

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, MARCH 22, 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 Patti Waller, Mayor Pro Tem Bev Smith, Council Member Chet Osborne, Council Member Joni Brinkman, Village Manager Karl E. Umberger, Village Attorney Karen E. Roselli, 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 Vice Mayor Patti Waller.

1. CERTIFICATION OF ELECTION

RESOLUTION NO. 2007-17

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING THE CERTIFICATION OF THE VILLAGE CLERK OF CANDIDATES FOR THE 2007 GENERAL MUNICIPAL ELECTION; CERTIFYING THE ELECTION OF CANDIDATES; AND PROVIDING AN EFFECTIVE DATE. Staff: Virginia M. Walton, Village Clerk

A motion was made by Vice Mayor Waller and seconded by Council Member Brinkman to accept the certification of the Village Clerk of candidates for the 2007 General Municipal Election. Motion carried 5 – 0.

2. OATH OF OFFICE FOR NEW CANDIDATES

Bev Smith and Chet Osborne were both sworn in as Council Members for another two year term by Village Clerk Walton. Mayor John M. "Mike" Davis was sworn in as Mayor by his wife, Susan Davis.

3. ELECTION OF A VICE MAYOR AND A MAYOR PRO TEM

RESOLUTION NO. 2007-18

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, DESIGNATING A VICE MAYOR AND MAYOR PRO TEM

FOR THE ENSUING YEAR 2007-2008, AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

Mayor Davis called for nominations for a Vice Mayor and Mayor Pro Tem for the 2007-2008 year. Council Member Osborne nominated Bev Smith as Vice Mayor and Joni Brinkman as Mayor Pro Tem. Hearing no further nominations, Mayor Davis closed the nominating process. Village Attorney Roselli read the resolution by title. A motion was made by Vice Mayor Patti Waller and seconded by Council Member Osborne to accept the nominations. Motion carried 5 – 0.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Items #11, #14, and #15 will be continued to the April 12, 2007 Agenda.

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

CONSENT AGENDA

4. **Minutes of Regular Council Meeting on March 8, 2007**
5. **Approval of Employee Benefits Plan for fiscal year 2007/2008**
Staff: Karl E. Umberger, Village Manager
6. **RESOLUTION NO. 2007-15 (AWARD BID)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARING A BID FOR THE PURCHASE OF A BACKHOE LOADER TO LINDER INDUSTRIAL MACHINERY OF ORLANDO, FLORIDA, IN THE AMOUNT OF \$58,913.00; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

7. **RESOLUTION NO. 2007-21**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, EXPRESSING ITS OPPOSITION TO HOUSE BILL 529 (“CONSUMER CHOICE ACT OF 2007”) AND URGING THE GOVERNOR, MEMBERS OF THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, PALM BEACH COUNTY MUNICIPALITIES, THE FLORIDA LEAGUE OF CITIES AND THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS TO OPPOSE ITS ENACTMENT; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl E. Umberger, Village Manager

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

ANNOUNCEMENTS AND PROCLAMATIONS

8. Mayor's Proclamation of April as Fair Housing Month

Mayor Davis presented a proclamation reaffirming fair housing for all and supporting the continued education of the public in fair housing practices. He proclaimed April as "Fair Housing Month".

9. Mayor's Proclamation for Water Conservation Month

Mayor Davis read the proclamation proclaiming April as Water Conservation Month and commented on the importance of this proclamation with the new drought water restrictions recently mandated. Mayor Davis presented the proclamation to Public Service Director Bill Davis.

PUBLIC COMMENT - None

PUBLIC HEARINGS

10. RESOLUTION NO. 2006-104 (SITE PLAN AMENDMENT – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING EXISTING SITE PLAN (SPR 06-01) OF CONGRESS OAKS DEVELOPMENT GROUP, LLC, FOR CONSTRUCTION OF A PROFESSIONAL OFFICE BUILDING ON 2.04 ACRES OF VACANT LAND, LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF OAK DRIVE AND CONGRESS AVENUE TO INCREASE THE PARKING SPACES; TO DECREASE THE TOTAL BUILDING COVERAGE AND INCREASE THE GREENSPACE AREA, AND TO INCREASE THE SETBACK FROM CONGRESS AVENUE; AND ESTABLISHING 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 October 6, 2006. There were no ex parte communications disclosed. Keith Grant, Kevin McGinley, Mark Brodrick and Director Lowe were sworn in to give testimony. Kevin McGinley testified that after the original site plan was approved on March 9, 2006, the intention was for small shops such as accountants, engineers and the site was configured in four small buildings with reduced parking and less green space. The businesses now contacting them required more parking; therefore, the new design was configured as one large building, which gave more parking and green space to the site and made the project more marketable. The Land Development Board had recommended approval of the new site plan at their meeting

on November 14, 2006. Director Lowe testified that in addition to the amendments listed in this resolution and exhibit, the Applicants would like to request the permit date deadline be extended to September 30, 2007 and the build out date be extended to December 7, 2008. Staff had no objections to this additional request.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Council Member Osborne asked if the new total parking spaces met code and the area east of the property. Director Lowe replied they did meet code. Mr. McGinley stated the area was a PBC drainage. Council Member Waller asked for a clarification on the color. It was determined to be a cranberry shade. In a response to a question from Mayor Pro Tem Brinkman about Item #22 on Exhibit "A", Mr. McGinley replied Palm Beach County had requested this; however they were aware that there was not enough room for this request. The possible cross access agreement would be an alternative resolution.

Hearing no further questions or comments, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the site plan amendment was made by Council Member Osborne and seconded by Vice Mayor Smith. Motion carried 5 – 0.

This item will be continued to April 12, 2007 agenda

11. RESOLUTION NO. 2007-07 (SITE PLAN DOWNTOWN SHOPPES)

12. RESOLUTION NO. 2007-16 (SITE PLAN AMENDMENT – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE EXISTING SITE PLAN (SPR 05-20) AND SPECIAL EXCEPTION (PSSE 05-05) FOR WOODY'S CAR WASH, LOCATED AT 3263 LAKE WORTH ROAD, TO EXTEND THE BUILD-OUT DATE FOR SIX MONTHS, FROM OCTOBER 27, 2007 TO APRIL 24, 2008; FOR CONSTRUCTION OF A 4,454 SQUARE FOOT AUTOMATIC CAR WASH WITH CUSTOMER SERVICE AND DETAILING AREAS; AND ESTABLISHING 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 March 15, 2007. There were no ex parte communications disclosed. Jason Wobeser and James Bowman were sworn in to give testimony. James Bowman stated there were two permits in process for demolition of the old building and for construction of the new building. The architects were still working on some plan requirements and there was some question of the sub soil conditions after demolition; therefore extra time may be needed. Staff had no objections. In reply to a question about the PBC traffic concurrency, Director Lowe replied they would need to update the traffic study letter.

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 and approve the site plan amendment was made by Council Member Waller and seconded by Vice Mayor Smith. Motion carried 5 – 0.

13. ORDINANCE NO. 2007-06 (FIRST 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 LAND CONSISTING OF LESS THAN 10 ACRES, OWNED BY HECTOR CABRERA, LOCATED ON 3386 KIRK ROAD, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO LOW DENSITY RESIDENTIAL; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT MULTI-FAMILY RESIDENTIAL 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 currently the site of a single family home and had been annexed by Ordinance No. 2005-31 on October 27, 2005. The Land Development Board had recommended approval of the request at their meeting on March 20, 2007. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the ordinance by title. A motion to adopt on first reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Osborne. Motion carried 5 – 0.

This item will be continued to the April 12, 2007 agenda

14. ORDINANCE NO. 2007-07 (FIRST READING BUILDING REGULATIONS)

This item will be continued to the April 12, 2007 agenda

15. ORDINANCE NO. 2007-08 (FIRST READING COMPREHENSIVE ZONING)

REGULAR AGENDA

ACTIONS AND REPORTS

16. Appointment to the Leisure Services Board

Staff: Virginia M. Walton, Village Clerk

Mayor Davis stated there were two alternate vacancies on this Board and one application had been received by Mark Essary, indicating his willingness to serve.

Hearing no other nominations, a motion to appoint Mark Essary as an alternate member of the Leisure Services Board for a term to expire on March 27, 2008 was made by Council Member Waller and seconded by Vice Mayor Smith. Motion carried 5 – 0.

17. Appointment of the Land Development Board

Staff: Virginia M. Walton, Village Clerk

Mayor Davis stated there were two vacancies on this Board and one application had been received by Robert Lazo, 137 Vanessa Street, indicating his willingness to serve. Hearing no other nominations, a motion to appoint Robert Lazo as an alternate member of the Land Development Board for a term to expire on January 25, 2008 was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. Motion carried 5 – 0.

18. Approval of Palm Beach County League of Cities Voting Delegates

Staff: Virginia M. Walton, Village Clerk

Mayor Davis stated the voting delegates in existence at the present time were himself and the Village Manager and all other council members as alternates. Council Member Osborne made a motion to approve the voting delegates as currently listed. His motion was seconded by Vice Mayor Smith. Motion carried 5 – 0.

RESOLUTIONS

19. RESOLUTION NO. 2007-20

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, DESIGNATING A COUNCIL LIAISON FOR EACH OF THE ADVISORY BOARDS FOR THE ENSUING YEAR 2007-2008; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

Mayor Davis explained that each year new liaisons are designated for each of the advisory boards and asked for volunteers for this year.

Vice Mayor Smith stated her interest in being on the Leisure Services Board. Council Member Osborne decided on the Library Board and Mayor Pro Tem Brinkman requested the Land Development Board. Council Member Waller stated she was already serving on the General Employees Pension Board. Mayor Davis stated he would be open for any Ad Hoc or Special Boards or Committees which may be formed.

Village Attorney Roselli read the resolution by title only. A motion was made by Council Member Waller to approve the liaisons as stated, which was seconded by Council Member Osborne. Motion carried 5 – 0. .

20. RESOLUTION NO. 2007-22

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, FINDING THAT THE EXPENDITURE OF MONEY IN SUPPORT OF THE PROPOSED AMENDMENT TO THE PALM BEACH COUNTY CHARTER SERVICES A PUBLIC PURPOSE; PROVIDING THAT THE DISSEMINATION OF INFORMATION CONCERNING THE IMPACTS OF THIS AMENDMENT ON THE CITIZENS OF THE COUNTY AND THE VILLAGE IS ESSENTIAL TO THE HEALTH, SAFETY, PROTECTION AND WELFARE OF THE VILLAGE AND ITS CITIZENS; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl E. Umberger, Village Manager

Manager Umberger advised the Council this amendment, if passed, would require that a majority of voters of Palm Beach County and a majority of voters in each municipality voting in a referendum must approve any amendment to the Palm Beach County Charter that would transfer or limit a function, service, power or authority of any municipality in the County. This amendment would reinforce the Home Rule Powers of individual municipalities. Manager Umberger added that the Palm Beach County League of Cities had formed a committee last year and had been working on this since then. Basically the League was asking all municipalities to educate its residents to the impact of this amendment. Hearing no other comments, Village Attorney Roselli read the resolution by title. A motion to adopt was made by Vice Mayor Smith and seconded by Council Member Waller. Mayor Davis commented this was an important resolution. Palm Beach County, as a charter county, would supersede anything passed by a municipality and this amendment would help the municipalities retain their powers. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Council Member Waller congratulated everyone on their elections, and commented it was very disappointing to see the low turnout of voters. It could be interpreted that the residents were happy with the current council and didn't feel the need to vote, but hopefully they would be able to bring more voters out next year. The Opening Day ceremonies were wonderful and the fields look great.

Mayor Pro Tem Brinkman congratulated everyone on their elections and looked forward to working together for another two years. Council Member Brinkman commented she would like to see the Village pursue the possibility of again taking a look at the Code because our present code doesn't allow some things that may be in the best interests of the Village to allow. Director Lowe replied she had been speaking with Manager Umberger and they were looking into an RFP for a full review of Chapter 34 Land Development Codes. Mayor Davis he had no problem with looking into this.

Council Member Osborne congratulated everyone on their elections and that the present council had been retained. He was happy to serve the Village for another two years.

Vice Mayor Smith congratulated Chet and Mayor Davis on their election and commented she was happy to be serving for another two years. Vice Mayor Smith reminded the Council that the Lake Clarke Shores Picnic was this Sunday. Vice Mayor Smith also commented she was getting excited about the upcoming 50th Anniversary for the Village on July 4th.

Mayor Davis congratulated Chet Osborne and Bev Smith. Mayor Davis stated he was glad he was not driving back and forth to Ocala anymore and he appreciated very much all the assistance he received from everyone to help him through the election. Hopefully the Council could get better than the 9% voter turnout in the future. It appeared that the majority of the residents were pleased with the Village and its progress over the past ten years, especially the ball fields, which looked terrific.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:24 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor