

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, AUGUST 28, 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 Christy Goddeau, 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 Joni Brinkman.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Item #21 will be continued to the Sept. 11, 2008 agenda
Item #23 remove Patrick Rothenburg's name from nominations
Item #24 move to item #9A

Mayor Pro Tem Waller: add item#22A Discussion "Voter Initiative" for November ballot

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

CONSENT AGENDA

- 1. Minutes of Budget Workshop on July 19, 2008**
- 2. Minutes of Local Planning Agency Meeting on July 24, 2008**
- 3. Minutes of Regular Council Meeting on July 24, 2008**
- 4. Public Safety Forfeiture Fund Expenditure in the amount of \$26,209.70 to purchase Olympic Arms Patrol Carbine Rifles and new Tasers.**
Staff: Jay Pickens, Public Safety Director
- 5. RESOLUTION NO. 2008-63**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE NATIONAL INCIDENT MANAGEMENT

SYSTEM (NIMS) PER HOMELAND SECURITY PRESIDENTIAL DIRECTIVE HSPD-5 TO PROVIDE FOR DOMESTIC INCIDENT MANAGEMENT; AND PROVIDING AN EFFECTIVE DATE. Staff: Jay Pickens, Public Safety Director

6. RESOLUTION NO. 2008-64

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED A BID FOR MISCELLANEOUS PAINTING AT THE MAIN WATER TREATMENT PLANT TO V.I.P. PAINTING, INC., OF CORAL SPRINGS, FLORIDA, IN THE AMOUNT OF \$70,425.00; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

7. RESOLUTION NO. 2008-65

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, SUPPORTING EFFORTS OF THE LEISURE SERVICES DEPARTMENT IN OBTAINING GRANT FUNDS FROM 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 CONSTRUCTION OF IMPROVEMENTS TO THE SAGO PARK AND CYPRESS LANE CHILDREN'S PLAYGROUNDS; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Golson, Leisure Services Director

8. RESOLUTION NO. 2008-66

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CERTAIN BUILDING PERMIT FEES; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.
Staff: Bette Lowe, Land Development Director

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

ANNOUNCEMENTS AND PROCLAMATIONS

9. Mayor's Proclamation for August 2008 as "Who Named America Youth Education Month"

Mayor Davis read the proclamation and passed it on to the Village Clerk for forwarding to the U. S. Congress and the Who Named America Organizing Committee.

PUBLIC COMMENT

Howard Coates introduced himself as a candidate for the District 85 seat, which was presently held by Shelly Vana. Mr. Coates stated he was a forty year resident of Palm Beach County, a graduate of Yale Law School and a Marine for six years. This was his first time into politics and was here asking for incite from the Council. Mr. Coates also stated he would be walking around the neighborhoods getting comments from the residents. He hoped the Council and the residents would contact him with their concerns.

PUBLIC HEARINGS**9A. RESOLUTION NO. 2008-68 (moved from item #24)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING A FINAL 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

Notice of public hearing on this item was placed in the Palm Beach Post on July 18, 2008 and also on August 1, 2008, as well as a first class letter to all residents. Mayor Davis stated this was a public hearing and asked for comments from the public.

Jeff Miller, resident of Lakeside Village, stated that garbage and recyclables services were paid through their maintenance fees and he felt this was double taxation. He felt the Village should make some sort of stipulation or amendment for them. He had called his Homeowners Association and left a message, but had gotten no response. Mayor Davis responded that once the resolution was actually adopted tonight, the Village would notify all Homeowner's Associations.

Ms. Maltaldo, a Realtor who owned property in Palm Springs felt this would just create more hassle in a time that we should be looking to reduce taxes, not raise them.

Deborah Erickson, 1039 Manor Drive wanted to know why they were being assessed since they use Waste Management.

Katherine Dee, resident of Granada Drive, brought an article from the Palm Beach Post about Republic Services turning down a purchase bid from Waste Management. She was concerned that if Republic Services was sold, their costs would go up more.

Liz Shields, resident of Prairie Road, stated they paid Waste Management

directly and wanted to know a time limit before this was finalized.

Manager Umberger responded that the County tax bills that had gone out clearly noted the assessment with a "P" for proposed. Once the Council formally voted on this resolution to take the charge off the water bills, a letter would go out to all condo associations. Property owners and Landlords for rental apartments would then be responsible for this assessment. With regard to the Post article and the costs, Manager Umberger replied that the Village had negotiated the fees of \$12 and \$6.50 to stay the same for the next seven years. Once agreements with Waste Management expired, Republic Services would have the exclusive contract for the Village. Also, Republic Services was planning to increase their size by purchasing another sanitation hauler, and Waste Management only made the offer to purchase them because they wanted to remain the biggest sanitation company. Manager Umberger also stated that this assessment would guarantee payment of the fees, which could not be done with the old system; and the property owners can write this fee off on their taxes.

Mayor Davis stated the good news was that the pricing was locking in for seven years, where the County had only gotten a five year rate lock in; and the unincorporated areas in the County had just received a very large increase.

Mayor Pro Tem Waller commented that she would make sure that Lakeside Village was aware that they cannot continue to charge for garbage as part of the maintenance fee. There should be some sort of rebate for this budget year and there would no longer be a line item on the next year's budget for the Association.

Hearing no further comments, Village Attorney Goddeau read the resolution by title. A motion to adopt the resolution was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

This item was pulled from the agenda

10. RESOLUTION NO. 2008-35 (SPR08-07 RICHBUILT OFFICE BLDG)

11. RESOLUTION NO. 2008-62 (AMEND SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF SUMMIT CONGRESS PLAZA LLC FOR AN AMENDMENT TO CONDITION NO. 7 OF SITE PLAN (SPR 07-15) TO GRANT AN EXTENSION TO THE DEADLINE FOR OBTAINING A PERMIT FROM AUGUST 23, 2008 TO AUGUST 23, 2009, FOR CONSTRUCTION OF THREE (3) ONE-STORY COMMERCIAL RETAIL BUILDINGS TOTALING 20,000 SQUARE FEET, ON 5.36 ACRES LOCATED 620 FEET SOUTH OF SUMMIT BOULEVARD ON THE WEST SIDE OF CONGRESS AVENUE IN THE VILLAGE OF PALM SPRINGS, FL; 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 August 14, 2008. There were no ex parte communications disclosed and the Applicant was not present to give any testimony. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council or the public. Vice Mayor Brinkman asked why the build out was not being extended as well as the permit date. Director Lowe replied the build out date was limited by Code and the Applicant had only requested the permit date extension. Hearing no further comments, Village Attorney Goddeau read the resolution by title. A motion to adopt the resolution and approve the request was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

12. ORDINANCE NO. 2008-07 (SECOND 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 Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 17 and July 24, 2008. Village Attorney Goddeau 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 Smith and seconded by Vice Mayor Brinkman. A roll call vote was in favor of adoption 5 – 0.

13. ORDINANCE NO. 2008-08 (SECOND 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: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 10 and July 17, 2008. Village Attorney Goddeau 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 Mayor Pro Tem Waller and seconded by Council Member Osborne. A roll call vote was in favor of adoption 5 – 0.

14. ORDINANCE NO. 2008-10 (SECOND 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 10 and July 17, 2008. Village Attorney Goddeau 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 Smith and seconded by Mayor Pro Tem Waller. A roll call vote was in favor of adoption 5 – 0.

15. ORDINANCE NO. 2008-11 (SECOND 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 Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 10 and July 17, 2008. Village Attorney Goddeau 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 Vice Mayor Brinkman. A roll call vote was in favor of adoption 5 – 0.

16. ORDINANCE NO. 2008-12 (SECOND 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 10 and July 17, 2008. Village Attorney Goddeau 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 Smith and seconded by Mayor Pro Tem Waller. A roll call vote was in favor of adoption 5 – 0.

17. ORDINANCE NO. 2008-13 (SECOND 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 10 and July 17, 2008. Village Attorney Goddeau 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 Vice Mayor Brinkman. A roll call vote was in favor of adoption 5 – 0.

18. ORDINANCE NO. 2008-14 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 1.456 ACRES OWNED BY TIMOTHY BLASH; 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 10 and July 17, 2008. Village Attorney Goddeau 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 Mayor Pro Tem Waller and seconded by Council Member Osborne. A roll call vote was in favor of adoption 5 – 0.

19. ORDINANCE NO. 2008-16 (SECOND 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 10 and July 17, 2008. Village Attorney Goddeau 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 Council Member Smith. A roll call vote was in favor of adoption 5 – 0.

20. 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

Manager Umberger advised the Council this property was compact and contiguous to the Village with the Walgreens property to the south, and was currently the site of a vacant retail store. The Land Development Board had recommended approval at their meeting on August 19, 2008.

Mayor Davis stated this was a public hearing and asked for questions or comments from the Council or the public. Hearing none, Village Attorney Goddeau read the ordinance by title. A motion to adopt the ordinance on first reading was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

This item was continued to the September 11, 2008 agenda

21. ORDINANCE NO. 2008-17 (FIRST READING) (LARGE SCALE COMP PLAN 2008 CYCLE II)

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

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .38 ACRES OWNED BY SEAGLADES INVESTMENT COMPANY; LOCATED AT 800 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 property was compact and contiguous to the Village with the Sheffield property to the south; and was currently the site of a retail store. The Land Development Board had recommended approval at their meeting on August 19, 2008.

Mayor Davis stated this was a public hearing and asked for questions or comments from the Council or the public. Hearing none, Village Attorney Goddeau read the ordinance by title. A motion to adopt the ordinance on first reading was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

ADD:

22A. Discussion on Voter Initiative for November Ballot

Mayor Pro Tem Waller advised the Council that she had attended the County

League Meeting yesterday and the speakers, Beth Rawlins and Mayor Jack McDonald of Palm Beach spoke on the Let Us Vote Initiative. They were asking support from the cities and asked what each city was doing to get the information out to the voters. Mayor Pro Tem Waller and Manager Umberger stated they would be putting information in the Village newsletter. They also asked for financial support; however, Mayor Pro Tem Waller stated the amount they were asking for was extremely high in this constrained budget year. Mayor Pro Tem Waller recommended a \$5,000 contribution.

Mayor Davis stated for those in the audience who did not know what Let Us Vote Initiative was, he would explain. Palm Beach County was a Charter County, which means the County can pass an ordinance that supersedes our ordinances. They can also pass laws that impact the Village that the Village residents had no opportunity to vote on. This charter amendment would be put on the agenda this November; and because there would be so many other initiatives on the ballot, this program would assist all cities in getting the information to all its residents of what the amendment was and where it was located on the ballot, so it was not lost. This Charter Amendment would give the residents of the cities an opportunity to overturn any item that may have been voted on by the County, if the city did not agree that it was in the best interests of their city. Of the 67 Counties in Florida, only about 20 or 21 are Charter Counties. Those Charter Counties would have the ability to overturn any ordinance that they do not agree with. Those counties that are not Charter Counties would not have that ability. The County agreed to put this on the ballot, after the League stated they would sue if they didn't.

Mayor Pro Tem Waller added that the County would work hard not to have this passed, but hopefully all Village voters would make sure to vote yes, so we can have our own Home Rule and a say what we want in our Village and keep it the way we want to keep it.

Council Member Smith stated this was an important opportunity to educate our voters and get the information out to them how important this was, and she agreed the County would probably expend a lot of money and time so this amendment would not pass. Council Member Smith would support the \$5,000 contribution to the League for this effort.

Council Member Osborne stated that he would also support the \$5,000 contribution, even though this was a tight budget year.

Vice Mayor Brinkman stated she would also support the \$5,000 contribution. It was a lot cheaper than where the Village found itself now because what the County made us do with regard to our fire-rescue services. If this had been in place before, we might not find ourselves in the position we are now.

Mayor Pro Tem Waller added for those of you in the audience who have computers, please go to www.letusvote.info you would find good information on what this is all about and how other towns feel.

A motion to support Let Us Vote by donating \$5,000 was made by Mayor Pro Tem Waller and seconded by Council Member Smith. Motion carried 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

- 23. Council Appointments to the Hazardous Duty Pension Board**
Staff: Virginia Walton, Village Clerk

Mayor Davis stated there were two positions open on the Hazardous Duty Pension Board of Trustees and one application had been received from Mark Hall, indicating his willingness to serve. Hearing no other nominations, a motion to appoint Mark Hall to the Hazardous Duty Pension Board of Trustees for a term to expire in October 2010 was made by Vice Mayor Brinkman and seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

RESOLUTIONS

- This item was moved to Item 9A.**
24. RESOLUTION NO. 2008-68

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Waller thanked the Council for their decision to donate the \$5,000, to show the League we do support this initiative. We are small, but we are mighty and lead the way in many other things. Also Mayor Pro Tem Waller commented that the work done at the Frost Park Lake is wonderful, with the benches and the dock. She looked forward to the exercise equipment coming and hopefully the fountain.

Vice Mayor Brinkman commented that she had ridden her bike by Frost Lake this past week and it was very peaceful and nice. This was a good use of our tax dollars.

Council Member Osborne also commented the Frost Lake was a pretty place for people to walk around. It's come a long way.

Council Member Smith commented she would make it unanimous. She had taken her dog over to Frost Lake Park and she was appreciative of the dog feature. The white bird feature was very nice. Council Member Smith thanked Director Golson for the work done. Director Golson stated he had the easy job and our maintenance crews deserved a lot of credit.

Council Member Osborne asked if there was going to be a Heart Trail. Manager Umberger replied that once the FRDAP grants were guaranteed, they would proceed to get four stations, plus more benches and some garbage cans.

ADJOURNMENT

Mayor Davis announced a Utilities Rate Study Workshop on September 4, 2008 at 6:30 p.m., the next Local Planning Agency Meeting on September 11, 2008 at 7:15 p.m. and the next Regular Council Meeting and First Budget Hearing on September 11, 2008 at 7:30 p.m., all would be in Council Chambers

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

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor