

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, APRIL 23, 2009**

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 Patti Waller, Mayor Pro Tem Bev Smith, Council Member Joni Brinkman, 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 and Library Director Elena Romeo.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Mayor Pro Tem Bev Smith.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor: re-order agenda – move item #15 to item #17A

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

CONSENT AGENDA

1. **Minutes of Local Planning Agency Meeting on April 9, 2009**
2. **Minutes of Regular Council Meeting on April 9, 2009**
3. **Approval of Village Employees Group Health Plan**
Staff: Karl Umberger, Village Manager
4. **RESOLUTION NO. 2009-33**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 4 TO TASK ORDER NO. 97 FOR PREPARATION OF SUBGRADE AND INSTALLATION OF BASE ROCK FOR THE UNPAVED PORTION OF CLEMENS STREET IN CONJUNCTION WITH UTILITY SYSTEM IMPROVEMENTS, TO AKA SERVICES, INC., IN THE AMOUNT OF \$22,000.00; AND PROVIDING AN EFFECTIVE DATE.
Staff: Bill Davis, Public Service Director

5. RESOLUTION NO. 2009-36

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING ADDENDUM NUMBER 1 TO TASK ORDER NO. 96, FOR ADDITIONAL ENGINEERING SERVICES, IN THE AMOUNT OF \$7,000, AND ADDITIONAL SERVICES DURING CONSTRUCTION AT AN HOURLY RATE NOT TO EXCEED \$7,800, TO ECKLER ENGINEERING, INC; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

6. RESOLUTION NO. 2009-37

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING ADDENDUM NUMBER 3 TO TASK ORDER NO. 89, FOR ADDITIONAL DEVELOPMENT OF DATA FOR THE CONSUMPTIVE USE PERMIT WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT, IN THE AMOUNT OF \$20,000 TO ECKLER ENGINEERING, INC; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

7. RESOLUTION NO. 2009-38

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A CONTRACT WITH AKA SERVICES, INC., IN THE AMOUNT OF \$613,200, FOR CONSTRUCTION OF THE GULFSTREAM ROAD FORCE MAIN PROJECT UNDER TASK ORDER NO. 98; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

8. Approval of Task Order No. 106 to Eckler Engineering Inc., for services during permitting and construction at an hourly rate plus direct expenses not to exceed \$12,000, and costs of obtaining easements for an hourly rate plus direct expenses not to exceed \$8,000, for the Miller Road sanitary sewer system project. Staff: Bill Davis, Public Service Director

9. RESOLUTION NO. 2009-39

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A CONTRACT WITH AKA SERVICES, INC., IN THE AMOUNT OF \$145,406, FOR CONSTRUCTION OF THE MILLER ROAD SANITARY SEWER PROJECT UNDER TASK ORDER NO. 106; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

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

End of Consent Agenda.....

ANNOUNCEMENTS AND PROCLAMATIONS**10. Mayor's Proclamation for April 24, 2009 as Arbor Day**

Mayor Davis proclaimed April 24, 2009 as Arbor Day and announced that there would be a planting of three hibiscus trees at the Library Butterfly Garden at 10 am. Also, there would be the installation of three large plaques that were designed and made by the children who participated in the PAL Mentoring Reading Program at the Library. Mayor Davis presented the proclamation to Director Bill Davis.

11. Mayor's Proclamation for May 3, 2009 as Loyalty Day

Mayor Davis proclaimed May 3, 2009 as Loyalty Day, honoring America's love of freedom, and stated that this proclamation would be presented to the VFW during their Loyalty Day ceremonies.

12. Mayor's Proclamation for May 3-9, 2009 as Municipal Clerk's Week

Mayor Davis proclaimed May 3 – 9, 2009 as Municipal Clerk's Week and extended thanks to Village Clerk Walton, and her staff, for all their indispensable efforts for the Village and the Council.

13. Mayor Proclamation for May 17-23, 2009 as Public Works Week

Mayor Davis proclaimed May 17-23, 2009 as Public Works Week, honoring the workers who maintain and produce the excellent water in the Village; and presented the proclamation to Director Bill Davis, thanking him for his and his staffs efforts.

PUBLIC COMMENT

Gary Ready, 3118 Meadow Road, suggested he would like to see more articles from the Council in the newsletter and also the use of the internet to give feedback to the residents in the Village, since not too many people attend the Council Meetings. Mr. Ready also asked how the recession has impacted the crime rate in the Village. Summer will arrive soon and gang activities will increase, so what preparations were being made to combat this situation.

Mayor Davis responded that possible articles in the newsletter would be taken under consideration. Mayor Davis further commented that someone in the past had suggested that the Council Meetings be recorded for public television stations, and he was not in favor of this because he would rather have people come to the meetings and interact directly with their Council instead of sitting at home watching with no ability to interact. Mayor Davis added that presently there was a synopsis of what occurs at each Council Meeting printed in each month's newsletter. Mayor Davis asked Manager Umberger to respond to the question about crime rates and gang activity. Manager Umberger replied that he and Chief Pickens had discussed these issues and would have Chief Pickens

elaborate.

Chief Pickens responded that the downturn of the economy had certainly had an impact on crime, not just in the Village, but in all of Palm Beach County. Chief Pickens added he did not feel that gang activity increased because of the summer months, but rather juvenile crimes in general increased. His department had special operations in place that were being developed to deal with crime in certain geographical areas by both the Uniform Patrol Unit and the Criminal Investigation Unit.

PUBLIC HEARINGS

14. ORDINANCE NO. 2009-08 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .72 ACRES OWNED BY ELEFThERIA BALAOURAS TRUST, LOCATED AT 3939 SOUTH CONGRESS AVENUE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL (CG) ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that this property was compact and contiguous to the Village with the 3881 Congress Avenue LLC property to the north, and was currently the site of a strip retail center. The Land Development Board had recommended approval at their meeting on April 21, 2009. Mayor Davis stated this was a public hearing and asked for questions or comments. Hearing none, Village Attorney Torcivia read the ordinance by title. A motion to adopt the ordinance on first reading was made by Council Member Brinkman and seconded by Mayor Pro Tem Smith. Motion carried 4 – 0.

This item was moved to item #17A.

15. Village Council Interviews with Applicants to fill Vacancy for District 1 Council Seat.

REGULAR AGENDA

ACTIONS AND REPORTS

16. Appointments to the Construction Board of Adjustment and Appeals Staff: Virginia Walton, Village Clerk

Mayor Davis stated there were four positions on this Board that would expire on April 27, 2009, and the four current members, Joseph Iagrossi, Richard Dean, Frederick Roth and Douglas DeVos, have all indicated their willingness to continue to serve. The Board also had one alternate member vacancy unfilled. Hearing no other nominations, a motion to appoint Douglas DeVos as an alternate member and Joseph Iagrossi, Richard Dean and Frederick Roth as regular members, for terms that would expire on April 27, 2012, was made by Vice Mayor Waller and seconded by Council Member Brinkman. Motion carried 4 – 0.

17. Appointment to the Library Board

Staff: Virginia Walton, Village Clerk

Mayor Davis stated there was a position on this Board that expired on April 24, 2009. And the current member, Paul Harding, has indicated his willingness to continue to serve. Hearing no further nominations, a motion to appoint Paul Harding as a regular member for a term to expire on April 24, 2012, was made by Mayor Pro Tem Smith and seconded by Vice Mayor Waller. Motion carried 4 – 0.

ADD: 17A. Village Council Interviews with Applicants to fill Vacancy for District 1 Council Seat.

Mayor Davis advised the Council that there were four applicants for the Council Vacancy for District 1 and asked each Applicant to acknowledge their name when called. Mayor Davis explained that each individual would come to the podium to make a five minute presentation, then questions from the Council and a closing statement from the Applicant. Mayor Davis commented that he had done many of these interview processes prior to his retirement; and typically it was a matter of profession courtesy that an Applicant would wait outside and be called in separately for their presentations. However, Mayor Davis added that each should know that it was their absolute right to be present since this was a public hearing and this was Government in the Sunshine. Each Applicant was given the choice to stay or excuse himself. Mayor Davis continued that after the end of all four presentations, the Council would deliberate, rank the Applicants according to their thoughts and make a final determination on the person to fill the vacant council seat. All four Applicants chose to leave. Mayor Davis then asked Sgt.-at-Arms Chief Pickens to bring the first Applicant, Mr. Louis Johnson, back into the Chambers. Mayor Davis added that all the Applicants had met the residency requirements, the time of residency and the geographic location of residency, and were therefore all qualified to hold the position if chosen.

Mr. Louis Johnson stated he had been a resident of Palm Beach County for 48 years, and a resident of Palm Springs for 43 of those years. Mr. Johnson stated that he had previously run for a Council Seat in 1977, also ran for Mayor in 1997 and had been a member of the Code Enforcement Board. Mr. Johnson stated he was more than content with the way the Village has been running. Prior to his retirement, Mr. Johnson had been with the Palm Beach County Sheriff Office for twenty-nine years, ranging from patrol deputy to Captain. Mr. Johnson had a Doctorate in Education, a Masters in Human

Resource, an Associate Degree in Law Enforcement and a Bachelor Degree in Criminal Justice. Mr. Johnson felt he was most qualified to fill the Council Seat because of his longevity in the District 1, his community involvement and his educational background would give him the ability to grasp the skills and tasks necessary for the position. Mr. Johnson felt he had a successful record of working harmoniously with other people and this would be an asset in working with the Council on the continued growth of Palm Springs.

Vice Mayor Waller commented that she remembered Mr. Johnson's run for Mayor and also how he felt about annexation at that time. Vice Mayor Waller asked how he felt about annexation now, and particularly the Lake Worth Road effort. Mr. Johnson responded that annexations were probably a necessary component in growing the tax base and being able to afford much of what the future may hold for Palm Springs. Being stagnant and having limited activities might not be in the best interests of the Village. His concern was for future potential growth, perhaps beyond Lake Worth Road; perhaps beyond Lantana Road; perhaps beyond Boynton Beach Boulevard. That sort of unusual growth and development he would not be in favor of. There was plenty of room for development in Palm Springs, particularly on the north side. Mr. Johnson commented that he would not want to make a judgment "from the hip", but work with the Council and hear all views with regard to the tax base. Vice Mayor Waller commented that she felt Mr. Johnson had not looked at the Future Land Use Map.

Council Member Brinkman stated that she understood from Mr. Johnson's resume and listening to his comments tonight that he had a very strong background in law enforcements and also in budgeting. Council Member Brinkman asked Mr. Johnson if he was familiar with the recent issues the Village had with the County with regard to the Level of Service for Fire/Rescue and the present move into the MSTU and if he would have supported this type of decision. Mr. Johnson asked that the question be rephrased. Council Member Brinkman clarified that the Village had recently moved forward with switching to the County MSTU and moving the Village Fire/Rescue personnel over to the Palm Beach County system and wanted his opinion on this move. Mr. Johnson responded that he would not be in favor of moving any service out of Palm Springs on a contractual basis, if the Village, in fact, could afford to continue to function; however, he would be in favor of this if there was a demonstrated concern that the tax base could no longer support the fire/rescue system. Mr. Johnson stated he felt it was in the best interests of the Village to stay with their own fire and police. He would be open to listening to why the Village would do that and under what conditions.

Council Member Brinkman asked Mr. Johnson whether he was aware that Palm Springs had now split the police and fire into two different operations. Mr. Johnson responded that he knew it was coming.

Mayor Pro Tem Smith stated Mr. Johnson had spoken about his background in Human Resources and wanted to know what type of negotiations had he been involved in with Unions. Mr. Johnson responded that his background in Human Resources was with the Sheriff's Office and at that time they were not unionized. He had, however, taught,

read and studied about unionization. Mr. Johnson added that he was in favor of unionization when there was proof of deprivation at the work site; but, for the most part, he was anti-union as long as there was a good cooperative exchange between management and the workforce. Mayor Pro Tem Smith also stated that Mr. Johnson had been a member of the Code Enforcement Board and wanted to know what he thought of how code enforcement was being handled now and any suggestions for making it better. Mr. Johnson responded that he had only served for a short time because the Board was disbanded. He attended about five meetings and felt he had gotten good insight that there was considerable deliberation before action was taken, particularly with warning notices and being able to communicate well with the residents before taking action. He was convinced by this experience that the Board was operating fairly. He was concerned with the appointment of professional people, as opposed to letting common residents have a voice. He was particularly concerned how the professional person represented the people. It would be better to have a collective group of residents from condo residents to single family residents to decide what was to be done with code enforcement.

Mayor Pro Tem Smith stated the Village was growing through annexation, but was also seeing revitalization in some areas that had been blighted, and wanted to know what Mr. Johnson's vision was for the Lake Worth Corridor. Mr. Johnson responded that beautification of the main avenues and streets would be one issue; but the crime on some streets just east of Military Trail on the south side seems to be very high statistically. Mr. Johnson believed this would have to be addressed by zoning, more governance and cleaning up some of those homes and streets. This seems to be a high crime area that swells into Lake Worth Road and swells into other communities. Something needed to be done from an activist community standpoint.

Mayor Davis asked Mr. Johnson how he viewed the Village's Manager/Council form of government. Mr. Johnson replied that he felt the structure was fine, but he would like to see more participation on the part of the Mayor as opposed to the Village Manager having the everyday oversight on most things. Mr. Johnson felt that Manager Umberger was doing a fantastic job, was a great communicator and had extensive experience; but he would like to hear from the Mayor more and the Council more through Mr. Umberger's office.

Mayor Davis asked if Mr. Johnson had reviewed past minutes of previous Council Meetings and wanted to know his thoughts after reviewing. Mr. Johnson responded that he had reviewed the minutes of past meetings and had noted that the Council had been able to hold the budget in line for quite a few years. His concern would be the tax base and the garbage disposal. At one time the Village had the luxury of side door pick up and then it was moved to the street. He understood that this was a cost reduction factor and probably necessary, but the current contractual company was not doing the kind of job the Village was doing at one time. He remembered in the past when one of the Village employees would rake and sweep the swale areas after the large yard debris was picked up and the new company sometimes dragged the yard debris down the swale to pick up and left the mess. He understood that this might be part and parcel responsibility of the homeowners, but the swale was not their property, but belonged to the Village and the

company should be more concerned about keeping the Village clean.

In closing, Mr. Johnson stated that beyond his experience with the Sheriff's Office, he had been with the School Board as the Department Chair for the Criminal Justice Academy. He was one of the pioneers in bringing that school into creation. He felt he had made a tremendous impact there in creating a program and developing young people. After leaving the School Board, he went to work for the Juvenile Court as an Advocate. Taking everything together, he had in excess of fifty years of public service and he wanted to continue that public service with the support of the Council for his candidacy. Mr. Johnson thanked the Council and stated he appreciated the opportunity to be part of the selection.

Sgt.-at-Arms Chief Pickens brought Mr. Edward Whitehead forward. Mr. Whitehead stated that he had moved to Fontana Drive , Palm Springs in 1968, when he was twelve years old; had married the girl down the street and moved away for a short time; but came back to Fontana Drive and had lived there since. Mr. Whitehead agreed with the Palm Springs literature that Palm Springs was a Great Place to Call Home. Mr. Whitehead had been very active with the Band Program at John I. Leonard while his three daughters were attending this school. Mr. Whitehead stated he had thought of running for a council seat years ago, but his career at Proctor & Gamble required traveling and he did not feel he could commit to the time involved. He was now retired and was very interested in pursuing this now. Mr. Whitehead had an Associate Degree in Political Science and had also been very active with the Palm Springs Baseball Program as a Coach for the past several years.

Vice Mayor Waller asked what Mr. Whitehead perceived to be one of the issues that Palm Springs was facing. Mr. Whitehead responded that there were a couple of issues that needed to be addressed. The Council had been in a position to make some decisions recently that were perceived rather poorly by the residents of the Village. The first issue was the move to Republic for the handling of trash service. Mr. Whitehead stated that he had probably taken more time than most and understood the reasons why; and he would have to state that if he had been on the Council, he would have made the same decision because it was the right thing to do. There should be a concerted effort to go out to the neighborhoods and explain to the residents the reasons why and what the benefits for them were, because the residents saw a lot of their benefits go away, such as the side door pick up and the Village employees who cleaned up after the yard debris pick up. Republic was not very responsive to complaint calls; and quite frankly, they did not have to be because they did not answer to the residents. Mr. Whitehead stated he understood the budget and liability savings that necessitated this change, but felt the Council could have done a better job of explaining those reasons to the residents. As a Council Member, that would be something he would work to do. Mr. Whitehead felt the residents would then be more understanding of future changes coming to the Village.

Vice Mayor Waller asked Mr. Whitehead how he felt about the annexation efforts in the Village. Mr. Whitehead responded it was kind of like the change to Republic. He understood the reasons why, since mathematically the Village needed to widen the tax base. Costs being what costs are these days, you need to go out and find more tax dollars

and there were two ways to do that. You could ask the residents to pay more; or, you could go out and find large tracts of commercial land with few residents and receive the commercial, rather than residents, tax benefits. Again, Mr. Whitehead stated if he had been on the Council, he would have done the math and would have understood; but, again, from the residents perspective the Village may have not done as good a job as they could have communicating how annexations paid out for the residents. From the resident's perspective, if the Village told them that they were going to annex Lake Worth Road, they would think why would we want that as part of the Village? Mr. Whitehead added that he had grown up in this bedroom community, but he understood why the annexations were necessary, but the Council needed to do a better job of communicating those reasons to the residents, so they understood the impact of this kept the Village's costs down and allowed the Village to continue to provide the services that the residents required.

Council Member Brinkman stated with regard to costs, the Village has had an issue with some new criteria that the County had mandated the Village comply with for fire/rescue services and the Council was considering going to the County MSTU. Council Member Brinkman wanted to know Mr. Whitehead's thoughts on that. Mr. Whitehead responded he understood that the criteria set by the County for levels of service make it incredibly expensive for the Village to meet those standards; and the Village had to find another methodology for meeting those levels. While he always liked having our own police and fire departments, he understood that there was a difference in the cost of having a police officer show up for a break-in and a huge piece of fire equipment be available for fires. He believed that when the County set these new levels of service, knowing that the smaller municipalities could not afford to meet the costs of those levels; it was their intent to force the municipalities into going to the County system. He saw this issue as inevitable because there was no way the Village could generate enough funds to maintain those levels.

Mayor Pro Tem Smith stated that Mr. Whitehead had mentioned being involved in the Palm Springs Leisure Services baseball programs, and wanted to know what Mr. Whitehead felt the positive things were about that experience and did he have suggestions for improvements. Mr. Whitehead responded that he had coached for about seven or eight years now and he could list the things he liked very much about the program. First and foremost was he coached a team rather than manage the team, which allowed him to teach baseball skills. All the other area programs stress winning, almost to a fault and cater to top performing players; but at Palm Springs each child is given a chance to learn skills, just enjoy the game, learn to love the game of baseball and just feel the success of just playing baseball without the risk of being ridiculed or embarrassed. This is what Palm Springs does best. There are things he would like to see them do better. He would like to see more teams in the 8 – 11 age range. Most kids stop playing when they reach 11 years old because the only teams that have been available are the teams that stress winning; so from a marketing standpoint, the Village should get the word out there about the type of programs they have and build more older player teams. Some of the existing players who start to excel may leave for those other teams, but that's okay. Also the Village has football, soccer, basketball, as well as baseball, so kids get a much more rounded sports

program here than anywhere else.

Mayor Pro Tem Smith commented that Mr. Whitehead had lived in the Village for a long time so he had witnessed the annexation and growth of the Village, along with the subsequent redevelopment of many of the areas. One of those areas was Lake Worth Road, and Mayor Pro Tem Smith asked what kind of vision Mr. Whitehead had for that area and how high the Village should go. Mr. Whitehead responded that he did not think the height should be more than three stories. Regarding the vision for Lake Worth Road, he had not given that a great deal of thought, but would say it would have been easier to say a mixed use plan, with residents and shopping. Not like CityPlace, but similar to what was done along Atlantic Avenue in Delray Beach. What he did not like was the strip center after strip center with the 40 foot poles running down the sides of the street and every gaudy sign possible posted along the way. Mr. Whitehead stated he wasn't sure, other than through some zoning, that a municipality like Palm Springs could dictate those things other than possibly finding a developer with a viable plan for a mixed use project. Possibly take the new Senior Center and work along with that.

Mayor Davis asked Mr. Whitehead how he viewed the Manager/Council form of government that was in the Village. Mr. Whitehead responded that with a community the size of Palm Springs, this was probably the perfect way to do it. Mr. Whitehead saw the Councils role as one to set the strategy and then let the Village Manager and Department Heads work out the tactics to get us there. If decisions needed to be made along the way, that would be another role of the Council. Mr. Whitehead added that as a community gets larger then there is a loss of direct community involvement and a stronger Mayor form of government, like West Palm Beach, may work better.

Mayor Davis asked if Mr. Whitehead had reviewed the minutes of past Council Meetings. Mr. Whitehead responded that he had reviewed some of the more recent ones but had not gone back to older meetings. In closing, Mr. Whitehead summed up his forty year history in the Village with a comment about playing basketball at the age of fifteen with his friend very late at night and having a police officer show up to see what was going on, then calling another officer over and playing basketball with them for about an hour before they drove him and his friend home. Times have changed and he wouldn't allow his kids out at that hour. Mr. Whitehead stated that even though he knows he can't go back to those days, it doesn't mean he can't try to bring a little bit of that flavor back to Palm Springs. He would like to work with the Council and do that because to him Palm Springs will always be the Garden Spot of Palm Beach County. Mr. Whitehead thanked the Council for the opportunity to speak tonight.

Sgt.-at-Arms Chief Pickens brought Mr. Randal Hoffer forward. Mr. Hoffer stated he had not prepared a presentation, but while waiting outside he thought about what he would like to say to the Council about his reasons for wanting to serve on the Council. Mr. Hoffer stated that he had been at the Council Meetings many times, he had been at the County Commission Meetings many times and he had been at the School Board Meetings many times; and the reason he wanted to offer his services to the Village was because when someone came up for Public Comment at these meetings they would be able to read

any statement they wished and the Council was attentive and looking directly at them. This did not happen at the County Commission or School Board meetings. Mr. Hoffer said he felt it was important to preserve this very worthy style of government where the residents were heard and listened to. Mr. Hoffer added that prior to submitting his application, he had done quite a bit of reflection on whether his time as an employee with the Village and his other experiences, including his many volunteer positions with County Charitable Organizations, High School Associations, Church Organizations and Associations related to his career in law enforcement, made him worthy to participate as a Council Member.

Vice Mayor Waller asked how Mr. Hoffer would follow up and with whom, should he receive an email from a resident stating that a good Village employee was going to quit because of unfair treatment on the job. Mr. Hoffer responded that he was a very "chain of command" type person and felt that any direct involvement by himself rather than going through the Manager would be very counter productive. Mr. Hoffer felt it was not the role of the Council to get directly involved in this type of issue because that was what they hired the Manager to handle and he would make his concerns known directly with the Manager. If, however, the problem was with the Manager, then he would bring that issue to the Council.

Vice Mayor Waller asked Mr. Hoffer if he was sitting on the Council, could he think of anything that might come up for a vote that he would need to recuse himself because of conflict. Mr. Hoffer stating just having retired from the Public Safety Department, he did have many ties with the Village; and although retired, he still sat as a trustee on the Hazardous Pension Board, but he felt that the knowledge acquired from those positions would be an asset to him rather than a conflict.

Council Member Brinkman commented that she would ask the same question as she had with the others, although Mr. Hoffer probably had more knowledge than them because of his long career with the Village. Council Member Brinkman stated that Mr. Hoffer was familiar with the Level of Service imposed on the Village by Palm Beach County Fire/Rescue, that the Village was considering going to the County MSTU and the police and fire departments had already split in order to comply with the Level of Service, and wanted to know Mr. Hoffer's thoughts on going to the MSTU. Mr. Hoffer agreed that he did have access to knowledge on these issues that put him in a different perspective; and he had helped form the paramedic program and helped run the program on different levels over the years. Although he was never against increasing levels of service, he would be lying if he said he was comfortable with the MSTU. Mr. Hoffer stated he didn't think Level of Service was a true title; because in his personal opinion, it was not the intent to bring a higher level of service, but rather an intent to make all the departments homogenized and to look alike. Mr. Hoffer stated that statistics showed that in fact the MSTU County program had a save rate for cardiac arrests of about 13%, which was much higher than the national average; however, the Village had a consistent rate around 30%. The key to this was the cross training of police/fire/paramedics so that the first person to respond was able to quickly provide the assistance needed to save lives. The national average for response time was 15-25 minutes; the Palm Beach County response time was

8-10 minutes, and the Village has had a response time was 2-2 ½ minutes. From the fire perspective, the quicker response time of the Village had the fire maintained on the stove, and the longer response time from the County had the fire into the walls and up to the roof.

Mr. Hoffer did say that he would be remiss if he left anyone with the impression the County personnel were anything but dedicated hard working people. It was about time, not dedication. The main problem with the Level of Service was that it only looked at a select few, rather than all the parameters. Mr. Hoffer stated that he was a realist and knows that the change to MSTU is inevitable; and he feels that the County system has the ability to improve in many areas, including response time, and it would be a role of the Council to make them want to do those improvements here in the Village.

Mayor Pro Tem Smith commented that Mr. Hoffer had a unique situation that none of the other candidates had in that he had been an employee of the Village for twenty plus years, he had friends and friends who were like family here at the Village; and Mayor Pro Tem Smith asked how Mr. Hoffer would be able to adapt to the challenges of moving from that friend to a Council Member, which was a whole different relationship. Mr. Hoffer replied he agreed this would be a quantum leap and had given it much thought. During his career, he had made several such leaps from patrol officer to Corporal in formulation of the Paramedic Unit; then to Sgt. on the road as a Team Leader; then forward to Lt. and led a Division. Mr. Hoffer stated he was goal oriented and goal focused. He felt that loyalty was important; he felt that our rights as people are important, and he felt that the representation that the Council provided was important; and with those goals in mind, he did not find this an un-surmountable task to make this leap. He felt he had made all the leaps in his life successfully, while still maintaining friendships.

Mayor Pro Tem Smith asked Mr. Hoffer about his thoughts on annexations and if he had a vision for the revitalization of areas like the Lake Worth Corridor. Mr. Hoffer responded on the subject of annexations that it was a question that had come up many times, and the comments were often why we would want to annex some of these terrible areas. His answer was always that these areas have always affected us; but we never been able to have an effect on them. A case in point was the duplexes down Davis Road just south of Waterview. Just a few years ago, the drug crimes there and the prostitution there was affecting the Village quality of life, the Village's property values and the Villages citizens. Now that this area is annexed, instead of going down the street and seeing mattresses in the yards and cars up on blocks, you see well kept buildings. Because of our annexations, we have been able to provide affordable and clean living areas. On the other hand, Mr. Hoffer did not feel the Village should annexation everything and go down as far as we can. Palm Springs can do wonderful things with annexation in order to maintain a healthy tax base and lowering crime rates, if done properly. Mr. Hoffer stated he thought that local control over police departments was important in order to give the Council the flexibility to make the moves necessary to combat and control the crime in these annexation areas.

Mayor Davis asked Mr. Hoffer how he viewed the Council/Manager form of government. Mr. Hoffer responded that he felt it was very efficient. He felt the Village

needed to have a strong leader who is able to take care of the day to day work, help formulate the policy and help lead the ship at the direction of the Council.

Mayor Davis asked if Mr. Hoffer had reviewed minutes of past Council meetings. Mr. Hoffer responded that he had from time to time, but not in the past few days. Mayor Davis said okay, but you try to stay informed. Mr. Hoffer responded absolutely.

Vice Mayor Waller added that she understood that Mr. Hoffer was retired, but had another position; and wondered if he would be available for all the functions required of a Council Member. Mr. Hoffer replied that he currently taught at the Police Academy at the local college and set his own schedule, so he could make his time very flexible.

In closing, Mr. Hoffer stated Palm Springs was a wonderful place, and one of the things that has kept him here all these years was the small town feeling that Palm Springs had in spite of being surrounded by urban areas. It was great to be in the town that had the interaction between citizens and the Manager, and citizens and the Council during public comment. This may not be the same place it was twenty-five years ago, but it was an icon for others to look at as a jewel, and he looked to serve the Village and help maintain that feeling. Mr. Hoffer thanked the Council for their time.

Sgt.-at-Arms Chief Pickens brought Mr. Douglas Gunther forward. Mr. Gunther stated the real reason why he was here was because he had the honor of watching Council Member Osborne give his speech to the Council and audience at his last meeting. Mr. Gunther stated this motivated him because he saw the pride in this man, the integrity of him after thirty years of service on the Council; and it inspired him to look forward to the position of Council Member in Palm Springs. After that night, he was a bit disappointed to find he was not in District 1; but realized he was a bit hasty and further research proved he was, in fact, in District 1. Mr. Gunther stated that he had been an employee of the Lake Worth Drainage District for eighteen years, currently in the position of Inspector in the Engineering Department. His background made him familiar with a lot of land development issues. Mr. Gunther considered his job one of public service and wished to continue that service as Council Member.

Vice Mayor Waller asked how Mr. Gunther felt about annexations. Mr. Gunther replied that obviously, without annexation the Village would not have grown to what it is today. There are many pluses with annexation, such as the increased tax base; but it does put a strain on providing services to these new areas. However, if done properly, he would see it working. As a whole, it benefits the community because the increased tax base will assist the Village for budget purposes.

Vice Mayor Waller commented that she knows she has seen Mr. Gunther at several Council Meetings, but wanted to know if he had reviewed minutes of past meetings. Mr. Gunther responded that he had familiarized himself with almost a year's worth of minutes so far, since access is provided through the internet, so that he would have knowledge of what has been going on.

Council Member Brinkman commented that Mr. Gunther may be aware that Palm Beach County had mandated new levels of service requirements for fire/rescue. At the time, the Village had a combined Public Safety with police and fire together. Council Member Brinkman wanted to know what Mr. Gunther's views would be on switching over to County MSTU in order to meet these levels. Mr. Gunther responded that he was not completely familiar with this issue, but had researched it somewhat to try and familiarize himself with the issue. It appeared that there were six criteria that had been mandated on the Village to meet the Palm Beach County levels of service. Mr. Gunther stated that he had not so far found any information that would tell him if the Village was, in fact, lacking anything to meet the requirements. Mr. Gunther stated he understood it was a necessity that the best possible service for the residents of the Village should be provided, and he understood there was an Interlocal Agreement now in place with the County that assured this would be achieved.

Council Member Brinkman commented that Mr. Gunther had previously stated that there was some confusion whether he was in the District or not. Had there been no confusion, would Mr. Gunther have considered running for this position during the elections. Mr. Gunther replied he would have absolutely run, had considered running at that time and was disappointed to find he was not in District 1. After Council Member Osborne left office was when he finally determined he was in the correct District and came forward at that time.

Mayor Pro Tem Smith commented that she was aware that Mr. Gunther had been attending the Council Meetings and wanted to know what the least favorite decision he felt the Council had made, that he had questioned the most. Mr. Gunther replied that the least favorite would be when the Council chose to eliminate the Village's Sanitation Department. Mr. Gunther jokingly commented that he would tease his friends that did not live in the Village that he didn't even have to take his garbage to the road, and he was sure at that time there were other residents who had voiced their opinions on this issue as well. However, now looking in retrospect, the contract that was put in place with Republic Services was probably one of the best in the County, even though the residents may not be aware of this. Although he could no longer brag to his friends, he understood the reasons why the Council had to make that decision.

Mayor Pro Tem Smith stated that annexations have brought about the need for revitalization and redevelopment in many of those areas, particularly the Lake Worth Corridor, and did Mr. Gunther have a vision as to what he would like to see happen in that area, such as what type of development, what heights in the developments, mixed use type of development. Mr. Gunther responded that obviously a lot of the houses in that area are very old and in need of improvement. He believed the annexation process had given the Village some authority over changing what had been unsightly, and some improvements have already been made. There was a lot of commercial along that corridor, with some areas still to be developed; and he was assuming that this area would stay mostly commercial. The only thing that immediately came to mind was some sort of beautification along the roadway to make it a more esthetically appearing road as you traveled because now it was basically a slap of concrete with some medians in it. As far

as development is concerned, he did not think there was much left undeveloped.

Mayor Pro Tem Smith stated that since Mr. Gunther had been at the meetings, he had heard the Council discuss site plans and approval of special exceptions; and did he have any thoughts on when an exception would be a good thing and when it would not be. Mr. Gunther replied there were a lot of conditions to consider, such as the size of the site, the ability to access the site, the location of signs on the site; and he felt it should be on a case by case basis, how the case was presented to Council and how the exception impacted the area as a whole.

Vice Mayor Waller stated that Mr. Gunther had spoken about the least favorite decision the Council had made, but what was one of the best things the Village had done. Mr. Gunther replied "I think we are standing in it".

Mayor Davis asked Mr. Gunther how he viewed the Council/Manager form of government. Mr. Gunther responded it obviously worked for the Village. The Council was five members who had different views on subjects but came to one decision after voicing their views, so he obviously approved of it.

In closing, Mr. Gunther thanked the Council for the opportunity to come before them tonight. He understood their decision was a tough one since there were four very reputable Applicants here tonight and he looked forward to their decision.

18. Selection of Council Member for District 1 Council Seat

Mayor Davis stated he would like to make a few comments and then the Council could begin discussions on the candidates. Mayor Davis commented that this Council, as they were all aware, had been a very successful and cohesive body over the past ten plus years. The Council was all aware of the successes they had been able to bring about through the efforts of the Council, the Manager and the Staff, starting with the Water Plant through this complex, the parks, the grants, etc. It had been a collaborative effort and the Village had done well. Mayor Davis stated he was sure that they all missed Mr. Osborne. He was a valued member of this Body; and, rest assured, Mr. Osborne had definitely gotten his pointed opinion in over the years when I stepped out of line. Mayor Davis went on to say that the Council knew that all four of the Applicants that had spoken tonight are qualified to serve on this Council. Any one of them, or all of them, could have qualified for the election; and for whatever reason chose not to do so, but have come forward now due to the advertisements in the newspaper and newsletter. Having said they are all qualified, this Council now has a unique opportunity of choosing the next individual to join the Council who can embrace the vision this Council has for the Village and one that will assist the Village in moving forward successfully as they have done for the past ten years. With the interviews, some of the Applicants were more knowledgeable in some areas and some not; but there is always a learning curve whenever you go onto an elected body, as everyone on the Council now understands. Some will learn quicker than others; but most of the decisions made by the Council usually come down to just good common sense. Mayor Davis stated he hoped when ranking the Applicants, the Council looked at the

individual as a person who could sit on this Council and go forward with the vision they have established for the Village, as well as the answers to questions.

Mayor Pro Tem Smith commented she found all the Applicants fairly well informed, flexible, supportive of annexation, supportive of growth; but wasn't sure how the actual voting would be done.

Mayor Davis stated each Council Member would use the paper provided to rank the Applicants 1 thru 4, with 1 being the highest. Whoever gets the most #1 votes would be the choice for the Council Seat. Mayor Davis asked for any further comments or thoughts. Hearing none, Mayor Davis read his ranking as 1) Mr. Gunther; 2) Mr. Hoffer; 3) Mr. Johnson and 4) Mr. Whitehead.

Vice Mayor Waller read her ranking as 1) Mr. Gunther; 2) Mr. Hoffer; 3) Mr. Whitehead and 4) Mr. Johnson.

Mayor Pro Tem Smith read her ranking as 1) Mr. Whitehead; 2) Mr. Gunther; 3) Mr. Hoffer and 4) Mr. Johnson.

Council Member Brinkman read her ranking as 1) Mr. Whitehead; 2) Mr. Gunther; 3) Mr. Hoffer and 4) Mr. Johnson.

Mayor Davis announced that there was now a 2/2 split on votes, and Council Member Brinkman jokingly commented that was why they needed another person up there. Village Attorney Torcivia advised the Council there were a couple of options for resolving the split vote. The first option was a total of all the rankings. Mr. Gunther was #1 on two ballots and #2 on two ballots. Mr. Whitehead was #1 on two ballots, #3 on one ballot and #4 on one ballot. This was the first option to consider, and if the Council was happy with that, he would stop; otherwise, he could give the Council other options.

Mayor Davis asked the Council if that was an acceptable option for everyone. Council Member Brinkman stated she was happy with that option. Mayor Pro Tem Smith stated she felt they had four very well qualified Applicants and the Council would do well with any one of them, so this was a fair assessment of the option. Mayor Davis asked if the Council agreed verbally that the vote would then be unanimous. The Council agreed. The ranking sheets and notes of Council Members were forwarded to the Clerk.

Mayor Davis asked Chief Pickens to bring all the Applicants into Chambers. Mayor Davis thanked all the Applicants for their time tonight and stated the Council's decision was a hard one and was, in fact, a split decision. However, the final decision for Council Member for District 1 was for Mr. Gunther. Of course, Mr. Gunther had just shy of two years; at which time he might face one of the other gentlemen in an election in 2011. Mayor Davis stated the Council appreciated the time and efforts of all the Applicants, and the Council hoped they maintained their interests in the Village, possibly filling a position on one of the Advisory Boards or continued attendance at Council Meetings.

Village Clerk Walton swore Douglas Gunther in as Council Member for District 1. Mr. Gunther signed his Oath of Office and took his seat on the Dias.

VILLAGE COUNCIL COMMENTS

Vice Mayor Waller welcomed Council Member Gunther and commented that he reminded her of herself when she first started on the Council. Council Member Gunther seemed to have the same mindset.

Council Member Brinkman offered her congratulations and stated she looked forward to working with Council Member Gunther. Council Member Brinkman offered a suggestion that Council Member Gunther look into attending the Elected Municipal Officers (EMO) Course offered by the Institute of Government, since it was very informative and had helped her when she first came to the Council.

Mayor Pro Tem Smith said congratulations and welcome aboard.

Council Member Gunther commented that was good information on the EMO course and would definitely look into it. Council Member Gunther stated he understood this was a big challenge and appreciated the Council's faith in appointing him to fill Chet Osborne's seat, who serviced the Council so well.

Mayor Davis welcomed Council Member Gunther and then stated the next Local Planning Agency Meeting would be May 21, 2009 at 7:15 pm and the next Regular Council Meeting would be May 21, 2009 at 7:30 pm, both in Council Chambers.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor