

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, JUNE 23, 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 7:30 p.m.

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

Absent: Village Attorney Paul J. Nicoletti

Staff present were Chief Jay Pickens as Sergeant at Arms, Land Development Director Bette J. Lowe, Finance Director Rebecca L. Morse, Leisure Services Director Bill Golson and Public Services Director Bill Davis

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Vice Mayor Brinkman.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Manager: Item No. 7 on Agenda would be continued to the July 14th Regular Council Meeting.

Item No. 8 on Agenda would be continued to the July 14th Regular Council Meeting.

Item No. 9 on Agenda would be continued to the July 28th Regular Council Meeting.

Acting Village Attorney Roselli stated there was an error in Paragraph 4-F of the Annexation Agreement attached to Resolution No. 2005-52 on the Consent Agenda under Item No. 6. The number of parking spaces should be 75 instead of 50.

Vice Mayor Brinkman requested that Item No. 6 on the Consent Agenda be pulled for discussion. Mayor Davis honored her request and stated Resolution No. 2005-52 would be addressed under Item No. 9A.

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

CONSENT AGENDA

1. Minutes of June 9, 2005 Regular Council Meeting

2. RESOLUTION NO. 2005-47

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH JASON WOBESER D/B/A WOODY'S WASH & WAX, FOR A PARCEL OF LAND CONSISTING OF .85 ACRES, LOCATED AT 3263 LAKE WORTH ROAD; FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

3. RESOLUTION NO. 2005-48

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH LAKESHORE CENTER LLC, FOR A PARCEL OF LAND CONSISTING OF 8.55 ACRES, LOCATED AT 2677 FOREST HILL BOULEVARD; FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

4. RESOLUTION NO. 2005-50

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED A "PIGGY-BACK" CONTRACT FOR REPLACEMENT OF DAMAGED FENCING AT THE BALLFIELD COMPLEX WITH NEW MATERIALS TO CLIPCO, INC. D/B/A ANYTHING IN FENCE OF DELRAY BEACH, FLORIDA, IN THE AMOUNT OF \$64,374.10; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Golson, Leisure Services Director

5. RESOLUTION NO. 2005-51

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE BANKING AGREEMENT WITH FIDELITY FEDERAL TO AUTHORIZE THE NEW RETAIL FUNDS COLLATERALIZATION AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Staff: Rebecca Morse, Finance Director

6. This item was pulled from the Consent Agenda for discussion under Item No. 9A.

End of Consent Agenda.....

CONSENT AGENDA

A motion to approve the consent agenda as revised was made by Mayor Pro Tem Waller and seconded by Council Smith. Motion carried 5-0.

ANNOUNCEMENTS AND PROCLAMATIONS - None

PUBLIC COMMENT - (Five minute limit.)

Kimberly Broderick, 460 Alameda Drive, requested the status of the recently cleared vacant property adjacent to "The Pines Apartments" and behind Alameda Drive. Since the apartments were now in full view, Ms. Broderick and her neighbors found it to be an eyesore and have been subject to noise and foul language by apartment dwellers. She and her children had also experienced undesirable comments when they were in their backyard pool.

Manager Umberger stated the Village received a resident's complaint approximately two months ago regarding the overgrowth and homeless frequenting that property. Management at The Pines was contacted and contracted to have the overgrowth cleared and debris removed. The Village was presently negotiating to obtain the property and intended to utilize it as a passive park with benches, receptacles, lights and a walking path.

Land Development Director Lowe had allowed an 8-ft. stockade-type barrier fence between the two pieces of property. The Village would attempt to obtain grant money and put live oak trees between the two parcels and fence off the park. In the meantime, the new apartment management company was cooperating with the Village and trying to regulate their tenants. Ms. Broderick asked if Public Safety patrolled the apartment complex during the night. Chief Pickens advised in the affirmative.

Vice Mayor Brinkman stated that if and when the Village takes ownership, the homeowners on Alameda would be mailed notices of the hearing to rezone the land use, and they would

have an opportunity to give their input on the plans for the park.

PUBLIC HEARINGS

This item will be continued to July 14, 2005 Agenda:

7. RESOLUTION NO. 2005-46 (SITE PLAN)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA APPROVING WITH CONDITIONS, THE APPLICATION OF ROBERT W. JOHNS, AGENT FOR THE OWNER GUARDIAN AMERICAN HOMES, LLC, FOR AMENDMENT TO SITE PLAN REVIEW (SPR-01-05) REQUESTING AN EXTENSION IN DEVELOPMENT TIME OF TWENTY-FOUR MONTHS TO JUNE 30, 2007, TO THE PLAN FOR CONSTRUCTION OF 30 TOWNHOUSE UNITS ON 2.85 ACRES LOCATED ON ALICE AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.

This item will be continued to the July 14, 2005 Agenda

8. RESOLUTION NO. 2005-40 (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, VILLAGE OF PALM SPRINGS; FOR SITE PLAN REVIEW (SPR 05-07) FOR CONSTRUCTION OF A 7,000 SQUARE FOOT UTILITIES MAINTENANCE BUILDING ON .85 ACRES LOCATED ON THE EAST SIDE OF KIRK ROAD, ONE HALF MILE NORTH OF 10TH AVENUE NORTH; AND ESTABLISHING AN EFFECTIVE DATE.

This item will be continued to the July 28, 2005 Agenda

9. RESOLUTION NO. 2005-41 (SITE PLAN)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF SAEID MIRZADEH, AGENT FOR THE OWNER, MIRZA HOME & CONSTRUCTION CO.; FOR SITE PLAN REVIEW (SPR 05-08) FOR CONSTRUCTION OF FIVE (5) SINGLE FAMILY TWO-STORY RESIDENCES ON .52 ACRES LOCATED ON THE EAST SIDE OF DAVIS ROAD, ONE QUARTER MILE NORTH OF LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

This Item was pulled from the Consent Agenda for discussion.

ITEM 9A. RESOLUTION NO. 2005-52

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH MUTUAL TRUST LLC, FOR TWO (2) PARCELS OF LAND CONSISTING OF .97 ACRES, LOCATED AT 2719 10TH AVENUE NORTH; FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Manager Umberger advised Council that the Annexation Agreement proposed provisions for a reduced lot depth and reduced required parking spaces conditional on restricted uses. The Land Development Board heard the request at their June 14th meeting, and recommended approval with conditions.

Vice Mayor Brinkman stated she had two major concerns with the annexation agreement. It would waive the amount of 107 required parking spaces and allow 75, which was a 30% reduction. Secondly, it would, waive the rear setback from 30 feet to 15 feet, which would abut the residential properties in the rear; and would potentially allow a 4-story building to be built 15 feet from the residents. Vice Mayor Brinkman felt Council would circumvent the public's ability to voice their concerns at a site plan review if those issues were already granted in an annexation agreement.

Council Member Osborne expressed his concern about the reduction of 32 parking spaces and stated that was a drastic reduction. Council Member Smith stated she, too, was concerned with the proposed parking. Mayor Pro Tem Waller questioned how many stories were allowed and it was verified that 4 stories were allowed in a commercial zone. Vice Mayor Brinkman stated the developer could possibly build a 45 ft. building 15 ft. from a residential area.

Mayor Davis inquired about the projected use of the property. Manager Umberger stated the owner was a dentist with two parcels separated by an easement. Phase One would be the building on the west smaller parcel with parking on two sides and a unity of title for parking on the adjacent larger lot. The owner was also in negotiations for the parcel behind him that could be accessed only by his two lots. There was a dedicated easement to that back parcel, and a small duplex was on the very back of that property. The owner's idea was if his building on the western smaller lot was successful, he would build a 3-story building on the eastern lot. The first whole ground floor would be parking. There would be

a central elevator or staircase to a 2nd or possibly a 3rd floor of office use.

Manager Umberger stated with the widening of 10th Avenue to the north side this would be the only commercial strip available in the new comp plan. The Village was going to recommend 200 ft. deep for commercial, and this would give the Village an opportunity to set the table for that area from Florida Mango Road coming back west towards 10th and Congress on the south side of the street. That area had been a derelict area, and Mr. Umberger felt this might be the catalyst to start the improvements going around 10th and Congress, i.e. the widening of the avenue itself. He stated that sometimes they had to look for the opportunities, and he thought this was an opportunity Council needed to peruse.

Council Member Osborne stated that while he understood Manager Umberger's explanation, compromising so many parking spaces was a concern. He referred to medical buildings the Village had seen where parking seemed to be all used up by the time the tenants moved in, and he would not want to short change parking spaces.

Manager Umberger stated the developer had to have maximum use of the parcel in order to develop the lots. Director Lowe stated she had tried to contact the developer, but he must have been out of town. She stated the downtown shops at the LLC property, the Village allowed the developer to exclude walkways in figuring his parking which was not that much different. Since a site plan was not available, she did not know how much this would be walkways and actual office space.

Mayor Davis inquired how the Land Development Board voted. Director Lowe stated the Board had concerns with the annexation agreement since it had so many conditions. Vice Mayor Brinkman stated Council should not make any decision without seeing the site plan. Mayor Pro Tem Waller and Council Member Smith agreed. Mayor Davis stated, contrary to the County, Council had been very successful in the past with developers and being able to compromise. Council Member Osborne stated Council should discuss it further. A motion to deny Resolution 2005-52 was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 4-1. Mayor Davis dissented.

10. ORDINANCE NO. 2005-16 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .71 ACRES OWNED BY BURSICO LLC; LOCATED APPROXIMATELY .2 MILES SOUTHWEST FROM THE INTERSECTION OF LAKE WORTH ROAD AND CONGRESS AVENUE, ON THE SOUTH SIDE OF LAKE WORTH ROAD; AND BEING MORE FULLY

DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL ZONING DISTRICT, WITH A SPECIAL EXCEPTION FOR FLEX UNITS, 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 the annexation request was submitted by Anna S. Cottrell, agent for the owner, Bursico, LLC. The property was currently vacant and was compact and contiguous to the Village with the BSC property to the north. The Land Development Board had recommended approval of the request at their meeting of June 14, 2005. There were no questions or comments from Council. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Attorney Roselli read the ordinance by title. A motion to adopt the ordinance on first reading was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

11. ORDINANCE NO. 2005-17 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .85 ACRES OWNED BY JASON WOBESER; LOCATED AT 3263 LAKE WORTH ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL 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.

Manager Umberger advised the Council the annexation request was submitted by the owner, Jason Wobeser. The property was currently the site of a car wash and was compact and contiguous to the Village with the Van Sleet property to the west. The proposed land use designation was commercial, and the proposed zoning designation was commercial general. The Land Development Board had recommended approval of the request at their meeting of June 14, 2005. There were no questions or comments from Council. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Attorney Roselli read the ordinance by title. A motion to adopt the ordinance on first reading was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

12. ORDINANCE NO. 2005-18 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 8.55 ACRES OWNED BY LAKESHORE CENTER LLC; LOCATED AT 2677 FOREST HILL BOULEVARD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL, WITH A SPECIAL EXCEPTION FOR SHOPPING CENTER USE, 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.

Manager Umberger advised the Council the annexation request was submitted by the owner, Lakeshore Center LLC. The property was currently the site of a shopping center and was compact and contiguous to the Village with the Lawrence James S TR property to the south. The proposed land use designation was commercial, and the proposed zoning designation was commercial general with a special exception for a shopping center use. The Land Development Board had recommended approval of the request at their meeting of June 14, 2005. Manager Umberger advised the Village had received a letter from County Planning and Zoning objecting to this annexation stating it would create an enclave of the small out parcel, Discount Auto, located on that site. Manager Umberger referred to the Village zoning map, and pointed out that the Village goes to "0011", and the County stated that "0010 would be the enclave. There were no

further questions or comments from Council. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Attorney Roselli read the ordinance by title. A motion to adopt the ordinance on first reading was made by Mayor Pro Tem Waller and seconded by Council Member Osborne.

Mayor Davis requested further discussion from the Council. Council Member Smith inquired if the Village had communicated with the out parcel and/or were they not interested in the annexation. Manager Umberger stated that a corporation in Virginia leased the auto parts entity and had no objections to the annexation. Land Development Director Lowe's contacts at the County had no objections, but a higher level County official had written the letter. Manager Umberger stated the ordinance would not be brought back for a second reading until a resolution had been reached.

Hearing no further questions or comments, the motion carried 5 – 0.

13. ORDINANCE NO. 2005-19 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING TWO (2) PARCELS OF LAND CONSISTING OF 0.97 ACRES OWNED BY MUTUAL TRUST LLC; LOCATED AT 2719 10TH AVENUE NORTH; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL 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.

Manager Umberger advised the Council this first reading would be continued to the July 28th Regular Council Meeting so the owner could be contacted regarding the annexation agreement. Accordingly, the ordinance would not have to be advertised again.

REGULAR AGENDA

ACTIONS AND REPORTS

14. Designation of Voting Delegate to Florida League of Cities Annual Convention. Staff: Virginia M. Walton, Deputy Village Clerk

Following Mayor Pro Tem Waller's offer to serve as the Voting Delegate at the Annual Convention August 18-20, 2005, a motion to appoint Mayor Pro Tem Waller as the voting delegate was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

RESOLUTIONS

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Waller stated earlier that day she had attended the Municipal Clerks' Luncheon hosted by the Village of Palm Springs. She enjoyed Attorney Nicoletti's very interesting presentation, and she thanked Deputy Clerk Walton for the invitation.

Council Member Smith also attended the Clerks' luncheon and offered the same sentiments as Mayor Pro Tem Waller. Council Member Smith stated that she would see everyone at the Village 4th of July festivities.

Vice Mayor Brinkman verified with Manager Umberger that the Village would be represented at the School Board meeting on June 29th regarding renaming Jefferson Davis Middle School to "Palm Springs Community Middle School". She stated she could not attend as she would be out of town. Manager Umberger replied the Village would be represented.

Vice Mayor Brinkman stated she recently attended a Treasure Coast Council meeting. She brought back information from Commissioner Koons for Manager Umberger to pass on to the employees. Apparently, the County, through the MPO (Metropolitan Planning Organization) Council, had obtained funds for the Van Pool Program to assist employees who have had to move north due to the increased cost of local housing. The program provides a van with insurance and they would provide taxi rides home for employees in the event of an emergency.

Council Member Osborne – no comments

Mayor Davis stated that there would be a Local Planning Agency Meeting on Thursday, July 14th at 7:15 PM in the Council Chambers, followed by the next Regular Council Meeting at 7:30 PM.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:14 p.m.

Respectfully submitted,

Deputy Village Clerk

Approved by Council _____

Mayor