

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, DECEMBER 08, 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, Village Manager Karl E. Umberger, Village Attorney Glen J. Torcivia and Deputy Village Clerk Jane R. Worth. Council Member Sergio Escalada was absent.

Staff present were Public Safety Captain Robert Perez, as Sergeant at Arms, Land Development Director Bette J. Lowe, CFO Rebecca L. Morse, Public Service Director Bill Davis and Leisure Service Director Bill Golson.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Mayor Pro Tem Joni Brinkman.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Item #9 – continued to the January 12, 2012 agenda

A motion to accept the agenda as revised was made by Vice Mayor Gunther and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

CONSENT AGENDA

1. Minutes of Local Planning Agency Meeting on November 10, 2011
Staff: Virginia Walton, Village Clerk
2. Minutes of Regular Council Meeting on November 10, 2011
Staff: Virginia Walton, Village Clerk

A motion to approve the consent agenda as revised was made by Council Member Waller and seconded by Vice Mayor Doug Gunther. Motion carried 4 – 0.

End of Consent Agenda.....

ANNOUNCEMENTS AND PROCLAMATIONS

3. Award Presentations to Palm Springs Police Officers
Staff: Chief Mark Hall, Public Safety Director

Captain Perez presented Certificates of Accommodation to the following officers and staff of the police department. He stated that CSI Rothenburg had been off duty on

November 11, 2011, but had been in the area where four suspects committed armed robbery and carjacking near the parking lot of the basketball area of the Village. CSI Rothenburg called for assistance and members on Team "C" had apprehended and gained control of the four suspects, all sixteen years of age. The weapon recovered had been stolen the night before in a burglary. The quick actions of CSI Patrick Rothenburg, Sergeant James Gregory, Corporal Christopher Fusaro, Officer Leroy Spruill, Officer Doug Rua, Officer Thommaso Avella, Officer Rafael Hernandez, ECO Katelyn Gerometta and the investigative skills of Corporal Joseph DeRogatis and Detective Frank Milow were essential to the apprehension and subsequent confessions of all involved. Village Manager announced that CSI Rothenburg had wished to be at the meeting to receive is Accommodation, but his son was graduating from Air Force boot camp in San Antonio, Texas.

Captain Perez also presented Officer Wright with an Excellent Police Service award. Officer Wright had been patrolling the area of Albert Lakes when he noticed a suspicious person that started running after he gave the command to stop. Officer Wright then gave chase and called for assistance from fellow team members. They apprehended the suspect. A resident in Albert Lakes Community had phoned in after the suspect had been obtained and stated a white male subject had attempted to break into his home. The description of the subject Officer Wright had chased was a match. The suspect in custody had just been released from a 4 ½ year prison sentence for attempted homicide.

Corporal DeRogatis presented to the Council and Department Heads an FDOT Traffic Safety Calendar. They look at the department's efforts and decide who is going to be part of the calendar. They chose Palm Springs to be one of the agencies to participate. The Palm Springs Traffic Unit, which included, Officer Gee, Officer Hite, Officer Hernandez, Officer McCluskey, Corporal Diez and Corporal DeRogatis were chosen for the month of May, 2012. Mayor Smith asked which officer had been doing the chin up in the calendar. Corporal DeRogatis answered Officer Gee.

Mayor Smith stated her, Council and Staff were very proud of the Police Department for the job they do. She said she knew that Chief Hall and Captain Perez were also very proud of them. The certificates and awards for a job well done were extremely nice to take part in and watch the officers receive them. She was also very proud of the recognition the officers received in the participation of the calendar.

PUBLIC COMMENT - (Five minute limit)

Elizabeth Shields, resident of 2111 Prairie Road, presented a letter that she had written to the Council. It was a copy of a Traffic Study performed on Prairie Road both north and south of the G-Star School by the police department. The information presented was broken into the amount of vehicles that traveled south on Prairie Road. The number of cars had been broken down into the speed range each car/truck traveled. Ms. Shields requested the Council consider closing the Prairie Road exit to

the G-Star School, so drivers would only have access on Congress Avenue to channel their traffic as they leave the school. She thanked the Council for listening to her report and looked forward to their feedback.

Mayor Smith asked Captain Perez for any input from the police department. Captain Perez stated once the study had been done, Staff Patrol Commander had been assigned to meet with G-Star Staff. They agreed to have either a teacher or staff from G-Star on Prairie Road. They would be visible to the students and prevent them from speeding or acting up in their automobiles; also Staff could identify the students much easier. Captain Perez also suggested moving forward with the annexation of the road way on Prairie in front of Ms. Shield's house from Florida Mango down to the Atlantis Academy, where the Village had already annexed. The Traffic Coordinator had placed the speed trailer on the road. Whenever a call or complaint was received on Prairie Road, an officer was sent out to investigate. Mayor Smith thanked Captain Perez for the update.

PUBLIC HEARINGS

4. ORDINANCE NO 2011-22 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE ELEVEN (11) PARCELS CONSISTING OF LESS THAN 10 ACRES EACH, INDIVIDUALLY OWNED, AND LOCATED ON 4062, 4090, 4104, 4117 DALE ROAD, 4097, 4153, 4207, 4219 LINDA LANE, AND 2661, 2674 AND A VACANT PARCEL ON KIRK ROAD, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO MEDIUM DENSITY RESIDENTIAL FOR ALL PARCELS, WITH THE EXCEPTION OF 2674 KIRK ROAD, WHICH SHALL BE "LOW DENSITY RESIDENTIAL"; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT "RESIDENTIAL MULTI-FAMILY" ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Deputy Clerk Worth advised the Council that notice of public hearing was placed in the Lake Worth Herald on November 3rd and November 10th, 2011. Village Attorney Torcivia read the ordinance by title. Mayor Smith stated this was a public meeting 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 Waller. A roll call vote was in favor of adoption 4 – 0.

5. ORDINANCE NO. 2011-23 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE SIXTEEN (16) PARCELS CONSISTING OF LESS THAN 10 ACRES EACH, INDIVIDUALLY OWNED, AND LOCATED ON 3605, 3621, 3635, 3724, 3708 AND A VACANT PARCEL ON GULFSTREAM ROAD, 3660 CANAL ROAD 5, 3660 AND 3915 CANAL ROAD 1, 3527, 3530, 3575, 3591, 3593, 3633, AND 3630 COCONUT ROAD, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO "LOW DENSITY RESIDENTIAL" FOR ALL PARCELS, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT "RESIDENTIAL MULTI-FAMILY" ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Deputy Clerk Worth advised the Council that notice of public hearing was placed in the Lake Worth Herald on November 3 and November 10, 2011. Village Attorney Torcivia read the ordinance by title. Mayor Smith stated this was a public meeting 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 Vice Mayor Gunther and seconded by Mayor Pro Tem Brinkman. A roll call vote was in favor of adoption 4 – 0.

6. ORDINANCE NO. 2011-26 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE THREE (3) PARCELS CONSISTING OF LESS THAN 10 ACRES EACH, OWNED BY SYMS CORPORATION, AND LOCATED AT 4466 AND 4380 FOREST HILL BOULEVARD AND 1840 MILITARY TRAIL, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO "COMMERCIAL" FOR ALL PARCELS, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT "COMMERCIAL GENERAL" ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Deputy Clerk Worth advised the Council that notice of public hearing was placed

in the Lake Worth Herald on November 3 and November 10, 2011. Village Attorney Torcivia read the ordinance by title. Mayor Smith stated this was a public meeting 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 Waller. A roll call vote was in favor of adoption 4 – 0.

7. ORDINANCE NO. 2011-27 (SECOND READING)

AN ORDINANCE OF THE VILLAGE VILLAGE OF PALM SPRINGS FLORIDA ESTABLISHING REGULATIONS FOR ESTABLISHMENTS THAT DISPENSE CONTROLLED SUBSTANCES; AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 1 "GENERAL PROVISIONS", SECTION 1-2; AT CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI, "LAND USE", DIVISION 6 "DISTRICT REGULATIONS", SUBDIVISION IV, "CN COMMERCIAL NEIGHBORHOOD", SECTION 34-792 and SUBDIVISION V, "CG COMMERCIAL GENERAL", SECTION 34-824; AND ADDING A NEW SUBDIVISION XXV AT CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI, "LAND USE", DIVISION 7 "SUPPLEMENTAL DISTRICT REGULATIONS", ENTITLED "SALE OR DISPENSING OF CONTROLLED SUBSTANCES"; RENUMBERING CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI, "LAND USE", DIVISION 8 "OFF STREET PARKING AND LOADING"; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Deputy Clerk Worth advised the Council that notice of public hearing was placed in the Lake Worth Herald on November 3 and November 10, 2011. Village Attorney Torcivia read the ordinance by title. Mayor Smith stated this was a public meeting 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 4 – 0.

8. ORDINANCE NO. 2011-28 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF .05 ACRES OWNED BY PALM BEACH COUNTY; LOCATED ON COCONUT ROAD SOUTH; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO LOW DENSITY RESIDENTIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING

DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Deputy Clerk Worth advised the Council that notice of public hearing was placed in the Lake Worth Herald on November 3 and November 10, 2011. Village Attorney Torcivia read the ordinance by title. Mayor Smith stated this was a public meeting 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 Waller. A roll call vote was in favor of adoption 4 – 0.

This item will be continued to the January 12, 2012 agenda

9. RESOLUTION NO. 2011-84 (TEMPORARY LICENSE AGREEMENT)

10. RESOLUTION NO. 2011-85

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A REVISED AGREEMENT BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE VILLAGE OF PALM SPRINGS, FOR THE PURPOSE OF SETTING DUTIES AND RESPONSIBILITIES FOR MUNICIPAL ELECTIONS FOR 2012; AND PROVIDING AN EFFECTIVE DATE.

Village Manager stated Resolution No. 2010-05 was originally approved on January 14, 2010. The agreement clarified the duties and responsibilities of the Supervisor of Elections office and Municipal Clerks for municipal elections not associated with a county, state or federal election. The most notable change to the revised agreement was that the agreement would no longer be renewable. A new agreement would be signed every year prior to December 31st. The Supervisor of Elections would remain as a member of the Canvassing Board and the Indemnity Clause had been clarified with regard to potential lawsuits.

Mayor Smith stated this was a public hearing and asked for any questions or comments from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the revised agreement with the Supervisor of Elections was made by Vice Mayor Gunther and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

11. Appointment of Trustee to the Police Pension Board

Staff: Virginia Walton, Village Clerk

Village Manager Umberger stated there was a resident member vacancy due to the resignation of the current member, Randall Hoffer. Ed Whitehead, a long time Village resident had submitted an application indicating his willingness to serve on the Board. Hearing no other nominations, a motion to appoint Ed Whitehead to the Police Pension Board for a two year term to expire October 2013, was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Brinkman stated she liked the calendar. She also had liked the decorating contest she participated in for resident homeowners. The entries were all good and the judging had been a little earlier this year; and maybe that was why some people forgot to turn their lights on. She was looking forward to the Stuff a Cruiser, Saturday, December 10th and the Santa Ride.

Vice Mayor Gunther stated the presentation to the Police Officers was great. Their representation of how they protect our community was greatly appreciated, and many thanks to them on a job well done. Also, a Happy Holiday and a Merry Christmas to everyone.

Council Member Waller congratulated the police department and said everyone was very proud of them. The holiday decorating contest was great. Also, the Palm Springs Kids College had a fabulously decorated campus and too bad they did not enter the contest because they could have been a winner. She thanked the officers for the calendar. She wished everyone a Merry Christmas and Happy New Year.

Mayor Smith thanked the police officers again for a wonderful job. Prevention was better than the cure, and it was wonderful knowing the officers were practicing prevention and catching all the little guys running across the street. We all feel better knowing that they were taking care of us. Mayor Smith also said the bus trip to the Dolphins game was great and she truly enjoyed the planning associated with it. Mayor Smith wished Happy Holidays to everyone and to have a safe Holiday Season.

Mayor Smith asked Director Golson for an update on Santa events. Director Golson responded there were still spaces available for the breakfast with Santa. The sleigh ride would be December 17th and there were also some employees that would be on the ride this year. There was over 200 lbs. extra of candy to distribute. Mayor Pro Tem Brinkman asked if there would be dog biscuits also, and Director Golson replied there would be.

ADJOURNMENT

**NEXT LOCAL PLANNING AGENCY MEETING
JANUARY 12, 2012 AT 7:15 P.M.**

**NEXT REGULAR COUNCIL MEETING
JANUARY 12, 2012 AT 7:30 P.M.**

Hearing no further business, Mayor Smith adjourned the meeting at 8:07 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor