

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, SEPTEMBER 25, 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 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 Bev Smith.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

A motion to accept the agenda as presented was made by Mayor Pro Tem Waller and seconded by Council Member Smith. Motion carried 5 – 0.

CONSENT AGENDA

1. **Minutes of Local Planning Agency Meeting on September 11, 2008**
2. **Minutes of Regular Council Meeting on September 11, 2008**
3. **RESOLUTION NO. 2008-69**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, SUPPORTING PROPOSED FLORIDA LEGISLATION ENTITLED THE "NICOLE HORNSTEIN ACT" CONCERNING EQUINE ACTIVITIES AND PROTECTIVE MEASURES FOR MINORS RIDING HORSES ON PUBLIC ROADWAYS OR PUBLIC TRAILS BY REQUIRING THE WEARING OF A HELMET OR SIMILAR HEADGEAR PROTECTION; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

4. **RESOLUTION NO. 2008-70**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF

FLORIDA, INCLUDING SOUTH FLORIDA, IT'S FAIR SHARE OF STATE FUNDING, SUPERSEDING CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE. Staff: Virginia M. Walton, Village Clerk

5. Renewal of Village Property/Liability/Workers Compensation Insurance Plan Staff: Virginia M. Walton, Village Clerk

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

PUBLIC COMMENT

James Dale, 1420 Willow Road, owner of 3809 Dale Road, stated he was born and raised in this area. He loved the area but it's not Palm Beach and he doesn't understand why it was necessary for him to be forced to hook up to our new sewer line when he already had a septic tank that he liked very much; and the Village used deep well injection, which wasn't even approved by DPA. He didn't know who was in charge that knew about chemicals; but this was the worst thing the Village could do, but the Village did it anyway because it was cheaper and gave more money to the County. The economic times are bad and getting worse and he would like to see the Village live with their budget better and have more compassion for people trying to cope with the economy. Mayor Davis thanked him for his comments.

Mayor Davis stated he had another comment card from Anthony Feola, 417 Arabian Road. Mr. Feola replied that he didn't want to speak but wanted to be put on the record as opposing the water rate increase.

Elise Altergott, 2474 Sherwood Forest Boulevard, stated she did not live in the Village but did live in the water service area. Ms. Altergott stated she did not want to see the water rates go up; however, her main concern was in looking at the Village's current legislation on the website for rates for 2003 to 2007, she noticed that for users either inside the Village or outside, after they used 8,000 gallons there was no charge for that extra. She felt that should be removed. She thought that one reason costs might be going up was an incident she had with a Village Utility Truck that responded to a leak at her home. She asked them 3 times to turn off their engine instead of wasting gas. She didn't want to get anyone in trouble, since she knew this was a worldwide problem, but the Village should be more diligent because it comes out of our pockets one way or the other. Mayor Davis thanked her for her comments.

Gary Reedy, of Meadow Road, commented that when his Frost Park area had been annexed into the Village, they had been given the opportunity to connect to water and sewer at that time. However, when he walks down his street and other surrounding streets, he sees that many homes have still not hooked up and he wanted to know if anything was going to be done to make them hook up. Mayor Davis thanked him for his comments.

Hearing no further comments, Mayor Davis asked Manager Umberger to address some of the comments made. Manager Umberger responded to Mr. Dale's comment about the deep well injection. Manager Umberger stated the Village did not do that. The Village's sewage was deposited with Lake Worth or Palm Beach County on a contract basis; and any charges, usually for sewage, are just a pass thru charge to our residents. The only discussion that ever took place regarding deep well injection would have been about water only; but was not being used. We have a chlorine contact system in the Village. With regard to the vehicles left running, Manager Umberger stated he wished Ms. Altergott had called the Village because there was a standing order that whenever an employee left a vehicle, it was to be turned off. If an employee is found not to be following this order, they would be written up. In response to the gentleman on Meadow Road, there was no advantage not to hook up to the water and sewer; and to the knowledge of the Village, everyone had hooked up. If the gentleman knew of a specific residence, we would be happy to contact them. Manager Umberger added, on the issue of Dale Road sewers, that the Village had added those lines as an addition to an existing installation contract at the request of most of the residents on Dale Road, west of Kirk Road.

Mayor Davis added to the comment made about the sewer versus the septic tank. Mayor Davis stated it was a "pay me now or pay me later" situation, because ultimately the County was going to force everyone to go on a sewer system. The question was if the residents wanted to pay for it now at a lower price incentive program or pay later at a substantially higher price. As an elected official, the Mayor saw more of the impending mandates coming from the County than most residents would; but they were coming and elected officials should be informing their residents of these issues.

PUBLIC HEARINGS

6. ORDINANCE NO. 2008-19 (SECOND 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on September 4 and September 11, 2008, and also in the Palm Beach Post on September 25, 2008. Village Attorney Torcivia read the ordinance by title. 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, a motion to adopt the ordinance on second reading was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. A roll call vote was in favor of adoption 5 – 0.

7. ORDINANCE NO. 2008-20 (SECOND 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on September 4 and September 11, 2008, and also in the Palm Beach Post on September 25, 2008. Village Attorney Torcivia read the ordinance by title. 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, 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.

8. ORDINANCE NO. 2008-21 (SECOND 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on September 4 and September 11, 2008. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council or the public.

Liz Shields, 2111 Prairie Road, stated she had not been present at the first reading of this ordinance and would like an explanation of what this meant for the Village residents. Manager Umberger responded that the Village was currently in a joint partnership with the County for Fire Rescue services; and due to budget restraints, the Village would like to explore the option of going completely into the County Fire Rescue System. In order to have the authority to investigate and negotiate this possibility, it was necessary for the Village Council to adopt this ordinance. That did not, however, mean that this was a done deal; and the investigation and negotiations would probably come back in a Council Workshop in the future. Ms. Shields asked if this was like the Lake Worth Police Department going with the Sheriff's Department.

Mayor Davis explained that four years ago the County had mandated a higher level of service for all municipalities in the County. They based their level of service on more people on the engines and more equipment responding to a call, but neglected to include the time it took to respond to a call. The Village had historically had a response time on average of about two minutes; however, the County's acceptable response time right now could hardly make eight minutes. To the County, the people and equipment were more important, and it would have cost the residents of the Village a lot of money for the Village to meet those levels. The Mayor and Council did not like the partnership or the possibility of going completely with the County System, but because of the mandated Level of Service and the tax cuts coming out of Tallahassee, it was a fact of life that continuing to fund these services through the Village budget was just not possible without raising taxes for the residents of the Village. The Village was not the only municipality that was addressing these problems.

Hearing no further comments, 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.

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

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 78, UTILITIES, OF THE CODE OF ORDINANCES OF THE VILLAGE OF PALM SPRINGS, FLORIDA; MODIFYING RATES AND CHARGES FOR WATER AND WASTEWATER SERVICES WITHIN THE VILLAGE AS WELL AS OUTSIDE THE VILLAGE FOR FISCAL YEARS 2008-2013 AND THEREAFTER UNTIL AMENDED; MODIFYING PRIVATE FIRE

LINE AND HYDRANT RATES; MODIFYING THE AMOUNT REQUIRED FOR CAPITAL CONTRIBUTION FEES FOR WATER AND WASTEWATER; MODIFYING MISCELLANEOUS FEES AND CHARGES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Rebecca Morse, Chief Financial Officer

Manager Umberger advised the Council that this ordinance would establish rates for water and wastewater systems for fiscal years 2009-2013. The new rates and charges were reviewed by Council at a Workshop Meeting on September 4, 2008. The Council, at that time, requested that a new ordinance be prepared with the new rates as presented. Robert J. Ori and Jeff Wilson of PRMG had prepared Exhibit "A" to the ordinance. The new rates would be advertised and be effective beginning with services used in November and billed in December 2009. Rate increases for fiscal years 2010 through 2013 would be effective for services used in October and November. The new capital contribution fees would be effective January 1, 2009.

Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and the public. Elise Altergott again asked that the no charge after 8000 gallons be deleted from the new legislation (this was on page 8 of the old rate ordinance exhibit). Ms. Altergott asked for a copy of the new ordinance. Manager Umberger stated Ms. Altergott could obtain that copy from the Clerk. Manager Umberger also added that Ms. Altergott had misunderstood the language. There was always a charge for water; but any sewage amount over 8000 gallons was not charged on residential and multi-family units. Hearing no further comments, 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 Vice Mayor Brinkman. Motion carried 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

10. Appointment to the Library Board
Staff: Virginia Walton, Village Clerk

Mayor Davis stated there were two positions open on the Library Board, due to the resignations of Bernard Gardner and Paul Mirabito; and one application had been received from Irma Contreras, who lived on Waterview Circle. Hearing no other nominations, a motion to appoint Irma Contreras to the Library Board for a term to expire on April 24, 2009 was made by Mayor Pro Tem Waller and seconded by Council Member Smith. Motion carried 5 – 0

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Waller commented that there was a lot of positive talk at the County League meeting about the Let Us Vote Initiative passing on the November ballot.

Council Member Smith showed the Let Us Vote brochure that was available in the Lobby of Village Hall and urged all residence in the audience to take a copy with them.

Council Member Osborne announced that he would be out of town on vacation for the month of October and would not be present at the two council meetings.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor