

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, MAY 26, 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 Chet Osborne, Council Member Bev Smith, Village Manager Karl E. Umberger, Village Attorney Paul J. Nicoletti, and Deputy Village Clerk Virginia Walton.

Staff present: Chief Jay Pickens as Sergeant at Arms, Land Development Director Bette J. Lowe and Finance Director Rebecca L. Morse, Leisure Services Director Bill Golson, Library Director Elena Romeo.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Manager: Continue Item No. 7 to June 9th Agenda

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

CONSENT AGENDA

1. **Minutes of Local Planning Agency Meeting of May 12, 2005**
2. **Minutes of Regular Council Meeting of May 12, 2005**
3. **RESOLUTION NO. 2005-43**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 1 TO TASK ORDER NO. 74 TO GLOBETEC CONSTRUCTION, LLC; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

4. RESOLUTION NO. 2005-44

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE VILLAGE PUBLIC SAFETY DEPARTMENT, THE STATE OF FLORIDA DEPARTMENT OF HEALTH AND THE PALM BEACH COUNTY HEALTH DEPARTMENT FOR THE PURPOSE OF PROVIDING ADULT IMMUNIZATION SERVICES ADMINISTERED BY PALM SPRINGS PARAMEDICS; AND PROVIDING AN EFFECTIVE DATE. Staff: Jay C. Pickens, Public Safety Director

5. RESOLUTION NO. 2005-45

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, PURSUANT TO SECTION 163.01 FLORIDA STATUTES, ET SEQ, FOR THE PURPOSE OF MANAGEMENT OF DISASTER DEBRIS; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

A motion to approve the consent agenda as presented was made by Vice Mayor Joni Brinkman and seconded by Mayor pro Tem Patti Waller. Motion carried 5-0.

ANNOUNCEMENTS AND PROCLAMATIONS

6. Presentation of the Village of Palm Springs Joseph L. Fallon Scholarship Awards

Manager Umberger gave a brief explanation of the annual Joseph L. Fallon \$1,000 Scholarship awards which have been given over the past 5 years. He stated the judges were Mayor Pro Tem Patti Waller, Library Director Elena Romeo, Lee Schuldes of the Palm Beach Athletic Association, and Richard Griffin of the Palm Springs Kiwanis. Manager Umberger was the chairperson of the committee. Mayor Davis presented the scholarship awards to the following five winners:

Jeffrey Herrera, a student at John I. Leonard High School, plans to attend the University of Central Florida in Orlando, Florida. His major is broadcasting.

Arthur Katz, a student at Suncoast High School, plans to attend the University of Florida in

Gainesville, Florida. His major is business administration.

Porcha Leggett, a student at Lake Worth High School, plans to attend either Florida State University in Tallahassee, Florida, or Harriet L. Wilkes Honors College in Jupiter, Florida. Her major is biology.

Anila Qureshi, a student at John I. Leonard High School, plans to attend Florida Atlantic University in Boca Raton, Florida. Her major is biology/medicine.

Jerome Aschroft-Thew, a student at John I. Leonard High School, plans to attend either the University of Central Florida in Orlando or the University of Florida in Gainesville, Florida. His major is computer engineering.

Mayor Davis stated that the Council appreciated the dedication of all the graduates of the Village of Palm Springs and their parents.

Mayor Davis also offered sympathy to the relatives of two former Council Members who had recently died: Mr. Elmer W. "Doc" Hoagland who served from 1961 to 1964 and Mr. Lynn K. Downing who served from 1971 to 1975. Mayor Davis stated that their service on the council was during the early years of the Village, and their hard work was appreciated.

PUBLIC COMMENT

The following residents expressed their concerns with an ongoing problem at 332 Cavalier Road which they considered to be a drug residence for years:

Richard L. Lancaster, 325 Cavalier Road, Janette Ruel, 336 Cavalier Road, Sherm Dibble, 333 Cavalier Road, Edward L. Luveras, 320 Cavalier Road, Jeff Stokes, 337 Cavalier Road, and Laz Garrido, 357 Cavalier Road.

The residents stated the police had responded to 332 Cavalier Road on several occasions. The most recent incidence occurred on the 3rd or 4th of May at approximately 4 PM and involved their observation of a passenger in a vehicle who pulled a pistol and went to the door of the residence. An altercation with the resident, Mr. Schwinn, ensued, and the gun fell to the ground. The police were called to the scene and given all of the information, however, no arrests were made. The police informed the residents that the victim, Mr. Schwinn, did not want to press charges. On the same day, approximately 2 hours later, another questionable incidence occurred. The police returned to the scene. The residents saw the police officers handcuff suspects after finding drugs on them, but the police did not make any arrests, and the suspects were released.

The residents stated there are numerous children on their street, and they were concerned for their safety. They complained that they were not seeing enough police patrol cars, and asked if the monthly newsletter could be used to keep residents informed of the criminal activities in the Village.

Mayor Davis stated he had not realized there was a drug problem on Cavalier Road, and thanked the residents for attending. He stated Council needed to know the issues which concerned residents. Mayor Davis stated that increased public safety vehicles on the streets was an issue he had heard when he was campaigning, and he would follow up on it.

Chief Pickens stated he was aware of the complaints and concerns of the Cavalier Road residents. There was an ongoing investigation, and he could not provide specific details, but the issues would be taken care of. Chief Pickens stated that he had met with his patrol sergeants regarding the lack of patrol issue, and they were addressing it.

Manager Umberger stated he had been kept informed of the Cavalier Road residence surveillance, and the investigation may have been compromised at this point. He stated that paperwork and witness statements from people on Cavalier Road were sent to the State Attorney's office for review and warrants would be issued if probable cause was determined. He further stated that the new budget provided for a Citizens Neighborhood Watch program using police cars in the neighborhoods. In July they would have their 1st citizen training program.

Mayor Davis stated it was fortunate that no one was injured during the Cavalier Road incident. It was serious and needed to be addressed. He stated the Village may be able to get back to neighborhood watches. Mayor Davis thanked the Cavalier Road residents for attending. He stated they had a valid complaint, and asked them to come back and advise how their concerns were being resolved by the Village. The Village's bottom line was to do its best to keep residents safe.

Manager Umberger advised that the burglary arrests were not in the newspapers because the suspects were juveniles.

Council Member Smith stated she was not aware of the gun issue but she was aware of her daughter's robbery on Cavalier Road, and her mom, also a Village resident, has been robbed twice. Even Council Member Smith's her own car was stolen out of her driveway. She stated 90% of crime is drug related, and as Council they needed to give the public safety department resources for the drug problems in the Village and encourage their cooperation with other law enforcement agencies, as the problem extends out of the Village. She also favored forming a citizen watch group.

PUBLIC HEARINGS

This item will be continued to the June 9, 2005 Agenda

7. RESOLUTION NO. 2005-33 (SITE PLAN)

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

8. ORDINANCE NO. 2005-14 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING THE RIGHT-OF-WAY OF GULFSTREAM ROAD FROM CANAL 9 ROAD TO CANAL 10 ROAD; 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

Deputy Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on May 5 and May 12, 2005. Attorney Nicolletti read the ordinance by title. Manager Umberger advised Council that presentation of this ordinance had been made at first reading, and staff was available for further questions or comments. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council or the public. Hearing none, a motion to adopt the ordinance on second reading was made by Vice Mayor Brinkman and seconded by Council Member Smith. A roll call

vote was in favor of adoption 5 – 0.

9. ORDINANCE NO. 2005-15 (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 VACANT LAND CONSISTING OF LESS THAN 10 ACRES, OWNED BY CONGRESS PROPERTIES OF PALM SPRINGS, INC., AND LOCATED ON SEMINOLE ROAD, BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO COMMERCIAL LAND USE; SAID LAND 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

Deputy Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on May 5 and May 12, 2005. Attorney Nicoletti read the ordinance by title. Manager Umberger advised Council that presentation of this ordinance had been made at first reading, and staff was available for further questions or comments. Mayor Davis stated this was a public hearing and asked for questions or comments from the Council or the public. Hearing none, a motion to adopt the ordinance on second reading was made by Mayor Pro Tem Waller and seconded by Council Member Smith. A roll call vote was in favor of adoption 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

- 10. Presentation from Greater Lake Worth Chamber of Commerce
by Tom Ramiccio, Executive Director**

Manager Umberger advised that the presentation had been made at the May 12, 2005 Regular Council Meeting, and the matter was brought back for vote by Council on whether the Village should become a member of the Greater Lake Worth Chamber of Commerce. Mayor Davis called for discussion. Council Member Smith stated that she had not heard the presentation since she was absent from the May 12th meeting. Council Member Smith had read over the proposal and made some calls to other chambers in the county to see their relationships to municipalities. The Chambers of Boynton, North Palm Beach and Jupiter treat cities as businesses, and their fees are based upon the number of employees. Council member Smith did not see any benefits for the Village to belong to the chamber as chambers are normally for businesses to promote businesses. There was no other discussion by Council, and the issue died for lack of a motion.

11. Appointment to the Library Board

Staff: Virginia Walton, Deputy Village Clerk

Mayor Davis advised that there was a regular member vacancy on the Library Board due to the resignation of one of the current members, and an application to serve had been received by Sophie Prendergast. A motion to appoint Sophie Prendergast to serve as a regular member to the Library Board for a 3-year term to expire April 24, 2008 was made by Council Member Smith and seconded by Council Member Osborne. Motion carried 5-0.

12. Manager's Evaluation and Contract Renewal

Mayor Davis advised the annual evaluation and contract renewal of Village Manager Umberger was on the agenda to discuss Mr. Umberger's performance and vote on a salary increase for him. He stated that Mr. Umberger had previously provided an evaluation form to the council members and had met with each one privately for their evaluations.

Each council member highly praised Mr. Umberger and expressed their appreciation for Mr. Umberger's numerous attributes as an outstanding Village Manager. Among the many accolades, Mr. Umberger was applauded for his loyalty, vision, leadership (especially during last year's hurricanes), creativity, law enforcement background and frugality with the budget, while simultaneously controlling tax increases due to his continued annexation projects. Mayor Davis stated Mr. Umberger started in the Village as Chief of Police in 1992, and was appointed interim manager in 1998. The Village was in financial distress then, and Mr. Umberger began the annexation endeavors that have become the lifeline for the Village. Mayor Davis stated that Mr. Umberger has far exceeded his expectations as a manager, and his 5 and 10-year long-term views for the

Village were proof of Mr. Umberger's loyalty.

A motion to increase Mr. Umberger's salary \$10,000.00 and for a one-time only \$2,500.00 bonus was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5-0.

In response to Mayor Davis' call for further discussion, Council Member Smith stated Mr. Umberger's salary was not commensurable with his work. It was a well deserved raise, and the Council needed to get his salary in line with the other municipal managers. Mr. Umberger was complimented for saving the Village money in various ways. He was also lauded for knowing how to get grant money for the Village recreation projects.

Mr. Umberger expressed his appreciation for Council's confidence. He stated the residents were very important to him, and he would get resolutions on the items discussed earlier during the meeting. He stated the upcoming budget provided for a full time drug enforcement officer, and that they recognized the problems were somewhat gang related, but that was no excuse for not taking care of residents' complaints. Manager Umberger also stated he had a very good staff that addressed complaints and issues. In addition to public safety, garbage, water, sewer, building permits and inspections were taken care of by staff. The Village Staff's performance was outstanding during and after the hurricanes. The Village was the first municipality to have all the trash picked up and one of the first to have all the roads open. Our Public Safety Department answered every call. When the County refused to go to calls, the Village backed them up and still responded. That was the kind of staff the Village had. The scholarship was another proud item. Manager Umberger stated he wanted all the streets to be safe, and promised the residents that the Village would resolve the Cavalier Road issues.

VILLAGE COUNCIL COMMENTS

Vice Mayor Brinkman congratulated Manager Umberger. She stated was not aware of the Cavalier Road problems. She would never want to interfere with ongoing investigation, but she was in favor of a mechanism that could let the residents know what was occurring.

Council Member Osborne congratulated Manager Umberger on his evaluation and salary increase. He concurred with Vice Mayor Brinkman's comments and stated the Village needed to get what was happening out to the residents.

Council Member Smith congratulated all of the scholarship students and encouraged them to come back to Palm Beach County after they graduate. She advised Manager Umberger that she was looking forward to working with him in the future.

Mayor Pro Tem Waller stated she agreed with all of Council's remarks.

Mayor Davis congratulated the students again.

Manager Umberger wanted everyone to know that Council Member Smith's graduating senior daughter, Whitney Smith, was a Pathfinder winner for John I Leonard H.S.

Mayor Davis advised that the next regular council meeting would be on Thursday, June 9, 2005.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:39 p.m.

Respectfully submitted,

Deputy Village Clerk

Approved by Council _____

Mayor