

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, AUGUST 23, 2007**

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

Vice Mayor Bev Smith called the regular meeting of the Village Council to order at 7:30 p.m.

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

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 and Leisure Services Director Bill Golson.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Items #6 and #7 are continued to September 13, 2007 agenda

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

CONSENT AGENDA

1. **Minutes of Regular Council Meeting on August 9, 2007**
2. **Leisure Services Budget Amendment to recognize additional Camp revenue in the amount of \$23,000**
3. **Public Safety Forfeiture Fund Expenditure in the amount of \$1,200 to support the Explorer Post annual summer trip**
4. **RESOLUTION NO. 2007-61 (EASEMENTS)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING GRANT OF EASEMENTS FROM ELINA GARCIA ESTEVANEZ, MARCELINO MALDONADO, MARTHA MARTINEZ-MUNOZ, HENRY E. ROJAS, MICHAEL J. OGNOWSKI AND BRUCE

THOMAS FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

5. RESOLUTION NO. 2007-62 (AWARD BID)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARING A BID FOR THE MAIN WATER TREATMENT PLAN LABORATORY REMODEL TO TURSO CONTRACTING INC. OF WEST PALM BEACH, FLORIDA, IN THE AMOUNT OF \$96,460.00; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

A motion to approve the consent agenda as presented was made by Council Member Waller and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

End of Consent Agenda.....

PUBLIC COMMENT

Nancy Rockswold, 3832 Park Lane, spoke on behalf of herself and her Mother, Buena Malott, of the same address, and stated they had received a letter indicating they were being annexed into the Village and wanted to state for the record they did not want to be annexed. Vice Mayor Smith acknowledged her comments.

PUBLIC HEARINGS

This item will be continued to the September 13, 2007 agenda:

6. RESOLUTION NO. 2007-48 (SITE PLAN – BUENA VISTA HOMES/2ND AVE)

This item will be continued to the September 13, 2007 agenda:

7. RESOLUTION NO. 2007-58 (SITE PLAN – HARDMAN’S – REO LANE)

8. RESOLUTION NO. 2007-59 (SPECIAL EXCEPTION – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF SOUTHERN WINE & SPIRITS OF AMERICA, INC.; FOR A SPECIAL EXCEPTION USE (PSSE 07-07) FOR OPERATION OF A WINE STORAGE AND DISTRIBUTION BUSINESS IN A COMMERCIAL GENERAL ZONING DISTRICT, LOCATED AT 2949 2ND AVENUE NORTH; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council that notice of public hearing was placed in the Lake Worth Herald on August 9, 2007. There were no ex parte communications

disclosed. Dan Casey, Rick Orcutt and Director Lowe were sworn in to give testimony. Manager Umberger advised the Council this property and building was formerly the site of Haifa Tile Company. The previous use involved some manufacturing, storage and distribution. This new use will involve only storage and distribution. The minor modifications that would be made to the building and the property were to replace the overhead garage doors, paint the building and install a new eight foot high chain link fence. The Land Development Board had recommended approval of this request at their regular meeting on August 14, 2007.

Council Member Waller asked if the Applicants would install some palm trees around the site, as it was very bare looking. Mr. Casey and Mr. Orcutt agreed. Mayor Pro Tem Brinkman asked if the chain link fence would be vinyl. Mr. Casey responded the chain link would be galvanized to replace the old barbed/razor wire one presently on the property that was deteriorating. Hearing no further questions, Vice Mayor Smith stated this was a public hearing and asked for questions or comments. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the Special Exception was made by Council Member Osborne and seconded by Council Member Waller. Motion carried 4 – 0.

9. ORDINANCE NO. 2007-14 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, INCREASING THE RATES OF LOCAL BUSINESS TAXES BY FIVE PERCENT FOR FISCAL YEAR 2007/2008; PROVIDING FOR CODIFICATION; 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 that Chapter 205.0535, Florida Statutes, permitted local governments to increase this tax a maximum of five percent (5%) every other year; however, the Village had not increased this tax since 1999. This increase would be effective with all businesses renewing or applying on or after October 1, 2007.

Vice Mayor Smith stated this was a public hearing and asked for questions or comments. Hearing none, Village Attorney Roselli read the ordinance by title. A motion to adopt the ordinance on first reading was made by Council Member Waller and seconded by Council Member Osborne. Motion carried 4 – 0.

10. ORDINANCE NO. 2007-15 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING

A TOTAL OF THIRTEEN (13) PARCELS OF LAND CONSISTING OF A TOTAL OF 5.28 ACRES, INDIVIDUALLY OWNED; LOCATED AT 3866, 3863, 3890, 3893, 3922, 3925, 3945, 3961, 3966 PARK LANE AND 2806, 2784, 2785 REO LANE; 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

Manager Umberger advised the Council these properties were generally located in the area south of Dale Road, north of 10th Avenue North, east of Kirk Road and west of Gulfstream Road. The properties were compact and contiguous to the Village on the south and east. The Land Development Board had recommended approval of the request at their regular meeting on August 14, 2007. Vice Mayor Smith stated this was a public hearing and asked for questions or comments. Ms. Rockswold asked if this was part of her annexation. Director Lowe responded her property was part of an Interlocal Agreement which would be heard at the September 13, 2007 Council Meeting.

Hearing no further comments, Village Attorney Roselli read the ordinance by title. A motion to adopt the ordinance on first reading was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

11. ORDINANCE NO. 2007-16 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A TOTAL OF FOURTEEN (14) PARCELS OF LAND CONSISTING OF A TOTAL OF 5.90 ACRES, INDIVIDUALLY OWNED; LOCATED AT 2573, 2590, 2591, AND 2592 38TH TERRACE SOUTH, 3855, 3886, 3900, 3911, 3923, 3947, 3942 AND 3946 DALE ROAD AND 2584 AND 2616 KIRK ROAD; 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

Manager Umberger advised the Council these properties were generally located in the area of Canal 9 Road, north of Park Lane, east of Kirk Road and west of Gulfstream Road. The properties were compact and contiguous to the Village on the south, north and east. The Land Development Board had recommended approval of the request at their regular meeting on August 14, 2007. Vice Mayor Smith stated this was a public hearing and asked for questions or comments.

Hearing none, Village Attorney Roselli read the ordinance by title. A motion to adopt the ordinance on first reading was made by Mayor Pro Tem Brinkman and seconded by Council Member Waller. Motion carried 4 – 0.

REGULAR AGENDA

RESOLUTIONS

12. RESOLUTION NO. 2007-56

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, 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: Karl E. Umberger, Village Manager

Manager Umberger advised the Council the cost of residential garbage and recycling collection had historically been done as a charge on the customer's water bill. This process was time consuming and increased the possibility of non-payment, particularly when renters left with outstanding balances. By transferring these charges to the tax bills, the Village would increase the collection ratio for garbage fees and eliminate the process from utilities billing. Also, this charge could then be taken off the homeowner's taxes. Council Member Brinkman asked what other related services meant. Manager Umberger replied that was the extra charge for picking up bulk items such as appliances, furniture, etc. Vice Mayor Smith 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 was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

VILLAGE COUNCIL COMMENTS

There were no comments from the Vice Mayor or Council Members.

ADJOURNMENT

Hearing no further business, Vice Mayor Smith adjourned the meeting at 7:55 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor