

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, NOVEMBER 10, 2005**

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

Mayor John M. "Mike" Davis called the regular meeting of the Village Council to order at 7:32 p.m.

Present: Mayor John M. Davis, Vice Mayor Joni Brinkman, Mayor Pro Tem Patti Waller, Council Member Chet Osborne, Council Member Bev Smith, Village Manager Karl E. Umberger, and Village Clerk Virginia M. Walton.

Staff present were Public Safety Director Jay C. Pickens, as Sergeant at Arms, Land Development Director Bette J. Lowe, Finance Director Rebecca L. Morse, Public Service Director Bill Davis, Leisure Services Director Bill Golson and Library Director Elena Romeo.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Chet Osborne.

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Village Manager: Add: Item 13A&B Resolution No. 2005-105 Annexation Agreement  
Continue: Items #8, #9 & #10 continued to December 8, 2005 agenda

Mayor Davis: Move: Item No. 14 to item #0 prior to consent agenda.

A motion to accept the agenda as revised was made by Council Member Smith and seconded by Mayor Pro Tem Waller. Motion carried 5 - 0.

**This item was moved to Item "0" prior to consent agenda**

**14. Appointment of Village Attorney**

Staff: Karl E. Umberger, Village Manager

Manager Umberger advised the Council the attached agreement would be renewed on an annual basis and would be effective from November 10, 2005 to November 9, 2006. A motion to appoint Thomas Baird and Karen Roselli as Village Attorneys was made by Council Member Osborne and seconded by Vice Mayor Brinkman. Motion carried 5 – 0. Attorney Roselli took her place on the Dias and Attorney Baird thanked the Council and stated it was an honor to serve the Village.

**CONSENT AGENDA**

1. **Minutes of Local Planning Agency Meeting on October 27, 2005**
2. **Minutes of Regular Council Meeting on October 27, 2005**
3. **Approval of Public Safety Budget Amendment in the amount of \$40,409.00 to recognize grant funds from the U.S. Department of Homeland Security "Assistance to Firefighters" Program.**  
Staff: Jay C. Pickens, Public Safety Director

4. **RESOLUTION NO. 2005-101**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR FINANCIAL ASSISTANCE FOR 10<sup>TH</sup> AVENUE NORTH BEAUTIFICATION; AND PROVIDING AN EFFECTIVE DATE.** Staff: Bill Davis, Public Service Director

5. **RESOLUTION NO. 2005-102**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 1 TO TASK ORDER NO. 93 WITH TLC DIVERSIFIED INC. FOR A CREDIT IN THE AMOUNT OF \$139,527; AND PROVIDING AN EFFECTIVE DATE.**  
Staff: Bill Davis, Public Service Director

6. **RESOLUTION NO. 2005-103**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR DISASTER RELIEF FUNDING DUE TO THE IMPACT OF HURRICANE WILMA; AND FURTHER DESIGNATES KARL UMBERGER AND WILLIAM GOLSON AS PRIMARY AND ALTERNATE AGENTS; AND PROVIDING AN EFFECTIVE DATE.**  
Staff: Karl E. Umberger, Village Manager

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

**ANNOUNCEMENTS AND PROCLAMATIONS**

**7. Presentation in Honor of Retirement of Village Clerk Irene Burroughs**

Mayor Davis read and presented a plaque commemorating Irene Burroughs twenty-three years of service to the Village of Palm Springs. Mrs. Burroughs thanked the Council for the privilege of serving the Village and commented on the culmination of her career being her attaining the designation of Master Municipal Clerk.

**PUBLIC COMMENT** - None

**PUBLIC HEARINGS**

This item will be continued to December 8, 2005 Agenda

**8. RESOLUTION NO. 2005-83 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF PRINCIPLE DESIGN & DEVELOPMENT, INC., AGENT FOR THE OWNER, DR. ROBERT ROY; FOR SITE PLAN REVIEW (SPR 05-18); FOR CONSTRUCTION OF A 31,740 SQUARE FOOT VETERINARY CLINIC AND TEACHING HOSPITAL ON A VACANT PARCEL CONSISTING OF 2.795 ACRES LOCATED AT 3884 FOREST HILL BLVD.; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director**

This item will be continued to December 8, 2005 Agenda

**9. RESOLUTION NO. 2005-84 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION SUBMITTED BY ANNA S. COTTRELL & ASSOCIATES, INC., AGENT FOR THE OWNER, BURSICO LLC; FOR SITE PLAN REVIEW (SPR 05-19) FOR CONSTRUCTION OF 12,990 SQUIRE FEET OF PROFESSIONAL OFFICE SPACE, AND A SPECIAL EXCEPTION (PSSE 05-04) FOR AN ADDITIONAL 14,000 SQUARE FEET OF FLX/WAREHOUSE SPACE ON TWO VACANT PARCELS CONSISTING OF 4.44 ACRES LOCATED AT 3230 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director**

This item will be continued to December 8, 2005 Agenda

**10. RESOLUTION NO. 2005-85 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION SUBMITTED BY JASON WOBESER, OWNER OF WOODY'S CAR WASH FOR SITE PLAN REVIEW (SPR 05-20) AND A SPECIAL EXCEPTION (PSSE 05-05) FOR CONSTRUCTION OF A 4,454 SQUARE FOOT AUTOMATIC CAR WASH WITH CUSTOMER SERVICE AND DETAILING AREAS, LOCATED AT 3263 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

**11. RESOLUTION NO. 2005-99 (FINAL PLAT – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT OF ST. GEORGE LANDINGS, A 4.8981 ACRE VACANT PARCEL , OWNED BY GONZALEZ-MUSIBAY CONSTRUCTORS AND LAND DEVELOPERS LLC, LOCATED ON THE NORTH SIDE OF 2<sup>ND</sup> AVENUE NORTH BETWEEN CONGRESS AVENUE AND DAVIS ROAD; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Clerk Walton advised the Council that advertising was not required for this item. There were no ex parte communications disclosed. Carlos Gonzalez was sworn in to give testimony. Mr. Gonzalez stated the final plat was in accordance with the preliminary plat previously presented to Council. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution as read was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

**12. RESOLUTION NO. 2005-100 (FINAL PLAT – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT OF ST. CHARLES LANDINGS, A 3.2053 ACRE VACANT PARCEL, OWNED BY GONZALEZ-MUSIBAY CONSTRUCTORS AND LAND DEVELOPERS LLC, LOCATED ON THE NORTH SIDE OF 2<sup>ND</sup> AVENUE NORTH BETWEEN CONGRESS AVENUE AND DAIVS ROAD; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Clerk Walton advised the Council that advertising was not required for this item. There were no ex parte communications disclosed. Carlos Gonzalez was already sworn in to give testimony. Mr. Gonzalez stated the final plat was in accordance with the preliminary plat previously presented to Council. Mr. Gonzalez further stated that

one of the conditions for mitigation of trees had been finalized and agreed to at the amount of \$6,300. Director Lowe concurred. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution as read was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

**13. ORDINANCE NO. 2005-33 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF .67 ACRES OWNED BY HANI ENTERPRISES INC., SHATARA & SONS ENTERPRISES INC. AND AMERICA'S SOUND INC.; LOCATED ON CONGRESS AVENUE 500 FEET SOUTH OF LAKE**

**WORTH ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, 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 COMMERCIAL GENERAL (CG) 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

Manager Umberger advised the Council the property was located within the Village's annexation area and the Land Development Board had recommended approval of the request at their meeting on November 8, 2005. Mayor Davis stated this was a public hearing and asked for questions and comments from the public. Hearing none, Village Attorney Roselli read the ordinance by title. A motion to adopt the ordinance on first reading was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

**ADD ON ITEM 13A & B:**

**RESOLUTION NO. 2005-105**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH IRVIN AND DORA MELDRIM, OWNERS OF THE PROPERTY LOCATED AT 3640 10<sup>TH</sup> AVENUE NORTH, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Manager Umberger explained to the Council this non pro tunc annexation agreement was to memorialize development concessions that had been verbally agreed to, but never documented in writing. The delay in bringing this forward was due to the hurricane. Manager Umberger identified the property as the former Lightening Electric building, which had been leased to a statue sales company; but was now leased to a new company. In reply to questions from the Council, Director Lowe stated the code does not address this commercial use, but the agreement allowed the outdoor displays for three years. Hearing no further comments, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5 – 0. A motion was then made to adopt the annexation agreement by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

**REGULAR AGENDA**

**ACTIONS AND REPORTS**

- 14. This item was moved to Item 0 prior to consent agenda**
- 15. Appointment to Library Board**  
Staff: Virginia M. Walton, Village Clerk

Mayor Davis stated there were two positions open on the Library Board and one application had been received from Marian Roedel, 709 Lori Drive. A motion to appoint Ms. Roedel as a regular member on the Library Board for a three-year term to expire on April 24, 2008, was made by Mayor Pro Tem Waller and seconded by Council Member Smith. Motion carried 5 – 0.

**VILLAGE COUNCIL COMMENTS**

All Council Members wished Irene well in her retirement and also thanked Staff and Public Safety for the excellent job during and directly after the hurricane.

Mayor Davis and Council welcomed Mr. Baird and Ms. Roselli. Mayor Davis added that the Staff in the Village was second to none, as further evidenced by the speedy return to normal business and clean up after the hurricane.

**ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 8:01 p.m.

Respectfully submitted,

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Village Clerk

Approved by Council \_\_\_\_\_

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Mayor