

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, DECEMBER 13, 2007**

**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 7:30 p.m.

Present: Mayor John M. Davis, Vice Mayor Bev Smith, Mayor Pro Tem Joni Brinkman, Council Member Chet Osborne, Council Member Patti Waller, Village Manager Karl E. Umberger, Village Attorney Glen J. Torcivia, 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, Public Service Director Bill Davis, Leisure Services Director Bill Golson and Village Engineer Don Eckler.

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

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

Village Manager: Continue items #10 & #16 to the January 10, 2008 agenda  
Pull items #11 & #12 from the agenda  
Add item #21 video presentation from FLC on Tax Amendment

A motion to accept the agenda as revised was made by Council Member Osborne and seconded by Council Member Waller. Motion carried 5 – 0.

**CONSENT AGENDA**

1. **Minutes of Local Planning Agency Meeting on November 8, 2007**
2. **Minutes of Regular Council Meeting on November 8, 2007**
3. **Minutes of Sanitation Workshop on November 15, 2007**
4. **RESOLUTION NO. 2007-83 (Agreement)**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CAROLYN S. ANSAY, ESQUIRE, FOR APPOINTMENT AS THE VILLAGE CODE ENFORCEMENT SPECIAL MAGISTRATE FOR A TERM OF TWO YEARS, COMMENCING JANUARY 1, 2008; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Virginia M. Walton, Village Clerk

**5. RESOLUTION NO. 2007-84 (Agreement)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXATION OF TEN (10) ENCLAVES OF TEN (10) ACRES OR LESS, THOSE LANDS MORE FULLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO; AND PROVIDING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director**

**6. RESOLUTION NO. 2007-85 (Agreement)**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PAUL J. NICOLETTI, ESQUIRE, FOR APPOINTMENT AS THE VILLAGE CODE ENFORCEMENT SPECIAL MAGISTRATE FOR A TERM OF TWO YEARS, COMMENCING JANUARY 1, 2008; AND PROVIDING AN EFFECTIVE DATE. Staff: Virginia M. Walton, Village Clerk**

**7. RESOLUTION NO. 2007-89 (Contract Modification)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING A REVISION TO THE CONTRACT FOR THE CANAL 9 ROADWAY RE-CONSTRUCTION IN THE AMOUNT OF \$9,750.55 TO AKA SERVICES INC; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director**

**8. Approval of Task Order 95 from Eckler Engineering for Services to prepare a Water & Wastewater Master Plan in the amount of \$55,000.00**  
Staff: Bill Davis, Public Service Director

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

**ANNOUNCEMENTS AND PROCLAMATIONS**

**9. Legislative Update from Representative Shelly Vana**

Representative Vana stated the House and Senate had multiple special sessions on various issues such as property insurance, the state budget and the property tax issue on two occasions. The property tax legislation is inadequate. The process of passing this tax legislation was a very rushed process, the House and Senate met separately, rather than work together, and the communication was not very open, in her opinion. The Senate and House had different versions that were voted on. The Senate voted and went home. The

The House felt their version would have included more property owners, except she felt the cap in the House plan was too low. The plan voted on, as reported in the newspapers, was not particularly clear. It did not actually double the homestead. Property owners would pay taxes on the first \$25,000; from \$25,000 to \$50,000 you would not pay taxes; and from \$50,000 to \$75,000 you would pay taxes. However, the portion of the taxes for schools was not exempted, so you would pay those taxes, which would amount to approximately \$15,000. For Palm Beach County, the impact would not be that great.

The plan does have portability; however, the portability portion included school taxes. In the analysis, the portability portion indicated Palm Beach County schools would lose approximately \$345 million in the first five years. When the House asked the Senate members how they would deal with this, they replied they didn't believe it would happen because they felt this tax reform would generate the economy and houses would be buying and selling again, which would bring the taxes back to the County. Representative Vana stated this was all relative to whether you believed this would occur or not. There was a tangible personal property exemption for businesses; however it was so small that most business would only save about \$100 on some of their equipment. There was also an assessment cap on non-homestead properties of 10%; however, most property owners were not in favor of this; and there were some questions that this might actually raise the taxes in some cases. This provision would sunset after ten years.

Representative Vana and many House colleagues tried to get the House version brought forward instead of the Senate version, but they were not successful. In the end they voted to let the voters have the final say. At least the final version did removed the total control of Home Rule. In the end, the voters need to take a clear look at this plan and vote accordingly. Representative Vana stated she felt the voters were savvy enough to understand what would or would not benefit them. The Constitution Revision Committee was working on a much larger plan that would be on the November 2008 ballot.

Other issues passed by the legislatures was the class size amendment, which was getting ready to kick into high gear. This would cost the schools money, but there is a push to change the class size. There has been talk about another special session because the budget is short, but it was not likely, unless it is constitutionally mandated. The next session will be very difficult; and Representative Vana stated the cities would be looked to for valuable input, and hopefully not shut out as was done in the last few special sessions. Mayor Davis thanked Representative Vana for her comments.

## **PUBLIC COMMENT**

Johnnie Tieche, 305 Winged Foot Road, commented that he regularly attends the Code Enforcement Special Magistrate Hearings and it was good to see Paul Nicoletti back as a Special Magistrate. He handled the meeting very well and brought things together. Mr. Tieche stated he had heard the new permanent Magistrate would be as good.

**PUBLIC HEARINGS**

**This item continued to the January 10, 2008 agenda**

- 10. RESOLUTION NO. 2007-66 (SPECIAL EXCEPTION – T-MOBILE ANTENNA)**

**This item pulled from the agenda**

- 11. RESOLUTION NO. 2007-70 (DISCOUNT RENTAL SITE PLAN)**

**This item pulled from the agenda**

- 12. RESOLUTION NO. 2007-76 (CLEAR CHANNEL SIGN SITE PLAN)**

- 13. RESOLUTION NO. 2007-80 (FINAL PLAT)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT FOR CONGRESS HILL SUBDIVISION, SUBMITTED BY KERRY WILSON, AGENT FOR THE OWNER, CONGRESS PROPERTIES OF PALM SPRINGS, INC. , FOR THE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF FOREST HILL BOULEVARD AND CONGRESS AVENUE; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director.

There was no ex parte communications disclosed and no Applicant to give testimony. Manager Umberger advised the Council this plat was verbally approved at the November 8, 2007 regular council meeting; however the resolution was not available for signing; therefore, this resolution was to memorialize the approval and signature authorization on the plat. Hearing no comments from the Council or the public, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution was made by Mayor Pro Tem Brinkman and seconded by Council Member Osborne. Motion carried 5 – 0.

- 14. RESOLUTION NO. 2007-81 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF MARIE MACORITTO OF ARGENTINA ARTS ORGANIZATION, AGENT AND TENANT FOR THE OWNER, FOUR FLORIDA SHOPPING CENTER PROPERTIES LTD; FOR A MINOR SITE PLAN REVIEW (SPR 07-18); AND A SPECIAL EXCEPTION USE (PSSE 07-12) TO PERMIT A 3,000 SQUARE FOOT CULTURAL ORGANIZATION IN AN EXISTING 144,080 SQUARE FOOT SHOPPING CENTER IN A COMMERCIAL GENERAL ZONING DISTRICT LOCATED AT 3101 FOREST HILL BOULEVARD; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director**

Village Clerk Walton advised the Council that notice of public hearing was published

in the Lake Worth Herald on November 15, 2007. There were no ex parte communications disclosed. Rick Warner, Alicia Real were sworn in to give testimony but did not make a presentation. Manager Umberger advised the Council this site plan and special exception proposed a cultural club in an existing plaza of retail and office uses. The club would operate from 7am to 10 pm weekdays Monday thru Wednesday, 7 am to 12 am Thursday and Friday and 7 am to 3 am Saturday and Sunday. Classes would be offered during the day such as Spanish, computers and gymnastics. Thursday evenings a family potluck dinner would be offered and the facility was also available to club members and the general public on weekends for weddings and parties. The Land Development Board had recommended approval at their regular meeting on November 20, 2007.

Mayor Davis 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 site plan/special exception use was made by Council Member Waller and seconded by Vice Mayor Smith. Motion carried 5 – 0.

**15. ORDINANCE NO. 2007-24 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF 4.77 ACRES OWNED BY ROBEN PROPERTIES, INC., LOCATED AT 2714 10<sup>TH</sup> AVENUE NORTH; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO RESIDENTIAL MULTI-FAMILY, 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 (RM) 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**

**This item continued to the January 10, 2008 agenda**

**16. ORDINANCE NO. 2007-27 (ANNEXATION, LAND USE AMENDMENT AND REZONING-BEER DEPOT, 2964 2<sup>ND</sup> AVENUE NORTH)**

**17. ORDINANCE NO. 2007-28 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING SIXTEEN (16) PARCELS OF LAND CONSISTING OF A TOTAL OF 4.28 ACRES, INDIVIDUALLY OWNED; LOCATED AT 3027, 3031, 3039, 3048 SPRINGFIELD DRIVE, 3071 SPRINGFIELD LANE, 3053 AND 3068 SPRINGFIELD DRIVE, 2728, 2584, 2585, 2700 HAYDEN DRIVE, 3080 SPRINGFIELD LANE, 2690, 2695 AND**

**2588 HAYDEN DRIVE; 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 Department

Manager Umberger advised the Council all the parcels were generally located in the area bounded by LWDD-10 Canal on the North, 10<sup>th</sup> Avenue North on the South, Palm Drive on the West and Florida Mango Road on the East. The Land Development Board had recommend approval of the requests at their regular meeting on November 20, 2007. Mayor Davis asked from questions from the Council. In response to questions on the impact of these parcels on the Village services, Chief Pickens replied this was a very small close knit neighborhood of residential homes on dead end streets and would have minimal impact on services. Mayor Davis then stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt on first reading was made by Vice Mayor Smith and seconded by Mayor Pro Tem Brinkman. Motion carried 5 – 0.

## **REGULAR AGENDA**

### **ACTIONS AND REPORTS**

#### **18. RESOLUTION NO. 2007-86**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING RESOLUTION NO. 2007-56, AND RE-STATING THE INTENT TO USE THE UNIFORM METHOD OF COLLECTING A NON-AD VALOREM ASSESSMENT FOR GARBAGE, TRASH AND RECYCLABLES COLLECTION SERVICES AND RELATED SERVICES; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Virginia M. Walton, Village Clerk

Manager Umberger advised the Council this resolution amended the original resolution to revise the language to include all properties within the incorporated boundaries of the Village, as described in the Exhibit "A" boundary map, as well as those parcels annexed into the Village from the point of the map and into the future. This amendment will enable the Tax Collector and Property Appraiser to automatically update the Village's tax rolls as new properties were annexed into the Village. Hearing no questions from the Council, Mayor Davis stated this was a public hearing and asked for comments from the public. Hearing none, Village Attorney Torcivia read the resolution by

title. A motion to adopt the resolution was made by Council Member Osborne and seconded by Council Member Waller. Motion carried 5 – 0.

**19. RESOLUTION NO. 2007-87**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE PALM BEACH COUNTY TAX COLLECTOR FOR THE PURPOSE OF COLLECTION OF NON-AD VALOREM ASSESSEMENT FOR GARBAGE, TRASH AND RECYCLABLES, COMMENCING OCTOBER 2008; AND PROVIDING AN EFFECTIVE DATE.** Staff: Virginia M. Walton, Village Clerk

Manager Umberger advised the Council this resolution and agreement would give authorization to the Palm Beach County Tax Collector to place the non-ad valorem assessments for garbage, trash and recyclables collection services on the tax bill sent out every year and have the assessment collected along with the other property owner taxes. The agreement would commence with the 2008/2009 tax roll and continue until notice is given in writing by either party prior to January 10<sup>th</sup> of each year. Hearing no comments from the Council, Mayor Davis stated this was a public hearing and asked for comments from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution was made by Council Member Waller and seconded by Vice Mayor Smith. Motion carried 5 – 0.

**20. RESOLUTION NO. 2007-88**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE PALM BEACH COUNTY PROPERTY APPRAISER FOR THE PURPOSE OF PROVIDING THE NON-AD VALOREM ASSESSMENT FOR THE NOTICE OF PROPERTY TAXES, TO CERTIFY THE NON-AD VALOREM ASSESSMENT ROLL TO THE TAX COLLECTOR, AND TO PROVIDE THROUGH THEIR INFORMATION SYSTEM SERVICES “ISS”, THE COMPUTER SERVICES NECESSARY TO THE TAX COLLECTOR FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS FOR GARBAGE, TRASH AND RECYCLABLES COLLECTION SERVICES, COMMENCING OCTOBER 2008; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Virginia M. Walton, Village Clerk

Manager Umberger advised the Council this agreement would give authorization to the Palm Beach County Property Appraiser to provide and certify the non-ad valorem assessment roll to the Tax Collector’s Office, and also give the Information System Services authorization to provide this information in the appropriate electronic format. This would ensure correct, up to date tax roll information is provided to the tax collector each year. The agreement would commence with the 2008/2009 tax rolls and continue unless notice is given in writing by either party in accordance with Section 9 of the agreement. Hearing no comments from the Council, Mayor Davis stated this was a public hearing and

hearing and asked for comments from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution was made by Vice Mayor Smith and seconded by Council Member Waller. Motion carried 5 – 0.

**ADD: 21. Video Presentation from Florida League of Cities on Tax Amendment on January ballots.**

The Council, Staff and the public viewed the video presentation prepared and distribution by the Florida League of Cities as an education tool for cities to explain the tax amendments proposed for the January 29, 2008 ballots. The video is on file in the clerk’s office for review, along with a printed summary, which is attached and made a part of the minutes.

**VILLAGE COUNCIL COMMENTS**

**ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 8:43 p.m.

Respectfully submitted,

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Village Clerk

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

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Mayor