

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, APRIL 24, 2008**

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

Vice Mayor Joni Brinkman called the regular meeting of the Village Council to order at 7:320 p.m.

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

Staff present were Public Safety Director Jay C. Pickens, as Sergeant at Arms, Land Development Director Bette J. Lowe and Finance Director Rebecca L. Morse.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Pull Item #10 from the agenda
Continue Item #12 to the May 22, 2008 agenda
Continue Items #14 and #15 to the May 8, 2008 agenda

A motion to accept the agenda as revised was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 3 – 0.

CONSENT AGENDA

1. **Minutes of Regular Council Meeting on March 27, 2008**
2. **Task Order No. 96 for Eckler Engineering Services for design services in the lump sum of \$7,500 and limited supervisory services during project in a sum not to exceed \$7,800.** Staff: Bill Davis, Public Service Director

3. **RESOLUTION NO. 2008-40 (EASEMENT)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING A GRANT OF EASEMENT FROM GEORGIA JEAN JACOBS, TRUSTEE OF THE GEORGIA JEAN JACOBS REVOCABLE TRUST, FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

4. **RESOLUTION NO. 2008-41 (AGREEMENT)**

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE PURPOSE OF IMPLEMENTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS,

PURSUANT TO SECTION 125.01 AND SECTION 163 , PART III, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

5. RESOLUTION NO. 2008-42 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, VILLAGE MANAGER AND PUBLIC SAFETY DIRECTOR TO EXECUTE AN AMENDMENT TO THE MUTUAL AID AGREEMENT WITH PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES, PURSUANT TO CHAPTER 23.1225 FLORIDA STATUTES, ET SEQ, FOR THE PURPOSE OF COMBINED OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION AS DEFINED IN CHAPTER 252.34; AND PROVIDING AN EFFECTIVE DATE.

Staff: Jay Pickens, Public Safety Director

A motion to approve the consent agenda as presented was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 3 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

6. Mayor's Proclamation for April as Water Conservation Month

Vice Mayor Brinkman read the proclamation and directed the Clerk to send the proclamation to the South Florida Water Management District representative.

7. Mayor's Proclamation for Municipal Clerks Week May 4 – 10, 2008

Vice Mayor Brinkman read the proclamation and presented to Village Clerk Walton.

8. Mayor's Proclamation for Public Works Week May 18 – 24, 2008

Vice Mayor Brinkman read the proclamation and directed the Clerk to send the proclamation to the State Public Works Association.

PUBLIC COMMENT - None

PUBLIC HEARINGS

9. RESOLUTION NO. 2008-09 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF HECTOR CABRERA AND FRANCISCO CABRERA FOR SITE PLAN (SPR 07-01) APPROVAL FOR CONSTRUCTION OF SEVEN (7) SINGLE FAMILY HOMES ON 1.345 ACRES, LOCATED AT 3386 KIRK ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that the Land Development Board had recommended approval of this site plan, subject to staff conditions, at their meeting on April 8,

2008, and Mr. Cabrera was present to answer any questions the Council might have. Mr. Cabrera asked that the language in item #12 on staff conditions be changed to read "prior to permitting" rather than prior to approval. Director Lowe replied that she had provided a revised staff comments and a letter from Eckler Engineering regarding item #12 drainage on the Dais tonight. Director Lowe stated she had no problem with the Applicant's request. Mr. Cabrera also stated he did not agree with item #15 regarding the Miami Curb requirement. Mr. Cabrera stated he had checked the surrounding communities and did not find this type of curb in any of them and he requested this requirement be deleted. The Miami curb was basically a concrete curved swale type of curb. His site plan called for drainage to run off onto the swale and this type curb would prevent this from happening. This was a costly item.

In response from questions from Council, Director Lowe stated the Village was taking on maintenance for another small street and this type curb helped protect the curb and make for a cleaner look. This type of curb was used in many other cities for drainage purposes, but had not been used in the Village because most of our streets were very old. Director Lowe stated we would probably recommend this type of curb on future streets, particularly on the small streets that the Village would maintain. Mayor Pro Tem Waller commented that her community, Lakeside Village, had this type of curb and they did a good job for the drainage, but they were not good for people walking on the road because there was more chance of tripping. Council Member Osborne stated that we should change the code to include this requirement prior to asking for this in a site plan approval. Council Member Osborne also asked that the existing house on this site be renovated to conform with the esthetics of the new homes being constructed because in its present condition it was an eyesore. Mr. Cabrera agreed.

Vice Mayor Brinkman asked for questions or comments from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution, with revised staff conditions, was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 3 – 0.

This item was pulled from the agenda

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

11. RESOLUTION NO. 2008-34 (SPECIAL EXCEPTION – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING, WITH CONDITIONS, THE APPLICATION OF PHILLIP HUDSON, AGENT FOR THE TENANTS, SHOP & GO LLC d/b/a A & M DISCOUNT BEVERAGE, AND THE OWNER, IRVING REGENSTREIF TRUST, FOR A SPECIAL EXCEPTION USE (PSSE 08-05) FOR INTERIOR RENOVATION OF AN EXISTING BUILDING FOR USE AS A TAKE-OUT DELI RESTAURANT LOCATED AT 2911 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that the deli being requested was for preparation of sandwiches and only a microwave for heating. This would be take-out only service and no seating would be provided. The hours of operation would be 8 am to 9 pm Monday thru Thursday, 8 am to 10 pm Friday and Saturday, and 10 am to 8 pm on Sunday. Permits would be required for any renovations to the building and a floor plan and life safety plan would be submitted to the building department to determine any issues. The Land

Development Board had recommended approval of the request at their meeting on April 8, 2008. Mr. Hudson, the Applicant, was present to answer questions. Mr. Hudson stated he and his wife had taken over the business about 2 ½ months ago and had cleaned up the building and brought back customers. Mr. Hudson stated this request was brought about by many requests from his patrons. Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 3 – 0.

This item was continued to the May 22, 2008 agenda

12. RESOLUTION NO. 2008-35 (SITE PLAN – RICH OFFICE BLDG)

13. RESOLUTION NO. 2008-36 (SIGN VARIANCE – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING) THE APPLICATION OF PALM SPRINGS PARK OF COMMERCE, FOR A VARIANCE FROM SECTION 34-327 OF THE VILLAGE SIGN CODE OF ORDINANCES TO ALLOW A MONUMENT SIGN 15 INCHES FROM THE SOUTH PROPERTY LINE AND NO LANDSCAPING AT THE BASE ON THE SOUTH SIDE FOR THE COMMERCIAL BUILDING LOCATED AT 3223 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council the variance proposed a 15 inch setback from the south property line. Section 34-327 of the Village code required a 5 foot setback from the property line and a minimum of 3 feet of landscaping on each side of the base. Since 15 inches would not permit the landscaping, the Applicant was also requesting a variance to permit no landscaping adjacent to the base on the south side. Photographs of the sign had been provided for Council review. Also a copy of the approved site plan, which indicated the sign at 4 feet from the property line, had also been provided to Council. The sign subcontractor had installed the sign in the wrong location and had not obtained a permit. The sign variance was being requested based on financial hardship. The property owner to the west had voiced an objection to the granting of this variance based on visibility of his property and signage. Staff was recommending denial of the variance request because it was not felt that the basis of financial hardship had been met.

Carlos Gonzalez stated the site plan had been approved with a 2 foot setback, and as an oversight on their part was the assumption that the sign and flagpole were approved when the site plan was approved. This was not an intentional mistake, but rather an oversight on everyone's part. He did not feel the sign was an impact on the site, but he would hear the complaint to determine the impact. Mr. Gonzalez stated the Village had annexed several properties on Lake Worth Road that had signs closer than 5 feet and it would impact his business more than his neighbors if the sign had to be moved back. Director Lowe clarified Mr. Gonzalez's statement on the setback that the approved site plan provided to Council showed the sign at 4 feet. Council Member Osborne stated the properties on Lake Worth Road that Mr. Gonzalez referred to were annexed into the Village with the signs already existing and this site was new construction and must meet code. Mayor Pro Tem Waller asked if a compromise could be made by possibly cutting back the base and installing some landscaping.

Mr. Gonzalez stated the base of the sign was a secondary poor and could possibly be taken out to accommodate landscaping, but he was not sure of the structural stability of the sign.

Mayor Pro Tem Waller stated she agreed that at 2 feet the sign would be very similar to the other existing signs along Lake Worth Road. In response to comments from the Council, both Director Lowe and Village Attorney Torcivia stated the code required a variance to be granted only if a true hardship could be provided. Vice Mayor Brinkman commented that the existing signs along Lake Worth Road could possibly have a short setback due to road widening projects. Regardless of the circumstances, the Village had devoted a long time reviewing and revising the sign code and had given a reduced setback of 5 feet for monument signs to encourage the use of monument signs. Otherwise, the setback was 15 feet. Vice Mayor Brinkman stated she did not feel the Applicant met the criteria for a variance. Director Lowe read the section of the code stating the requirements for a variance and commented that it appeared the Applicant did not meet all of the requirements.

A motion to deny the variance request was made by Council Member Osborne and, after passing the gavel to Mayor Pro Tem Waller, Vice Mayor Brinkman seconded the motion. Jason Wobeser, asked to speak to the Council. Vice Mayor Brinkman allowed the comments. Mr. Wobeser stated he had never made a formal complaint against this site, but had spoken privately to several Village staff; however, he did feel that this site should have to meet the same sign and landscaping requirements that he was meeting for his new construction and signage. He felt the Council would make the right decision. Hearing no further comments, motion carried 2 – 1, with Mayor Pro Tem Waller dissenting. Village Attorney Torcivia read the resolution by title denying the sign variance.

This item was continued to the May 8, 2008 agenda

14. RESOLUTION NO. 2008-37 (SIGN VARIANCE – C&D PRODUCE)

This item was continued to the May 8, 2008 agenda

15. RESOLUTION NO. 2008-38 (FINAL PLAT- Cabrera Subdivision)

REGULAR AGENDA

ACTIONS AND REPORTS

16. Acceptance of Warranty Deed for Frost Lake Passive Park Property
Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that this property was being deeded to the Village as final settlement of a code enforcement lien for failure to maintain property in a safe manner, which endangered surrounding property owners. Staff felt this action was the best solution to an ongoing problem and would enable the property to become an asset to the Village rather than a liability. A motion to accept the Title and Deed for Frost Lake Park was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 3 – 0.

17. Approval of Palm Beach County League of Cities Voting Delegates
Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council this was a request for an update on Council's designation of a voting delegate and alternates for representation at all League functions. The current delegate was Mayor Davis, with the Village Manager and the entire council as alternates. A motion to appoint Mayor Davis as voting delegate and the Village Manager and all

council as alternates was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 3 – 0.

18. Appointments to the Leisure Services Board

Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that there were two alternate positions vacant on the Leisure Services Board and two applications had been received by Leslie Kubeck and Brenda McNair Parrish, indicating their desire to assist on this Board. A motion to appoint Leslie Kubeck and Brenda McNair Parrish as senior and junior alternates on the Leisure Services Board for a one year term to expire on March 27, 2009, was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 3 – 0.

19. Appointments to the Library Board

Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that two positions on the Library Board would expire on April 24, 2008 and the two current members, George Waller and Kathleen Dunn, had indicated their willingness to continue to serve on the Board. A motion to re-appoint George Waller and Kathleen Dunn as regular members of the Library Board for three year terms to expire on April 24, 2011, was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 3 – 0.

20. Appointments to the Construction Board of Adjustment and Appeals

Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that two regular and one alternate position on the Construction Board of Adjustment and Appeals would expire on April 27, 2008. One of the regular members, Anthony Castle, had resigned from the Board and moved out of state. The remaining regular member, Gary Salfelder, and the alternate member, Rhondia Siano, had indicated their willingness to continue to service. Since there was now a regular member position available, Ms. Siano was eligible to be appointed to fill that vacancy. A motion to appoint Gary Salfelder and Rhondia Siano as regular members of the Construction Board of Adjustment and Appeals for three year terms to expire on April 27, 2011, was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 3 – 0.

VILLAGE COUNCIL COMMENTS

Council Member Osborne commented that the Village Employee picnic was well attended and appeared to be a great success.

Mayor Pro Tem Waller agreed all had a great time at the picnic and thanks to staff for putting the event on.

Vice Mayor Brinkman announced the next regular Council Meeting would be on May 8, 2008 at 7:30 p.m.

ADJOURNMENT

Hearing no further business, Vice Mayor Brinkman adjourned the meeting at 8:22 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor