

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, APRIL 26, 2007**

**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, Council Member Chet Osborne, Council Member Patti Waller, Village Manager Karl E. Umberger, Village Attorney Karen E. Roselli, and Village Clerk Virginia M. Walton. Mayor Pro Tem Joni Brinkman arrived late at 7:33 p.m.

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 and Library Director Elena Romeo.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Council Member Osborne.

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

Village Manager: continue Item #8 to May 10, 2007 agenda

Add Item #12A Agreement with Palm Beach County Fire Rescue

Add Item #15 Discussion of Sale of Village Property

Vice Mayor Smith: add item #16 Update on Community Policing Program

Mayor Pro Tem Brinkman: add item #17 Discussion on Transportation Concurrency Exemption

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

**CONSENT AGENDA**

- 1. Minutes of Local Planning Agency Meeting on April 12, 2007**
- 2. Minutes of Regular Council Meeting on April 12, 2007**
- 3. General Government Budget Amendment in the amount of \$21,500.00 to recognize transfer of funds from Council Contingency to General Government for additional costs for insurance and electricity.**  
Staff: Rebecca L. Morse, Finance Director
- 4. RESOLUTION NO. 2007-25 (CONTRACT)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 4 TO TASK ORDER NO. 92 IN THE AMOUNT OF \$206,206.00 TO AKA SERVICES INC; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bill Davis, Public Service Director

**5. RESOLUTION NO. 2007-26 (EASEMENT)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING AN EASEMENT DEED FROM LUCY ECHEMENDIA, ABEL ECHEMENDIA, STEPHEN R. ALEXANDER AND MICHAEL HARDMAN, FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bill Davis, Public Service Director

**6. RESOLUTION NO. 2007-28 (EASEMENT)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING EASEMENT DEEDS FROM FOREST HILL SS, LLC, CVS 3226 FL, LLC AND FOREST HILL PARTNERS, LLC, FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.** Staff: Bill Davis, Public Service Director

A motion to approve the consent agenda as presented was made by Council Member Osborne and seconded by Council Member Waller. Motion carried 5 – 0.

**ANNOUNCEMENTS AND PROCLAMATIONS**

**7. Mayor’s Proclamation for Arbor Day and Dedication of Reading Garden**

Mayor Davis read the proclamation naming April 27, 2007 as Arbor Day in Palm Springs and remembered long time residents and Library benefactors Harry and Sarah Gay, Annie Dee and Ruth Coffey. Mayor Davis presented the proclamation to Library Director Elena Romeo and Public Service Director Bill Davis and invited everyone to participate in the Butterfly Garden Dedication and planting of trees at the Library on April 27<sup>th</sup>.

**PUBLIC COMMENT**

Johnnie Tieche, 305 Winged Foot Drive, thanked the Council and Public Safety for starting the Community Patrol training program. He had completed his classroom time and was on his 12 hours of ride along training now. Chief Pickens had two cars available and they were already getting interested from other residents.

## **PUBLIC HEARINGS**

### **This item will be continued to May 10, 2007 agenda**

- 8. RESOLUTION NO. 2007-05 (SITE PLAN FOR CABRERA/KIRK ROAD)**
  
- 9. RESOLUTION NO. 2007-27 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF THE VILLAGE OF PALM SPRINGS, PETITIONER FOR THE OWNERS, SCHOOL DISTRICT OF PALM BEACH COUNTY, FOR SITE PLAN (SPR 07-06) FOR CONSTRUCTION OF A 177,000 SQUARE FOOT TWO-STORY ELEMENTARY SCHOOL ON 2.52 ACRES, LOCATED AT 4200 PURDY LANE; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council notice of public hearing was placed in the Lake Worth Herald on March 29, 2007. There were no ex parte communications disclosed. Gene Colson and Michael Owen were sworn in to give testimony. It was noted that the acres were incorrect and should read 19.49 acres total for the site. The 2.52 acres was just for the building. Manager Umberger stated the Land Development Board had recommended approval of the site plan request at their meeting on April 10, 2007, subject to conditions in Exhibit "A". Mr. Owen stated that with regard to Item #3, there was not a double drop off lane, but rather a drop off lane and a pass thru lane for cars after they have dropped off the children. With regard to the comments about parking requirements meeting Village Codes, the school adheres to the Sec. 423 of the Florida Building Code, which supersedes local codes. This was also the case with the site lighting mentioned in Item #7. Mr. Colson stated that with regard to item #9, there were some discrepancies between the School's surveys and the Village's surveys with regard to easements; however the School would act in good faith to resolve these items, but would not want to delay the start of construction since they were under a deadline to have the school open. Manager Umberger added that this matter also involved the Lake Worth Drainage District, as well as the Village's well easements; but he believed everything could be resolved satisfactorily. Director Davis stated the Village Engineer was working on the easements and the school would share the cost of rehab of the lift station.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Frances Persico, Village Green resident, asked when the school would start, how much mess and noise would there be, how far back would it go and was there a model or set of plans to see. Mr. Holson replied that they expected to break ground in July; the building would be on the rear third of the property directly behind the existing school; they would adhere to the Village's noise codes and the mess would be contained on the site as per regulations. There were no renderings tonight; however, Mayor Davis

suggested they be put on a display easel, when ready, at the school for people to view. Jo Coppolino, 400 Village Green, asked where a two story building would actually be located. The new school would go from Donald Road to Purdy Lane. Mayor Davis suggested the applicants take a site plan drawing to the back of chambers and confer with the residents. Vice Mayor Smith asked how many cars the stacking permitted. Mr. Owen replied they had addressed the existing problem with pushing the building back and designing a serpentine stacking lane, but did not have the exact number with them tonight.

Vice Mayor Smith also asked how many staff would be at that school. Mr. Owen replied the staff parking was on the side and would be approximately 60 – 65 staff. Council Member Osborne asked if the buses would be coming on Purdy and turning onto Donald Road, then have to turn around and come back out. Chief Pickens stated he had participated in the initial planning stages for the school and he believe the parking and stacking had been addressed very well. Mayor Pro Tem Brinkman asked what mechanism would be in place to deter families from using the pass thru lane as a second drop off lane. Mr. Owen replied staff would be present to train the vehicles in proper drop off procedures.

Hearing no further questions or comments, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the site plan was made by Vice Mayor Smith and seconded by Mayor Pro Tem Brinkman. Motion carried 5 – 0.

#### **10. ORDINANCE NO. 2007-08 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 1, SECTION 1-2 ENTITLED "DEFINITIONS" TO ADD ADDITIONAL DEFINITIONS AND TO RELOCATE THE EXISTING DEFINITIONS FROM SECTION 34-911 AND SECTION 34-951, TO SECTION 1-2; AMENDING CHAPTER 34, ARTICLE IV, SECTION 34-329 ENTITLED "VARIANCES" PERTAINING SOLELY TO SIGN VARIANCES; AMENDING CHAPTER 34, ARTICLE VI, DIVISION 2, SECTION 34-603 ENTITLED "LAND DEVELOPMENT BOARD"; AMENDING SECTION 34-605 ENTITLED "ZONING BOARD OF ADJUSTMENT"; RENUMBERING FORMER SECTION 36-606 ENTITLED "EXHAUSTION OF REMEDIES" TO NEW CODE SECTION 34-609; CREATING NEW CODE SECTION 34-606 TO BE ENTITLED "CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS"; CREATING NEW CODE SECTION 34-608 TO BE ENTITLED "SPECIAL EXCEPTION PROCEDURE"; AMENDING CHAPTER 34, DIVISION 6, SECTION 34-822 ENTITLED "PERMITTED USES"; AMENDING SECTION 34-824 ENTITLED "SPECIAL EXCEPTIONS"; AMENDING CHAPTER 34, DIVISION 7, BY AMENDING SECTION 34-881 ENTITLED "LANDSCAPING"; REPEALING SECTION 34-887 ENTITLED "CHURCHES AND HOUSES OF WORSHIP"; CREATING NEW CODE SECTION 34-893 TO BE ENTITLED "CANOPIES PROHIBITED"; CREATING NEW CODE SECTION 34-894 TO BE ENTITLED "SWING SET AND PLAY STRUCTURE REGULATIONS"; REPEALING SECTION**

**34-911 ENTITLED "DEFINITIONS"; AMENDING SECTION 34-914 ENTITLED "PARKING IN SINGLE FAMILY RESIDENTIAL LAND USE DISTRICTS"; REPEALING SECTION 34-951 ENTITLED "DEFINITIONS"; AMENDING CHAPTER 34, DIVISION 8, SECTION 34-1322 ENTITLED "DEFINITIONS, APPLICATION OF DIVISION"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director**

Village Clerk Walton stated that notice of public hearing was placed in the Lake Worth Herald on April 5 and April 12, 2007. Village Attorney Roselli read the ordinance by title. There were no comments from the Council or Staff. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt on second reading was made by Council Member Osborne and seconded by Council Member Waller. A roll call vote was in favor of adoption 5 - 0.

**11. ORDINANCE NO. 2007-09 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING THE ROAD RIGHT-OF-WAY OF FOREST HILL BOULEVARD BETWEEN MILITARY TRAIL AND FLORIDA MANGO ROAD INCLUDING INTERSECTIONS, THE ROAD RIGHT-OF-WAY OF LAKE WORTH ROAD BETWEEN SECOND AVENUE AND SOUTH CONGRESS AVENUE INCLUDING INTERSECTIONS AND THE ROAD RIGHT-OF-WAY OF SOUTH CONGRESS AVENUE BETWEEN FOREST HILL BOULEVARD AND SUMMIT BOULEVARD INCLUDING INTERSECTIONS; BORDERED BY THE VILLAGE, OWNED BY PALM BEACH COUNTY; AND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR AMENDMENT TO THE CORPORATE LIMITS OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS SET FORTH IN SECTION 2.01 OF THE VILLAGE CHARTER TO INCLUDE SAID ANNEXED LANDS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADVERTISING; AND PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF STATE UPON ADOPTION. Staff: Bette Lowe, Land Development Director**

Village Clerk Walton stated that notice of public hearing was placed in the Lake Worth Herald on April 5 and April 12, 2007. Village Attorney Roselli read the ordinance by title. There were no comments from Council or Staff. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Raymond Cordavez, 2677 Carambola Road, asked if this ordinance was a preparatory one which would lead to annexation of the properties west of Florida Mango between Forest Hill and Summit Boulevard. Mayor Davis replied that it was not. The Village used a voluntary form of

annexation, some times linked to the extension of our water/sewer system. If properties were contiguous to the Village boundaries, the residents would be asked if they wished to annex into the Village. Mayor Davis stated the County had designated target future annexation areas for municipalities not to encroach on other municipalities. Although his location was in the target annexation area, it may take anywhere up to the next twenty years to annex all those target areas. Manager Umberger added that this initiative was the result of a request from Chief Pickens to allow the Village to better patrol those roads and also enforce the non solicitation ordinance to clear up peddlers and panhandlers on street corners. Mr. Luis Rodriguez, 2735 Carambola Road, commented he did not read the Lake Worth Herald and asked why other papers were not used to be more properly informed. Mayor Davis replied it was basically a cost based decision.

Hearing no further comments, a motion to adopt on second reading was made by Vice Mayor Smith and seconded by Mayor Pro Tem Brinkman. Both Vice Mayor Smith and Council Member Waller stated they would be happy to see the panhandlers off the corners since they had both been accosted by them on several occasions. A roll call vote was in favor of adoption 5 - 0.

**12. ORDINANCE NO. 2007-11 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE LAND CONSISTING OF LESS THAN 10 ACRES, OWNED BY MARBELLA AT PALM SPRINGS LLC, LOCATED ON THE NORTHWEST CORNER OF 2<sup>ND</sup> AVENUE AND DAVIS ROAD, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO COMMERCIAL; 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

Village Clerk Walton stated that notice of public hearing was placed in the Lake Worth Herald on April 5 and April 12, 2007. Village Attorney Roselli read the ordinance by title. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. (Hearing none, a motion to adopt on second reading was made by Council Member Osborne and seconded by Vice Mayor Smith. A roll call vote was in favor of adoption 5 - 0.

**Add Item 12A. RESOLUTION NO. 2007-29 (AGREEMENT)**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN EMERGENCY SERVICES AGREEMENT FOR MUTUAL ASSISTANCE, AUTOMATIC AID AND DISPATCH SERVICES BETWEEN PALM BEACH COUNTY AND THE VILLAGE OF PALM SPRINGS; AND PROVIDING AN EFFECTIVE DATE.** Staff: Jay C. Pickens, Public Safety Director

Mayor Davis excused himself from the meeting and requested the meeting continue in his absence with Vice Mayor Smith officiating. Manager Umberger advised the Council this agreement was brought forward in accordance with the consensus of the Council at their Workshop on April 5, 2007. At direction of Council, Manager Umberger and Chief Pickens had a follow up meeting with Palm Beach County Fire Rescue Chief Brice and Chief Delai on April 23, 2007 to finalize the agreement, which had no changes from the one presented at the workshop. Hearing no comments from Council, Vice Mayor Smith stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution and approve the agreement was made by Council Member Osborne and seconded by Mayor Pro Tem Brinkman. Motion carried 4 – 0.

Manager Umberger added that the approving of the agreement would take the Village out of the lawsuit between the City of Boca Raton and Palm Beach County. Mayor Davis returned to the meeting.

## **REGULAR AGENDA**

### **ACTIONS AND REPORTS**

**13. Appointments to the Library Board**  
Staff: Virginia M. Walton, Village Clerk

Mayor Davis stated there were two regular member positions that expired on April 24, 2007, and the current members, Jayne Gardner and Rose Thomas, had indicated their willingness to serve another term. A motion to re-appoint Jayne Gardner and Rose Thomas for three year terms to expire on April 24, 2010, was made by Council Member Waller and seconded by Vice Mayor Smith. Motion carried 5 – 0.

**14. Appointment to Leisure Services Board**  
Staff: Virginia M. Walton, Village Clerk

Mayor Davis stated there was an alternate member position that expired on March 27, 2007. The previous board member, Maria Castro, had indicated she now wished to

continue to serve on this Board. A motion to appoint Maria Castro as an alternate member for a one year term to expire on March 27, 2008 was made by Mayor Pro Tem Brinkman and seconded by Council Member Osborne. Motion carried 5 – 0.

**Add 15. Discussion of Sale of Village Property**  
Staff: Karl E. Umberger, Village Manager

Manager Umberger explained to the Council that as a result of recent annexations of County roadways, the Village had acquired a right of way parcel that was not usable for building purposes, but could be beneficial to an adjacent property owner for a transfer of density rights up to five units. The parcel was located on 2<sup>nd</sup> Avenue North between Davis Road and Lake Worth Road. The suggested sale price would be \$50,000. Mayor Pro Tem Brinkman asked if the right of way had been identified on the County TDR map for possible road widening. Manager Umberger stated they were now our roads, not the County. We could consider a unity of title, fencing the property and landscaping as part of the sale. The Village would dictate where the fencing and landscaping would be located. A motion to direct Manager Umberger to go forward with the sale of the parcel was made by Council Member Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

**Add 16. Discussion on Community Policing Program**  
Staff: Jay C. Pickens, Public Safety Director

Chief Pickens stated there were six volunteers in the initial program who had just passed Part I, classroom policy/procedures. They would now participate in Part II, ride along program for 12 hours. The department had converted two older patrol cars, which would not have the new logo and paint design, to differentiate them from regular patrol cars.

The program was getting positive feedback from the six volunteers and positive comments from other residents showing an interest in the program. Council Member Waller asked if there were any woman in the program. Chief Pickens replied there were not as yet, but they would be welcome to join.

**Add 17. Discussion of County Transportation Concurrency Exemption Areas**

Mayor Pro Tem Brinkman stated the County Commissioners planned to transmit this to DCA on the 18<sup>th</sup> as a Comp Plan Amendment. There were only two roadways they were identifying Congress Avenue from Forest Hill to Summit and Military Trail from Forest Hill to Summit Boulevard. There plan would allow new projects that could not meet the traffic concurrency to be exempt from having to meet it. Part of this amendment would also require municipalities to follow these County rules for new projects. There would be some sort of form based codes, but they had not been defined yet. Basically, the municipalities would have to adopt workforce housing similar to the County or they would not be approved for traffic concurrency on any of their projects. Mayor Pro Tem Brinkman stated if the Village wanted to do anything about this, they needed to get started now.

Mayor Davis replied all the Village needed to do was keep doing what it has been doing and if they County did not approve concurrency, we would go to the media. Vice Mayor Smith suggested the Village should file an objection with DCA and the Palm Beach County Commission. It would probably fall on deaf ears, but at least the Village would have its objections on record.

Manager Umberger stated that he and Director Lowe had been in touch with other surrounding municipalities and they were not interested since they were not directly affected right now. Director Lowe added that the Village needed to do a letter of some kind stating the Village's objections or the County Staff could come back later and say why didn't you object before. Mayor Davis replied he was not opposed to having staff craft a letter, but suggested the language should be more general and not adversarial at this time.

Mayor Pro Tem Brinkman added that Commissioner Koons had commented on the possibility of a joint workshop between Palm Springs, himself and Commissioner Newell. Staff had been working on an interlocal agreement to solidify the Annexation Study. Director Lowe added that she would be bringing forward on the next agenda an initiating resolution that stated we were going forward. The Council was in agreement on the joint workshop with the Commissioners.

## **VILLAGE COUNCIL COMMENTS**

Council Member Waller commented that it had been a great day at Public Safety for the accreditation inspection. Lt. Hoffer had done a great job and staff had been very professional. Also, the new black and white police vehicles looked fantastic.

Vice Mayor Smith commented that she was looking forward to Arbor Day and the Dedication of the Butterfly Reading Garden.

Council Member Osborne commented that he had also been present at the Public Safety Accreditation. He agreed with Council Member Waller that Lt. Hoffer had done an excellent job and the new police vehicle graphics looked great.

Mayor Davis commented that he had not been able to attend the day at Public Safety, but he knew they had done a great job as always. He was looking forward to celebrating the approval of the accreditation. Chief Pickens replied the final notice would be the first week in June.

## **ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 8:43 p.m.

Respectfully submitted,

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Village Clerk

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

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Mayor