

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, MARCH 27, 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, Mayor Pro Tem Patti Waller, Council Member Chet Osborne, Council Member Bev Smith, Village Manager Karl E. Umberger, Village Attorney Glen J. Torcivia, and Village Clerk Virginia M. Walton. Vice Mayor Joni Brinkman 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 and Public Service Director Bill Davis.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Mayor Pro Tem Patti Waller.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: item #7 will be continued until April 24, 2008 agenda

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

CONSENT AGENDA

- 1. Minutes of Regular Council Meeting on March 13, 2008**
- 2. Public Safety Forfeiture Fund Expenditure in the amount of \$2,500.00 for support of the Boy Scouts of America.**
Staff: Jay Pickens, Public Safety Director
- 3. Approval of Task Order No. 97 Engineering Services and Construction Costs for Gravity Sewer, Pump Station and Force Main on Clemens Street.**
Staff: Bill Davis, Public Service Director
- 4. Approval of Employee Benefit Plan for Group Insurance and Dental Plan with Humana Health Services and CompBenefits for Plan Year April 1, 2008 through March 31, 2009.** Staff: Karl E. Umberger, Village Manager

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

ANNOUNCEMENTS AND PROCLAMATIONS

5. Mayor's Proclamation for April as Fair Housing Month

Mayor Davis read the proclamation and instructed the Village Clerk to mail proclamation to Housing Authority.

6. Mayor's Proclamation for March 27, 2008 as Peggy Bradshaw Appreciation Day

Mayor Davis stated he remembered moving to Palm Springs in 1974 and living in Dorchester Building, Village Green, which faced Kirklane Elementary; and he remembered seeing Peggy Bradshaw on the corner of Purdy Lane and Kirk Road every day at her post. This school was not C.O. Taylor/Kirkland Elementary, and Mayor Davis stated he was proud to see Mr. Taylor and his wife in the audience tonight. Mayor Davis stated it was an honor for him to present Peggy Bradshaw with a proclamation to honor all her dedication and hard work for 33 years as a school crossing guard. Mayor Davis then read the proclamation

Chief Jay Pickens then stated that he had been with the Village for twenty-four years, and jokingly commented that Peggy had him beat by ten years and had actually been his crossing guard when he was a student at Kirklane Elementary. Chief Pickens then presented Peggy Bradshaw with a plaque representing 33 years of dedicated service to the safety of the children of Palm Springs. Along with the plaque was a \$100 gift card.

PUBLIC COMMENT

Liz Shields, 2111 Prairie Road, requested the Council do something about the excessive speeding problem on her street. There are skid marks on the street and torn up grass on the properties. The vehicles go about 50 – 60 miles per hour down the street. Ms. Shields wanted to know if more patrols, or possibly speed bumps, would be possible. She had spoken to Chief Pickens several times and stated the Village was very lucky to have a Chief like him. The police are there, but they need to be there more. Mayor Davis asked Chief Jay Pickens for his comments.

Chief Pickens stated he had spoken to Ms. Shields on several occasions, and they had tried traffic enforcement in this area; however, there were some jurisdictional issues because her property is in the Village, but the roadway in front of her home has not been annexed as yet, so enforcement has to be in the portion of the roadway to the north that is in the Village. Mayor Davis suggested Chief Pickens meet with Ms. Shields again and see what further could be done to alleviate her concerns.

PUBLIC HEARINGS

This item will be continued to the April 24, 2008 agenda

7. RESOLUTION NO. 2008-16 (SITE PLAN – DISCOUNT RENTAL)

8. RESOLUTION NO. 2008-20 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF 3400 CONGRESS LLC FOR A SITE PLAN APPROVAL (SPR 08-02) FOR CONSTRUCTION OF A 21,000 SQUARE FOOT ONE-STORY RETAIL BUILDING, ON 2.2 ACRES LOCATED AT 3400 SOUTH 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 January 24, 2008. There were no ex parte communications disclosed. Mr. Ed Oliver, agent for the owner, and Director Lowe were sworn in to give testimony. Manager Umberger advised the Council this site plan had previously been approved as a 23,000 square foot two-story building; but was now re-submitted as a 21,000 one-story building. Manager Umberger further stated that although Vice Mayor Brinkman was not present tonight, she had faxed him her comments to be read into the record during that portion of the approval process. The Land Development Board recommended approval of the request, subject to conditions, at their meeting on February 12, 2008.

Mr. Oliver testified that they were in agreement with the staff conditions, with the exception of one small item. Mr. Oliver testified this was the site of the former Ben's Steakhouse. Based upon the rental market, the original plan has been revised to this present plan. The entry and exit plan had been approved by FDOT and Palm Beach County. The architectural style would be compatible with their other buildings across the street. It was their intention to rent to retail tenants. Other than making a few comments on staff conditions, they would like to discuss the signage on the site. There were three signs grandfathered in and they wished to retain all three signs; however, staff conditions stated the code limited the site to one sign. Mr. Oliver stated that in this market any tenants leasing on this site would like to have as much road sign coverage as possible since the actual building is set back from the road. Mr. Oliver stated Director Lowe's cover letter stated item #5 on staff comments language would be changed from "prior to approval" to "prior to permitting" and for clarification Mr. Oliver requested that change be read into the record and approved. Director Lowe stated she had no problem with that clarification. Mayor Davis asked for comments from Council.

Mayor Pro Tem Waller stated she did have a problem with the three signs. The signs were at the ingress, in the middle, and at the egress. She felt the sign at the egress was unnecessary and the remaining two signs were more than adequate.

Council Member Osborne stated in the cover letter the build out date was 2012; however Exhibit A staff conditions stated 2010. Which was correct? Director Lowe replied that it would be 2010, subject to the Applicant obtaining a revised traffic concurrency statement from Palm Beach County which would extend a build out to 2012. Council Member Osborne also asked for clarification of item #4 regarding sprinkler calculations. Mr. Oliver stated it was the obligation of the Applicant to submit calculations which met the requirements of the Village and they felt they could accomplish this. Council Member Osborne also asked how three signs would benefit the building more than one sign since they would also have wall signs over the individual tenant's space. Mr. Oliver stated they would have wall signs, but they would be approximately 150 feet deep behind trees. The idea of the signage was to capture the drive-by traffic. The Applicant was willing to accept the suggestions of Mayor Pro Tem Waller and reduce the signage from three to two. The sign at the southwest egress would be eliminated. Sign #1 and Sign #2 were shown at 10' x 20' on the plan. Council Member Osborne stated he did not have a problem with the two signs.

Council Member Smith stated she had a problem with three signs and felt the Village should stick to the code, which they had just spent so much time and effort revising. Does 10' x 20' mean it was 200 square feet instead of 80 permitted by code? Mr. Oliver replied that was correct. Mr. Oliver stated the signs were grandfathered in and they could just rework the existing signs, but felt the newer signs would be more compatible with the area. The signage was a very important issue for their ability to rent these spaces. There were further questions regarding the overall surface of the signs with regard to the code. Mr. Oliver admitted they did exceed the code with the existing proposed signage. Director Lowe clarified that 175 square foot of surface for the 300+ frontage was allowed and they had approximately 200 square foot per sign. In reply to a question from Council, Mr. Oliver replied the signs would be internally lit.

Manager Umberger read Vice Mayor Brinkman's comments. "I would like to support the Land Development Board's comments that three proposed free standing signs are excessive. The project has been reduced in size from a two story building to a one story building, and the floor plans submitted allow for twelve leaseable bays. Not taking into account the possibility of one tenant taking down more than one bay, the sign detail on the plan depicts sign face area for twelve tenants. Therefore, only one sign would be required to accommodate all the leaseable bays; and I would suggest they keep the middle sign. This sign, in conjunction with the anticipated wall signage for each bay should be more than adequate. The only other item I would like to comment on was more of a suggestion that the Applicant consider placing the building closer to Congress Avenue for more visibility and reduce the expanse of

parking separating the building from the right-of-way. Mr. Oliver replied that the suggestion was not what the retailer wants. They want parking that is accessible to each store individually. The parking in the rear and sides was for traffic flow. There might be a large one tenant retailer that would request a separate sign, and the balance of tenants on the other sign.

Director Lowe stated she had a correction to make on the signage. If the sign is 20 feet high, it would be considered a pole sign with a maximum surface of 100 square feet. This would mean at two signs, they would be asking for double the allowable signage permitted per code.

Mayor Davis stated there was give and take and compromise in all matters. He preferred the suggestion of the northwest sign, the middle sign and elimination of the southwest sign. Council wanted the corridors into the Village to look good, but also wanted businesses to come. The plans shown have good looking signs. The fact that the building is setback so far from the road, as well as the landscaping that would hide the wall signs being required by Village Code, should be taken into consideration. Since the Council was trying to draw people into the Village, the Council should be willing to work with those people.

Hearing no further comments from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion was made to adopt the resolution, subject to revised conditions discussed tonight, by Council Member Osborne and seconded by Mayor Pro Tem Waller. Village Attorney Torcivia read the resolution by title. Mayor Davis made one last comment. He stated the Council appreciated the input of the Land Development Board and don't take lightly overriding their recommendations; but the final decision is up to the Council. Motion carried 3 – 1, with Council Member Smith dissenting.

9. RESOLUTION NO. 2008-21 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF PHILIPS LAKE WORTH LP FOR A SITE PLAN APPROVAL (SPR 08-03) FOR CONSTRUCTION OF A TRUCK LOADING DOCK ON AN EXISTING BUILDING LOCATED AT THE SOUTHWEST CORNER OF 10TH AVENUE NORTH AND CONGRESS AVENUE, AND KNOWN AS PALM SPRINGS PLAZA; 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 January 24, 2008. There were no ex parte communications disclosed. Mr. Ed Oliver, agent for the owner, and Director Lowe were sworn in to give testimony. Manager Umberger advised the Council the proposal was for a truck loading dock on the southwest corner of the plaza at the old Home

Home Depot building. Part of the existing building would be demolished to accommodate the dock. The Land Development Board recommended approval of the request, subject to conditions, at their meeting on February 12, 2008.

Mr. Oliver testified in order to accommodate tenants, they would demolish a 5300 square feet inside the old Home Depot building to construct a truck loading dock, and a letter has been submitted that there was no traffic increase. The Applicant had agreed that if there was any paving in the LWDD land, they would remove it; they would build a guardrail 10 feet past the loading dock to avoid trucks from going on LWDD land; should they need more paving, they would comply; and, within one year of obtaining a certificate of occupancy, they would re-do new drainage pipes and three new catch basins to eliminate low drainage areas in the center that presently pond water. At the request of the Land Development Board, the property manager had addressed the dumpster problems. Another agreement was made that if within a year the trees on the western property line had not been restored to good condition, they would replace them. Also they would extend the wall to the same height as the existing wall separating the residential homes from the plaza. They were going to add an extra façade to the corner of the plaza by La Reina to accommodate wall signage for the new tenant. Mr. Oliver made a comment on item #21 that it should read Phase II, III and IV, rather than two "Phase II". Director Lowe agreed to the correction. Director Lowe also added that the signage would have to be brought back for approval, and Phase V and VI would require submission of separate site plans. Mr. Oliver agreed.

Mayor Davis asked for comments from Council. Council Member Smith commented the project looked great and they were very excited about what had been done to the shopping plaza to date. Council Member Smith asked if the dock was for all the tenants or just the one for that space. Mr. Oliver replied it was just for the one tenant. Council Member Osborne commented that they had done a great job. Mayor Pro Tem Waller commented she was very happy with the plan. Hearing no further comments, 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, subject to revised conditions discussed tonight, was made by Council Member Osborne and seconded by Council Member Smith. Motion carried 4 – 0.

VILLAGE COUNCIL COMMENTS

Council Member Osborne commented that he had an opportunity to watch the Public Works department distribute the new trash canisters and they had done an excellent, very organized job. He was very impressed.

Council Member Smith asked Public Service Director Davis how many more canisters had to be distributed. Director Davis replied they were finished. Council Member Smith commented that she was excited about the Library Chalk Festival, and

the Easter Egg Event had gone very well, with only a few glitches. Also, the Mayor had done a great job for baseball opening day.

Mayor Davis commented to Director Davis that his guys did good. Mayor Davis then announced the next regular council meeting would be April 24, 2008 at 7:30 pm in Council Chambers.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor