

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, July 24, 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 Deputy Village Clerk Jane R. Worth.

Staff present were Public Safety Director Jay C. Pickens, as Sergeant at Arms, Land Development Director Bette J. Lowe, 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 Mayor Pro Tem Patti Waller.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Item #21 – Pulled from the Agenda, to be heard at the August 28, 2008 Meeting
Item #23 – Moved to 11A

A motion to accept the agenda as revised was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5-0.

CONSENT AGENDA

- 1. Minutes of Regular Council Meeting on June 26, 2008**
- 2. Approval of Library Long Range Plan**
Staff: Elena Romeo, Library Director
- 3. Public Safety requesting approval of an expenditure, in the amount of \$7,000, from the Forfeiture Fund for equipment, uniforms and annual summer trip for the Palm Springs Explorer Post.**
Staff: Jay Pickens, Public Safety Director
- 4. Approval of Eckler Engineering Task Order No. 98
12-Inch Force Main between LWDD Canal 9 and LWDD Canal 11**
Staff: Bill Davis, Public Service Director

5. RESOLUTION NO. 2008-53 (AGREEMENT)

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, FOR A PUBLIC OUTDOOR RECREATION PROJECT GRANT UNDER THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) PURSUANT TO CHAPTER 375.075 FLORIDA STATUTES, AND CHAPTER 62D-5 PART V OF THE FLORIDA ADMINISTRATIVE CODE FOR THE PURPOSE OF CONSTRUCTION OF IMPROVEMENTS TO LAKE FROST ON LILLIAN ROAD; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Golson, Leisure Service Director

6. RESOLUTION NO. 2008-54 (AGREEMENT ADDENDUM)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE CONTRACT AMENDMENT WITH AKA SERVICES, INC., FOR THE CONSTRUCTION OF CERTAIN UTILITY IMPROVEMENTS AT CLEMENS STREET, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Services Director

7. RESOLUTION NO. 2008-55 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE CONTRACT WITH ENTREPRENEUR HOLDINGS, INC., FOR CERTAIN UTILITY IMPROVEMENTS AT CLEMENS STREET, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

8. RESOLUTION NO. 2008-59 (ADDENDUM)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 1 TO TASK ORDER NO. 90 WITH AKA SERVICES, INC., FOR A CREDIT IN THE AMOUNT OF \$23,454.50; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Department

A motion to approve the consent agenda as presented was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 5-0.

ANNOUNCEMENTS AND PROCLAMATIONS**9. Representative Mary Brandenburg presentation of FRDAP Grant**

Representative Brandenburg stated the Village of Palm Springs applied for a Grant under the Florida Recreation Development Assistant Program (FRDAP), for improvements to the Lillian Road Lakeside Park. Representative Brandenburg presented Mayor Davis with a check in the amount of \$76,281.10. Mayor Davis thanked her and informed residents that more work had been done on the park recently. The Village's largest problem were Hurricanes Jean and Frances. Directions were given to residents that were interested in visiting the park by Mayor Davis.

10. Mayor's Proclamation for July as Parks and Recreation Month

Mayor Davis read the proclamation announcing July 2008 as Parks and Recreation Month in the Village of Palm Springs. Mayor Davis presented Leisure Services Director Golson with the proclamation and congratulated him on the FRDAP Grants.

11. Mayor's Proclamation for August 4 – 8, 2008 Water Profession Week

Mayor Davis read the proclamation announcing the week of August 4 - 8, 2008 as Florida Water Profession Week in the Village of Palm Springs. Mayor Davis presented Mr. Donovan with the proclamation and congratulated him.

Mr. Donovan thanked the Mayor and Council for inviting him and fellow colleagues, Richard Gelm and Sen Morales of the Water Profession. Mr. Donovan stated the Village had an outstanding water plant. Mr. Donovan gave a brief history of the Florida Water Pollution Control Operator Association and the new qualifications needed for becoming a certified Water Plant Operator. In closing, Mr. Donovan stated scientists say that our water supply will be more important than the price of gasoline in the future.

11A. Update Report from FoundCare/Comprehensive Community Care Network

Ms. Yulette Bonè, Executive Director and CEO of the organization, FoundCare, thanked the Mayor and Council for their time. Funding for the organization came from Quantum Foundation and many other donators. A few benefits mentioned from the Community Health Centers were increased access to quality healthcare, job creation, decreased Emergency Room visits, identification and management of chronic illnesses, extended hours, pediatric/adult care medicine, Pharmacy, mental health care, and to save tax payers about \$10 billion - \$17 billion a year. Ms. Bonè stated medically underserved and individuals who lack access will gain from the medical services. An invitation was then extended to the Mayor and Council for a tour of the newly renovated

building located at 2330 South Congress Avenue. Approximate date of opening would be early September, 2008. Ms. Bonè also mentioned pavers would be sold as a fund raiser, profits estimated to be \$300,000.00.

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

12. RESOLUTION NO. 2008-57 (SPECIAL EXCEPTION – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING, WITH CONDITIONS, THE APPLICATION OF JUAN MANUEL CALLE, THE OWNER OF LA PIZZARRA, FOR A SPECIAL EXCEPTION USE (PSSE 08-08) FOR A PIZZA RESTAURANT TO BE LOCATED AT 2677 FOREST HILL BOULEVARD, SUITE 112; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

There were no ex parte communications disclosed and the Applicant was not present. Deputy Village Clerk Worth stated notice of public hearing was placed in the Lake Worth Herald July 10 and July 17, 2008. Manager Umberger advised the Council the Land Development Board had recommended approval of the request, subject to the hours permitted by code, at their meeting on July 15, 2008. This was a Special exception request for a pizza restaurant by Mr. Juan Calle, tenant and business owner. The proposed hours of operation are 11:00 pm to 1:00 am Sunday thru Wednesday and 11:00 am thru 5:00 am Thursday thru Saturday. Section 14-61 of the Village Land Development Code limits businesses that sell alcohol to 7:00 am to 4:00 am Monday thru Saturday and 12:00 pm to 4:00 am on Sunday. An extension of the hours would require a variance.

Council Member Smith stated at the Land Development meeting, the concern was that once a bar in the same plaza closed at 4 am, patrons would then relocate to the to the pizza restaurant. The possible overflow would congregate to the parking lot and increase situations for Public Safety. Vice Mayor Brinkman stated a variance of the hours to 5 am would allow for loitering in the parking lot and extended drinking hours. She would not be in favor of possible repercussions extending from the extended hours. Council Member Osborne and Mayor Pro Tem Waller agreed with the recommendation of the Board. Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution according to the hours of Section 14-61 of the Village Code was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5-0.

13. RESOLUTION NO. 2008-58 (SPECIAL EXCEPTION – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING, WITH CONDITIONS, THE APPLICATION OF SILVIO M. PALOMINO, AGENT AND TENANT OF THE OWNERS, PHILIPS LAKE WORTH LP, FOR A SPECIAL EXCEPTION USE (PSSE 08-09) FOR A COFFEE & CIGAR RESTAURANT TO BE LOCATED AT 3321-A SOUTH CONGRESS AVENUE, IN PALM SPRINGS PLAZA; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

There were no ex parte communications disclosed. Mr. Silvio Palomino, the tenant and business owner, was present and sworn in to give testimony. Deputy Village Clerk Worth stated notice of public hearing was placed in the Lake Worth Herald July 10 and July 17, 2008. Manager Umberger advised the Council the Land Development Board had recommended approval of the request, subject to granting an administrative variance for extended hours and no outdoor seating permitted at their meeting on July 15, 2008. There would be a separation of the two spaces, isolating the cigar shop from the coffee shop patrons.

Council Member Osborne questioned the separation of both sections. Mr. Palomino stated there would be a separate room with the walls and ceiling would be sealed completely with an air handler installed. Vice Mayor Brinkman stated she was familiar with the location and happy another coffee shop would be there. She did question why outdoor seating would not be permitted. Director Lowe stated Land Development Board followed staffs recommendation. Java Jazz, the prior tenant, was not permitted to have outdoor seating. This prevented blockage of the sidewalk. Council Member Smith and Mayor Pro Tem Waller stated the possibility of outdoor seating might deter non-smokers from entering the coffee shop. Mayor Davis stated he had no problem with the hours or the outdoor seating, however, if Mr. Palomino did not want people smoking outside the coffee shop, he would be responsible for that. Manager Umberger stated 3 tables with 2 chairs each, would also allow pedestrians to move without a problem on the sidewalk. Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution with seating permitted outside and the extended hours was made by Vice Mayor Brinkman and seconded by Mayor Davis. Motion carried 5-0.

14. ORDINANCE NO. 2008-08 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, REPEALING ORDINANCE 2006-44 WHICH INADVERTENTLY REFERENCED AN INCORRECT PARCEL CONTROL NUMBER AND FAILED TO ANNEX PROPERTY INTO THE VILLAGE OF PALM SPRINGS; PROVIDING FOR

CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Staff: Glen J. Torcivia, Village Attorney

Manager Umberger advised the Council that Ordinance 2008-08 repealed Ordinance 2006-44, which inadvertently annexed a non-contiguous parcel into the Village. An incorrect parcel control number was placed in the legal description annexing the wrong parcel therefore Ordinance 2006-44 must be repealed. The Land Development Board had recommended approval at their meeting on July 15, 2008. Hearing no comments from the Council or the public, Village Attorney Torcivia read the Ordinance by title. A motion to adopt the ordinance was made by Council Member Osborne and seconded by Vice Mayor Brinkman. Motion carried 5-0.

15. ORDINANCE NO. 2008-09 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AMENDMENT NO. 08-01 TO THE ADOPTED COMPREHENSIVE PLAN FOR THE VILLAGE OF PALM SPRINGS, FLORIDA, IN ACCORDANCE WITH THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AS AMENDED, BEING SECTIONS 163.3161, ET SEQ., FLORIDA STATUTES, WHICH AMENDMENT IS ATTACHED AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE; INCORPORATING A NEW WATER SUPPLY FACILITIES WORK PLAN FOR THE VILLAGE OF PALM SPRINGS; 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 this would approve the Comprehensive Development Plan Amendment that incorporated a new Water Supply Facilities Work Plan for the Village of Palm Springs. Requirements would be added to Chapter 163 of the Florida Statutes for local governments to prepare a ten year water supply facility work plan and incorporate them into the comprehensive plan. The Land Development Board had recommended approval at their meeting on July 15, 2008.

Manager Umberger stated a representative from Larue Planning was present to answer questions. Mayor Davis stated this was a public hearing and asked for comments from the Council or the public. Council Member Osborne questioned Policy B-5 in reference to the 80% of South Florida Water Management CUP. Ms. Kalinski stated it was a "Consumptive Use Permit" which facilities are permitted through regulatory agencies to determine the capacity at which the Village would be able to function. When 80% had been reached, reapplying for greater capacity or building a facility that would allow a larger capacity, were the two options. There are infrastructure capacity and water demand capacity which would allow to pull or withdraw from the

water source. Council Member Osborne also questioned Objective F, Alternative Water Supplies, Page 4-7. Ms. Kalinski stated this would work with other governmental agencies with their suggestions for alternative point of other water supplies. The Utilities Director would be able to recommend different suggestions. There is a requirement by the state that you consider other water sources when feasible.

Manager Umberger stated Mr. Davis the Utilities Director has been in ongoing discussions with PB County as an alternate supplier for the Village. There will be ample supply for the Villages needs. Vice Mayor Brinkman questioned Section 4-3 Policy B21. She asked why a lesser gallon per capita daily used, verses what South Florida Water Management says is the average. Ms. Kalinski stated that was the allowance to be withdrawn. A definition of Section 4-3, Policy D-1 was requested. Ms. Kalinski stated that was language to be required by the State to make sure that the water was available to those individuals that would be using it. Council Member Osborne also questioned Section 4-10 Policy KL2. Director Lowe stated it was an existing comment that was inserted into the element. Village Attorney Torcivia read the Ordinance by title. A motion to adopt the ordinance was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5-0.

16. ORDINANCE NO. 2008-10 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PROVIDING FOR AN AMENDMENT TO CHAPTER 1 "GENERAL PROVISIONS" SECTION 1-2 "DEFINITIONS AND RULES OF CONSTRUCTION"; PROVIDING FOR AN AMENDMENT TO CHAPTER 34, ARTICLE IV SIGNS, AMENDING SECTION 34-262 "PROHIBITED SIGNS"; ADOPTING SECTION 34-295 "MURAL PERMITS"; RENUMBERING SECTION 34-295 "FEES"; 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 the Ordinance would amend the sign code of the Village of Palm Springs to incorporate murals. There were businesses and structures within the Village which had requested the use of murals. Mayor Pro Tem Waller stated she would be in favor of murals, although the Village would need strict criteria for designs be applied. Vice Mayor Brinkman questioned the ultimate goal of the Ordinance. Would it be another mechanism for signage or to provide artwork. One criteria that would need to be addressed would be the compatibility of adjacent properties, did it enhance the esthetic beauty. The esthetics criteria were too subjective. A mural should not be used as a form of advertising for the business within the building. That would circumvent our signage code. Director Lowe stated some of the new businesses coming in, use murals as a point of reference, it identified their

business and what they do. It was also art work. Council Member Smith stated she had no problem with murals, however, the particular Ordinance eliminates under Section 34-262 other painted wall signs. There would need to be more specifics. Mayor Davis stated right now it would be a prohibited use, which must be addressed. The sign code prohibits LED lights that gas stations are now putting up. Mayor Davis stated businesses will stop coming to the Village if there are not different criteria's met for murals or signs. Vice Mayor Brinkman requested an addition to the ordinance, stating that murals that were not finished or become a nuisance due to paint chipping, or fading would be replaced or fixed. Director Lowe stated Section 34-265 basically covers maintenance of signs. Code Enforcement would be informed at that point. Council Member Smith questioned if the mural at Palm Springs Elementary School would be under this Ordinance. Director Lowe stated it was limited to the commercial zoning district.

Village Attorney Torcivia read the Ordinance by title. A motion to adopt the ordinance was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 3-2.

17. ORDINANCE NO. 2008-11 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .86 ACRES OWNED BY CONGRESS/SUMMIT PLAZA, INC.; LOCATED AT 815 SOUTH CONGRESS AVENUE; 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; 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

Manager Umberger advised the Council this parcel was located in the Village's target annexation area and was compact and contiguous to the Village with the Summit/Congress Plaza Inc. Shopping Center to the west. The Land Development Board had recommended approval at their meeting on July 15, 2008. Hearing no comments from the Council or the public, Village Attorney Torcivia read the Ordinance by title. A motion to adopt the ordinance was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5-0.

18. ORDINANCE NO. 2008-12 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING TWO PARCELS OF LAND TOTALING .62 ACRES OWNED BY THOMAS H. & REBECCA W. SHEFFIELD; LOCATED AT 834 SOUTH CONGRESS AVENUE AND A VACANT LOT ON HOLLY 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; 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 this parcel was located in the Village's target annexation area and was compact and contiguous to the Village with High Point on Congress LLC property to the south. The Land Development Board had recommended approval at their meeting on July 15, 2008. Hearing no comments from the Council or the public, Village Attorney Torcivia read the Ordinance by title. A motion to adopt the ordinance was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 5-0.

19. ORDINANCE NO. 2008-13 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 1.41 ACRES OWNED BY SHAHAB-EDDIN MANAVI; LOCATED AT 1590 SOUTH CONGRESS AVENUE; 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; 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 this parcel was located in the Village's target annexation area and was compact and contiguous to the Village with the Four Florida Shopping Center and Texas Beverly properties to the west. The Land Development Board had recommended approval at their meeting on July 15, 2008. Hearing no comments from the Council or the public, Village Attorney Torcivia read the Ordinance by title. A motion to adopt the ordinance was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5-0.

20. ORDINANCE NO. 2008-14 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 1.456 ACRES OWNED BY 1670 SOUTH CONGRESS LLC; LOCATED AT 1670 SOUTH CONGRESS AVENUE; 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; 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 this parcel was located in the Village's target annexation area and was compact and contiguous to the Village with the Four Florida Shopping Center to the west. The Land Development Board had recommended approval at their meeting on July 15, 2008. Hearing no comments from the Council or the public, Village Attorney Torcivia read the Ordinance by title. A motion to adopt the ordinance was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5-0.

21. ORDINANCE NO. 2008-15 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .26 ACRES OWNED BY MARS NORTHLAKE REALTY ASSOCIATION, LLC; LOCATED AT 1736 SOUTH CONGRESS AVENUE; 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; 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

This item was pulled from the Agenda.

22. ORDINANCE NO. 2008-16 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .49 ACRES OWNED BY S & S RENTALS, LLC; LOCATED AT 1733 SOUTH CONGRESS AVENUE; 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; 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 this parcel was located in the Village's target annexation area and was compact and contiguous to the Village with the Four Florida Shopping Center to the north and west. The Land Development Board had recommended approval at their meeting on July 15, 2008. Hearing no comments from the Council or the public, Village Attorney Torcivia read the Ordinance by title. A motion to adopt the ordinance was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5-0.

REGULAR AGENDA

A. ACTIONS AND REPORTS

23. Update Report from FoundCare/Comprehensive Community Care Network

This Item moved to 11A.

B. RESOLUTIONS

24. RESOLUTION NO. 2008-60 (SET MILLAGE)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, TENTATIVELY ESTABLISHING A MILLAGE RATE FOR THE 2008-2009 FISCAL YEAR; SETTING REQUIRED PUBLIC HEARINGS; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl E. Umberger, Village Manager

Village Manager Umberger informed the Council Resolution 2008-60 would establish the tentative millage rate for fiscal year 2008-2009. The DR420 was also attached certifying the taxable value for the 2008 tax roll. The operating millage for 2008-2009 will be 4.9646 which represented a decrease in taxes collected in fiscal 2007-2008.

Mayor Davis stated that he was impressed with the budget. The Village was under the roll back rate, which proved staff had done an excellent job under the leadership of Manager Umberger. Considering other cities were looking at possible cut backs of personnel and were having difficulties with finances. Hearing no comments from the Council or the public, Village Attorney Torcivia read the resolution by title. A motion to adopt the ordinance was made by Mayor Pro Tem Waller and seconded by Council Member Smith. Motion carried 5-0.

25. RESOLUTION NO. 2008-61 (SET NON-AD VALOREM ASSESSMENT ROLL)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING A PRELIMINARY NON-AD VALOREM ASSESSMENT ROLL SO AS TO PROVIDE A UNIFORM METHOD FOR COLLECTING A NON-AD VALOREM ASSESSMENT FOR GARBAGE, TRASH AND RECYCLABLES COLLECTION SERVICES AND RELATED SERVICES ON THE PALM BEACH COUNTY TAX NOTICES; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl E. Umberger, Village Manager

Village Manager Umberger informed the Council Resolution 2008-61 would establish the preliminary non-ad valorem assessment roll rates for fiscal year 2008-2009. Solid Waste Authority would provide the billing services to the Village. The rates were calculated to coincide with Republic Services of Palm Beach. The following were the calculated rates: single family home, \$144.00, multi-family home and mobile homes, \$78.00. Village Manager Umberger informed the Council this would be preliminary just like setting the millage for the

tax notices. Currently letters are being sent out notifying them of the change, the hearing of August 28, 2008 and it includes the amount of the non-ad valorem assessment which will be placed on the tax notice. Vice Mayor Brinkman questioned if it was mailed out to property owners. Manager Umberger stated the property owner was now responsible for the garbage Mayor Davis stated this was a public hearing and asked for questions or comments from Council or public. Mayor Pro Tem Waller questioned if there were residents that paid extra for back door pick up. Village Manager Umberger stated there were, and the \$12.00 rate was included.

Hearing no comments from the public, Village Attorney Torcivia read the resolution by title. A motion to adopt the ordinance was made by Vice Mayor Brinkman and seconded by Council Member Osborne. Motion carried 5-0.

C. ORDINANCES

26. ORDINANCE NO. 2008-07 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING REVISED EMPLOYMENT REGULATIONS FOR VILLAGE EMPLOYEES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Karl E. Umberger, Village Manager

Village Manager Umberger informed the Council updated employment laws and regulations were included for approval. It had been 12 years since the last update. Lara Donlon, attorney with Glen Torcivias office, who specialized in Employment Law reviewed and approved the regulations. Vice Mayor Brinkman asked to be abstained from voting as the package to read was not in her book. Hearing no comments from the public, Village Attorney Torcivia read the resolution by title. A motion to adopt the ordinance was made by Mayor Pro Tem Waller and seconded by Council Member Smith. Mayor Davis asked Attorney Torcivia if a Council Member could abstain. He stated to abstain should take place when there is a conflict, therefore, to vote against it would be the right thing. The Motion carried 4-1.

VILLAGE COUNCIL COMMENTS

Vice Mayor Brinkman updated the Council and residents that the URA transmitted to DCA the land use plan amendments that the county was doing for the property owners in the corridor. Letters were sent out to property owners notifying that the land use would be changed. Mention to opt out was not stated, but they would be allowed. She knew personally some property owners in the corridor that would be doing

that.

Council Member Smith had been walking around Frost Park and could not wait for the fishing pier and the new exercising center had turned out wonderful. She also stated that the library had new MP3 players with books and stated that it was a wonderful idea.

Mayor Davis announced the next scheduled Local Planning Agency meeting would be August 28, 2008 at 7:15 pm and the next scheduled Council Meeting was August 28, 2008 at 7:30 pm.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 9:02 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor