

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, SEPTEMBER 11, 2008**

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

Mayor John M. "Mike" Davis called the regular meeting of the Village Council to order at 7:30 p.m.

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

Staff present were Public Safety Director Jay C. Pickens, as Sergeant at Arms, 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 Council Member Osborne.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Item #9 – pull 2720 10th Avenue from list of properties. The land use was shown as residential and should be commercial. Will be brought back separately.

Add: Item #6A Public Safety Award Presentations

Mayor Davis: Add: Item #12A Photo Traffic Safety Enforcement

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

CONSENT AGENDA

1. **Minutes of Local Planning Agency Meeting on August 28, 2008**
2. **Minutes of Regular Council Meeting on August 28, 2008**
3. **RESOLUTION NO. 2008-67**

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, FOR LIFT STATION IMPROVEMENTS TO ACCOMMODATE THE MODERNIZATION OF THE CLIFFORD O. TAYLOR/KIRKLANE ELEMENTARY SCHOOL, PURSUANT

TO SECTION 163.01, FLORIDA STATUTES, ET SEQ.; AND PROVIDING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

- 4. **Finance Budget Amendment from Council Contingency to the Legal Department for increased legal fees in the amount of \$46,500 and to Leisure Services to cover the Frost Lake Park improvements in the amount of \$26,500.**
- 5. **Leisure Services Budget Amendment to recognize revenues generated by expanded Travel Club programming in the amount of \$3,500 and corresponding Travel Club expenses in the amount of \$3,500.**

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

End of Consent Agenda.....

ANNOUNCEMENTS AND PROCLAMATIONS

**6. Mayor’s Proclamation for Citizenship Day/Constitution Week
September 17 – 23, 2008**

Mayor Davis read the proclamation and urged residents to join in the commemoration of the 220 year old Constitution of the United States, the greatest and most influential legal document ever written which is still in existence and the world’s oldest surviving Constitution, and reflect on the rights and privileges of citizenship and its responsibilities.

6A. Public Safety Awards Presentations

Chief Pickens stated it was his pleasure to award a Certificate of Appreciation to Ms. Dawn St. Pierre. On August 7, 2008, two men robbed someone by gunpoint at the CVS Pharmacy and fled to their vehicle, which had been parked on Cayman Drive. Ms. St. Pierre saw the vehicle and contacted the police department with a description and tag number. With that information, the Sheriff’s office was able to stop the vehicle later that evening and arrest both suspects. Without Ms. St. Pierre’s assistance, the crime would most likely gone unsolved. Ms. St. Pierre and her family were present and accepted the award.

The second commendation was for an incident that happened on August 14, 2008 at 2:30 am, when a speeding pick up truck slammed into the gas station on the corner of Florida Mango and Forest Hill Boulevard. Lake Clarke Shores Police requested assistance and Patrol Team “D”, being made up of Sgt. Jim Gregory, Officer John Gee, Officer Daryl Diaz and Officer Gary Zito, responded. The truck was on top of the gas tanks and there was already a fire, but no Fire-Rescue vehicles or personnel

were on scene yet when Team D arrived. Without regard for their own safety the officers rushed in to pull the injured away from the truck and the flames and began immediate first aid to the victims. The highest award achieved in the police department was the Meritorious Service Award, which symbolized these officers put themselves in danger in the performance of their duties. Chief Pickens, Lt. Perez presented each officer with their Meritorious Service Award. Each Officer was congratulated by Mayor Davis.

PUBLIC COMMENT - None

PUBLIC HEARINGS

7. ORDINANCE NO. 2008-15 (SECOND 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on August 14 and August 21, 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 4 – 0.

8. ORDINANCE NO. 2008-18 (SECOND 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on August 14 and August 21, 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 Mayor Pro Tem Waller and seconded by Council Member Osborne. A roll call vote was in favor of adoption 4 – 0.

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

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE VILLAGE OF PALM SPRINGS, FLORIDA TO BE KNOWN AS A 2008 CYCLE II AMENDMENT; AND WHICH AMENDMENT IS MORE FULLY DESCRIBED IN EXHIBIT 'A' ATTACHED HERETO, IN ACCORDANCE WITH THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AS AMENDED BEING SECTIONS 163.3161, ET. SEQ., FLORIDA STATUTES, PROVIDING FOR THE AMENDMENT TO THE TEXT OF THE TRANSPORTATION ELEMENT AND THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO DEFINE AN URBAN REDEVELOPMENT AREA AND A TRANSPORTATION CONCURRENCY EXCEPTION AREA CONSISTENT WITH PALM BEACH COUNTY'S COMPREHENSIVE PLAN; PROVIDING FOR THE AMENDMENT OF THE VILLAGE'S FUTURE LAND USE MAP PURSUANT TO THE LARGE SCALE COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA FOR THE PURPOSE OF INCLUDING PROPERTIES RECENTLY ANNEXED INTO THE VILLAGE AND REVISING THE LAND USE ON CERTAIN LARGE SCALE RESIDENTIAL PARCELS TO COMMERCIAL ON THE FUTURE LAND USE MAP "FLUM"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY;

PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER PURPOSES.

Staff: Bette Lowe, Land Development Director

Manager Umberger Introduced Terry Virta, with LaRue Planning, who informed the Council that this Amendment revised the Land Use Element and the Transportation Element to define and identify the boundaries of the Urban Redevelopment Area (URA) and Transportation Concurrency Exception Area (TCEA) along Congress Avenue within the Village of Palm Springs. These have to be designated in the Village's Comprehensive Plan in order for any developer to utilize the URA or TCEA. The regulations for the URA have not been drafted yet; and although they will be consistent with Palm Beach County's regulations, they will not be identical. Palm Beach County was proposing to adopt their regulations in January 2009. The Amendment also revised the Future Land Use Map (FLUM) to include several annexations that have occurred since the last amendment, and a change in land use for two parcels that will soon be seeking development approvals. The Land Development Board 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 Torcivia read the ordinance by title. A motion to adopt the ordinance on first reading was made by Council Member Smith and seconded by Mayor Pro Tem Waller. Motion carried 4 – 0.

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

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES IN AND FOR THE VILLAGE OF PALM SPRINGS, FLORIDA FOR FISCAL YEAR 2008/2009; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff: Rebecca Morse, Chief Financial Officer

Manager Umberger advised the Council that the operating millage rate would be established at \$4.3321 per \$1,000 of assessed valuation and the voted debt service millage rate would be established at \$0.6325 per \$1,000 of assessed valuation, for a total millage rate of \$4.9646. The operating millage rate was 3.9% less than the rolled back rate of \$4.5076. The operating millage rate would produce \$3,7864,318, at 100% collection, in ad valorem tax revenue for the General Fund. The voted debt service millage would produce \$551,387, at 100% collection, in revenue to cover the debt service costs for the 2002 General Obligation Bonds.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt the ordinance on first reading was made by Council Member Osborne and seconded by Council Member Smith. Motion carried 4 – 0.

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

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Rebecca Morse, Chief Financial Officer

Manager Umberger advised the Council this ordinance would establish the Village's budget for Fiscal Year 2008-2009. The total budget was \$27,422, 563, comprised of the General Fund budget of \$13,118,123, the Debt Service Fund budget of \$526,607, and \$13,777,333 for the Water and Sewer Enterprise Fund. The revenues by source and expenditures/expenses by function would appear in the budget summary advertisement to be published in the Palm Beach Post on September 22, 2008.

Mayor Davis stated this was a public hearing and asked for questions from the public. Hearing none, Village Attorney Torcivia 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 Smith. Motion carried 4 – 0.

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

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PROVIDING FOR THE VILLAGE'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE VILLAGE OF PALM SPRINGS' MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES) AND OTHER SERVICES NECESSARY; PROVIDING FOR INTENT, PURPOSE AND CONSENT; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND DURATION OF CONSENT. Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that this ordinance was the result of discussions during the Budget Workshop about the possibility of moving completely to the County MSTU, as it related to the ability of the Village to continue to fund Fire-Rescue with the tax initiatives coming on future ballots and reduced State revenues impacting the Village's budget. In order to pursue this process, the Council would need to adopt this ordinance before the end of this year and forward the ordinance to Palm Beach County for their review and adoption. This process could possibly take one

to two years.

Mayor Davis asked if, during this time of one to two years, the negotiations would continue to ensure the Village the best possible terms. Also, if the terms were not favorable to the Village, would this ordinance obligate the Village to go with the County anyway. Manager Umberger replied that the negotiations would be ongoing and there would be no obligation unless the Village Council approved the final agreement.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt the ordinance on first reading was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 4 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

ADD: 12A. Discussion of Photo Traffic Safety Enforcement Program

Mayor Davis stated he had attended the presentation on Tuesday, along with Manager Umberger and Chief Pickens. Basically, photos were taken of red light runners and citations were mailed. Mayor Davis stated the way this was presented, it appeared to be a good option for the Village.

Manager Umberger advised the Council that the intersections that would be impacted by this program were joint operators because they were either State roads or County roads. Jurisdiction had been in question for some time. A decision was finally reached by the State that it was first come, first serve for who got enforcement at those intersections red light cases. Also last Tuesday, Palm Beach County had first reading on an ordinance that would put this program in place and they would have first choice. Chief Pickens and Manager Umberger had identified intersections as possible locations: Military Trail and Forest Hill Boulevard, Forest Hill Boulevard and Congress Avenue, 10th Avenue North and Congress Avenue and Lake Worth Road and Congress Avenue. The good news would be that there would be higher levels of security for red light runners. This company was one of the largest companies that provided this service to large cities like Dallas, Philadelphia and New York City. Statistics showed that Florida had more red light runners than New York City. The total cost to the Village for installation would be zero. The citation was more of a code type violation with no points assessed and was not a criminal charge. The citation would be reviewed by our Police Department and then mailed to the violators.

Chief Pickens had researched several companies that provided this program and this company had the most history behind it. Basically, only information on these programs had been requested. An enabling ordinance, with legal review, would have to come before the Council before the program could be implemented. The Council could

also have a presentation from the company, if they so chose. Before implementation, intersections would have to be secured. The company recommended eight cameras, which would be facing the most violated corners of each intersection, which would be determined by spot surveys.

Mayor Davis commented that one of the things that got his attention during the presentation was the statement that once the cameras were installed, it historically cut the red light runners by 50%. The majority of continuing violators were transients because once local people know they are there, they comply. Chief Pickens added that there was a residual crime prevention effects because the intersections were under surveillance seven days a week, 24 hours a day. As an example, in the case of the pick up truck hitting the gas station, once that vehicle had gone through the intersection cameras, it would be on tape. Manager Umberger added the surveillance cameras ran seven days a week, 24 hours a day, but the still camera only snapped the back of the vehicle and license number. There was also a video tape supplied to use in appeal cases, which would come before the Code Enforcement Special Magistrate. Chief Pickens added the entire system was internet based. Once someone received a citation, they could log onto the company's website and view the video of their vehicle running the red light. The citation was \$125.00, with \$85.00 to the municipality and \$40.00 to the company.

Council Member Osborne stated he had been in the company of a County Commissioner from another County other than Palm Beach, and this Commissioner had commented this program had proven to be very successful for them. Council Member Osborne stated he was in favor of pursuing this for the Village.

Council Member Smith asked for a clarification that the company paid for all the installation, not the Village. Manager Umberger confirmed that there was no cost to the Village. Mayor Davis added that he had heard that it would take approximately \$100,000 for the installation. Council Member Smith asked Chief Pickens if he had a preference as to which intersections for this program. Chief Pickens replied that all of our major intersections on Congress Avenue had a need for this type of enforcement plus Forest Hill Boulevard.

Mayor Pro Tem Waller asked if it was visible to the drivers that they would be aware that they were being photographed. Chief Pickens replied that yes they would be warned and the citation went to the vehicle owner, not the driver. Chief Pickens stated that part of the program was a media blitz to make everyone aware of this enforcement. This was note "we want to surprise you; but rather we want you to stop running the red lights". Manager Umberger added that the information would go in the Village newsletter as well.

The consensus of Council was for Manager Umberger and Chief Pickens to continue negotiations and bring forward an ordinance for Council approval.

VILLAGE COUNCIL COMMENTS

Council Member Osborne announced that he would be resigning as the Council Liaison for the Library Board because he had a conflict on the nights the Board meets.

Mayor Pro Tem Waller stated she was very proud of the police officers and the citizen who received the awards this evening and was glad to see the Village still had people who cared enough to get involved.

Mayor Davis announced the next scheduled Council Meeting and Final Budget Hearing would be on September 25, 2008 at 7:30 pm in Council Chambers.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:11 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor