

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, SEPTEMBER 27, 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, Acting 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, 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 Council Member Chet Osborne.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Add Item #0 prior to consent – Resignation Letter Village Attorney
Revise Consent Item #3 to show new total premium and savings
Add to Consent Item #6A Public Safety Budget Amendment
Continue Items #7, #8 & #9 to the October 11th agenda
Add Public Hearing Item #13 – ALS Transport Billing Agreement

Mayor Davis: Add Regular Agenda Item #13A – Discussion on New Attorney
A motion to accept the agenda as revised was made by Mayor Pro Tem Brinkman and seconded by Vice Mayor Smith. Motion carried 5 – 0.

ADD: "0" Resignation of Village Attorney

CONSENT AGENDA

- 1. Minutes of Local Planning Agency meeting on September 13, 2007**
- 2. Minutes of Regular Council Meeting on September 13, 2007**
- 3. Renewal of Village Property/Liability/Workers Compensation Insurance Plan** Staff: Virginia M. Walton, Village Clerk

4. RESOLUTION NO. 2007-68

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS NECESSARY TO BRING THE HERBERT HOOVER DIKE, WHICH PROTECTS LAKE OKEECHOBEE IN THE STATE OF FLORIDA, INTO COMPLIANCE WITH CURRENT LEVEE PROTECTION SAFETY STANDARDS AND TO EXPEDITE FUNDING FOR THE IMPROVEMENTS THROUGH PROMPT ENACTMENT OF AN ENERGY AND WATER APPROPRIATIONS BILL OR OTHER MECHANISM; REQUESTING OTHER LOCAL SOUTH FLORIDA GOVERNMENTS TO ENACT RESOLUTIONS SUPPORTING THESE REQUESTS; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl E. Umberger, Village Manager

- 5. Leisure Services Budget Amendment in the amount of \$15,000 for expenses related to the IRS Audit**
- 6. Leisure Services Budget Amendment in the amount of \$1,000 for 50th Anniversary related expenses**
- 6A. Public Safety Budget Amendment in the amount of \$100,700 to recognize funds collected for Special Detail Services.**

A motion to approve the consent agenda as revised was made by Council Member Osborne and seconded by Vice Mayor Smith. Motion carried 5 – 0.

End of Consent Agenda.....

PUBLIC COMMENT

Joel Daves, Attorney representing James Bayles, 2620 Prairie Lane, stated his client had asked him to speak about some No Parking signs that had been placed in front of his residence by the Palm Springs Police Department. These signs prevented anyone, repair vendors or guests, from parking anywhere in front of Mr. Bayles home, and it was felt that they infringed on his right of enjoyment of his home. If anyone did park out front, the police were called. Mayor Davis asked if anyone visiting him had actually received a ticket. Mr. Bayles stated the police had not as yet ticketed anyone, but consistently advised him if they did not move, they would receive a ticket. Mayor Davis asked for input from Staff. Mr. Daves provided photos of the front of Mr. Bayles house with the signs.

Manager Umberger stated this was an ongoing issue for approximately two years, and was the result of a dispute between neighbors. As part of the annexation initiative for this area, the Village had installed water and sewer on the streets and had agreed to pave the road. The neighbor in question has previously parked his numerous

recreational vehicles on the unpaved area of the road. When the road was paved, the neighbor bought the vacant lot between himself and Mr. Bayles and used that lot to park his vehicles, using the road to back the vehicles onto the lot. Manager Umberger stated from the photos that there appeared to be sufficient room in front of Mr. Bayles home for cars to park beyond the No Parking signs.

Chief Pickens added that there had been over twenty calls about this dispute, with neither side willing to give in; and the signs had been installed to try to alleviate the problem and keep peace by delineating where vehicles could and could not go on that end of the street. Chief Pickens stated the number of calls had decreased since the signs were installed.

Mayor Davis asked Mr. Daves and Mr. Bayles what relief they would like to be given. Mr. Bayles stated he would like the signs taken down. The signs had arrows pointing in both directions and the police officers were interpreting this as no parking on either side of the signs. Therefore, the neighbor continued to call the police whenever a car parked out front.

After discussion with Council, Mayor Davis stated that Mr. Daves and Mr. Bayles give the Village one month to work on the problem. If things did not improve, then please come back to Council. Mayor Davis suggested to Chief Pickens he get with his officers and refine the direction of the signs and the parking restrictions impacted by the signs.

PUBLIC HEARINGS

This item will be continued to the October 11, 2007 agenda

- 7. RESOLUTION NO. 2007-66 (SPECIAL EXCEPTION – T-MOBILE ANTENNA)**
Staff: Bette Lowe, Land Development Director

This item will be continued to the October 11, 2007 agenda

- 8. RESOLUTION NO. 2007-67 (SITE PLAN/SPECIAL EXCEPTION – INTERAMERICAN BANK)** Staff: Bette Lowe, Land Development Director

This item will be continued to the October 11, 2007 agenda

- 9. RESOLUTION NO. 2007-70 (SITE PLAN DISCOUNT RENTAL)**
Staff: Bette Lowe, Land Development Director

- 10. ORDINANCE NO. 2007-18 (SECOND READING)**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES IN AND FOR THE VILLAGE OF PALM SPRINGS, FLORIDA FOR FISCAL YEAR 2007/2008; PROVIDING FOR REPEAL OF CONFLICTING

ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff: Rebecca Morse, Finance Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on September 6 and 13, 2007 and in the Palm Beach Post on September 24, 2007. Acting Village Attorney Torcivia read the ordinance by title.

Manager Umberger advised the Council that this ordinance would establish the operating millage rate of \$4.0076 per \$1,000 of assessed valuation and establish the voted debt service millage rate of \$.5755 per \$1,000 of assessed valuation, for a total millage rate of \$4.5831. The operating millage rate of \$4.0076 is 9% less than the rolled back rate of \$4.4040, and would produce \$3,793,610 in ad valorem tax revenue at 100% collection for fiscal year 2007/2008. The voted debt service millage rate would produce \$544,770 in revenue at 100% collection to cover the 2002 General Obligation Bonds.

Mayor Davis asked for questions from Council. Hearing none, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on second reading was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. A roll call vote was in favor of adoption 5 – 0.

11. ORDINANCE NO. 2007-19 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff: Rebecca Morse, Finance Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on September 6 and 13, 2007 and in the Palm Beach Post on September 24, 2007. Acting Village Attorney Torcivia read the ordinance by title.

Manager Umberger advised the Council this ordinance would establish the 2007/2008 total budget at \$27,187,081, comprised of the General Fund budget of \$13,426,018; the Debt Service Fund budget of \$522,650, and a budget of \$13,238,413 for the Water and Sewer Enterprise Fund.

Mayor Davis asked for questions from Council. Hearing none, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt the ordinance on second reading was made by Council Member Waller and seconded by Vice Mayor Smith. A roll call vote was in favor of adoption 5 – 0.

12. ORDINANCE NO. 2007-17 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .35 ACRES OWNED BY WAYNE'S WASH WORLD LLC; LOCATED AT 2910 SHAWNEE 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 that this existing commercial business was within the Village's target annexation area. The Land Development Board had approved the request at their meeting on September 11, 2007. Hearing no comments from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Acting Village Attorney Torcivia read the ordinance by title. A motion to adopt the ordinance on first reading was made by Vice Mayor Smith and seconded by Council Member Osborne. Motion carried 5 – 0.

ADD**13. RESOLUTION NO. 2007-71 (AGREEMENT)**

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ADVANCED DATA PROCESSING, INC. TO PROVIDE MEDICAL BILLING FOR EMERGENCY MEDICAL TREATMENT AND TRANSPORT SERVICES FOR THE VILLAGE'S PUBLIC SAFETY FIRE RESCUE DEPARTMENT FOR A FIVE-YEAR PERIOD FROM OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2012; AND PROVIDING AN EFFECTIVE DATE. Jay C. Pickens, Public Safety Director

Manager Umberger advised the Council that this contract was required in order to start the ambulance transport services as of October 1, 2007, as a part of the new partnership with Palm Beach County Fire-Rescue. This company also provided billing services for Palm Beach County and Palm Beach Gardens.

Mayor Pro Tem Brinkman questioned the extra compensation charge of \$10.30 for any Medicare/Medicaid billing whether it is collected or not, as defined in Section 4.03(b). Manager Umberger replied there were more steps involved in billing for Medicare and Medicaid and this extra fee covered that paperwork and time. Whether it

was paid or not was standard contract language and in most instances the bills would be paid.

Vice Mayor Smith asked what type of collection process this company had. Finance Director Morse replied that the bill would be held open for one year, with the initial billing and three reminder bills. After that point, they would drop the bill. They did not have full collections services and it would be up to the Village to further pursue the funds. Vice Mayor Smith also asked who was responsible for the procedure of assuring correct addresses for billing. Chief Pickens replied it would be our responsibility to get correct addresses. In response to another question on what percentage of collections could be expected, Chief Pickens replied that he had consulted with Palm Beach Gardens and they had about a 60% - 70% ratio. Manager Umberger added that the estimated figures for revenue, based on current calls for the last quarter, was \$240,000 - \$260,000 and next year was estimated at approximately \$670,000 - \$700,000.

Hearing no further questions, Mayor Davis stated this was a public hearing and asked for questions from the public. Hearing none, Acting Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and execute the contract was made by Vice Mayor Smith and seconded by Council Member Waller. Motion carried 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

Add: 13A. Discussion on New Attorney Appointment

Mayor Davis stated that the Village had received the letter of resignation from the Village Attorney on Monday and he appreciated Mr. Torcivia stepping in to attend this meeting on such short notice. Mayor Davis commented that he had known Mr. Torcivia for almost twenty years, since he had done work with both the School Board and the Solid Waste Authority. When the Council had gone out to bid for a new attorney, Mr. Torcivia had been the second choice at that time. Therefore, he would suggest, with Council approval, that the Village Manager immediately begin negotiations with Mr. Torcivia for a contract of services and bring the contract back to Council at the first meeting in October. Otherwise, the Council would need to go back out to Bid.

Council Member Osborne stated he would like the Council to delay making a permanent appointment tonight, or ask for immediate negotiations for a contract. He would rather see an appointment as Interim Attorney for 90 days and see how it worked out. The Council could then make a more informed decision.

Council Member Osborne made a motion to appoint Glen Torcivia as an Interim Attorney for a period of 90 days and re-address the permanent contract at that time. Vice Mayor Smith seconded the motion for discussion.

Vice Mayor Smith stated it seemed like not that long ago that the Council had gone through this process. Although she felt it might be a good idea to wait the 90 days and then go to contract, she would be comfortable with moving ahead tonight with the contract negotiations.

Council Member Waller stated she had no problem with Manager Umberger and Mr. Torcivia working out a permanent contract now. The Council had already reviewed Mr. Torcivia’s credentials and he had come in a very close second at that time.

Mayor Pro Tem Brinkman stated she was comfortable with moving forward tonight and was sure Mr. Torcivia would do a good job for the Village.

Manager Umberger added that Mr. Torcivia has worked with the Village before on a code enforcement case that was appealed in County Court and had won the case. Mr. Torcivia was also now working on some Union issues on the Village’s behalf.

Mayor Davis stated there Council Member Osborne had a motion and a second on the floor for a 90 day Interim Attorney term and called for a vote. The vote was one in favor and four opposed. The motion died. Council Member Waller then made a motion to have Manager Umberger immediately go into negotiations for a permanent contract with Glen Torcivia and Mayor Pro Tem Brinkman seconded the motion. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Mayor Davis announced that both he and Council Member Osborne would be away on vacation for both meetings in October.

Vice Mayor Smith wished both of them a happy vacation.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:17 p.m.

Respectfully submitted,

Village Clerk

Approved by Council_____

Vice-Mayor