

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, JANUARY 10, 2008**

**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, 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 Vice Mayor Bev Smith.

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

Village Manager: continue items #5 and #10 to the January 24, 2008 agenda  
Council Member Osborne: add an announcement at the end of the meeting  
Mayor Davis: add item #13 FEMA Audit for Hurricane Frances

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**

1. **Minutes of Regular Council Meeting on December 13, 2007**
2. **RESOLUTION NO. 2008-01 (AGREEMENT)**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A NEW INTERLOCAL AGREEMENT WITH SOLID WASTE AUTHORITY ("SWA") COMBINING TWO PREVIOUS AGREEMENTS FOR RECYCLING AND DELIVERY OF MUNICIPAL SOLID WASTE TO A DESIGNATED FACILITY, WITH A NEW EXPIRATION DATE OF SEPTEMBER 30, 2013; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bill Davis, Public Service Director

**3. RESOLUTION NO. 2008-03 (EASEMENT)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING A GRANT OF EASEMENT FROM LAZARO SANCHEZ AND MERCEDES SANABRIA, AS REQUIRED FOR EXPANSION OF WATER AND SANITARY SEWER SERVICES; PROVIDING FOR RECORDATION 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 Osborne and seconded by Council Member Waller. Motion carried 5 – 0.

**ANNOUNCEMENTS AND PROCLAMATIONS**

**4. Holiday Decorating Contest Awards Presentation**

Manager Umberger stated there were forty-nine (49) entries, of which there were fifteen (15) winners this year and the Village as a whole looked better each year. Mayor Davis presented plaques and \$100.00 checks to Jonathan & Alicia Powell, Santa Anna Drive; Norma and Ramon Garcia, Alameda Drive; Genary & Kirchen Hawkins, Los Altos Drive; Thomas Santiago, Palo Alto Drive; Andrew Stamile, Shady Lane; Johnnie & Susan Tieche, Winged Foot Road and Allen & Patty Brinkley, Lanier Drive. The winners not present would have their certificate and check mailed to them.

**PUBLIC COMMENT**

Lorraine Pease, 341 Greenbrier, stated she had been a resident of Palm Springs for 45 years, since 1962. She wanted to know why there was an agreement on the agenda as item #2 with Solid Waste, as well as item #12 with Republic Services. If the Village was changing the garbage pick up to a private company, what happened to the personal touch the Village was founded on? This used to be a nice country Village and now would they be talking to a machine instead of a human being? How much would be changing? Will the cost go up? Is this going to be cost effective for the Village? How many employees would the Village lay off? I know the residents and Village needed to go with change, but Ms. Pease felt the Village was going too far.

Bill Cyphur, 340 E. Lake Road, stated he had lived in the Village since 1969 and the Village had great garbage pick up now. If the Village brought in a private company, the media has stated that the garbage business was owned by organized crime. Mr. Cyphur wanted to know if the garbage would be picked up as often. Would the residents be able to talk to someone. All the cities say they are going to this option because they don't have the money; but Mr. Cyphur ask why there was so much annexing, which required more services, if there was no money. Mr. Cyphur stated the

Village had good service now and they should keep the employees and the Village garbage pick ups. Mr. Cyphur also wanted to know what had happened to the big cans on wheels the Village use to have that the collectors used when they came up to the house. Now the cans are left in the street.

Johnnie Tieche, 305 Winged Foot, commented on attending the last Code Special Magistrate Hearing, in which the new Special Magistrate presided. Mr. Tieche stated he felt the meeting went very well and the new Magistrate used common sense in her decisions. Mr. Tieche wanted to know if the Village was considering a once a year inspection for rental license renewals. Manager Umberger responded that the Land Development Department was now establishing a list and making sure they had all the rentals. The Village was looking into a once a year fire inspection for smoke detectors, which would be used with the rentals list.

Arthur Wetherill, 337 E. Lake Road, stated he had lived in the Village since 1959. He stated that if this Council voted for this new garbage agreement, they would be doing the residents a disservice. They should keep the Village garbage and the Council should find the money to keep it. Also, Mr. Wetherill stated the police need to patrol the streets of the Village other than Congress Avenue or Forest Hill Boulevard. The police are too busy running radar instead of catching criminals.

Mayor Davis asked Manager Umberger to address some of the garbage issues now instead of waiting for the resolution to come up on the agenda. Manager Umberger stated the Village had started looking at the garbage service about three years ago. In response to Mr. Cyphur's comments, Manager Umberger stated the large orange barrels were done away with because when they were full, they became too heavy and there were too many workers comp claims for injuries. With regard to the side door pick up issue, that service was addressed in the new agreement and would still be available as an additional service if any resident wanted it. With regard to costs, the cost for Village garbage had escalated over the years and was now at approximately \$26.56 per residence. The Village had absorbed these additional costs and not passed them on to the residents; however, that was no longer a cost effective option.

The new company had offered the best plan alternative, keeping the cost level and the pick up services identical to those of the Village, with only a 3% increase per year. Every homeowner would be provided, at Village cost, a 75 or 96 gallon canister on wheels for rolling out to the curb for automated pick up. All garbage service companies were going to automated pick up because of the high insurance liability. Also, homeowners do not realize that if garbage personnel are injured on their property, they could be liable. Regarding questions about speaking to someone, the current liaison person, Ken Dye, would stay in that position after the change and the new company had assured the Village they would be responsive to calls. Regarding the existing personnel in that department, the new company had stated they would be

welcome to apply for their positions with them; or as an alternative, the employees could transfer to any open position in any other department in the Village.

In reply to Ms. Pease's question about the two agreements with Solid Waste and Republic Services, they were entirely different agreements. The Solid Waste Authority agreement was on that all municipalities had in which they agreed that all municipal recycling and solid waste would be brought to the Jog Road facility, which was a flow control agreement.

Mayor Davis stated with regard to the Republic Services agreement, the reforms being mandated by the State had chastised the Village for all the annexation and had caused a 17% hit on the operating fund. However, if the Village had not done the annexations, the 17% hit would have been worse. With this cut back, something had to give to stay within the budget. If the January 29 ballot amendment passes, things could be worse with another possible 15 – 17% cut. Property taxes and insurance are important issues, but what we have is a broken system and is being perpetuated. These cuts do have an impact on municipality's ability to provide services. This Council and this Staff was doing the best job they could to provide high quality service to the resident, but the Village just could not provide the garbage in a cost effective manner any more. Mayor Davis added that all Palm Beach County had only curbside pick up for some time now and their rates were higher than the Village rate.

Manager Umberger added that the Village had been monitoring the garbage pick up process for almost a year and a half and had seen that almost 56% of the residents already use curbside pick up for their garbage. With the new canisters, the unsightly cans would be replaced with a much cleaner operation. The Council had been very specific in requesting that the side door pick up be kept as an option in the new agreement, and it was.

## **PUBLIC HEARINGS**

**This item will be continued to the January 24, 2008 agenda**

- 5. RESOLUTION NO. 2007-66 (SPECIAL EXCEPTION – T-MOBILE ANTENNA)**
- 6. RESOLUTION NO. 2008-02 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF ARIANNA NIELSEN OF LAND DESIGN SOUTH, AGENT FOR THE OWNER, IRT PROPERTY CO.; THE SITE PLAN (SPR 07-19); AND A SPECIAL EXCEPTION USE (PSSE 07-13) FOR CONSTRUCTION OF TWO (2) ADDITIONAL DRIVE-THROUGH LANES TO THE EXISTING WORLD SAVING**

**BANK LOCATED AT 1720 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Village Clerk Walton stated that notice of public hearing was placed in the Lake Worth Herald on November 29, 2007. There were no ex parte communications disclosed. Village Clerk Walton swore in Arianna Nielsen and Director Bette Lowe to give testimony. Manager Umberger advised the Council that World Savings Bank currently occupied this location on the corner of Greenbrier and Congress Avenue, but Wachovia Bank would be relocating to this site and needed the additional drive-through and bypass lanes, as well as minor interior alterations to the existing footprint. The Land Development Board had recommended approval at their meeting on December 11, 2007. Ms. Nielsen testified that the site plan had met all code requirements for the landscape buffer, including signage for the change from World Savings to Wachovia Bank. In response to a question on stacking, Ms. Nielsen stated the stacking would be five car stacking. Mayor Davis stated this was a public hearing and asked for questions from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the site plan was made by Vice Mayor Smith and seconded by Council Member Waller. Motion carried 5 – 0.

**7. RESOLUTION NO. 2008-05 (PRELIMINARY PLAT – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY PLAT FOR CABRERA SUBDIVISION, SUBMITTED BY HECTOR CABRERA, AGENT FOR THE OWNER, FRANCISCO CABRERA, FOR THE PROPRETY LOCATED AT 3386 KIRK ROAD; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

No advertising requirements were necessary. There were no ex parte communications disclosed. There were no Applicants present to give testimony. Manager Umberger advised the Council that this plat subdivided the site into seven single family lots. The Land Development Board had recommended approval at their December 11, 2007 meeting. Mayor Davis stated this was a public hearing and asked for questions from the Council or the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the plat was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. Motion carried 5 – 0.

**8. ORDINANCE NO. 2007-24 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF 4.77 ACRES OWNED BY**

**ROBBEN 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on October 4 and October 11, 2007. There were no ex parte communications disclosed. Manager Umberger stated that presentation had been given at first reading, but Staff was available for questions. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and then from the public. Mayor Pro Tem Brinkman stated the ordinance and back up paperwork should be changed to reflect that the property was not vacant, but contained a mobile home park. Village Attorney Torcivia confirmed the revised language in the ordinance. Hearing no further comments, 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.

**9. ORDINANCE NO. 2007-28 (SECOND 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 Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on November 15 and November 22, 2007. There were no ex parte communications disclosed. Manager Umberger stated that presentation had been given at first reading, but Staff was available for questions. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and then from the public. Hearing none, a motion to adopt the ordinance on second reading was made by Vice Mayor Smith and seconded by Council Member Osborne. A roll call vote was in favor of adoption 5 – 0.

**This item will be continued to the January 24, 2008 agenda**

**10. ORDINANCE NO. 2007-27 (BEER DEPOT - ANNEXATION)**

**REGULAR AGENDA**

**RESOLUTIONS**

**11. RESOLUTION NO. 2008-06**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNOUNCING QUALIFICATIONS AND THE QUALIFYING TIME FOR CANDIDATES FOR THE GENERAL ELECTION MARCH 11, 2008; DESIGNATING VOTING LOCATIONS; APPOINTING THE CANVASSING BOARD; ASSIGNING THE SUPERVISOR OF ELECTIONS TO HANDLE THE ABSENTEE BALLOTS; PROVIDING FOR A RUN-OFF ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that the election would be for Council Member in District 2 and in District 4. The qualifying period would be between Noon on January 29, 2008 and Noon on February 12, 2008. Bev Smith, Chet Osborne and Virginia Walton would be appointed to the Canvassing Board to certify the results of the election. Mayor Davis stated this was a public hearing and asked for questions or comments. 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 Waller. Motion carried 5 – 0.

**12. RESOLUTION NO. 2008-07**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SOLID WASTE AND RECYCLING COLLECTION SERVICES AGREEMENT WITH REPUBLIC SERVICES OF FLORIDA, LP, d/b/a REPUBLIC SERVICES OF PALM BEACH, COMMENCING APRIL 1, 2008 FOR A SEVEN (7) YEAR INITIAL TERM TO EXPIRE ON MARCH 31, 2015; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council this resolution and agreement was the result of direction from Council at their November 15, 2007 Workshop to research and negotiate the possibility of using a private entity to provide solid waste and recycling collection services for both businesses and residential properties at a reasonable cost. The cost of providing these services has escalated over the years to approximately \$26.56 per residence; however, the cost has not been passed on to the residents, but absorbed by the Village. The Village would be able to piggyback an existing contract for these services with Republic Services; thereby keeping the same \$12.00 per residence presently being charged by the Village. This agreement would be for an initial seven (7) year term commencing on April 1, 2008 and expiring on March 31, 2015, with an option for an additional seven (7) year term. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and the public, Council Member Waller stated this had been a painful issue for the past three years and the Council had dreaded this decision; however, this is in the best interests of the taxpayers and the community, the Council had to pass this resolution. Mayor Pro Tem Brinkman wanted to add that the side door pick up would be at an additional cost; however, if any resident was disability or elderly, they would have this pick up at no additional cost. Since public comments had been heard earlier in the meeting, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the agreement was made by Council Member Osborne and seconded by Vice Mayor Smith. Motion carried 5 – 0.

**ADD: 13. FEMA Audit Report for Hurricane Frances in 2004**

The auditors had been in town for some time auditing everyone in Palm Beach and Broward Counties. Not too many cities had experience in hurricane debris clean up and some errors were made. Unfortunately, what the Federal Government said they would do, the auditors reversed several years later. The Village had been paid by FEMA for Frances \$111,279.54, but the auditors were reducing that amount by 58%, or \$64,596.95. Mayor Davis had attended the FEMA meeting yesterday. Manager Umberger and Director Golson had been badgered for several months to sign an agreement to pay the money back. When Mayor Davis asked what would happen if the document was not signed. The Regional Director stated the Village would not have any

right of Appeal if the document was not signed. At that point, Mayor Davis instructed Director Golson to sign the document under duress and make it clear that the Village would Appeal the matter.

What had occurred was when the hurricane debris had been picked up, there were load tickets. On the tickets was supposed to be stated the streets the debris was picked up on. This had not been made clear initially; however, we had submitted a supplemental spreadsheet clearly stating each street the load was picked up on. FEMA agreed that we had supplied the information, but had not done so on the original ticket, so they were disallowing those original tickets. The only thing the Village could hope for was to win on Appeal. Mayor Davis stated he brought this matter up because this was another issue that ate away at Village and other city's budgets. We got better with Jean and again better with Wilma. The auditors will be reviewing Hurricane Jean within the next six months and after that an audit of Wilma.

## **VILLAGE COUNCIL COMMENTS**

Council Member Osborne stated that he had thought about this matter for a long while and had decided that he would not seek re-election when his terms expires in March 2009. Council Member Osborne stated he had been appointed to the Council in September 1978 and had run for re-election every two years since then. By the time his term was up, he would have served on this Council for 30 years and 6 months. He had seen many changes during his tenure; probably the most changes have taken place in the past 8 to 10 years. The Council has accomplished a lot. Not just the Council, but Staff was to be commended. Council Member Osborne stated it had been a great ride, but it was time to get off the train.

Mayor Davis stated the Council was sorry to hear this. He personally had served with Council Member Osborne for the longest of everyone. We have lots of time to figure out what your plaque if going to look like.

Council Member Waller stated she was very sad to hear Council Member Osborne's decision. Council Member Waller commented that she had enjoyed very much the holiday decorating contest judging. The Staff had done a wonderful job. It had been a long evening, but a lot of fun; and she was looking forward to next year. Also, the Lillian Road Passive Park was fabulous and there were many people using it on a regular basis.

Mayor Pro Tem Brinkman wished Council Member Osborne good luck and commented he would have more time for golf then. Mayor Pro Tem Brinkman also stated she had attended the County URA Meeting last night. They were moving forward with all phases, including transportation concurrency. The goal was to have the Land

Development Regulations done by January 2009. The tentative parking ratio was two per 1,000 square feet. She would keep attending the meeting and give updates on the progress.

Vice Mayor Smith stated this was a sad day and Council Member Osborne would be very much missed. Vice Mayor Smith asked Mayor Pro Tem Brinkman if the workforce element had been discussed. Mayor Pro Tem Brinkman replied that it had not been brought up.

**ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 8:32 p.m.

Respectfully submitted,

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Village Clerk

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

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Mayor