

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, MAY 22, 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 Joni Brinkman, 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.

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 Vice Mayor Joni Brinkman.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: add: 3A. Rep. Shelly Vana Legislative Update

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

CONSENT AGENDA

- 1. Minutes of May 8, 2008 Regular Council Meeting**
- 2. Public Safety Budget Amendment to recognize funds from Lake Clarke Shores in the amount of \$5,000 for participation in the Mobile Computer Aided Dispatch System.**

A motion to approve the consent agenda as presented was made by Vice Mayor Brinkman and seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

- 3. Joseph Fallon Scholarships Awards**

Mayor Davis introduced Mr. & Mrs. Fallon and their daughter. Mayor Davis and

Mr. Fallon gave four award plaques and \$1,100 scholarship checks to Jordan Lohman, of Lake Worth High School, who planned to attend the University of Florida and major in medicine; Robert Lancaster, of John I Leonard High School, who planned to attend Florida Atlantic University and University of Florida and major in Pharmacy; Annalisa Hogan, of John I Leonard High School, who planned to attend Palm Beach Community College and Palm Beach Atlantic University and major in English; and Ivette Hernandez, of Forest Hill High School, who planned to attend Palm Beach Community College and Palm Beach Atlantic University and major in biology/pharmacy. The judges this year were Mayor Pro Tem Patti Waller, Library Director Elena Romeo, Chief Jay Pickens, for PAL, Richard Griffin, for Palm Springs Kiwanis and Karl Umberger as Chair. Mr. Fallon stated that they had been residents of the Village for over 25 years. Their son, Joseph, and his sister had been very active in the Village Library programs; and when Joseph passed away while attending John I Leonard High School, the Friends of the Library and the Village Council put together this scholarship program to honor Joseph Fallon. There have now been over thirty recipients of this scholarship since 1996, and he hoped that these new recipients would make good use of this scholarship and return to make themselves and their families part of this Village. Each of the recipients thanked the Village and the Fallon family for this opportunity.

PUBLIC COMMENT

3A. Representative Shelly Vana Legislative Update

Representative Vana stated this was the second year she had the honor of being present during the presentation of the scholarship awards. As an educator, she was very proud to represent this area and the wonderful things the Village does for its students. Representative Vana congratulated the students and their families.

Representative Vana stated there were a lot of bad things that happened in Tallahassee this past year, and her office has just received an email from the new incoming Speaker that the estimated revenue conference was not rosy either, and more cuts were probably forthcoming. For the first time that Representative Vana could remember, new language was added to the budget that allowed agencies to make further cuts without bringing the representatives back to Tallahassee to vote. The tax cuts made this year were not thought out well and again gave no relief to businesses or new buyers. The representatives had not been given adequate background information prior to voting on these cuts. The education budget was reduced by about \$117 per child in Palm Beach County. These were historic cuts. Across the state, there were serious reductions going on. Representative Vana also did not feel the right thing was done by cuts in funding safety and security. Funding was cut for courts, for state attorneys, for probation officers and for public defenders, even though they had been told these areas could not be cut if the Sheriff was to be successful in bringing crime

under control. There were also cuts for hospitals and community health centers and nursing homes. There were major cuts to transportation that would impact Florida's economy for at least the next 5 years. Representative Vana stated she had voted against the budget because she felt there were ways to bring the budget in without some of the dire cuts that were made. One of the few things that had increased was funding for prisons. Representative Vana felt we could do better by funding schools and jobs. The school grading mechanism had been changed and a small turn away from the FCAT for high schools. It was a small step and more was needed. AG Holly would continue to be funded, but would be privatized. Also the Criminal Street Gang Bill was passed.

Council Member Smith asked if there was any update on the Portability and Save our Homes issues going through the Courts. Rep. Vana stated they had not received any updated information recently. One of the proposals voted out of the House would have been the 1.35% cap for everyone, which would have made any court case stronger. Something will have to happen and Rep. Vana commented that someone strong would have to step forward at the next Session and take drastic measures for real reform.

Mayor Davis thanked Representative Vana for her update.

PUBLIC HEARINGS

4. RESOLUTION NO. 2008-46 (SITE PLAN/SPECIAL EXCEPTION – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF LEADERSHIP ACADEMY WEST, INC., TENANTS OF THE OWNERS, CONGRESS LAKE WORTH LLC, FOR SITE PLAN (SPR 08-08); AND A SPECIAL EXCEPTION USE (PSSE 08-05) FOR RENOVATION OF AN EXISTING BUILDING FOR USE AS A CHARTER SCHOOL, LOCATED AT 3525 SOUTH CONGRESS AVENUE, ON THE SOUTHWEST CORNER OF 10TH AVENUE NORTH AND 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 April 24, 2008, and swore in Spenser Crowley, Matthew Barnes, Sean MacKensie, Faith Morrison and Director Lowe to give testimony. There were no ex parte communications disclosed. Mr. Crowley stated this site plan and special exception would allow the Leadership Academy West, which was presently located on the G Star school site, to occupy the second floor of the office building. The building was already constructed. Mr. Crowley stated they had reviewed all conditions

of approval and agreed with all, with the exception of #1. Mr. Crowley requested that the hours of operation be amended to read 8am to 6pm, rather than 5pm, to allow for occasional after school activities. Director Lowe replied there was no objection to that change. Timing was critical because the school was hoping to open for the fall school schedule; therefore, there was only the summer to get the permit approved and make any alterations to the building necessary.

Faith Morrison, Principal of Leadership Academy West, stated they had been in operation for three years and were currently a science and technology Charter High School. They presently had 125 students and hoped for 185 for the Fall Session. The School District was requesting they move from their present location, and the students were looking forward to the move to the new building. Council Member Smith wanted to know what the percentage of parents showing up for school activities was. Ms. Morrison replied that it was about 10% and that is what they anticipated even with the increased student population. Council Member Osborne asked where the children were bused in from. Ms. Morrison stated the students came from the Western and Eastern communities. They presently had one bus, but anticipated two buses for the new session. The buses would be parked behind the building, and during the day the buses would be used to take the children to P.E. at the YMCA. Vice Mayor Brinkman suggested they may want to put some pavement around the bike racks. Vice Mayor Brinkman also asked, with regard to concurrency, whether this a more intense or less intense use of the site. Mr. MacKensie replied there would be a slight increase in use for the AM peak hours and a decrease for the PM peak hours.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Torcivia read the resolution by title, with the revisions to the conditions noted tonight. A motion to adopt the resolution and approve the special exception was made by Council Member Smith and seconded by Council Member Osborne. Motion carried 5 – 0.

5. ORDINANCE NO. 2008-05 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .19 ACRES OWNED BY 2964 LLC; LOCATED AT 2964 2nd AVENUE NORTH; 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 ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; APPROVING THE TERMS AND

CONDITIONS OF THE ANNEXATION AGREEMENT; 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 May 1 and May 8, 2008. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from Council and from the public.

Hearing no comments or questions, a motion to adopt the ordinance on second reading was made by Vice Mayor Brinkman and seconded by Mayor Pro Tem Waller. A roll call vote was in favor of adoption 5 – 0.

6. ORDINANCE NO. 2008-06 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .99 ACRES OWNED BY CUMBERLAND FARMS, INC.; LOCATED AT 3980 KIRK 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 ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; APPROVING THE TERMS AND CONDITIONS OF THE ANNEXATION AGREEMENT; 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 May 1 and May 8, 2008. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from Council and from the public.

Hearing no comments or questions, a motion to adopt the ordinance on second reading was made by Council Member Osborne and seconded by Council Member Smith. A roll call vote was in favor of adoption 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

7. Nomination for Attendance at Community Ethics Forum

Staff: Karl Umberger, Village Manager

Mayor Davis stated he had received a letter to attend this Forum. He was going to be out of town, but felt it was important that someone attend the Forum and the representative must be an elected official. The Forum was on June 3, 2008, from 8 to 11 am. Vice Mayor Brinkman volunteered to attend on behalf of the Mayor.

8. Manager's Evaluation and Contract Renewal

Mayor Pro Tem Waller stated "the man was aces", especially this year when we needed to cut taxes. Mayor Pro Tem Waller suggested a 5% increase.

Council Member Smith stated the Village was fortunate to have Mr. Umberger. There was a good transition for the privatizing of the garbage, and this was a very tough budget year. Council Member Smith would go with a COLA increase.

Council Member Osborne commented that Mr. Umberger had done an outstanding job this year and had put a lot of effort to help cut through the problems and he was an asset to the Village. Council Member Osborne also went along with the COLA increase.

Vice Mayor Brinkman commented that Mr. Umberger has always done a great job and puts in 110%. The reason the Village was in a position to not be hurt as badly as other municipalities with the tax cuts was because of Mr. Umberger's management of the budget and revenues in past years. Vice Mayor Brinkman also suggested the COLA increase.

Mayor Davis commented that Mr. Umberger had been with the Village since 1996. During that time he had increased the assessed valuation in the Village from \$176 million to in excess of \$800 million, until the crunch hit. Mr. Umberger was very frugal, sometimes too much so. Mr. Umberger had developed a team and the leader of a successful team should be rewarded. Mayor Davis recommended a 5% increase and renewal of the contract for an additional 3 years.

A motion to increase Mr. Umberger's salary by 5% and renew the contract for an additional three years was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

RESOLUTIONS

9. RESOLUTION NO. 2008-47 (AGREEMENT)

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH SOLID WASTE AUTHORITY (SWA) FOR BILLING ASSISTANCE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS FOR GARBAGE, TRASH AND RECYCLABLES COLLECTION SERVICES, PURSUANT TO SECTION 163.01, FLORIDA STATUTES, ET SEQ.; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia Walton, Village Clerk

Manager Umberger stated that the Council had decided, when the collection of garbage was privatized, to shift the garbage charge to the Palm Beach County Tax Bills. This would guarantee full collection and the residents would be able to write that charge off on their taxes. This agreement would provide billing assistance from Solid Waste Authority for collection of these non ad valorem assessments. This was the final agreement required in preparation for transferring the costs of garbage collection to the Palm Beach County Tax Collector yearly tax bills.

Hearing no comments from the Council or the public, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the interlocal agreement was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Manager Umberger commented that it was always a pleasure to be recognized for good things. He did instill in staff that there was not an open pocketbook in government, and this staff has used the term “thinking outside the box” very effectively and continue to do so.

Vice Mayor Brinkman congratulated Manager Umberger.

Council Member Osborne congratulated Manager Umberger and commented he was sure he would continue to do a great job for the Village.

Council Member Smith commented she was looking forward to work with Manager Umberger for another three years. Also, congratulations to the students. Council Member Smith told the students it always thrilled the Council to see them come each year and she wished them all well with the endeavors. Also, the Chalk Painting Festival and the Jazz Night put on by the Library were wonderful events and hopefully the Village could do more of these positive programs in these down economic times. It

was a great thing for families to come to. Council Member Smith also complimented the Leisure Services Department for the great idea they had implemented in starting the Youth Umpire Training Program.

Mayor Pro Tem Waller congratulated Manager Umberger and also the students; and commented how proud she was to be on the scholarship committee, with such quality students in the Village.

Mayor Davis commented to the students that aside from handing out the Holiday Decorating Contest checks, this was the best council meeting for him. He hoped they would all enjoy college. Also congratulations to Manager Umberger. The next regular council meeting would be on June 12, 2008 at 7:30 pm in Council Chambers.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:31 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor