Chief Hall, Officer DeRogatis and Officer McClusky had been the organizers for Palm Springs Police participation in the 2010 Florida Enforcement Challenge, the Florida DUI Challenge and the 2011 Florida Click It or Ticket Challenge. In addition to the three "Eagle" Award trophies was a total of \$45,000 in award money for traffic safety equipment. No way could this have been achieved without the full cooperation and participation from the Chief on down through Command Staff and to the Officers on the street. Mr. Cane stated that additional benefits derived from these outstanding programs was that the roads in the Village have been rendered safer for sure and lives are saved with proactive law enforcement, as well as identified and reduced criminal activity. Mr. Cane quoted several statistics showing the Village increases in safety belt usage, decrease in safety belt and DUI related crashes and injuries. Top officers for DUI citations and arrests were Officer Ryan McClusky, Officer Joe DeRogatis and Officer Darrell Diaz. Mr. Cane commended Palm Springs Police Department for their outstanding accomplishments.

Mayor Smith asked the officers present to stand and be recognized. Council Member Waller commented that we always knew we had the best, now they have proven it. Council Member Escalada commented that all the numbers, statistics and awards show the dedication to the job our officers are doing; however, there are many smaller hidden benefits these officers offer our residents that need to be brought out. Council Member Escalada had recently participated in a Palm Springs Police Department Car Seat Safety Program at one of the Village's churches. He had learned that two of our officers were certified in car seat installations and held clinics to train parents in the proper installation for maximum safety for children. Council Member Escalada was very impressed with how our officers handle themselves with our residents.

Mayor Smith added that it appeared to be showcase the police department night since the next item was in appreciation for the first very successful Palm Springs Movie Night.

ADD

1B. Certificates of Appreciation for Movie Night Sponsors

Chief Hall gave the Council a summary report on the Village's first Dinner/Movie Night, which took place on the ballfields on July 15, 2011. The event was sponsored by several of the businesses in Palm Springs, with attendance at approximately 100 children and 75 adults. The evening was a success, and future events were already in the planning stages. Mayor Smith and Chief Hall presented Certificates of Appreciation for the businesses who had donated their resources to make this night such a success: Iberia Bank for underwriting the cost of the movie; Domino Pizza, who donated ten pizzas in addition to the twenty purchased; Regency Party Rentals for the popcorn making machine and all popcorn; Chief Wes Smith, with Lake Clarke Shores, for

donating the screen and movie equipment, and Sgt. Carlos Negrin, with Lake Clarke Shores Police Department, for staying to run the equipment. Also recognized for the planning and preparation for this event were Palm Springs Lt. Sal Abruscato, Officer Joe DeRogatis and Officer Chris Shackelford. Mayor Smith added that the Village was very lucky to have these businesses and officers, and they did a great job in creating a wonderful evening.

PUBLIC COMMENT - none

PUBLIC HEARINGS

2. ORDINANCE NO. 2011-13 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA AMENDING ORDINANCE NO. 2010-33 ADOPTED DECEMBER 16, 2010; PROVIDING FOR A REVISED AND RESTATED GENERAL EMPLOYEES MUNICIPAL PENSION TRUST FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 14, 2011. Village Attorney Torcivia read the ordinance by title. Staff presentation was done at first reading. Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and then from the public. Hearing no comments, a motion to adopt on second reading was made by Council Member Waller and seconded by Vice Mayor Gunther. A roll call vote was in favor of adoption 5 – 0.

3. ORDINANCE NO. 2011-14 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 34, ARTICLE VI, DIVISION 7, SECTION 34-892, ENTITLED "ACCESSORY USES, BUILDINGS AND STRUCTURES"; TO REGULATE THE LOCATION AND SIZE OF UTILITY SHEDS; PROVIDING FOR DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 7 and July 14, 2011. Village Attorney Torcivia read the ordinance by title. Staff presentation was done at first reading. Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and

then from the public. Hearing no comments, a motion to adopt on second reading was made by Mayor Pro Tem Brinkman and seconded by Council member Escalada. A roll call vote was in favor of adoption 5 – 0.

4. RESOLUTION NO. 2011-49 (HOURS OF OPERATION)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING) THE APPLICATION OF BURGER KING CORPORATION, FOR A WAIVER FROM THE VILLAGE CODE AT CHAPTER 14 "BUSINESSES", SECTION 14-61 "HOURS OF OPERATION OF ESTABLISHMENTS WHERE SERVED", TO EXTEND THE HOURS OF OPERATION FROM 5:30 A.M. TO 2:00 A.M., FOR THE RESTAURANT #3680, LOCATED AT 815 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

There were no ex parte communications disclosed. The Applicant was not present. Director Lowe advised the Council that this property was annexed into the Village on August 28, 2008; and the owner had submitted for site plan approval to demolish the existing restaurant and build a smaller one in the same location, which was approved on February 24, 2011, with several conditions. One condition was the requirement of a Village Council variance to permit expanded hours of operation from 5:30 am to 2:00 am. Other restaurants of this type in the Village, including other Burger Kings, have 24 hour operations.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Mayor Pro Tem Brinkman noted that the application submitted was not completely filled out with justifications and requested that be done prior to permitting. Director Lowe responded she would see that it was completed. Hearing no other comments, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the hours of operation waiver was made by Vice Mayor Gunther and seconded by Council Member Waller. Motion carried 5 – 0.

5. RESOLUTION NO. 2011-50

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING A PRELIMINARY NON-AD VALOREM ASSESSMENT ROLL FOR FISCAL YEAR 2011-2012, SO AS TO PROVIDE A UNIFORM METHOD FOR COLLECTING A NON-AD VALOREM ASSESSMENT FOR GARBAGE, TRASH AND RECYCLABLES COLLECTION SERVICES AND RELATED SERVICES ON THE PALM BEACH COUNTY TAX NOTICES; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that these rates were divided into

categories for single family homes, multi-family homes and mobile homes, which are the code categories provided by the Palm Beach County property Appraisers Office to Solid Waste Authority, who was providing the billing services to the Village. The rates were calculated to coincide with the rates established with Republic Services of Palm Beach. The rates for 2011/2012 were established at \$144.00 for single family, \$90.00 for multi-family homes and \$90.00 for mobile homes. The approved resolution would be submitted to the Property Appraisers Office, in accordance with Florida Statutes Section 200.65(2)(b).

Mayor Smith stated this was a public hearing and asked for any questions or comments from the Council and from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and preliminary assessment was made by Council Member Escalada and seconded by Mayor Pro Tem Brinkman. Motion carried 5 – 0.

6. RESOLUTION NO. 2011-51

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, TENTATIVELY ESTABLISHING A MILLAGE RATE FOR THE 2011-2012 FISCAL YEAR; SETTING REQUIRED PUBLIC HEARINGS; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that this resolution established the gross taxable value for fiscal year 2011-2012 at \$599,341,649, a decrease of \$10,577.725 over fiscal year 2010-2011. The rolled back rate was calculated at \$3.6416 per \$1000 of taxable value. The Village budget was based on a proposed millage rate of \$3.5000 per \$1,000 of taxable value. The voted debt service millage would be \$.9560 per \$1000 of taxable value for fiscal year 2011-2012. The first public hearing to adopt the budget and millage would be held Thursday, September 8, 2011, at 7:30 pm in Council Chambers. The approved resolution would be submitted to the Property Appraiser and the Palm Beach County Tax Collection, with the DR420 Certification of Taxable Value, the DR420 MM-P Maximum Millage Levy Calculation Preliminary Disclosure and the DR420DEBT Certification of Voted Debt Millage now being submitted electronically to the Property Appraiser and the Department of Revenue in Tallahassee, in accordance with Florida Statutes Section 200.65(2)(b).

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the preliminary millage rates was made by Council Member Waller and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

This item was continued to the August 25, 2011 agenda

7. RESOLUTION NO. 2011-52 (SITE PLAN/SPECIAL EXCEPTION MUSA REALTY/CHURCH – 3801 CONGRESS AVE)

REGULAR AGENDA

ACTIONS AND REPORTS

8. Appointment to the Board of Adjustment
Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that due to recent resignations of long time members, this Board was now under the minimum number of members for a quorum. Two applications had been received by residents Eduardo Condes and Kevin Kerns indicating their willingness to serve. A motion to appoint Eduardo Condes and Kevin Kerns as regular members on the Board of Adjustment for terms to expire on February 10, 2014, was made by Mayor Pro Tem Brinkman and seconded by Council Member Escalada. Motion carried 5 – 0.

ADD

- 8A. Authorize Mayor to make offer for purchase of lot on corner of Greenbrier and Congress Avenue.

Manager Umberger advised the Council that authorization was required to have the Mayor make an offer for purchase of a vacant lot on the corner of Greenbrier and Congress Avenue for a future park, not to exceed the appraisal amount on the property. A copy of the purchase offer contract and appraisal was supplied to all members of the Council. Mayor Pro Tem Brinkman, Vice Mayor Gunther and Council Member Waller asked for a clarification that the Council was being asked to approve a motion to go forward with negotiating an offer. Manager Umberger responded that was correct and the actual contract would be put on a future agenda for approval, along with another offer for a parcel on Davis Road that was still pending an appraisal.

A motion to authorize the Mayor to present an offer for the parcel on Greenbrier and Congress Avenue, not to exceed the appraisal value, was made by Council Member Waller and seconded by Council Member Escalada. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Brinkman stated kudos to the Staff for the excellent budget presented and for keeping the millage steady.

Vice Mayor Gunther congratulated Chief Hall and officers for the awards and thanked Pat Rothenburg for taking the photos. Chief Hall added that the extra efforts

that resulted in these awards were not paid by the Village; but rather funded through grants obtained through the Florida Department of Transportation. Vice Mayor Gunther responded that the most important thing was that the statistics proved we were saving lives.

Council Member Waller added her confirmation to all the praise that had been given tonight.

Mayor Smith also congratulated Staff on an excellent budget and commented that she was excited about the prospect of obtaining the parcel on Congress Avenue and Greenbrier. Mayor Smith extended kudos to the officer for the awards and further commented that their hard work was truly about the lives they saved. Mayor Smith asked when the next movie night would be. Chief Hall responded they were trying for August 19, 2011, and again during the school winter break.

Mayor Smith announced that the next regularly scheduled Council Meeting would be August 25, 2011, at 7:30pm in Council Chambers.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 8:13 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor