

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, OCTOBER 23, 2008**

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

Vice Mayor Joni Brinkman called the regular meeting of the Village Council to order at 7:30 p.m.

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

Staff present were Public Safety Director Jay C. Pickens, as Sergeant at Arms, Land Development Director Bette J. Lowe and Public Service Director Bill Davis.

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 #6 continued to Nov. 13, 2008 agenda  
Item #7 pulled from agenda  
Items #9 & #10 continued to Nov. 13, 2008 agenda  
Item #13B – add report and check presentation from Commissioner  
Bob Kanjian

Mayor Pro Tem Waller: Item #5 pull from consent and add as #13A for discussion

A motion to accept the agenda as revised was made by Mayor Pro Tem Waller and seconded by Council Member Smith. Motion carried 3 – 0.

**CONSENT AGENDA**

1. **Minutes of Regular Council Meeting on October 9, 2008**
2. **RESOLUTION NO. 2008-72**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH LEGEND PETROLEUM LLC, OWNERS OF THE PROPERTY LOCATED AT 1730 SOUTH MILITARY TRAIL, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.** Staff: Bette Lowe, Land Development Director

3. **RESOLUTION NO. 2008-82**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 6 TO TASK ORDER NO. 92 FOR THE FINAL CONTRACT RECONCILIATION IN THE AMOUNT OF (\$201,452.69) TO AKA SERVICES INC; AND PROVIDING AN EFFECTIVE DATE.** Staff: Bill Davis, Public Service Director

4. **Approval of Task Order 100 for rehabilitation of Autocare, Cresthaven II, Ida Way and Rex Court Pump Stations, to Eckler Engineering for design services not to exceed \$65,000 and limited services during construction on an hourly rate plus direct expenses not to exceed \$43,000.**  
Staff: Bill Davis, Public Service Director

**This item was pulled from the agenda and placed as Item #13A for discussion**

**5. RESOLUTION NO. 2008-84**

A motion to approve the consent agenda as revised was made by Council Member Smith and seconded by Mayor Pro Tem Waller. Motion carried 3 – 0.

**PUBLIC COMMENT**

David Kraftchak, 140 Yucatan Drive, stated he had been a resident of the Village for more than 25 years. He wanted to know why the traffic pattern had been changed for Palm Springs Elementary school. The way the traffic is being routed now puts all the traffic onto his property. Mr. Kraftchak also asked the Council to consider some beautification on Greenbrier Drive and Davis Road. These streets are very dark, with little lighting, and appear to be unsafe for walking in the evening. Finally, Mr. Kraftchak stated a year ago he had asked the Council to set up a Task Force to deal with the continuing Lake Worth Power issues and he was back again. The franchise renewal date of 2011 was coming and the Village needs to let residents know what they can do.

Council asked Staff to respond to some of these issues. Chief Pickens stated the traffic pattern had been changed in order to deal with the volume of cars picking up children and the illegal turns being made to get into the pick up area of the school. Chief Pickens stated he was not aware of any problems with the new pattern but he would look into the issue with the Road Supervisor.

Manager Umberger stated the Village was still working with Lake Worth Utilities and Florida Power & Light for replacement of the street lights that were damaged in last year's storms. This was an ongoing process and would continue until completed, along with some trees that were still in need of trimming. Manager Umberger also added that as long as Lake Worth would not give up their franchise area, the only recourse the Village had was to negotiate the best agreement possible. Lake Worth had recently hired an experienced Utilities Director from Ocala, who was trying to bring Lake Worth Power more in line with FP&L for rates and dependability. FP&L would offer

assistance, but they would not take over the system because it was not compatible with their existing system. Our only recourse was through the negotiations on the franchise renewal.

Vice Mayor Brinkman clarified to the residents that negotiations on the franchise did not mean negotiations on the service area. After the last town hall meeting, the Village had considered hiring expert Appraisers to look at the infrastructure; however, this was an expensive undertaking. Instead, the Village had contacted FP&L directly to see if they would consider taking this portion of the Lake Worth service system, and to ask Lake Worth Power if they would release this portion to FP&L. Lake Worth made it clear they were not interested in giving up any service area.

Vice Mayor Brinkman suggested Staff put something in the newsletter asking the residents to centralize the input of information and complaints, which could then be forwarded to Lake Worth. Manager Umberger asked Public Service Director Davis if a notice could be included on the monthly water bill. Director Davis stated he would look into how this could be done. Mr. Kraftchak thanked the Council for any assistance they could give the residents.

## **PUBLIC HEARINGS**

### **This item was continued to the Nov. 13, 2008 agenda**

- 6. RESOLUTION NO. 2008-78 (SITE PLAN AMENDMENT – HIGH POINT PERMIT DATE EXTENSION)**

### **This item was pulled from the agenda**

- 7. RESOLUTION NO. 2008-79 (LARK ROAD ABANDONMENT)**
- 8. ORDINANCE NO. 2008-23 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL SERVICE BOUNDARY AGREEMENT (ISBA) WITH PALM BEACH COUNTY TO COORDINATE FUTURE LAND USE, PUBLIC FACILITIES AND SERVICES, AND PROTECTION OF NATURAL RESOURCES IN ADVANCE OF ANNEXATION; PROVIDING FOR CODIFICATION; 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 that this Interlocal Service Boundary Agreement (ISBA) with Palm Beach County established a process for timely review and processing of annexations, while jointly planning for service delivery and land use changes. Since this was the first such ISBA in Palm Beach County, a relatively small

municipal service area was identified to simplify the process and establish a model for other ISBA agreements. A portion of annexation prioritization sub area 6 and sub area 8 of the 2005 Joint Planning Study was chosen. This area is also a major portion of a Priority Redevelopment Area, Corridor A, in the Urban Redevelopment Area (URS) adopted in the Palm Beach County Comprehensive Plan. Palm Beach County staff, particularly Bruce Thompson, Principal Planner, and Patricia Behn, Senior GIS Planner, had worked diligently for two years to produce an agreement that was acceptable to all Palm Beach County Departments, as well as the Village. The Land Development Board recommended approval of this agreement at their meeting on October 14, 2008.

Vice Mayor Brinkman stated this was a public hearing and asked for questions or comments from the Council and from the public. Council Member Smith commented that this was a long time coming and it was a good thing. Hearing no further comments, Village Attorney Torcivia read the ordinance by title. A motion to adopt on first reading was made by Council Member Smith and seconded by Mayor Pro Tem Waller. Motion carried 3 – 0.

**This item was continued to the November 13, 2008 agenda**

**9. ORDINANCE NO. 2008-24 (FIRST READING – ANNEXATION 29 PARCELS)**

**This item was continued to the November 13, 2008 agenda**

**10. ORDINANCE NO. 2008-26 (FIRST READING – TONSET REZONING)**

**11. ORDINANCE NO. 2008-27 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PROVIDING FOR AMENDMENTS TO CHAPTER 10 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE I “IN GENERAL”, TO INCLUDE “VILLAGE AUTHORITY”, “VILLAGE COUNCIL FINDINGS”, AND “PUBLIC NUISANCE ABATEMENT PROGRAM” PROVISIONS; AMENDMENTS TO AND RENUMBERING OF SECTION 10-11 “NUISANCE DECLARED” AND SECTION 10-12 “NUISANCE TO BE ABATED” TO INCLUDE ADDITIONAL NUISANCES; AMENDMENTS TO AND RENUMBERING OF SECTION 10-13 “PROCEDURE FOR ENFORCEMENT OF A NUISANCE” AND SECTION 10-14 “APPEAL PROCEDURES” TO STREAMLINE THE PROCEDURES AND ENHANCE THE ENFORCEMENT MECHANISMS; ADOPTION OF “ENFORCEMENT PROCEDURES AND ALTERNATIVE ASSESSMENTS” PROVISION; 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 that this ordinance was brought forward as a result of the decline in the local economy and the increase in home foreclosures, abandoned and neglected properties, which were becoming a problem; and provided a

method for the Village to deal with these properties. The ordinance allowed for the Village, if necessary, to abate a nuisance and then recoup the cost of the abatement.

Vice Mayor Brinkman stated this was a public hearing and asked for questions or comments from the Council or the public. Council Member Smith asked if the process could be explained. Manager Umberger replied notice of the problem would be given to the property owners. There was already a process in place for the Village personnel to abate the problem and tracking of those costs. Once the property goes before the Special Magistrate and was ruled not in compliance, the property owner would be given a set amount of time to clear up the problem. If not, the Village personnel would correct the problem and recoup the costs in one of two ways. The Village would either place a lien on the property or go through the uniform method to levy the costs as a non-ad valorem assessment placed on the tax bill once the amount was established. Council Member Smith asked if there was a certain amount threshold before placing the lien or assessing the cost on the tax bill. Manager Umberger replied he had been in discussions with the Village Clerk on this matter. If the costs were ongoing on a per day basis, and the costs associated with filing the lien or the tax notice was approximately \$300, it would behoove the Village to wait approximately 30 days before filing the lien.

There were questions from the Council about how the costs would be recouped if this was an ongoing and/or repeating problem. Would it be necessary to file more than one lien. Village Attorney Torcivia replied that the policy would be to request the Magistrate issue a continuing order to abate with a running fine. Unfortunately, it would be a while before the costs were collected, but in the meantime, the property was being kept free of unsafe conditions, or vermin. Manager Umberger added that the costs could only be sent to the tax collector once a year; and if the costs were ongoing, sooner or later someone would be purchasing that property and the non-ad valorem assessment would have to be paid.

Hearing no further comments, 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 3 – 0

## **12. ORDINANCE NO. 2008-28 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PROVIDING FOR AN AMENDMENT TO CHAPTER 46 “OFFENSES AND MISCELLANEOUS PROVISIONS”; ADOPTING SECTION 46-4 “OFF-DUTY POLICE DETAIL”; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** Staff: Jay Pickens, Public Safety Director

Manager Umberger advised the Council that the Public Safety Department provided Village Officers under contract for employment to local businesses for the purpose of security and traffic control. This ordinance regulated the services provided for the off-duty details and provided for enforcement when the private employer defaults on the terms of the contract.

Vice Mayor Brinkman stated this was a public hearing and asked for questions or comments from the Council and the public. Hearing no comments, 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 3 – 0.

## **REGULAR AGENDA**

### **ACTIONS AND REPORTS**

**13. Approval of Schedule for November and December Council Meetings**  
Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council this request was to schedule only one meeting on November 13, 2008 and one meeting on December 11, 2008, the regular dates for the first council meeting of the month. This change in schedule was due to the conflict of holidays falling on Thursdays in the latter part of these two months. The Charter and Code of Ordinances of the Village require the Council to hold at least one meeting per month. Should it become necessary to handle other Village business, additional meetings could be scheduled. It was the unanimous consensus of Council to approve the one meeting per month schedule for November and December.

**ADD: 13A. RESOLUTION NO. 2008-84 (PULLED FROM CONSENT #5)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, URGING SUPPORT OF “LET US VOTE” COUNTY CHARTER AMENDMENT ON THE NOVEMBER 4, 2008 ELECTIONS TO BRING HOME RULE TO ALL PALM BEACH CITIES; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Virginia Walton, Village Clerk

Mayor Pro Tem Waller stated there was a video on this issue at the League Meeting yesterday. Each municipality was urged to get the information out to their voters. The League Attorney stated that even if this was passed, it would not change any amendment that was already in place, such as traffic concurrency. Mayor Pro Tem Waller commented that the Palm Beach Post had erroneously reported that this amendment might change traffic concurrency and therefore was not in favor of the amendment. The Sun Sentinel did endorse this amendment. Mayor Pro Tem Waller

further clarified that this amendment would not impact anyone living in unincorporated County areas; however, it would prevent further amendments from putting municipalities in a “one size fits all” command.

Manager Umberger added that Commissioner Kanjian was the only County Commissioner who publicly came out in support of this amendment at a Commission Meeting. Mayor Pro Tem Waller agreed. Vice Mayor Brinkman thanked Commissioner Kanjian for his support.

Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution was made by Mayor Pro Tem Waller and seconded by Council Member Smith. Motion carried 3 – 0.

**ADD: 13B. Commissioner Bob Kanjian Special Report and Presentation of Parks and Recreation Check for Improvements**

Commissioner Kanjian, County District 3, began his comments by stating he was a decentralization kind of guy and he felt that the power should be with the people who live and breath it everyday. Commissioner Kanjian stated even though he was the only Commissioner who spoke in favor of this amendment, it was not the first time he had been in a 6-1 voting position; and he had figured out that this didn't necessarily make him wrong. Commissioner Kanjian stated he did feel this was the right thing to do; and, frankly, he felt the County should be very accountable to the municipalities and the ones on the ground who know better, and those are the ones who deal with these issues every day. Commissioner Kanjian commented that he had chastised his fellow Commissioners because part of their jobs should be out talking about and explaining all the state and county amendments rather than just picking which ones they want to discuss and voting on them as a Commission. Commissioner Kanjian felt the voting was a function of the people.

Commissioner Kanjian stated his main reason for being present was to discuss improvements which Palm Beach County, with State Tax dollars, would be bringing back to Palm Springs, and that was the way government should work. Commissioner Kanjian stated that he had been working with Bob Dovey, with District 3 offices, and discovered there were funds left from a 2002 Bond Referendum that remained unspent, even though the taxpayers had been paying on this money since 2002. Commissioner Kanjian had received a letter from Joe Martin of the John Knapp Baseball League, requesting funds for improvements to very inadequate facilities at their fields behind the YMCA. Commissioner Kanjian visited the site and agreed to find funds for a new snack bar and restroom facilities. Joe Martin and Mike Green, of the YMCA, were present tonight. Commissioner Kanjian also received a letter from Mayor Davis requesting funds for additional conservation and sustainable improvements to the Village ballfields.

Commissioner Kanjian stated this was an excellent use for the remaining funds from the 2002 Bond Referendum, and was recommending \$125,000 for the YMCA ballfields and \$103,000 for the Village's ballfields. He was also able to secure funds for Lake Worth, Boynton Beach and Santaluces High School. Approval for these funds would

be on the County Commission agenda on November 18, 2008.

Commissioner Kanjian commented on something that had been said about municipalities, and stated that he looked at municipalities as being all the same. The folks that live in Palm Springs, or other municipalities, are no less County residents than those that live in unincorporated areas. Commissioner Kanjian stated he has happy to assist in providing these funds and he hoped to come out and see the kids playing on the new fields. Commissioner Kanjian thanked the Council for the opportunity to come before them and offered to answer any other questions they might have about County government. He had come before the Council last year and had taken back some of the comments from that meeting and he would be happy to do that again this year.

Mayor Pro Tem Waller stated she had a comment that would probably get her in trouble. About 7 or 8 years ago, Palm Springs was accused of cherry-picking by Commission McCarty, and it sounded like that's what the County Commission was doing now. Commissioner Kanjian asked what Mayor Pro Tem Waller meant by cherry-picking. Mayor Pro Tem Waller replied at the time Palm Springs was accused of only annexing good properties and not wanting the bad, and it seemed that the County Commission was only passing the good things and only what they wanted. Those comments still bother Mayor Pro Tem Waller because they were not true. Commissioner Kanjian replied it would anger him as well. Commissioner Kanjian's reply was he would like to take responsibilities for all his fellow commissioners' comments; but until they want to take responsibility for what he was saying, and they don't, what he has found is that people are more enamored with the power rather than what they do with it. Commissioner Kanjian commented that he did not feel that way possibly because he was more grounded with a small business and a family with young children. His position as Commissioner was part of his day, it wasn't his whole day. Hopefully, when he gets home tonight, his kids would not be asleep, which will be great, and those are the things that make him who he is; and that will never change. Commissioner Kanjian stated he felt government was one of those things that you came in, did your job and then you go. Part of the problem was that when folks got entrenched, that's when things happen. Mayor Pro Tem Waller agreed completely.

Council Member Smith asked Commissioner Kanjian to comment on the residents complaints about Lake Worth Power, since the unincorporated areas of the County also use this power. Commissioner Kanjian replied his home was on Lake Worth Power, and told a story of a fundraiser on his street where the power went out and everyone laughed and assumed it was Lake Worth Power again, when in fact it was found to be a circuit breaker in the home. This event showed that outages had become so typical that it was an automatic response from users of Lake Worth Power. Commissioner Kanjian had spoken to the Lake Worth Mayor and the Mayor had given him the history of the power issues. Both Commissioner Kanjian and his brother lived in Lake Worth; and he wasn't sure there was a lot that could be done, other than the fact that Lake Worth realized it is unable to provide a lot of the services that are required

and if there are not some major changes, they are going to have problems. The County had already taken over the police department, and was still talking to them about fire/rescue. The County had also made a deal with Lake Worth to provide the water services. Anything the County can do, Commissioner Kanjian stated he would be there to help, but it was a tough situation and hopefully Lake Worth can come up with solutions.

## **VILLAGE COUNCIL COMMENTS**

Council Member Smith commented that she was excited about the Let Us Vote campaign and the positive comments she has received. This will be a wonderful thing to return some Home Rule to municipalities. The video prepared by the League of Cities was good, but TV ads would be better. Manager Umberger responded that there would be a late blitz of ads right before voting day. Council Member Smith suggested getting with the residents and asking them to keep a journal of their problems with Lake Worth utilities that could be used for negotiations when the Village's franchise agreement was due for renewal in 2011. Information was probably the Village's strongest argument.

Mayor Pro Tem Waller agreed with Council Member Smith's comments on the Let Us Vote Amendment, and also getting residents to keep track of the problems with Lake Worth power. It is upsetting to the Council to see half the Village lit and the other half dark because of the inefficiencies of another utility. Mayor Pro Tem Waller stated the Council would do the best they could with their ability.

Manager Umberger added that there were two more issues that he and Public Service Director Bill Davis were dealing with on a weekly basis. They were continually having meetings on all three issues. Lake Worth now had three City Managers over there trying to "right the ship", but you can't spend more for a service than you are paying, and they couldn't pay for it before. It is inevitable, almost, that they are not going to have any services left, or even possibly be a town. It seems like it's headed this way. It was not a good result, but the final result could possibly be that FP&L would have to take it over.

## **ADJOURNMENT**

Hearing no further business, Vice Mayor Brinkman adjourned the meeting at 8:15 p.m.

Respectfully submitted,

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Village Clerk

Approved by Council \_\_\_\_\_

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Mayor