

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, April 8, 2010**

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 Bev Smith, Mayor Pro Tem Doug Gunther, Council Member Patti Waller, Village Manager Karl E. Umberger, Village Attorney Glen J. Torcivia, and Village Clerk Virginia M. Walton. Council Member Joni Brinkman was absent.

Staff present: Public Safety Director Jay C. Pickens, as Sergeant at Arms, Land Development Director Bette J. Lowe, 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 Doug Gunther.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Continue item #10 to the May 13, 2010 agenda
Add Item #15 – Council Review of Temporary License Agreement

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

CONSENT AGENDA

1. Minutes of Regular Council Meeting on March 11, 2010
2. RESOLUTION NO. 2010-23

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH EAST COAST PYROTECHNICS, INC. FOR THE PURCHASE OF A FIREWORKS DISPLAY FOR THE 4TH OF JULY CELEBRATION IN THE AMOUNT OF \$10,000; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Golson, Leisure Services Director

3. RESOLUTION NO. 2010-24

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBERS 1, 2, 3, 4 AND 5 TO THE CONTRACT WITH SISCA CONSTRUCTION SERVICES, LLC, IN THE TOTAL AMOUNT OF \$9,575.09, FOR CONSTRUCTION OF THE

**VILLAGE'S UTILITY/MAINTENANCE BUILDING LOCATED ON KIRK ROAD;
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 Bev Smith and seconded by Mayor Pro Tem Doug Gunther. Motion carried 4 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

4. Mayor's Proclamation for Public Safety Telecommunications Week in Palm Springs April 11 – 17, 2010.

Mayor Davis read the proclamation giving recognition to the public safety telecommunications personnel who serve the Village by answering 9-1-1 calls for the police, fire, emergency medical services and dispatching the appropriate assistance as quickly as possible. Mayor Davis presented the proclamation to Public Safety Director Jay C. Pickens.

5. Mayor's Proclamation for Arbor Day in Palm Springs – April 30, 2010.

Mayor Davis proclaimed April 30, 2010 as Arbor Day and informed the residents a Live Oak had been saved from destruction at a location outside the Village and would be successfully transplanted at Sago Park, 10th Avenue North. Mayor Davis presented the proclamation to Director Bill Davis.

6. Mayor's Proclamation for Water Reuse Week in Palm Springs May 10 – 16, 2010.

Mayor Davis read the proclamation encouraging all citizens and businesses to help protect our precious resources by practicing water conservation and to use reclaimed water in any efficient and effective way possible. Mayor Davis presented the proclamation to Director Bill Davis.

PUBLIC COMMENT

Gary Ready, 3118 Meadow Road, stated since hurricane season was approaching us, if the Village had any preparedness for the situation. Village Manager Umberger, stated the Chief of Police had been updating the Emergency manual. Public Services had trimmed trees that could be a potential danger. Every hurricane season the Village does everything possible and will be prepared.

Sheila Hills, 727 Pine Club Lane, Wellington, Florida. Sheila represented the Under Age Drinking Task Force of Palm Beach County Substance Abuse Committee. She wanted to inform the Village that in 2007 the cost of problems with alcohol in Florida was 3.1 billion dollars. The Florida Youth Substance Abuse survey, reported in

2008, 34.6% middle school youth had used alcohol in their lifetime. The survey revealed 68.9% high school students had used alcohol.

Ms. Hills stated the Palm Springs Police Department are members of the Underage Drinking Task Force. Captain Hall and other officers attend the monthly meetings. She stated the Village had been the only city in Palm Beach County that forced mandatory ID. Ms. Hills attended the "Party Pooper" operation that the Police Department had. She wanted to thank Captain Hall and his staff with the way that they had conducted themselves with the youth. They had spoken to the youth with respect. She stated that she wished every city in Palm Beach County would do this. She reiterated how much the Committee appreciated the great job that the Police Department had done.

Mayor Davis stated he appreciated Ms. Hills acknowledging the effort of the Police Department. He stated the Council had been very happy with the Police Department and knew they did not always receive the recognition that they should.

PUBLIC HEARINGS

REGULAR AGENDA

RESOLUTIONS

7. ORDINANCE NO. 2010-04 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 34, LAND DEVELOPMENT, ARTICLE VI, LAND USE, DIVISION 2 "ADMINISTRATION", SECTION 34-605 "ZONING BOARD OF ADJUSTMENT", SUB-SECTION "G" "NOTICE AND HEARING PREREQUISITE TO ACTION"; AND DIVISION 5 "SITE PLAN", SECTION 34-684 "APPLICATION GENERALLY"; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on March 4 and March 11, 2010. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing none, a motion to adopt on second reading was made by Council Member Waller and seconded by Vice Mayor Smith. A roll call vote was in favor of adoption 4 – 0.

8. ORDINANCE NO. 2010-05 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ESTABLISHING REGULATIONS FOR ESTABLISHMENTS WHICH SERVE ALCOHOLIC BEVERAGES INCLUDING SPECIFIC REGULATIONS FOR BARS AND NIGHTCLUBS; AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 1 "GENERAL PROVISIONS", SECTION 1-2; AT CHAPTER 14 "BUSINESSES", SECTION 14-61; AT CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI, "LAND USE", DIVISION 6 "DISTRICT REGULATIONS", SECTIONS 34-764, 34-794, 34-824, 34-825, 34-853; AND ADDING A NEW SECTION 34-840, "DISTANCE BETWEEN ESTABLISHMENTS THAT SELL ALCOHOLIC BEVERAGES"; AT DIVISION 7, "SUPPLEMENTAL DISTRICT REGULATIONS", BY CREATING SUBDIVISION XVIII "FLEX UNITS" IN ORDER TO RENUMBER THE EXISTING FLEX UNITS RESTRICTIONS AS SECTIONS 34-1248 THROUGH 34-1251; RENUMBERING SUBDIVISIONS XIX "HOSPITALS" AND XX "WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS"; BY CREATING SUBDIVISION XXI "BARS" AS SECTIONS 34-1303 AND 34-1304; BY CREATING SUBDIVISION XXII "NIGHTCLUBS" AS SECTIONS 34-1309 THROUGH 34-1310 AND SECTION 34-1311 (FORMERLY SECTION 10-15 "NIGHTCLUB SECURITY"); CREATING SUBDIVISION XXIII "ADULT ENTERTAINMENT" IN ORDER TO RENUMBER THE EXISTING ADULT ENTERTAINMENT REGULATIONS AS SECTIONS 34-1316 THROUGH 34-1319; AMENDING DIVISION 8 "OFF-STREET PARKING AND LOADING"; SECTION 34-1322 AND SECTION 34-1324; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on March 4 and March 11, 2010. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing none, a motion to adopt on second reading was made by Mayor Pro Tem Gunther and seconded by Council Member Waller. A roll call vote was in favor of adoption 4 – 0.

9. ORDINANCE NO. 2010-07 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA AMENDING ORDINANCE NO. 2006-52 ADOPTED SEPTEMBER 28, 2006; PROVIDING FOR A REVISED AND RESTATED GENERAL EMPLOYEES MUNICIPAL PENSION TRUST FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

Village Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on March 11 and March 18, 2010. Village Attorney Torcivia read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and from the public. Vice Mayor Smith questioned as to how many employees opted for the Florida Retirement State program verses the Village Pension program. Village Manager Umberger stated there were approximately 31 General Employees, and 13 Hazardous Employees that transferred to the State Plan.

A motion to adopt on second reading was made by Vice Mayor Smith and seconded by Mayor Pro Tem Gunther. A roll call vote was in favor of adoption 4 – 0.

This Item will be continued to the May 13, 2010 agenda

10. RESOLUTION NO. 2010-26 (Variance – 7-Eleven Store)

REGULAR AGENDA

ACTIONS AND REPORTS

11. Appointments to the Leisure Services Board
Staff: Virginia Walton, Village Clerk

Mayor Davis stated the terms of two current board members and one alternate board member would expire on March 27, 2010. The following members, Donald Keirn and Robynne Ryals, along with alternate member Brenda Parrish have indicated their willingness to continue to serve on the Board. Hearing no other nominations, a motion to re-appoint Donald Keirn and Robynne Ryals as regular members and Brenda Parrish as alternate member for three year terms to expire March 27, 2013 was made by Council Member Waller and seconded by Mayor Pro Tem Smith. Motion carried 4 – 0.

12. Appointment to the Construction Board of Adjustment and Appeals
Staff; Virginia Walton, Village Clerk

Mayor Davis stated that Douglas Devor said he would be interested in serving as an alternate member, along with Sandra Lynn Player remaining as a regular member. It is recommended the Council re-appoint the members for a term to expire April 27, 2013. A motion was made by Mayor Pro Tem Gunther and seconded by Council Member Waller. Motion carried 4 – 0.

13. Appointment to Board of Adjustment
Staff: Virginia Walton, Village Clerk

Mayor Davis stated there were two alternate positions on the Board of Adjustment. Mayor Davis recommended to Council that Michael Peacock be appointed

as Senior Alternate Member for a term that will expire on February 10, 2011. A motion was made by Vice Mayor Smith and seconded by Mayor Pro Tem Gunther. Motion carried 4 – 0.

14. Appointment to Palm Beach County League Voting Delegates
Staff: Virginia Walton, Village Clerk

Mayor Davis stated Palm Beach County League of Cities had requested an update on Council voting delegate and alternate for representation at all League functions. Mayor Davis stated the current delegate for Palm Springs was himself, with Village Manager Umberger and the entire Council as alternates. Mayor Davis asked for a motion to appoint himself and Village Manager Umberger and the Council as alternates. A motion was made by Council Member Waller and seconded by Mayor Pro Tem Gunther. Motion carried 4 – 0.

ADD

15. Review of Temporary License Agreement
Staff: Bette Lowe, Land Development Director

Village Manager Umberger stated Eddie J. Dumas, Sr. desired to operate an auto export business to be located at 3745-4, a rear flex unit located at South Congress Avenue, Palm Springs, with conditions as listed in the agreement. The conditions do reflect other approved licenses operating the same type of business.

Vice Mayor Smith questioned if this were similar to one previously approved, an office with no cars on the lot. Director Lowe stated there would be eight to nine cars. Village Manager Umberger stated the operation had been located behind the Capital Mall Strip Center which would not be visible from Forest Hill Boulevard.

Mayor Davis stated any comments were welcome. The consensus of the Council would be to move forward with the agreement.

VILLAGE COUNCIL COMMENTS

Council Member Waller stated she wanted to thank Captain Hall and his staff for the professionalism that the Police Department continues to portray. She also thanked Chief Pickens for a wonderful staff.

Mayor Pro Tem Gunther also stated the Police Department did a wonderful job and really liked the name of the Task Force Operation.

Vice Mayor Smith stated being a parent of two girls that grew up in the Village, there were more issues with the second child and friends with drugs and alcohol. She said she agreed with Ms. Hills, the younger the kids started, the harder it would be for

them to stop. The Task Force Operation was wonderful. She was very proud of the Police Department. Vice Mayor Smith also inquired about the vegetable garden that was to be grown by Leisure Services.

Bill Golson stated it had been a School District grant program, which would be housed under the Nutrition Staff of the School District, but had not heard anything to date. Vice Mayor Smith also stated she had been looking forward to the Village Employee Picnic.

Mayor Davis stated the Village was at the half year mark with the budget. According to Mayor Davis compared to other Municipalities, the Village was in good standing. Property value numbers were to be out as of May 31, 2010 from Mr. Nikolits. Hopefully the information that had been released to date was not accurate. There were numbers of 10%–15% reduction in assessed valuations. Hopefully that would not be the case. That would be a terrible situation for all Municipalities in the County. The Village had been doing everything to maintain the budget as tight as possible. Mayor Davis said hopefully there would be good news.

Mayor Davis announced that the next Regular Council Meeting would be on May 13, 2010, at 7:30 PM.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:06 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor