

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, JULY 14, 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 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 Walton.

Staff present were Lt. Mark Hall 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, and Utilities Director William Davis.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Item No. 3 on Agenda would be continued to the July 28th Regular Council Meeting.

Item No. 8 on Agenda will move forward although abstract survey had not been completed.

Item No. 11 on Agenda would be continued to the July 28th Regular Council Meeting.

Item No. 12 on Agenda would be continued to the July 28th Regular Council Meeting.

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

CONSENT AGENDA

- 1. Minutes of June 23, 2005 Regular Council Meeting**
- 2. RESOLUTION NO. 2205-49**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING AN EASEMENT DEED FROM DONALD L.

HILL, FOR THE PROPERTY LOCATED AT 3695 10TH AVENUE NORTH, FOR UTILITY PURPOSES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

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

3. 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

4. RESOLUTION NO. 2005-54

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 2 TO TASK ORDERS NO. 78 and 79 FOR JOHN J. KIRLIN, INC. TO ACKNOWLEDGE A CREDIT TO THE CONTRACT IN THE AMOUNT OF (\$3,928,976.36); AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

5. RESOLUTION NO. 2005-55

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDING A PIGGY-BACK CONTRACT FOR REHABILITATION OF THE McDONALDS, SHADETREE AND LAKE ARBOR PUMP STATIONS TO TLC DIVERSIFIED, INC. OF PALMETTO, FLORIDA, IN THE AMOUNT OF \$422,800; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

6. Public Safety Forfeiture Expenditure in the amount of \$8,000 for matching FDLE Grant Funds to purchase Tasers.

Staff: Jay C. Pickens, Public Safety Director

End of Consent Agenda... ..

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

ANNOUNCEMENTS AND PROCLAMATIONS – None

PUBLIC COMMENT – (Five minute limit.)

Kimberly Broderick, 460 Alameda Drive, presented before and after photographs of the property adjacent to “The Pines of Springdale Apartments” and behind Alameda Drive. The buffer that previously existed was completely cleared away exposing the apartment complex and leaving homeowners with no privacy at all. Ms. Broderick stated that she will be petitioning other homeowners for a change and, while researching public records, she found a legal document stating that the 50 foot buffer “shall be left in its natural state”.

Manager Umberger concurred with Ms. Broderick’s findings. He stated that the Village was no longer pursuing the option of obtaining the property for use as a park and the property had been sold to new owners. Discussion continued between Manager Umberger and Council regarding resolution of the problem by working something out with the new owners.

PUBLIC HEARINGS

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

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, AND A MINOR MODIFICATION TO THE BUILDING FOOTPRINT TO ELIMINATE THE TWO BEDROOM MODELS, TO THE PLAN FOR CONSTRUCTION OF 30 TOWNHOUSE UNITS ON 2.85 ACRES LOCATED ON ALICE AVENUE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Mayor Davis presented Resolution No. 2005-46, a site plan amendment. He established that there had been no exparte communication among council members and had Deputy Village Clerk Walton swear in the presenter, Robert Johns, agent for the owner Guardian American Homes, LLC. Deputy Clerk Walton stated notice of public hearing was published in the Lake Worth Herald on June 9, 2005.

Manager Umberger stated that new owners for the Laurel Oaks property, Guardian American Homes, LLC were requesting a 24 month time extension for build out of the property along with a slight modification to the plan to eliminate the two bedroom units. Manager Umberger stated the Land Development Board recommended approval of the request at its June 14, 2005 meeting.

Mr. Johns stated that Guardian American Homes, LLC just acquired the property and were requesting the time extension for build-out as well as the modification to the plan. The new owners believed it would be more economically feasible to build only three bedroom units which would attract more families rather than renters.

Council Member Smith asked what price range the builder anticipated asking for the units and the timeframe for build-out. Mr. Johns responded that the price range would be \$250,000 to \$290,000 and build-out was expected to be 14 to 15 months.

Hearing no further comments, Village Attorney Nicoletti read the resolution by title. A motion to adopt Resolution No. 2005-46 was made by Council Member Smith and seconded by Council Member Osborne. Motion carried 5-0.

8. RESOLUTION NO. 2005-40 (SITE PLAN – QJ)

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.

Staff: Bette Lowe, Land Development Director

Mayor Davis presented Resolution No. 2005-40, application for site plan review for construction of a new 7,000 square foot Utilities maintenance building. Mayor Davis established that there had been no exparte communication among council members and had Deputy Village Clerk Walton swear in Manager Umberger. Deputy Clerk Walton stated that notice of public hearing was published in the Lake Worth Herald on May 5, 2005.

Manager Umberger explained that the proposed building would be used for maintenance operations and storage of equipment. The Land Development Board had

recommended approval at its meeting on June 14, 2005. Land Development Director Bette Lowe added that approval was granted with conditions attached as Exhibit A. Manager Umberger remarked that the title had been received and appears clean but the survey still needed to be completed.

There were no comments from the public. Vice Mayor Brinkman questioned if handicap accessibility would be addressed and if the existing Right-Of-Way would be sodded, irrigated and maintained by the Village. Manager Umberger replied the Village was awaiting approval from the County to plant trees in the buffer.

Hearing no further comments, Village Attorney Nicoletti read the resolution by title. A motion to adopt Resolution No. 2005-40 was made by Mayor Pro Tem Waller and seconded by Vice Mayor Brinkman. Motion carried 5-0.

9. ORDINANCE NO. 2005-16 (SECOND 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

Mayor Davis announced second reading of Ordinance No. 2005-16 annexing a parcel of land consisting of .71 acres. Deputy Clerk Walton stated that notice of the public hearing was published in the Lake Worth Herald on June 9 and 16, 2005. Attorney Nicoletti read the ordinance by title. There were no comments from the public and no further comments from Staff or Council. A motion was made by Council Member Osborne to adopt the ordinance on second reading. Council Member Bev Smith seconded the motion. A roll call vote was taken and the motion carried 5-0.

10. ORDINANCE NO. 2005-17 (SECOND 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.

Staff: Bette Lowe, Land Development Director

Mayor Davis announced second reading of Ordinance No. 2005-17, annexing a parcel of land consisting of .85 acres. Deputy Clerk Walton stated that notice of public hearing was published in the Lake Worth Herald on June 9 and 16, 2005. Attorney Nicoletti read by title. There were no comments from the public nor were there any additional comments from Staff or Council. A motion was made by Vice Mayor Brinkman to adopt Ordinance No. 2005-17 on second reading. Mayor Pro Tem Waller seconded the motion. A roll call vote was taken and the motion carried 5-0.

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

11. ORDINANCE NO. 2005-18 (SECOND 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.

Staff: Bette Lowe, Land Development Director

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

12. 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.

Staff: Bette Lowe, Land Development Director

REGULAR AGENDA

ACTIONS AND REPORTS

13. Appointment to the Leisure Services Board

Staff: Virginia Walton, Deputy Village Clerk

Mayor Davis announced the resignation of Maria Forman from the Leisure Services Board, making Senior Alternate Sharon Webb next in line for a regular seat on the board. Don Kern will move to the Senior Alternate position, leaving the Junior Alternate position

open. Maria Castro of 361 Osborne Drive expressed an interest in joining the board. Mayor Davis asked for a motion to appoint Ms. Castro to the board. Council Member Osborne moved to appoint Maria Osborne to the Leisure Services Board as Junior Alternate. Council Member Bev Smith seconded the motion. Motion carried 5-0.

A motion was made by Mayor Pro Tem Waller to appoint Sharon Webb as a regular member of the Leisure Services Board. Council Member Bev Smith seconded the motion. The motion carried 5-0.

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Waller gave thanks to the Leisure Services Department and Phantom Fireworks for an outstanding 4th of July celebration.

Council Member Osborne inquired about the status of the vacant land by the bank. Land Development Director Lowe stated that some revisions had to be made to the site plan but a final plan should be submitted shortly.

Vice Mayor Brinkman then inquired about the temporary permit for a the truck business at the old Shell Gas Station. Manager Umberger stated that he and Land Development Manager Lowe were working out details with the owners of the yellow building and something would be submitted shortly.

Mayor Davis announced upcoming meetings:

**BUDGET WORKSHOP
JULY 16, 2005 AT 9:00 A.M.**

**NEXT LOCAL PLANNING AGENCY MEETING
JULY 28, 2005**

**NEXT REGULAR COUNCIL MEETING
JULY 28, 2005 AT 7:30 P.M.**

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:08 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor