

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, SEPTEMBER 22, 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 Capt. Robert Perez, as Sergeant at Arms, Land Development Director Bette J. Lowe, CFO Rebecca L. Morse and Public Service Director Bill Davis.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Vice Mayor Doug Gunther.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Minutes of Local Planning Agency Meeting on September 8, 2011
Staff: Virginia Walton, Village Clerk
2. Minutes of Regular Council Meeting on September 8, 2011
Staff: Virginia Walton, Village Clerk
3. Budget Amendment appropriating fund balance Assigned for Capital Projects in the amount of \$144,000.00 to purchase two properties for future parks.
Staff: Rebecca Morse, CFO Finance
4. Approval of Village Library Annual Plan of Service 2012 – 2014
Staff: Elena Romeo, Library Director

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

PUBLIC COMMENT - none

PUBLIC HEARINGS

5. ORDINANCE NO. 2011-18 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES IN AND FOR THE VILLAGE OF PALM SPRINGS, FLORIDA FOR FISCAL YEAR 2011/2012; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; 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 September 1 and September 8, 2011 and also in the Palm Beach Post on September 18, 2011. Village Attorney Torcivia read the ordinance by title. Manager Umberger advised the Council that this ordinance would establish the operating millage rate of \$3.5000 per \$1,000 of assessed valuation and a voted debt service millage rate of \$0.9560 per \$1,000, for a total millage of \$4.4560. The operating millage rate was 3.89% less than the rolled back rate of \$3.6416. The operating millage rate would produce \$2,097,696, at 100% collection, in ad valorem tax revenue for the General Fund for fiscal year 2011/2012. The voted debt service millage of \$0.9560 would produce \$575,354, at 100% collection, in revenue to cover the debt service costs for the 2002 General Obligation Bonds.

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 Council Member Escalada. A roll call vote was in favor of adoption 5 – 0.

6. ORDINANCE NO. 2011-19 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; 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 September 1 and September 8, 2011 and also in the Palm Beach Post on September 18, 2011. Village Attorney Torcivia read the ordinance by title. Manager Umberger advised the Council that this ordinance established the Village's fiscal 2011/2012 budget of \$28,339,965, comprised of the General Fund budget of \$12,512,142; the Debt Service Fund budget of \$552,326, and the Water and Sewer Enterprise Fund budget of \$15,275,497.

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 Vice Mayor Gunther. A roll call vote was in favor of adoption 5 – 0.

7. ORDINANCE NO. 2011-20 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 1 “GENERAL PROVISIONS”, BY REPEALING SECTION 1-2 “DEFINITIONS AND RULES OF CONSTRUCTION” AND READOPTING THE SAME WITH FIVE (5) NEW DEFINITIONS, WHICH SHALL BE INCLUDED AMONG THE EXISTING DEFINITIONS IN ALPHABETICAL ORDER; PROVIDING THAT EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 1 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that this ordinance would add definitions to the Village Code which would provide clarity and standards by which all Village Officials, Employees, Vendors and Contractors would clearly know the type of behavior that the Village believed is improper. Should any matter be brought to the attention of the Palm Beach County Inspector Generals’ Office, having written uniform definitions and standards would help provide legal defensibility to any action taken by the Village in response to recommendations received from the Inspector General. At present, the County Ordinance does not provide any clarification of these issues.

Mayor Smith stated this was a public hearing and asked for questions or comments from the Council and also from the public. Mayor Pro Tem Brinkman asked if there were other cities that were passing similar ordinances. Village Attorney Torcivia responded that the city attorneys had gotten together to assure that the definitions would be consistent throughout the County, although the Inspector General was not in favor of these definitions being established. Vice Mayor Gunther asked what the concerns were. Village Attorney Torcivia responded that the County had never provided definitions, which left the municipalities with unclear options for acting on complaints and had gotten together to basically have the gumption to move forward. Vice Mayor Gunther added that it appeared that the municipalities were setting a precedence that was not favored by the Inspector General, but that was okay.

Hearing no further comments, Village Attorney Torcivia read the ordinance by title. A motion to adopt the ordinance on first reading was made by Vice Mayor Gunther and seconded by Council Member Waller. Motion carried 5 – 0.

8. RESOLUTION NO. 2011-67

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING EASEMENT DEEDS FROM JUAN AND GABRIELA ALOMA, JEAN WILDERS, AND SHARON L. STANFORD, FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

Manager Umberger advised the Council that these easement deeds were needed for the expansion of the water and sewer service improvements in the new areas recently annexed and those in the future annexation areas. Mayor Smith stated this was a public hearing and asked for questions. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt and accept the easements was made by Council Member Escalada and seconded by Mayor Pro Tem Brinkman. Motion carried 5 – 0.

9. RESOLUTION NO. 2011-68

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, AND OR HER DESIGNEE, TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE VILLAGE IN ORDER TO UTILIZE THE COUNTY HOMELESS RESOURCE CENTER; PROVIDING FOR TERMS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Chief Mark Hall, Police Department

Manager Umberger advised the Council that this Interlocal Agreement with Palm Beach County would support a Homeless Resource Center, established by the County within the boundaries of West Palm Beach, for the transport and referral of the County's homeless population to a central facility supporting organizations, services and programs that will help end the cycle of homelessness.

Mayor Smith stated this was a public hearing and asked for questions or comments. Mayor Pro Tem Brinkman asked about the section that referred to options for transporting to the facility and associated costs. Capt. Perez responded that it had not been decided which option would be used, but he expected that they would use the County for transport. Mayor Pro Tem Brinkman requested that estimated costs be presented before second reading. Capt. Perez responded he would work with Chief Hall and contact LEPC to see if a contract had been established.

Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt was made by Council Member Waller and seconded by Vice Mayor Gunther. Motion carried 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

10. Appointment to the Grievance Board
Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that Grievance Board Member John M. Davis had resigned his position because he would shortly be moving out of the Village. An application had been submitted by Chester D. Osborne for this position. A motion was made by Mayor Pro Tem Brinkman to appoint Chester D. Osborne as the Village's Grievance Board Member for a term to expire on January 11, 2014, and seconded by Council Member Escalada. Motion carried 5 – 0.

11. Temporary License Agreement for Gloria's Auto Inc.
Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that the Petitioner was requesting the use of internet auto sales at 3277 Lake Worth Road, Suite G. The Petitioner had previously applied for and received a temporary license for 3281 Lake Worth Road, Suite B, and this new license would replace that original one. Mayor Smith asked if the business was relocating. Vice Mayor Gunther asked if there were issues with the other location that precipitated the move. Director Lowe responded that there were no issues and the Petitioner felt the new space better suited their needs. A motion to give consensus approval was made by Vice Mayor Gunther and seconded by Council Member Escalada. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Council Member Escalada stated he wanted to add his thanks to Village Clerk Walton and congratulations on her MMC designation. Council Member Escalada had spoken with the Manager of a large home improvement store in the area and had listened to some remarks on the Manager's experience spending over an hour in the Village Utilities Department on personal business. The Manager stated he had time to witness the Utilities Department Staff interacting with residents and he had been so impressed with the professionalism that he stated he was ready to offer any of them a job. Council Member Escalada told Director Bill Davis that it was a testament in these economic times that someone would be so impressed as to make such a statement. Director Davis thanked him for his comments on behalf of his staff. Director Davis stated the staff worked very hard and were rarely given the acknowledgements they deserved.

Vice Mayor Gunther thanked Mayor Bev Smith, Village Clerk Virginia Walton and

Deputy Clerk Jane Worth for participating in the Volunteer Day Planting Event at his son's school, Kirkland Elementary. It was hot and hard work, but a wonderful day.

Mayor Smith stated she hoped the school would invite us back in a couple of months to see how the garden was progressing. Mayor Smith added the Art Teacher had commented that the mural had turned out quite differently than originally anticipated! Mayor Smith also thanked the Police Department for the issuance of their Excellent new Mission Statement, which truly encompassed the heart of the Village. Capt. Perez gave credit to the Committee of Employees who met and created the Statement.

Mayor Smith invited everyone to attend the MIA/POW Remembrance Day program at the VFW this coming Saturday starting at 11AM.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 7:51 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor