

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, DECEMBER 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, 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 Chet Osborne.

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Village Manager: Item #2 was moved to Item #19

Add: Item #3A Recognize Governor's Award to Palm Springs Officers

Add: Item #3B Recognize FLC Award to Chet Osborne

Pull: Item #4 from agenda

Continue: Item #5, #6 and #8 to Jan. 8, 2009 agenda

Continue: Item #7 to Jan. 22, 2009 agenda

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

**CONSENT AGENDA**

**1. Minutes of Regular Council Meeting on November 13, 2008**

**This item was moved to Item #19**

**2. RESOLUTION NO. 2008-71 (ISBA)**

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

**ANNOUNCEMENTS AND PROCLAMATIONS****3. Excellent Public Safety Service Award to Sgt. Juan Castro**

Staff: Jay Pickens, Public Safety Director

Chief Pickens explained that two years ago his department had been approached by Palm Beach County Sheriff's Department with an idea for a program to address the homeless population of the County. Sgt. Castro, a 30 year veteran with Palm Springs Police, immediately volunteered to join the outreach program and is actually the only municipal police officer association with this program. This program provides social services to the homeless population of the County. Sgt. Castro, on his own, developed a computer database for coordinating this program and has developed quite a rapport with the people who use this program. Sgt. Castro recently had a reporter from the Sun Sentinel ride along with him. Chief Pickens stated he knew for a fact that Sgt. Castro's involvement in this program has made a difference, both in the County and in Palm Springs. Panhandling may be a problem outside of Palm Springs, but not within Palm Springs.

Mayor Davis joined Chief Pickens in presenting Sgt. Castro with the Police Department's Excellent Police Service Award for all his efforts for the homeless of Palm Beach County and for all the residents of Palm Springs. Chief Pickens also added that this was the sixth or seventh time that Sgt. Castro had received this award during his career with Palm Springs Police. Sgt. Castro thanked the Village and Chief Pickens for giving him this opportunity. Sgt. Castro stated he was hesitant at first to join this program; but it has turned out to be a blessing by allowing him to assist so many people in the County and in return helping himself. Visiting the homeless in their camps gives one a different outlook, as they are all human beings and should be treated as such. Sgt. Castro tries to educate his men to realize some of us are only a few paychecks away from being homeless and we need to give thanks for what we have and offer whatever assistance we can. Sgt. Castro acknowledged the solutions were not easy, but he thanked the Village for whatever assistance they have given and continue to give this program. Sgt. Castro ended that he would continue to do his best and hoped he would never let the Village down.

Mayor Davis thanked Sgt. Castro for his efforts and stated he was well deserving of the award.

**3A. Recognition of Governor's Heroism Awards for Palm Springs Public Safety Officers** Staff: Chief Jay Pickens and Lt. Mark Hall

Chief Pickens stated that recently the Council had recognized these officers with awards for their heroism on August 14<sup>th</sup> at the crash and fire at the gas station on Florida Mango and Forest Hill. Last week these same officers were recognized and

awarded the highest State award for police officers, the Governor's Heroism Award by Governor Crist in Tallahassee. Chief Pickens asked Lt. Mark Hall, the Watch Commander who nominated these men for this award, to come forward and explain these awards.

Lt. Hall stated the Council was well aware that the Village has changed in many ways over the years. Lt. Hall commented that if someone had told him back in 1990, when he joined the police department as a volunteer reserve officer, that Palm Springs officers would be responding to some of the crimes that they now respond to, that there would be nightclubs in Palm Springs and working those details, he would not have believed it. Growth for the Village and growth for the police department has been good, but has also required that you have to do more with less. One of the first things that officers are taught, whether in the police or fire academy, is to determine if the scene is safe. Lt. Hall remarked that very few of the scenes they now respond to are safe, but they are taught to try to secure the scene before jumping into anything. Yet these four officers went into a scene that was absolutely not safe. They could have easily waited the first 2-3 minutes to wait for the pumper to arrive and knock down the flames, or try to create a water barrier between them and the victims. But these officers didn't wait. They took the initiative and the courage and went where most won't go. It was for that reason they were recognized by the Governor, and it was for that reason that Lt. Hall stated he was as proud of them as he was of the entire department, for the job they did that day and the job they do every day. Sgt. James Gregory, Officer Gary Zito, Officer John Gee and Officer Darrell Diez came forward to display the Governor's Medals and the congratulations of the Council.

Mayor Davis stated that the Village had excellent officers and he would stack them up against any officers in the County or the State, and awards like these just prove that fact even more.

### **3B. Recognition of Florida League of Cities Award to Council Member Chet Osborne by Mayor Davis**

Mayor Davis asked Council Member Osborne to step down to the audience. Mayor Davis stated he has known Council Member Osborne for over twenty years now. Council Member Osborne was recently recognized by the Florida League of Cities, in Orlando, for his 30 year tenure on this Council. Mayor Davis then read a proclamation acknowledging Council Member Osborne's accomplishments during his tenure as a role model and mentor and proclaiming December 11, 2008 as "Chet Osborne Day in Palm Springs". Council Member Osborne commented that it seemed like just yesterday that he had received his award for 25 years of service, but he guessed time flew when you were having fun. Council Member Osborne thanked the Florida League of Cities for honoring him, and he also thanked the residents of Palm Springs for giving him the opportunity to be elected 15 times. Council Member Osborne also thanked the Council

and Staff for all the support he had received over the years. Without their help, he might not have made it! "It's been a good ride. Thirty years is a long time". Council Member Osborne stated as he watched the officers in the audience, he realized that he had been on the Council longer than some of those officers had been alive! Mayor Davis commented that the Council certainly appreciated the job Council Member Osborne has done and he was sure that Chet would continue to do a great job for many years to come.

## **PUBLIC COMMENT**

Mayor Davis stated he had received three cards from Gary Ready. Mr. Ready stated that they were just questions that he would like some information on. Mayor Davis stated he would pass his questions to staff for responses. Mr. Ready stated that would be fine.

## **PUBLIC HEARINGS**

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

4. **RESOLUTION NO. 2008-78 (SITE PLAN – HIGH POINT ON CONGRESS)**

### **This item was continued to the January 8, 2008 agenda**

5. **RESOLUTION NO. 2008-80 (SITE PLAN – TONSET TOWNHOMES)**

### **This item was continued to the January 8, 2008 agenda**

6. **RESOLUTION NO. 2008-87 (SITE PLAN – OXYGEN CENTER)**

### **This item was continued to the January 22, 2008 agenda**

7. **RESOLUTION NO. 2008-92 (SITE PLAN – BURSICO)**

### **This item was continued to the January 8, 2008 agenda**

8. **RESOLUTION NO. 2008-93 (SITE PLAN – 7<sup>TH</sup> DAY ADVENTIST CHURCH)**

9. **RESOLUTION NO. 2008-94 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF NORDAP INVESTMENTS INC., FOR SITE PLAN APPROVAL (SPR 08-14) AND A SPECIAL EXCEPTION USE (PSSE 08-12) FOR INTERIOR RENOVATIONS TO AN EXISTING COMMERCIAL BUILDING IN ORDER TO ESTABLISH COMUNIDADE MUNDIAL DA FE CHURCH LOCATED AT 3395 LAKE WORTH ROAD, BAY NO. 6; 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 November 6, 2008. There were no ex parte communications disclosed and the Applicant was not present to give testimony. Manager Umberger advised the Council that this property was annexed into the Village in June 2003. It was currently a flex warehouse space previously occupied by a tile business. The owner was now subdividing the building for lease by separate tenants. The church would occupy approximately 1440 square feet. Their services would be Sundays 10am to 5pm and Tuesdays and Fridays 7pm to 8:30pm. Their business office would be open Monday through Friday from 8am to 6pm. They were not proposing any accessory uses or additional times for the church, but an administrative variance for one parking space was being requested. Since church services were typically non-peak hours, the parking should not have a significant impact on the center. The interior renovations will have to comply with the Florida Building Codes, and included in these requirements are two exits from the tenant space, two-hour fire separation of the tenant space, two (a male and a female) handicap accessible bathrooms, a service sink and a drinking fountain. A life safety plan is also required. The Land Development Board recommended approval of this request at their meeting on November 18, 2008. Director Lowe had no further comments other than what was stated in the conditions listed as Exhibit "A".

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

**10. RESOLUTION NO. 2008-95 (AMEND SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE APPLICATION OF PETER GILSTAD/SONG & ASSOCIATES, AGENT FOR THE OWNER, COMPREHENSIVE COMMUNITY CARE NETWORK, INC.; FOR AMENDMENT TO SITE PLAN (SPR 05-11); FOR INSTALLATION OF AN EMERGENCY 300 KW GENERATOR ENCLOSED IN A WEATHER-TIGHT, HIGH-WIND RESISTANT, SOUND-ATTENUATED HOUSING ON A CONCRETE PAD TO BE LOCATED ALONG THE NORTH SIDE OF THE BUILDING, FOR THE EXISTING BUILDING LOCATED AT 2330 SOUTH CONGRESS AVENUE; 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 November 6, 2008. There were no ex parte communications disclosed. Ron Vosatka was sworn in to give testimony. Mr. Vosatka

stated he wanted to thank everyone who has assisted them in getting this project completed, and to those on the Council who had come by to see the facility. They expected to begin seeing clients in the community health center during the first quarter of the new year and hopefully receive approval for this generator tonight. There were grant funds in place for this project and they wished to move forward quickly

Manager Umberger advised the Council that the original site plan had been approved by Resolution No. 2005-58 on October 27, 2005. Construction has been completed and a certificate of occupancy had been issued. The Applicant was now requesting an amendment that would allow a 300 KW emergency generator on the site to power the medical clinic and associated offices during FP&L power outages. The generator would be fueled from natural gas which is piped from the south. The generator would be installed with a sound attenuated enclosure resulting in a sound level not to exceed 70 dba within 3 feet of the generator or 60 dba at any property line.

The Land Development Board had recommended approval of this request at their meeting on November 18, 2008. Director Lowe added that she had been approached at the County Commission meeting about the Village possibly submitting a letter in case the Applicant needed it in order for an extension for the CDBG grant funds for this project, since our permit process may take longer than the deadline for the grant funds. Director Lowe stated she would be glad to write the letter with Council permission. Mayor Davis and the Council agreed it was a good idea.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the application request was made by Council Member Osborne and seconded by Council Member Smith. Motion carried 5 – 0.

#### **11. RESOLUTION NO. 2008-97 (FINAL PLAT)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT FOR C & D PRODUCE SOUTH, SUBMITTED BY THE OWNER, DANIEL SALDANA, FOR THE PROPERTY LOCATED AT 3133 LAKE WORTH ROAD; AND PROVIDING AN EFFECTIVE DATE.** Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that the preliminary plat was approved through Resolution No. 2003-33 on March 13, 2003. Mayor Davis stated this was a public hearing and asked for questions or comments. Hearing none, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the final plat was made by Mayor Pro Tem Waller and seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

**12. ORDINANCE NO. 2008-24 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING 29 PARCELS OF LAND CONSISTING OF A TOTAL OF 35.26 ACRES, MORE OR LESS, LOCATED NORTH AND SOUTH OF FOREST HILL BOULEVARD AND EAST OF MILITARY TRAIL; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; THE PARCELS ARE HEREBY ANNEXED PURSUANT TO A VILLAGE INITIATED APPLICATION; DECLARING THAT THE WRITTEN CONSENT TO THE ANNEXATION HAS BEEN OBTAINED BY THE VILLAGE FROM THE OWNERS OF THE REQUIRED PORTIONS OF REAL PROPERTY ANNEXED HEREBY PURSUANT TO SUBSECTION 171.205, FLORIDA STATUTES; PROVIDING THAT ALL PREREQUISITES TO SUCH ANNEXATION REQUIRED BY SECTION 171.204, FLORIDA STATUTES, HAVE BEEN ACCOMPLISHED; 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Palm Beach Post on October 6 and October 13, 2008. Village Attorney Torcivia read the ordinance by title. Vice Mayor Brinkman declared she would not be voting on this issue and had filled out the property Form 8B. Vice Mayor Brinkman explained that Kilday & Associates was representing and being compensated by one of the Applicants; and since she worked for Kilday & Associates, she wanted to avoid any appearance of a conflict. Mayor Davis stated this was a public hearing and asked for questions or comments from the public.

John Cook, 301 Harbour Pointe Way, Greenacres, and owner of property located at 4303 Barbridge Road, which was part of this proposed annexation. Mr. Cook stated he had purchased this home in 1999 and had lived there until a few weeks ago when he moved with his new wife. Barbridge Road is very different from most of the Village, no paved driveways, less dense, nice atmosphere, and he knows that he can't talk the Council out of the annexation; however, he would like to request that the Council not change this area to look like the rest of Palm Springs. Please don't turn the Village Code Enforcement on them with tons and tons of fines. Many of his neighbors work in construction and are barely making it in this economy and a lot of added expenses would probably put them over the edge. This was an affordable home neighborhood and they don't need the Village putting more people out of their homes. Mr. Cook asked that the Village take it easy on them and work with them. Mayor Davis thanked Mr. Cook for his comments.

Hearing no comments or questions, 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 4 – 0.

**13. ORDINANCE NO. 2008-26 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, REGARDING THE REDESIGNATION OF FOUR VACANT PARCELS TOTALING 19.50 ACRES, LOCATED AT THE INTERSECTION OF CONGRESS AVENUE AND LARK ROAD; AMENDING THE OFFICIAL LAND DEVELOPMENT DISTRICT (ZONING) MAP OF THE VILLAGE OF PALM SPRINGS BY REDESIGNATING THE ABOVE DESCRIBED PROPERTIES FROM PALM BEACH COUNTY “RS” AND “CG” TO VILLAGE OF PALM SPRINGS “RM”; 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 October 9 and October 16, 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 public.

Carl Bengston, 2546 Bahama Road, stated that Council had heard many comments and concerns at first reading of this ordinance. Mr. Bengston stated he understood that DCA had already approved this re-designation; therefore, he understood there was little they could do about it now, but he did want to put on record that the residents of this neighborhood did not feel that the RM zoning was consistent with the area. Adding this many units directly adjacent to them would affect the integrity of Bahama Heights and its ability to maintain the property values. This project would allow the continued traffic congestion for this area. Mayor Davis thanked Mr. Bengston for his comments.

Hearing no further comments or questions, a motion to adopt the ordinance on second reading was made by Council Member Smith and seconded by Council Member Osborne. A roll call vote was in favor of adoption 5 – 0.

**14. ORDINANCE NO. 2008-29 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PROVIDING FOR AN AMENDMENT TO CHAPTER 1 “GENERAL PROVISIONS” SECTION 1-2 “DEFINITIONS”; PROVIDING FOR AN AMENDMENT TO CHAPTER 34, ARTICLE VI “LAND USE”, AMENDING SECTION 34-824 “SPECIAL EXCEPTIONS”, AMENDING DIVISION 7 “SUPPLEMENTAL**

**DISTRICT REGULATIONS” SECTIONS 34-1300 THRU 34-1320, 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 October 30 and November 6, 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 public.

Hearing no comments or questions, a motion to adopt the ordinance on second reading was made by Vice Mayor Brinkman and seconded by Mayor Pro Tem Waller. A roll call vote was in favor of adoption 5 – 0.

**15. ORDINANCE NO. 2008-30 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, REGARDING THE REDESIGNATION OF A VACANT PARCEL, OWNED BY HIDDEN ACRES VENTURE, INC., CONSISTING OF 4.74 ACRES, LOCATED ON LONE PINE WAY; AMENDING THE OFFICIAL LAND DEVELOPMENT DISTRICT (ZONING) MAP OF THE VILLAGE OF PALM SPRINGS BY REDESIGNATING THE ABOVE DESCRIBED PROPERTIES FROM VILLAGE OF PALM SPRINGS RESIDENTIAL MULTI-FAMILY “RM” TO VILLAGE OF PALM SPRINGS COMMERCIAL GENERAL “CG”; 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 October 30 and November 6, 2008. Village Attorney Torcivia read the ordinance by title. Vice Mayor Brinkman declared she would not be voting on this issue and had filled out the proper Form 8B. Vice Mayor Brinkman explained that Kilday & Associates was representing and being compensated by one of the Applicants; and since she worked for Kilday & Associates, she wanted to avoid any appearance of a conflict. Mayor Davis stated this was a public hearing and asked for questions or comments 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.

**16. ORDINANCE NO. 2008-31 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, REGARDING THE REDESIGNATION OF A VACANT PARCEL CONSISTING OF 7.24 ACRES, OWNED BY TEXAS BEVERLY COMPANY, LOCATED AT 1525 SOUTH CONGRESS AVENUE; AMENDING THE OFFICIAL LAND DEVELOPMENT DISTRICT (ZONING) MAP OF THE VILLAGE OF PALM SPRINGS BY REDESIGNATING THE ABOVE DESCRIBED PROPERTIES FROM PALM BEACH COUNTY COMMERCIAL GENERAL "CG" TO VILLAGE OF PALM SPRINGS COMMERCIAL GENERAL "CG"; 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 October 30 and November 6, 2008. Village Attorney Torcivia read the ordinance by title. Vice Mayor Brinkman declared she would not be voting on this issue and had filled out the proper Form 8B. Vice Mayor Brinkman explained that Kilday & Associates was representing and being compensated by one of the Applicants; and since she worked for Kilday & Associates, she wanted to avoid any appearance of a conflict. Mayor Davis stated this was a public hearing and asked for questions or comments 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 4 – 0.

**17. ORDINANCE NO. 2008-32 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, REGARDING THE REDESIGNATION OF A PARCEL CONSISTING OF 19.35 ACRES, OWNED BY FOUR FLORIDA SHOPPING CENTER PROPERTIES LTD., LOCATED AT 3139 FOREST HILL BOULEVARD; AMENDING THE OFFICIAL LAND DEVELOPMENT DISTRICT (ZONING) MAP OF THE VILLAGE OF PALM SPRINGS BY REDESIGNATING THE ABOVE DESCRIBED PROPERTIES FROM PALM BEACH COUNTY COMMERCIAL GENERAL "CG" TO VILLAGE OF PALM SPRINGS COMMERCIAL GENERAL "CG"; 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 October 30 and November 6, 2008. Village Attorney Torcivia read the ordinance by title. Vice Mayor Brinkman declared she would not be voting on this issue and had filled out the proper Form 8B. Vice Mayor Brinkman explained that Kilday & Associates was merging with another planning company who represented the Applicant; and since she worked for Kilday & Associates, she wanted to avoid any appearance of a conflict. Mayor Davis stated this was a public hearing and asked for questions or comments 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 Smith. A roll call vote was in favor of adoption 4 – 0.

**18. ORDINANCE NO. 2008-33 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ADMINISTRATION, BY AMENDING ARTICLE V ENTITLED "CODE ENFORCEMENT", SECTION 2-231 ENTITLED "STATE LAW PROVISIONS FOR ENFORCEMENT ADOPTED", SECTION 2-232 ENTITLED "CODE ENFORCEMENT BOARD", SECTION 2-233 ENTITLED "SUMMARY ENFORCEMENT PROCEDURES; CODE CITATION", SECTION 2-234 ENTITLED "FORMAL ENFORCEMENT PROCEDURES; NOTICE TO APPEAR", SECTION 2-235 ENTITLED "SCHEDULE OF FINES, COSTS AND FEES ESTABLISHED BY RESOLUTION", ADDING SECTION 2-236 ENTITLED "STIPULATIONS", AND ADDING SECTION 2-237 ENTITLED "LIEN REDUCTIONS"; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Glen J. Torcivia, Village Attorney

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on November 6 and November 13, 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 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 Osborne. A roll call vote was in favor of adoption 4 – 0.

**MOVED FROM ITEM #2**

**19. RESOLUTION NO. 2008-71 (ISBA)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXING ONE (1) ENCLAVE CONSISTING OF TWENTY-SEVEN (27) PARCELS, OF TEN ACRES OR LESS, THOSE LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" TO THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that Chapter 171.046(a) Florida Statutes allowed for the annexation of enclaves of ten acres or less by Interlocal Agreement between the incorporating municipality and the County of jurisdiction. This procedure is a result of the State's policy to eliminate enclaves and improve service delivery. The parcels are located on Barbridge Road, Erie Terrace and Kirk Road. The Land Development Board recommended approval of this interlocal agreement at their meeting on October 14, 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 resolution by title. A motion to adopt the resolution and approve the agreement was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

**REGULAR AGENDA**

**ACTIONS AND REPORTS – None Scheduled**

**VILLAGE COUNCIL COMMENTS**

Mayor Pro Tem Waller stated she was very proud of our Public Safety Officers and Sgt. Juan Castro for stepping up to the plate for the homeless. Merry Christmas and Happy New Year to everyone and she was looking forward to the Santa ride on Saturday.

Vice Mayor Brinkman stated it looked like everything was ready for Saturday, and she hoped it doesn't rain. Vice Mayor Brinkman asked Manager Umberger for an update on the new Village Maintenance building on Kirk Road. Manager Umberger responded that the plans were in for review and comments, and hopefully would go out for Bid in early January.

Council Member Osborne congratulated the officers on their prestigious Governor's Awards. They were real heroes. Also congratulations to Sgt. Castro for his dedication and service to Public Safety for thirty years. He also thanked the Council and Staff for his proclamation and wished everyone a Merry Christmas and a Happy New Year.

Council Member Smith commented she was also proud of these police officers, as well as all the officers who do a fine job. In some ways when you listen to the remarks about the past 30 years, it makes you want to go back to the 1990's when the Village had public safety and it was a small Village; but time moves on. When we hear people comment they don't want multi-family next to single family, it's just not the way Palm Beach County is heading. It would be nice to turn the clocks back in some ways, but in other ways the Village has done some wonderful advancements and the quality of life is so much better. Council Member Smith commented that she was very proud of the Village's police department. Her husband had worked with Juan Castro for many years and he was quite an upstanding officer and has always done a remarkable job in everything he does. It's the heart...he has the heart. Council Member Smith wished everyone a Happy Holiday and Season's Greetings and looked forward to riding with Santa on Saturday.

Mayor Davis commented that if he could turn the clock back, it would be a lot more than 10 years. Mayor Davis added that the Village had a great police department and they deserved all the kudos they received, particularly Sgt. Castro and the four young officers who pulled those people out of the burning vehicle. Mayor Davis wished everyone Happy Holidays, Merry Christmas and Happy New Year. Mayor Davis then announced that he would be filing for re-election. He stated there was a good team in the Village with this Council and this Staff. Many accomplishments had been made over the past twelve years since he had been Mayor; but, we are coming into some difficult times with the amendments that have been passed on taxation, with the economy that has soured and with the State that was dragging its feet on making payments. The good news was that the Village was in good shape when compared to other cities not just in the County and State, but throughout the Country; however, the Village was feeling the belt tightening and will have to learn to do more with less, just like everyone else. You need a team in order to do that, and the team the Village has right now has seen the Village through a lot of difficult times over the past 12 years and he would like to see that team stay together.

Mayor Davis announced that the next scheduled council meeting was January 8, 2009; but he would not be in town, so Vice Mayor Brinkman would officiate.

**ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 8:25 p.m.

Respectfully submitted,

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Village Clerk

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

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Mayor