

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, JUNE 10, 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 Joni Brinkman, Council Member Patti Waller, 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 Council Member Brinkman.

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

Village Manager: Items #9 and #10 will be continued to the July 8<sup>th</sup> agenda, pursuant to comments from the Land Development Board.

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

**CONSENT AGENDA**

1. Minutes of Regular Council Meeting on May 13, 2010
2. RESOLUTION NO. 2010-28

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE SCHEDULE OF FEES FOR THE LEISURE SERVICES DEPARTMENT, PUBLIC SAFETY DEPARTMENT AND VILLAGE CLERK/GENERAL GOVERNMENT, AND RESTATING THE FEES FOR THE LIBRARY, CODE ENFORCEMENT AND PUBLIC SERVICE DEPARTMENTS OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

Staff: Rebecca Morse, CFO

3. RESOLUTION NO. 2010-29

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 4 TO THE SOLID WASTE AND RECYCLING COLLECTION SERVICES AGREEMENT WITH REPUBLIC SERVICES OF FLORIDA, LP, d/b/a REPUBLIC SERVICES OF PALM BEACH, FOR THE

RENEWAL OF STORM DEBRIS COLLECTION SERVICES; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

4. RESOLUTION NO. 2010-30

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING ADDENDUM NUMBER 2 TO TASK ORDER NO. 96, FOR AN EXTENSION OF 160 DAYS TO THE COMPLETION DATE AND A CREDIT IN THE AMOUNT OF \$4,931.00, FOR MISCELLANEOUS PAINTING AT THE WATER TREATMENT PLANT, TO SOUTHLAND PAINTING CORPORATION; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

5. RESOLUTION NO. 2010-32

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE LIENS AGAINST CERTAIN PARCELS OF LAND SERVICED BY THE VILLAGE OF PALM SPRINGS AS A RESULT OF VIOLATIONS OF THE PUBLIC NUISANCE ORDINANCE, FOR OUTSTANDING NUISANCE ABATEMENT SERVICE CHARGES; AUTHORIZING THE VILLAGE MANAGER OR DESIGNEE TO PERIODICALLY IDENTIFY OTHER PARCELS WITH OUTSTANDING NUISANCE ABATEMENT SERVICES CHARGES; DIRECTING THE VILLAGE CLERK TO RECORD SAID LIEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE. Staff: Virginia Walton, Village Clerk

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

**ANNOUNCEMENTS AND PROCLAMATIONS**

6. Mayor’s Proclamation for Parks and Recreation Month – July 2010

Mayor Davis proclaimed July 2010 as Parks and Recreation Month in Palm Springs, recognizing the benefits derived from quality public and private recreation and park resources by contributing to a healthy lifestyle and providing places for enjoyment for all citizens.

**PUBLIC COMMENT**

Gary Ready, 3118 Meadow Road, stated he came to the utilities office every month to pay his bill and get a receipt, but had to wait in line so long because of the people who had their water shut off and were “venting” to the Utilities staff while they paid and got their water reconnected. Mr. Ready wanted to know if the Utilities Office could be run more like a bank and people with problems could be set up separately to see a special representative rather than holding up the regular paying customers.

Manager Umberger responded that Public Service Director Bill Davis had taken steps to add additional clerks at the windows on these particular days; but there were approximately 2200 delinquents just this past month and 500-600 shut offs; and the Village treated everyone coming to the Utilities windows the same. They were taken in order of arrival, not by what the purpose of their visit was. Mayor Davis added that he had been mailing his utility bill in for many years now and the Utilities Office had done a pretty good job so far of keeping track of his payments without getting a receipt.

## **PUBLIC HEARINGS**

### **7. ORDINANCE NO. 2010-06 (SECOND READING)**

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE EXECUTION OF A NATURAL GAS FRANCHISE AGREEMENT WITHIN THE VILLAGE OF PALM SPRINGS FOR FLORIDA PUBLIC UTILITIES COMPANY, ITS SUCCESSORS AND ASSIGNS; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff: Christy Goddeau, Village Attorney

Village Clerk Walton advised the Council that this ordinance was for a franchise agreement, normally approved by resolution, and there was no legal advertising requirement. 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 5 – 0.

### **8. ORDINANCE NO. 2010-08 (FIRST READING)**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 98-04 WHICH LEVIED THE INSURANCE PREMIUM TAX PURSUANT TO FLORIDA STATUTES SECTION 175.101; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl Umberger, Village Manager

Manager Umberger advised the Council that Ordinance No. 98-04, adopted on March 12, 1998, levied the insurance premium tax from Florida Statutes §175.101 in order to fund the firefighter portion of the Village's Hazardous Duty Employees Pension Plan. As a result of the Village contracting with Palm Beach County Fire Rescue to provide fire-rescue services within the Village boundaries, and the subsequent termination of the Palm Springs firefighters, the Village no longer has a qualifying plan for purposes of this Statute. Therefore, the levy must be repealed. Second reading and adoption will be at the July 8, 2010 Council Meeting.

Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and from the public. Hearing none, Village Attorney Torcivia read the

ordinance by title. A motion to adopt on first reading was made by Council Member Brinkman and seconded by Mayor Pro Tem Gunther. Motion carried 5 – 0.

**This item was continued to the July 8, 2010 agenda**

9. ORDINANCE NO. 2010-09 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 1, GENERAL PROVISIONS SECTION 1-2 "DEFINITIONS AND RULES OF CONSTRUCTION"; AMENDING CHAPTER 34, LAND DEVELOPMENT, ARTICLE II, LAND USE, DIVISION 7, SUPPLEMENTAL DISTRICT REGULATIONS; SECTION 34-884 "GARAGE SALES, YARD SALES, AUCTIONS AND OUTDOOR SALES"; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

**This item was continued to the July 8, 2010 agenda**

10. ORDINANCE NO. 2010-10 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 1, GENERAL PROVISIONS SECTION 1-2 "DEFINITIONS AND RULES OF CONSTRUCTION"; AND CHAPTER 34, LAND DEVELOPMENT, ARTICLE IV, DIVISION 1 SEC. 34-262 "PROHIBITED SIGNS," SEC. 34-263 "NONCONFORMING SIGNS, LANDMARK SIGNS AND CHANGEABLE COPY SIGNS," AND, SEC. 34-327 "POINT OF PURCHASE SIGNS." PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.  
Staff: Bette Lowe, Land Development Director

11. RESOLUTION NO. 2010-31

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE VILLAGE OF PALM SPRINGS TO COMMENCE THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE VILLAGE AND PALM BEACH COUNTY, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that this Interlocal Agreement established a streamlined annexation and land use amendment process for the designated area. Chapter 171 Part II Florida Statutes encouraged Intergovernmental coordination for planning, service delivery and boundary adjustments and reduced conflicts and litigation between local governments. Chapter 171 Part II required an initiating resolution be approved that identified the issues of conflict and the basis for the negotiations. Palm Beach County and the invited municipalities have 60 days to pass a responding resolution; after which, negotiations would take place with the County and other interested parties. Once negotiations were complete and a report drafted, the Interlocal Service Boundary Agreement would be prepared. Palm

Beach County had agreed that once the initiating resolution is approved and responded to, which is scheduled for their July 20, 2010 Commission Meeting, the Village may proceed with annexation in the area while negotiations are in progress. The Land Development Board had recommended approved at their meeting on June 8, 2010.

Mayor Davis asked for questions or comments from the Council. Mayor Davis stated it seemed fairly self explanatory, and the Village had done this in the past with the County. Hopefully, the County will be more favorable in the future. Hearing no further comments, Village Attorney Torcivia read the resolution by title. A motion to adopt was made by Vice Mayor Smith and seconded by Council Member Waller. Motion carried 5 – 0.

## **REGULAR AGENDA**

### **ACTIONS AND REPORTS**

12. Review of Temporary License Agreement – Sil's Transmission  
Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council that this business was currently a transmission repair shop and the owner wished to expand the business to include the sale and lease of motorized scooters. The owner has requested the Village approve the sale and lease of motorized scooters as an accessory use to his existing repair shop. Mayor Davis stated this was an administrative item; however, these agreements have been set up that they be brought before the Council in case there were any questions or comments. Council Member Brinkman asked what the code definition of accessory use was and how would the Village monitor whether this sale and leasing of scooters remained accessory. Director Lowe responded that she believed there was no set percentage of use, similar to the County; however, the owner was limited by the size of his location site. This license agreement was only for scooters and not for motorcycles. Council Member Brinkman noted in the agreement that Director Lowe had stated no used car sales on the site, since Council Member Brinkman stated she was aware this owner had been selling used car sales from this site. Council Member Brinkman stated that she could not support this agreement because the business owner had already been selling used cars and scooters without coming to the Village for proper licensing and was now coming after the fact and asking forgiveness for a prohibited use on this site. This was not a property being annexed into the Village with a non-conforming use, and Council Member Brinkman has previously stated her non-support of license agreements that the Code does not allow. Director Lowe replied that she had given this request a lot of thought as well; however, decided to bring it forward because there was nothing in the code to prevent the owner from repairs to scooters and motorcycles, which he had all over the property; there the agreement could be used as an enforcement tool to regulate the owner to only scooters, with proper paperwork of origin, and where they could be stored. Otherwise, this will be a constant code enforcement issue. Vice Mayor Smith wanted to know how temporary was the temporary agreement. Direct Lowe replied this agreement was for one year to see if the property owner would comply with the agreement. Council Member Waller stated she would support Director Lowe's decision. Mayor Davis stated he had seen how Director Lowe handled these agreements and was confident the provisions of

the agreement would be monitored. Obviously, if there was an issue down the road, code enforcement would take place and the agreement would be rescinded.

13. Designation of Florida League of Cities Voting Delegate for upcoming Annual Conference

Mayor Davis asked for a volunteer. Mayor Pro Tem Gunther stated that he had been the Voting Delegate at last year’s Conference and would like to pass this along to another Council Member this year. Council Member Waller volunteered. A motion to appoint Council Member Waller as the Village’s Voting Delegate for the Florida League of Cities Annual Conference was made by Council Member Brinkman and seconded by Vice Mayor Smith. Motion carried 5 – 0.

**VILLAGE COUNCIL COMMENTS**

Council Member Brinkman stated that she had attended the last URA meeting at the County and they were moving forward. The Zoning Hearing would be the first Tuesday in July; then there would be two more readings for the Zoning adoption. Council Member Brinkman stated she would keep everyone up to date.

Mayor Pro Tem Gunther commented that it seemed to be another successful baseball season coming to a close. Also, the new utility building looked good and wondered when it would be completed. Public Service Director Davis replied they were just waiting for County permits.

Vice Mayor Smith commented that she, along with Mayor Pro Tem Gunther and Manager Umberger had attended the Memorial Day Event at the VFW. This was the largest crowd Vice Mayor Smith could remember attending; and the Village was presented with a flag that had flown over the White House, which was now in a display case in Village Hall.

**ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 7:55 p.m.

Respectfully submitted,

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Village Clerk

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

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Mayor