

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, FEBRUARY 26, 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 7:35 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, Leisure Services Director Bill Golson, Library Director Elena Romeo and Village Engineer Don Eckler.

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 #6 correction - \$5,000 instead of \$15,000 for easement cost for Task Order 103

Item #8 will be continued to March 12th agenda

Item #11 will be continued to March 26th agenda

Vice Mayor Brinkman: Add item #13A School Board redistricting

Mayor Davis: Add item #13B Council Monthly Meetings

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

CONSENT AGENDA

1. **Minutes of Local Planning Agency Meeting on February 12, 2009**
2. **Minutes of Regular Council Meeting on February 12, 2009**
3. **Budget Amendment for Public Safety in the amount of \$51,000 to recognize funds from the Palm Beach County \$12.50 Traffic Citation monies, to be used for the purchase of 25 hardened laptop computers for the Public Safety Department Mobil Data System.**
Staff: Jay Pickens, Public Safety Director
4. **Budget Amendment for Leisure Services Department in the amount of \$103,000 to recognize grant funds from the Palm Beach County Recreation and Cultural Bonds for lighting improvements at the Village Ballfield Complex.**
Staff: Bill Golson, Leisure Services Director

5. **Approval of Task Order No. 102 to Eckler Engineering for a new wastewater collection system in the service area around Kirk Road and Lakewood Road, in the lump sum amount of \$450,000 for the design services and limited services during construction at an hourly rate plus direct expenses not to exceed \$250,000 without prior authorization, and \$10,000 for services related to required easements.**

Staff: Bill Davis, Public Service Director

6. **Approval of Task Order No. 103 to Eckler Engineering for a new wastewater collection system in the service area around Donald Road and Dale Road, in the lump sum amount of \$115,000 and limited services during construction at an hourly rate plus direct expenses not to exceed \$62,000 without prior authorization, and ~~\$15,000~~ \$5,000 for services related to required easements.**

Staff: Bill Davis, Public Service Director

7. **RESOLUTION NO. 2009-17**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 3 TO TASK ORDER NO. 97 FOR CONSTRUCTION OF CERTAIN UTILITY IMPROVEMENTS AT CLEMENS STREET, TO AKA SERVICES, INC., IN THE AMOUNT OF \$35,234.00; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

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

PUBLIC COMMENT

Gary Ready, 3118 Meadow Road, stated that since the fountain was added to Frost Lake, the water quality has gotten poorer and fish have been dying, as well as the water level dropping at least three feet. Mr. Ready asked if the Council could look into this matter. Mayor Davis asked the Village Manager for any input on this issue. Manager Umberger responded that the contractor had been contacted and present situation could be the result of several causes. The algae was not unusual at this time of year. Since the property was cleared of dead and damaged trees, the lake was getting more sun and might account for the lower water level, along with lack of recent rain. The fish in the lake were South American tropical fish and the recent cold weather conditions contributed to this problem. The Manager was having the lake monitored and would report back on any findings.

Mr. Ready also suggested that the Council consider a sign to honor Council Member Osborne for his dedication of years of service and shaping the future of the Village. Council Member Osborne thanked Mr. Ready for his thoughts. Mayor Davis suggested Mr. Ready stay for the rest of the meeting because the Council would address this suggestion later in the meeting.

PUBLIC HEARINGS

This item was continued to the March 12, 2009 agenda

- 8. RESOLUTION NO. 2008-80 (TONSET SITE PLAN/LARK RD & CONGRESS)**
- 9. RESOLUTION NO. 2008-87 (SITE PLAN – QJ)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF TEXAS BEVERLY COMPANY/FOUR FLORIDA SHOPPING CENTERS, L.P./HIDDEN ACRES VENTURE, INC., FOR SITE PLAN APPROVAL (SPR 08-13) FOR CONSTRUCTION OF A 211,363 SQUARE FOOT TWO-STORY RESEARCH AND DEVELOPMENT, PRODUCTION AND WAREHOUSING FACILITY AND A SPECIAL EXCEPTION (PSSE 08-13) FOR A LIGHT INDUSTRIAL USE IN A COMMERCIAL GENERAL ZONING DISTRICT, ON APPROXIMATELY 14.36 ACRES LOCATED 0.15 MILES NORTH OF THE FOREST HILL BOULEVARD AND CONGRESS AVENUE INTERSECTION ON THE WEST SIDE OF 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; however, Vice Mayor Brinkman stated that she would abstain from voting on this item because, her employer, Urban Design Kilday Studios was retained by the developer for this project. Vice Mayor Brinkman had submitted the proper Form 8B to the Village Clerk. Marty Minor, agent for the developers, was sworn in to answer any questions. A revised Exhibit "A" was given to Council. Director Lowe stated the conditions were revised because loading spaces were added on the north side access, which runs east to west. A 24 foot aisle travel lane would be maintained. Also two dumpsters were added. The drainage calculations needed to be modified to account for the access road to Lone Pine Way. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and the public.

Council Member Osborne commented that the Village had been waiting a long time for this project, and asked how many employees would be hired and how long before the construction began. Mr. Minor replied approximately 300 employees and they were working now to get all the necessary approvals from all entities needed for permitting. Council Member Smith commented that everyone was very excited to see this project go forward, and wanted to know how the flow of traffic would be handled for employees and deliveries. Mr. Minor responded deliveries would have a service area off Congress Avenue, for ingress and egress would be onto Forest Hill Boulevard; and employees would park in the front. Mayor Pro Tem Waller welcomed them into the Village.

Hearing no comments from the public, Village Attorney Torcivia read the resolution by title. A motion to adopt, with the revised Exhibit "A" conditions, was made by Council Member Osborne and seconded by Council Member Smith. Motion carried 4 – 0, with Vice Mayor

Brinkman abstaining.

10. RESOLUTION NO. 2008-96 (PRELIMINARY PLAT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY PLAT FOR THE OXYGEN CENTER, SUBMITTED BY THE OWNERS, TEXAS BEVERLY COMPANY, FOUR FLORIDA SHOPPING CENTERS PROPERTIES L.P., H.J. BROWN FLORIDA PROPERTIES MANAGEMENT, INC., HIDDEN ACRES VENTURE, INC. AND MORGAN BROWN TRUST, FOR THE PROPERTIES LOCATED AT THE NORTHWEST CORNER OF FOREST HILL BOULEVARD AND CONGRESS AVENUE; AND PROVIDING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

No advertising is required for plats. There were no ex parte communications disclosed; however, Vice Mayor Brinkman abstained from voting on this item because her employer, Urban Design Kilday Studios, was retained by the developer for this project. Vice Mayor Brinkman had submitted the proper Form 8B to the Village Clerk. Marty Minor, agent for the developers, was sworn in to answer any questions. A revised Exhibit "A" was given to Council. Director Lowe stated the conditions were revised to correct a type error, to revise Reservation #3 to say "utilize for proper purposes", revise Reservation #5 to read that the 46.5 foot access easement is hereby reserved for the owners of the lands for ingress and egress, along with designation of loading zones and location of refuse enclosures with a minimum of 24 feet of unobstructed travel lane.

Mayor Davis stated this was a public hearing and asked for questions. Hearing none, 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 4 – 0, with Vice Mayor Brinkman abstaining.

This item was continued to the March 26, 2009 agenda

11. RESOLUTION NO. 2009-16 (DAREBECAFE SITE PLAN/LAKE WORTH RD)

12. ORDINANCE NO. 2008-17 (SECOND 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 DCA 09-1, FORMERLY KNOWN AS 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

Village Clerk Walton advised the Council that notice of public hearing was placed in the Palm Beach Post on August 9, 2008 for first reading and also in the Palm Beach Post on February 15, 2009 for second reading. There were no ex parte communications disclosed; however, Vice Mayor Brinkman abstained from voting on this item because her employer, Urban Design Kilday Studios, was retained by the developer for this project. Village Attorney Torcivia read the ordinance by title.

Manager UMBERGER advised the Council that the Amendment revised the Land Use Element and the Transportation Element to define and identify the boundaries of the Urban Redevelopment Area and Transportation Concurrency Exception Area within the Village. These have to be designated in the Village's comprehensive plan in order for any developer to utilize the URA or TCEA. Additionally, the Amendment 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 be seeking development approvals. This Amendment was heard on first reading on September 11, 2008 and was then transmitted to the Department of Community Affairs for review. An Objection, Responses and Comments (ORC) Report was issued by DCA on December 31, 2008. The Amendment has been revised to address those comments. The adopted Amendment will be transmitted to DCA with a request that the Amendment be found in compliance.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Joseph Muscarella, Village Green, asked if this property included the 10th Avenue property and were they planning to put another Walgreens or Walmart on the site. Mayor Davis stated that property was included and the owners were possibly looking into a development plan for a Walgreens or a Walmart. Mr. Muscarella was not in favor of more Walgreens. Vice Mayor Brinkman clarified that a possible site plan was not being considered tonight.

Shane Weaver, with Legal Aid Society, Attorney for the Sunshine Village property owners, stated he had originally come to protest this ordinance; however, prior to this meeting he had met with Cornerstone's attorney and the Village's attorney and come to an agreement. He would read the terms of the agreement into the record and the other attorneys would confirm their understanding of the terms. Mr. Weaver stated by virtue of allowing ordinance to be adopted, all parties agree that: 1) the residents waive no rights nor lose any rights to make any objections at later hearings, most likely the rezoning hearing coming eventually; 2) at that later hearing Cornerstone and the Village agree not to raise any objection that this was the hearing

the owners should have made their objections; in other words, an objection at a later hearing would be treated the same as if the objection was made tonight. Mr. Weaver stated those were the key terms and the owners were just trying to preserve their rights in the hopes that the parties can negotiate and meet agreeable terms. Bonnie Miskel, Attorney with Seigel-Lippman and representing the Cornerstone Group. She was in agreement with Mr. Weaver that they would not hold his consent at this hearing as a waiver in future hearings. She also understood from the meeting that in exchange for the ability to go forward and get back with them to negotiate and address their concerns, they would not challenge this land use amendment before the Council. That was the basis for the waiver granted to Mr. Weaver and the owners. Mr. Weaver stated that was correct. Mr. Weaver also stated the Village Attorney was present at the meeting and had also agreed to these terms. Mayor Davis stated that by virtue of the Council reading these terms into the record, Mr. Weaver was getting the Village's agreement.

Hearing no further comments, 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, with Vice Mayor Brinkman abstaining.

REGULAR AGENDA

ACTIONS AND REPORTS

13. Appointment to the Library Board

Mayor Davis stated there was a vacancy on the Library Board due to the recent resignations of Paul Mirabito and Rose Thomas. One application had been received by Milton Kraemer indicating his willingness to serve. Hearing no other nominations, a motion to appoint Milton Kraemer as a regular member on the Library Board for a term to expire in April 2012 was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

ADD:

13A. Meeting of PBC School Board for Re-districting

Vice Mayor Brinkman advised the Council that she was serving as the SAC Chair for John I. Lenard High School. During the last meeting, there was a lot of concern that the configuration of the SAC boundaries that the School Board had approved at first reading basically decreased their percentage of free and reduced lunch recipients at Palm Beach Central High from 18 to 14%, with the John I Leonard school increasing by that percentage. The current recipient percentage at JIL was about 44%. Since that time, Vice Mayor Brinkman had been in touch with Paulette Burdick; and she had been instrumental in meetings with Superintendent Johnson to have three of the new SAC areas planned for JIL to be deleted. It's probably the best we could hope for. The School Board is charged with using socio-economic diversity as part of their criteria for re-districting. Vice Mayor Brinkman stated she would be speaking at the School Board Meeting for second reading on this re-districting and would like the consensus of the Council to speak on behalf of the Village to express thanks for them reconsidering the boundary change, and to speak on the previous position if there are any changes at the meeting. The Council was in unanimous agreement.

ADD:**13B. Discussion of Council Monthly Meetings**

Mayor Davis stated the Council currently met two times a month, however the Village Charter only required one meeting a month. Mayor Davis would like Council consensus to change to one meeting a month for the foreseeable future. Mayor Davis had spoken to the Village Manager, who in turn spoke to the Department Directors and everyone was in agreement. It would save the Village a few dollars, as far as operating expenses. In the process, the Manager would like the ability to determine whether it would be the second Thursday meeting or the fourth Thursday meeting of the month, and would make sure all meetings were properly advertised. Mayor Davis also stated that if the need arose, either a second meeting or a special meeting could be called. Vice Mayor Brinkman asked if this would take effect in April or March. Village Clerk Walton advised the Council that the Charter called for the newly elected candidates to be sworn in at the first meeting in March after the elections.

A motion to move to one meeting a month was made by Council Member Osborne and seconded by Council Member Smith. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Waller jokingly asked Council Member Osborne if he would reconsider since they were now going to one meeting a month. Mayor Pro Tem Waller commented that she was sad to see him leave, but wished him much happiness and a long happy retirement. Many thanks for your long years of service and come back and see us sometime.

Council Member Smith commented that her wishes go to Jan and Chet for a wonderful retirement, though she knows he will never really retire and would stay active. Council Member Smith wished Council Member Osborne good health and happiness, and she was sure they would see him around the sidewalks of Palm Springs, and hopefully here once in a while. Council Member Smith further commented that she had enjoyed working with Council Member Osborne and many thanks for his long years of service.

Vice Mayor Brinkman commented that she also expressed those same sentiments to Council Member Osborne, but also wished him good luck with all his volunteer activities and hopefully a reduced golf score! Vice Mayor Brinkman further commented that she personally had enjoyed working with Council Member Osborne for these past ten years and thanked him again for his years of service.

Council Member Osborne came to the podium to speak with the residents as well as the Council. Council Member Osborne jokingly commented that the Mayor had given him an hour so get comfortable! Council Member Osborne welcomed his family, friends and constituents, then stated when he moved to Florida in 1965 he felt his experience in the Navy would more than qualify him as an Air Traffic Controller, working with what is now Palm Beach International Airport. When he found out the school quote was full, he took an interim job at Pratt Whitney. His interim position lasted thirty-three years. While volunteering on the Village's Recreation Board in 1978, then Council Member Dick Jette, convinced him to submit a letter of interest to be appointed to the vacant Council seat left by Councilperson Jeanette Guerty. Council Member

Osborne thought a couple of years on the Village Council would look good on his resume, never thinking he would be there for more than thirty years. Time does pass.

During Council Member Osborne's tenure, he had been part of many changes in this Village. He had worked with 6 different city managers and various council members, as well as various employees. When he was first elected, the population was approaching nine thousand and today it was over fifteen thousand. There were approximately 30 – 40 city employees then and now there are approximately 170. At that time, the Library was a trailer across the street from the old city hall. That was it until Palm Springs Library was built in 1978. Back then there was only one water plant; now there are two plants. Alameda Road was a dirt road and Davis Road went all the way to Forest Hill Boulevard, before Springdale homes were built. We are proud of what we have accomplished: the new municipal building, the new Public Safety building next door; tennis courts, basketball courts, children's water park and various other recreational activities. This entire complex was built for \$7.9 million dollars and Council Member Osborne gave credit to the Village taxpayers because they voted for a municipal bond issue.

It has been fun, laughter, friendship and yet the seriousness of decisions and making policy that were set forth for the residents. The Council may not always agree with everything on the agenda, but when the Council votes, it is always in the best interests of the residents. Council Member Osborne went on to say that the team behind him (the Council), the team over there (Staff Table) and other employees....this Village has the most dedicated Village Manager, Village Council and Staff and the finest police and fire personnel of any municipality in Palm Beach County. We have the best of the best employees and Council Member Osborne stated he had enjoyed working with every one of them. He has had a great ride and he was privileged for the support he has received from everyone and he thanked every one of them.

Council Member Osborne continued that he wanted to thank his biggest supporters, his beautiful wife and family, for letting him out of the house every second and fourth Thursday for the last thirty years. Council Member Osborne also thanked former Mayor Dick Jette for encouraging him to submit that letter of interest back in 1978. Now, after tonight, this council seat will be vacant because no one from his District had come forward as a candidate. This Council cannot function with four people. You need a full Council when it comes time to vote on an issue. Having said that, for the integrity of this Council, Council Member Osborne stated he would be willing to serve on an interim basis until the Mayor and Council can find a replacement.

Council Member Osborne stated "I will leave you with this: I remember a song sung by Stix. Our memories of yesterday will last a lifetime. We'll take the best and forget the rest, and some day we will find that these are the best of our times" Thank you very much.

Mayor Davis commented that we certainly appreciated Council Member Osborne's offer; however, maybe no one ran in your District because you were the best man for the job. The Council will certainly keep his offer in mind, but they would give him a break and give him the next meeting off, but don't get used to it because we may have some discussions at that meeting.

Council Member Osborne added that he just never expected this to happen, but he just

couldn't see leaving the Council high and dry.

Mayor Davis added that the Council appreciated that and he personally appreciated Council Member Osborne's service, his mentoring and his assistance when needed. Mayor Davis then announced the next schedule meeting would be March 12, 2009 at 7:30 p.m. in Council Chambers.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:22 p.m. and invited everyone to stay around for cake and refreshments.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor