

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, OCTOBER 8, 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, Council Member Doug Gunther, 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, CFO 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 Mayor Pro Tem Bev Smith.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Continue Items #6, #7 and #8 to the Nov. 12, 2009 agenda
Council Member Brinkman: Add 13A. Update on Lake Worth Power Committee

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

CONSENT AGENDA

1. Minutes of Regular Council Meeting and Final Budget Hearing on Sept. 24, 2009

A motion to approve the consent agenda as presented was made by Vice Mayor Waller and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

2. Mayor's proclamation for October 18 – 24, 2009 as "Save for Retirement" Week

Mayor Davis read the proclamation urging all private and public sector employees to become aware of the need to save for retirement, and passed to the Village Clerk for posting throughout the Village.

3. Mayor's proclamation for October 15, 2009 as Latino AIDS Awareness Day

Mayor Davis read the proclamation stating it was critical to raise awareness of the potential for HIV in the growing Hispanic/Latino community and announcing that FoundCare's Community Health Center, in Palm Springs, would host a free health fair on Saturday October 17, 2009, to screen and provide health services for those with or without insurance. Mayor Davis presented the proclamation to Daniel Hamm, representative for the Palm Beach County Comprehensive AIDS Program. Mr. Hamm thanked the Mayor and Council for supporting their efforts.

4. Mayor's proclamation for October 22, 2009 as Lights On Afterschool Day

Mayor Davis read the proclamation stating there were more than 28 million children in the U.S. that have parents who work outside the home and over 14 million of those children have no place to go after school because afterschool programs are having to close their doors due to funding shortfalls. Mayor Davis stated the residents and Council of Palm Springs stood firmly committed to quality afterschool programs and opportunities to advance the welfare of their children. Mayor Davis passed the proclamation to the Village Clerk for posting throughout the Village.

PUBLIC COMMENT

Gary Ready, 3118 Meadow Road, thanked the Council for the notices posted about the Lake Worth Committee on Village entrance doors, but stated there was more exposure needed to get the word out. Mr. Ready wanted to know if the notices could also be posted at the athletic fields and the teen center areas.

Mr. Ready also stated that as a member of the Community Patrol, he had ridden with the code enforcement officers. He noticed that the code officers have no direct link with the Land Development Office to enable them to check on permits, and was wondering if there were any plans for this. Mayor Davis thanked Mr. Ready and asked Manager Umberger to look into these requests.

Greg Hauptner and Karen Bindexter, representing G-Star School, wanted to thank the Council and Staff of Palm Springs for their continuous help throughout the annexation and site plan process for their school. Mr. Hauptner wanted the Council to know that Director Bette Lowe had been of tremendous assistance to them, and Chief Pickens had quickly assisted with their request for school signage since the students were now crossing Congress Avenue to participate in their physical education classes at the Village complex. Mr. Haputner and Ms Bindexter invited the Council to participate in the groundbreaking ceremony tentatively scheduled for November 16th, subject to obtaining their permits by then. There would also be a hard hat party and then a grand opening upon completion of the construction of their new sound

stage/theater/gym/assembly hall building. Mr. Hauptner also invited all Palm Springs residents to their Extreme Halloween Events for Friday and Saturday. There would be a no scare event for smaller children and then the more scary event later in the evening on both days.

Mayor Pro Tem Smith stated the school was a great asset to the Village and a great opportunity for the students.

John Tieche, 305 Winged Foot Drive, commented that he was very happy with the trash pick up; but the larger items on bulk day were sometimes overlooked and left for up to 3 weeks on the streets. Manager Umberger stated when the trucks saw bulk pick up they could not handle, they were supposed to send a backloader back on Fridays for anything they missed. If there were any problems of this nature, the Village had a liaison to contact either Solid Waste or Republic Services to resolve the problem. Residents could contact Ken Dye or Mike Snook, both long time Village employees. Mayor Pro Tem Smith suggested some information on this should be put in the newsletter as a reminder to residents.

PUBLIC HEARINGS

5. ORDINANCE NO. 2009-16 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PERTAINING TO THE REGULATION OF NIGHTCLUBS; PROVIDING SHORT TITLE; PROVIDING DEFINITIONS; PROVIDING A SECURITY/LAW ENFORCEMENT PRESENCE; PROVIDING MANDATORY IDENTIFICATION REQUIREMENT; PROVIDING ENFORCEMENT AND PENALTIES; PROVIDING POLICE SUPERVISION LIMITATION; PROVIDING RIGHT OF ENTRY FOR PURPOSE OF INSPECTION; PROVIDING FOR LIMITATION OF LIABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Jay Pickens, Public Safety Director

Manager Umberger advised the Council that this ordinance would add a new Section 10-15 to the Village Code to require security guards and Law Enforcement Officers at all nightclubs. The ordinance would also require nightclubs to obtain identification from all patrons entering their business. The Public Safety Director and the Village Attorney had worked closely together to draft this ordinance.

Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and also from the public. Mayor Pro Tem Smith asked if there was any appeal process to the enforcement procedures. Manager Umberger responded the ordinance was drafted to rely on the Chief to monitor the need for an

appeal or re-examination. The officers would observe and suggest any adjustments to the implementation of the ordinance, which would then come back to the Council, if necessary. Council Member Gunther asked if the patrons entering would be subject to digital photos taken. Chief Pickens responded that there would be no photographing of patrons, but they would need to produce identification.

Hearing no further comments, Village Attorney Torcivia read the ordinance by title. A motion to adopt on first reading was made by Council Member Brinkman and seconded by Vice Mayor Waller. Motion carried 5 – 0.

This item will be continued to the November 12, 2009 agenda

6. RESOLUTION NO. 2009-70 (SITE PLAN-STOREFRONTS ON CONGRESS)

This item will be continued to the November 12, 2009 agenda

7. RESOLUTION NO. 2009-71 (SITE PLAN-LAKESHORE CENTER)

This item will be continued to the November 12, 2009 agenda

8. RESOLUTION NO. 2009-75 (SPECIAL EXCEPTION HOME DAYCARE)
9. RESOLUTION NO. 2009-78 (SIGN VARIANCE)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, (APPROVING/DENYING) THE APPLICATION OF WOODHAVEN LLC, FOR A VARIANCE (PSV2009-007) FROM SECTION 34-263(b) AND SECTION 34-327(c) OF THE VILLAGE CODE OF ORDINANCES TO ALLOW THE REMODELING OF THE TENANT SECTION OF TWO (2) EXISTING FREESTANDING SIGNS ON THE SITE OF THE COMMERCIAL CENTER LOCATED AT THE SOUTHWEST CORNER OF KIRK ROAD AND FOREST HILL BOULEVARD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that Mr. Cliff Norris, representing Woodhaven LLC, was present to answer any questions regarding his request to update and replace the sign cabinets on the two pylon signs at Woodhaven Plaza. The update would include additional tenant spaces on the signs. The signs were presently located at the southeast entrance off Kirk Road and the northwest corner of the property at Forest Hill Boulevard and Kirk Road.

Mr. Norris stated the existing signs had been at the site for the past 36 years and had been brought into the Village as non-conforming at the time of annexation. The signs are for the shopping center and the villas adjacent to the center property. In 1978, the signs were made with each individual tenant being allowed to create and hang their own signs. Chuck Apella, with Ferin Signs, had designed a new cabinet style addition

that would encompass all the tenants signs inside in a better constructed and more attractive sign. Mr. Norris added that these existing signs were located on a busy intersection and needed to maintain a competing balance with other businesses in this slow market; however, the plaza would comply with the wishes of the Village.

Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and from the public. Council Member Brinkman commented that she was not sure they met the criteria since the section of the sign advertising the rental apartments was prohibited by code. Mr. Norris stated they would, if required, remove that portion and put it on a separate sign. Mayor Pro Tem Smith commented that she would prefer to leave the rental portion of the sign where it was rather than see another sign on the property since there were two already. Council Member Brinkman stated that when she sat on that committee, prior to the sign code being amended and adopted, the intent of the committee had been that marquee signs would be okay; however, this never got in the Code. Council Member Brinkman commented the Village might want to look at this again and fix the Code. The consensus of the Council was to approve the variance.

Hearing no further comments from Council or the public, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution and approve the variance was made by Mayor Pro Tem Smith and seconded by Council Member Gunther. Motion carried 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

10. Appointment to Hazardous Pension Board of Trustees
Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that a Council appointed resident member position on this Board was open and the existing 5th member trustee, Randy Hoffer, had indicated his willingness to switch to that position. There would also be an election in October once the changes had been made to the Pension Fund and the corresponding ordinance to reflect the split of police and fire employees. The current elected Firefighter, Tim Conboy, would no longer be eligible since he would no longer be an employee of the Village. Hearing no other nominations, a motion to appoint Randy Hoffer to the Pension Board for a term to expire in October 2011 was made by Vice Mayor Waller and seconded by Council Member Brinkman. Motion carried 5 – 0.

11. Review and Renewal of Attorney's Contract
Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that the Village Attorney had been providing services to the Village since November 2007, and Section 4 of the contract stated that renewal would be subject to an annual review prior to renewal. Each of the Council Members voiced unanimously what a pleasure it was to work with Mr. Torcivia and his associates, as they were all very professional and moved the business of the Village forward in an efficient manner. Hearing no further comments, a motion to renew the Village Attorney's contract until November 2010 was made by Council Member Brinkman and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

12. Approval of Council Meeting Schedule for November and December 2009
Staff: Virginia Walton, Village Clerk

Manager Umberger advised the Council that due to holidays falling within the time frame in the latter part of November and December, it was requested that the Council schedule one meeting in November on the 12th (second Thursday) and one meeting in December on the 10th (second Thursday). The Charter and Code of Ordinances of the Village required the Council hold at least one meeting per month, and additional meetings could be scheduled, should it become necessary. A motion to approve this meeting schedule for November and December 2009 was made by Mayor Pro Tem Smith and seconded by Vice Mayor Waller. Motion carried 5 – 0.

RESOLUTIONS

13. RESOLUTION NO. 2009-81

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA APPROVING A LABOR AGREEMENT WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION/FLORIDA PUBLIC SERVICES UNION (SEIU/FPSU), FOR THE PERIOD OF OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2012; AUTHORIZING EXECUTION OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that the labor agreement was the result of negotiation between the SEIU/FPSU and the Village and was for a term of three (3) years. According to Article 47.1 of the agreement, each party shall have the right to reopen two (2) articles for the contract years of 2010 and 2011, and those that deal with compensation. The ratification vote was held on September 28, 2009 and the majority vote was in the affirmative.

Hearing no comments from the Council, Village Attorney Torcivia read the resolution by title. A motion to adopt the resolution was made by Council Member Gunther and seconded by Vice Mayor Waller. Motion carried 5 – 0.

ADD 13A. Update on Lake Worth Electric Review Committee

Council Member Brinkman stated that more residents had shown for the meetings and had asked if anyone had actually asked Lake Worth if they would trade services areas. If it was a verbal reply, could we get the answer in writing. Manager Umberger stated he would contact Lake Worth to see if this could be obtained. Manager Umberger added that the Village Clerk and he had been researching the original establishment of Lake Worth Power and should have some information by next week.

Council Member Brinkman stated that she had spoken with someone from the Public Service Commission and they stated they do not monitor reliability for municipal utilities. Council Member Brinkman stated the committee was floundering and may be going down the wrong road. They needed a goal and can't seem to get them to establish a realistic one. Also, the response from Lake Worth to the last records request made by the Clerk was to suggest a meeting be set up with the Lake Worth Utilities Director to have questions answered. Council Member Brinkman thought a Village representative should go with one of the committee members if this meeting did take place, but asked what the rest of the Council thought. Vice Mayor Waller commented that the Village Staff should definitely go to the meeting. Mayor Pro Tem Smith agreed that Village Staff should go along with a committee member.

Village Attorney Torcivia stated he had met with a representative of FP&L today. The Florida Public Service Commission has no interest in getting involved and FP&L stated they were prohibited from getting involved with another service area provider. Village Attorney Torcivia stated they were working on the report that Council requested for the Committee members giving them some options on what legally could be expected. Council Member Brinkman stated it was important to be honest and not give residents any false sense of hope. Mayor Davis added that advising the residents right up front that this had been tried several times before was important. Council Member Brinkman replied that she had been very clear on that matter. Mayor Davis added that someone had to have given them the service area in the first place; so they should start from the beginning and work forward. There must have been a petition grantee in the beginning and that entity should have recourse for unreliable service.

Manager Umberger had received a letter from a resident who wished her comments read into the record. Ms. Kelly, 703 Waterview Drive, stated she had lived there for more than 14 years. She was requesting assistance and support from the Village Council to obtain better service and reduced electric bills from Lake Worth

Utilities. Her electric bill during the last 6 months averaged \$275 to \$30 per month, with only 3 adults in the home and all work during the day.

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Smith thanked Council Member Brinkman for all the time she had put in on the Lake Worth Committee, and thanked Manager Umberger for negotiating the union contract. Manager Umberger responded that the PBA contract had been finalized today and awaited a vote by the members for ratification.

Council Member Brinkman thanked Village Clerk Walton for all the research and work that she had put in on the Lake Worth Committee.

Mayor Davis also thanked Council Brinkman for her time and effort, which he knows is not always given much thanks for, and also thanked Manager Umberger for negotiating the union contracts. Mayor Davis then indicated he had made an error at the last meeting and had forgotten to offer Director Bill Davis an opportunity to make a statement after the award presentation by the Florida Rural Water Association, and asked Director Davis to come forward. Director Davis commented that he really wasn't prepared for a speech tonight, but when they come home from Washington with that award, he would have a lot to say. Director Davis did thank the Council for giving him the resources to run the water plants at high quality and to his Staff for all their hard work and effort to maintain that quality. He stated "it doesn't get any better than this".

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:22 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor