

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, APRIL 28, 2005**

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 7:31 p.m.

Present: Mayor John M. Davis, Vice Mayor Joni Brinkman, Mayor Pro Tem Patti Waller, Council Member Bev Smith, Council Member Chet Osborne, Village Manager Karl E. Umberger, Village Attorney Paul J. Nicoletti, and Deputy Village Clerk Virginia M. Walton.

Staff present were Lt. Gary Sykes as Sergeant at Arms, Finance Director Rebecca L. Morse, Leisure Services Director Bill Golson and Public Service Director Bill Davis.

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

Manager: Continue Item No. 10 to June 9th Agenda

A motion to accept the agenda as revised was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5-0.

CONSENT AGENDA

- 1. Minutes of April 14, 2005 Local Planning Agency Meeting**
- 2. Minutes of April 14, 2005 Regular Council Meeting**
- 3. Approval of Land Development Budget Amendment of \$23,000 from the Council Contingency Fund for Professional Consultant's Fees for Preparation of the Comprehensive Plan Amendments and Evaluation and Appraisal Report.** Staff: Bette Lowe, Land Development Director
- 4. RESOLUTION NO. 2005-34**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA,
AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT
WITH PALM BEACH COUNTY FOR FINANCIAL ASSISTANCE FROM THE
RECREATION ASSISTANCE PROGRAM (RAP) FOR DEVELOPMENT AND**

CONSTRUCTION OF THE SUMMER STREET PARK; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Golson, Leisure Services Director

5. RESOLUTION NO. 2005-35

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, OR OTHER VILLAGE OFFICIALS, TO SELL A PORTION OF THE REAL PROPERTY LOCATED AT 1101 SUMMER STREET; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO JOSEPH J. BARBARO, JR.; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl E. Umberger, Village Manager

6. RESOLUTION NO. 2005-36

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, SUPPORTING AMENDMENTS TO THE FLORIDA CONSTITUTION REQUIRING THE PERIODIC REVIEW AND APPROVAL OF ALL SALES TAX EXEMPTIONS AND EXCLUSIONS IN THE STATE OF FLORIDA, AND PROVIDING AN EFFECTIVE DATE.
Staff: Paul J. Nicoletti, Village Attorney

7. RESOLUTION NO. 2005-37

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY AND THE METROPOLITAN PLANNING ORGANIZATION PURSUANT TO SECTION 163.01 FLORIDA STATUTES, ET SEQ, FOR THE PURPOSE OF NOTIFICATION WHEN PENDING ROAD CAPACITY REDUCTION OR ROAD REMOVAL FROM COUNTY THOROUGHFARE PLAN IS PROPOSED; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl E. Umberger, Village Manager

A motion to approve the consent agenda as presented was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5-0.

End of Consent Agenda.....

ANNOUNCEMENTS AND PROCLAMATIONS

8. Mayor's Proclamation for Civility Month – May 2005

Mayor Davis read the proclamation, which expressed the importance of civility among citizens and urged all Village of Palm Springs residents to adopt a pledge of civility towards each other every day.

9. Mayor's Proclamation for Municipal Clerk's Week – May 1 – 7, 2005

Mayor Davis read the proclamation, which commended all municipal clerks for their vital services and exemplary dedication to the functions of local government, and he personally thanked Deputy Clerk Walton for her service.

PUBLIC COMMENT

Johnnie Teiche, 305 Winged Foot Road, expressed his appreciation to Council for the increased visibility of police, controlled traffic and regulated activities at the ball fields. These items of concern had been directed to Council at a recent Council Meeting by his neighbor, Mr. Rothenburg. Mr. Teiche had heard many good comments from his neighbors and was pleased to report to Council that their outstanding follow-up action on each issue was to be commended. Mayor Davis stated Council's goal was to assist the residents with their concerns.

PUBLIC HEARINGS

This Item will be continued to June 9, 2005 Agenda

10. RESOLUTION NO. 2005-33

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF CARLOS M. GONZALEZ, AGENT FOR THE OWNER, DANIEL SALDANA & C&D PRODUCE INC.; FOR SITE PLAN REVIEW (SPR 05-04); FOR CONSTRUCTION OF A 12,625 SQUARE FOOT RETAIL BUILDING ON 2.49 ACRES LOCATED AT 3133 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

11. ORDINANCE NO. 2005-10 (FIRST 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 GONZALEZ MUSIBAY CONSTRUCTORS & LAND DEVELOPERS LLC, AND LOCATED OFF MILLER FRONTING 2ND AVENUE NORTH, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO MEDIUM DENSITY RESIDENTIAL; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT MULTI-FAMILY RESIDENTIAL (RM) 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 ordinance would approve a land use change and rezoning for one (1) parcel consisting of 3.2 acres located on 2nd Avenue North, west of Congress Avenue. Carlos Gonzalez, agent for the owner, Gonzalez-Musibay Constructors & Developers LLC, had requested the proposed zoning designation of Multi-Family Residential for the proposed Phase II of the St. George's Landing. The site plan would be submitted to Council for approval at a future Council Meeting. The Land Development Board heard the request at their April 12, 2005 meeting, and recommended approval to the Council.

There were no questions or comments by Council. There were no public comments. Village Attorney Nicoletti read the ordinance by title. A motion to adopt the ordinance on first reading as read was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5-0.

12. ORDINANCE NO. 2005-11 (FIRST 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 CONGRESS PROPERTIES OF PALM SPRINGS, INC., AND LOCATED AT 2960 AND 2969 SEMINOLE ROAD, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO COMMERCIAL LAND USE; 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 ordinance would approve a land use change and rezoning for two (2) parcels consisting of .56 acres located at 2969 and 2960 Seminole Road. The properties were currently the site of a vacated church and a single family home. Congress Properties of Palm Springs, Inc., the owner, had requested a proposed zoning designation of Commercial General. The site was being considered for a future Walgreens development. The Land Development Board heard the request at their April 12 2005 meeting, and recommended approval to the Council.

Council Member Smith asked for a clarification of the businesses presently located between Seminole Road and Appalachee Road fronting Congress. Manager Umberger stated that Larry Woods Marine and a credit union were there. He stated that Congress Properties also owned the trucking business site, but it was not the intent to expand that enterprise. Vice Mayor Brinkman reminded the public that Council was to approve only the land use change and rezoning. What may or may not happen on the site should not be taken into account at that time.

There were no public comments. Village Attorney Nicoletti read the ordinance by title. A motion to adopt the ordinance on first reading as read was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5-0.

13. ORDINANCE NO. 2005-13 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING AN ADDITIONAL HOMESTEAD (AD VALOREM -- REAL PROPERTY) TAX EXEMPTION OF \$25,000.00 FOR PERSONS 65 AND OLDER; PROVIDING FOR CODIFICATION; PROVIDING

FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR DELIVERY OF A COPY OF THE ORDINANCE TO THE PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Paul J. Nicoletti, Village Attorney

Manager Umberger advised the Council that this ordinance would approve an additional \$25,000.00 ad valorem tax exemption for senior owner-residents of the Village, for Village taxes only. Section 196.075, Florida Statutes allows municipalities to adopt an additional \$25,000.00 for its senior (65 years and over), who meet the low income threshold that is set each year. This provision would have only a minor effect on Village finances. For the 2004 tax year it would have affected 90 residents, and amounted to a reduction in ad valorem taxes of \$7,552.70. Based upon a reasonable impact on the Village, an ability to assist the neediest senior owner-residents, and the interest expressed by various Council members, approval of the ordinance was recommended.

Mayor Davis stated the Council was in favor of the ordinance for the senior owner-residents. There were no further comments from the Council. There were no public comments. Village Attorney Nicoletti read the ordinance by title. A motion to adopt the ordinance on first reading as read was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5-0.

REGULAR AGENDA - None

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Waller stated she was pleased with Ordinance No. 2005-13 which approved the additional \$25,000 tax exemption for resident-owners 65 years and over.

Vice Mayor Brinkman reminded everyone of the tree planting ceremony at Sago Park to commemorate Arbor Day on Friday, April 29th 10 a.m. She also stated that the painted crosswalks from the ball fields to the main facility looked very nice and were a safety improvement.

Council Member Osborne and Council Member Smith had no comments.

Mayor Davis stated he had no comments other than the next regular Council meeting would be at 7:30 p.m. on May 12, 2005, immediately following the 7:15 p.m. Local Planning Agency meeting.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 7:54 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor