

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, AUGUST 25, 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 Chet Osborne, Council Member Bev Smith, Village Manager Karl E. Umberger, Acting Village Attorney Thomas Sheehan, and Deputy Village Clerk Virginia M. Walton.

Staff present were Public Safety Director Jay Pickens as Sergeant at Arms and Land Development Director Bette J. Lowe. Finance Director Rebecca L. Morse, Public Service Director Bill Davis, Leisure Services Director Bill Golson and Library Director Elena Romeo were all absent.

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. 6 – continued to the September 21<sup>st</sup> agenda  
Item Nos. 8 & 9 continued to the September 7th Agenda  
Add Item Nos. 16A and 16B

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

**CONSENT AGENDA**

- 1. Minutes of Local Planning Agency Meeting of August 11, 2005**
- 2. Minutes of Regular Council Meeting of August 11, 2005**
- 3. Leisure Services Budget Amendment in the amount of \$14,000 to cover additional expenses for Travel Club trips, summer/vacation programs and the concession stand.**
- 4. Public Safety Budget Amendment in the amount of \$2,543 to recognize revenues from donations made by local businesses and residents.**

**5. RESOLUTION NO. 2005-68**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY PURSUANT TO SECTION 163.01 FLORIDA STATUTES, ET SEQ., FOR CO-UTILIZATION OF THE PALM BEACH COUNTY SURPLUS PROPERTY THRIFT STORE; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl E. Umberger, Village Manager**

**6. RESOLUTION NO. 2005-69 –continued to September 21, 2005 Agenda**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING AND CONSENTING TO THE ASSIGNMENT OF A CABLE TELEVISION SYSTEM AND FRANCHISE FROM ADELPHIA COMMUNICATIONS CORPORATION TO PARNASSOS, L.P., A WHOLLY-OWNED SUBSIDIARY OF COMCAST COPROARTION; AND PROVIDING AN EFFECTIVE DATE.**

**7. RESOLUTION NO. 2005-74**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH SHOWCASE REAL ESTATE INVESTORS LLC, FOR ONE (1) PARCEL OF LAND CONSISTING OF .82 ACRES, LOCATED AT 3848 DALE ROAD; FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

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

End of Consent Agenda.....

**ANNOUNCEMENTS AND PROCLAMATIONS - None**

**PUBLIC COMMENT - None**

**PUBLIC HEARINGS**

**This item will be continued to the September 7, 2005 Agenda**

**8. RESOLUTION NO. 2005-09 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF NIVALDO VAZQUEZ, AGENT FOR THE OWNER, INTERAMERICAN BANK; FOR SITE PLAN REVIEW (SPR 05-02); FOR CONSTRUCTION OF A 1,755 SQUARE FOOT ONE-STORY ADDITION, A 179 SQUARE FOOT COVERED ENTRY, AND A 639 SQUARE FOOT COVERED DRIVE-THRU LOCATED AT 2265 SOUTH CONGRESS AVENUE AND A SPECIAL EXCEPTION (PSSE 05-02) FOR AUTOMATED TELLER MACHINES (ATM'S) AND OTHER DRIVE-IN, DRIVE-UP, DROP-OFF OR WALK-UP FACILITIES IN A COMMERCIAL GENERAL ZONING DISTRICT; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director**

**This item will be continued to September 7, 2005 Agenda**

**9. RESOLUTION NO. 2005-62 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF JOHN CARRINO, AGENT FOR THE OWNER, PHILIPS LAKE WORTH, L.P.; FOR SITE PLAN REVIEW (SPR 05-13); FOR CONSTRUCTION OF 23,600 SQUARE FEET OF OFFICE AND RETAIL SPACE ON 1.84 ACRES LOCATED AT 3525 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director**

**10. RESOLUTION NO. 2005-66 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF GUILLERMO FERRER, OWNER OF CONGRESS STORAGE LLC, FOR AMENDMENT TO PHASE II SITE PLAN (SPR 03-05) REQUESTING AN EXTENSION OF BUILD OUT TIME TO JUNE 27, 2007 FOR CONSTRUCTION OF 30,489 SQUARE FEET OF STORAGE AREA ON 2.84 ACRES LOCATED AT 3599 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff: Bette Lowe, Land Development Director**

Deputy Clerk Walton advised Council that notice of the public hearing was published in the Lake Worth Herald on August 4, 2005. There were no ex-parte communications disclosed and no applicant was present to testify.

Council Member Osborne asked what the reason for the extension was. Land Development Director Bette Lowe indicated the contractor simply ran out of time. Vice Mayor Brinkman asked if the builder's concurrency date was OK. Director Lowe stated that if it wasn't he would renew it. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Acting Village Attorney Sheehan read the resolution by title. A motion to adopt the resolution was made by Council Member Osborne and was seconded by Council Member Bev Smith. Motion carried 5 – 0.

**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

Deputy Clerk Walton advised that notice of the public hearing was published in the Lake Worth Herald on June 9 and 16, 2005. Acting Attorney Sheehan read the ordinance by title. There were no further comments from Staff or Council. 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 Mayor Pro Tem Waller and seconded by Vice Mayor Brinkman. A roll call vote was taken and the motion carried 5-0.

**12. ORDINANCE NO. 2005-20 (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 BUENA VISTA HOMES OF PALM BEACHES, INC.; 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 MEDIUM DENSITY RESIDENTIAL LAND USE; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY (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

Deputy Clerk Walton advised that notice of the public hearing was published in the Lake Worth Herald on August 4 and August 11, 2005. Acting Attorney Sheehan read the ordinance by title. There were no further comments from Staff or Council. 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 Smith and seconded by Council Member Osborne. A roll call vote was taken and the motion carried 5-0.

**13. ORDINANCE NO. 2005-21 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .82 ACRES OWNED BY SHOWCASE REAL ESTATE INVESTORS LLC; LOCATED AT 3848 DALE ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO LOW DENSITY RESIDENTIAL, 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 RESIDENTIAL MULTI-FAMILY 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 that notice of the public hearing was published in the Lake Worth Herald on August 4 and August 11, 2005. Acting Attorney Sheehan read the ordinance by title. There were no further comments from Staff or Council. 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 Vice Mayor Brinkman and seconded by Mayor Pro Tem Waller. A roll call vote was taken and the motion carried 5-0.

**14. ORDINANCE NO. 2005-22 (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 TEN (10) ACRES, OWNED BY HECTOR AND NILDA SARDINA; LOCATED AT 3534 CANAL ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO MEDIUM DENSITY RESIDENTIAL LAND USE; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY (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

Deputy Clerk Walton advised that notice of the public hearing was published in the Lake Worth Herald on August 4 and August 11, 2005. Acting Attorney Sheehan read the ordinance by title. There were no further comments from Staff or Council. 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 Smith and seconded by Vice Mayor Brinkman. A roll call vote was taken and the motion carried 5-0.

**15. ORDINANCE NO. 2005-23 (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 FOUR PARCELS TOTALLING LESS THAN TEN (10) ACRES OWNED BY EDUARDO CORA, MICHAEL SWAN, CARLO MERCURIO, AND JUAN GARCIA; LOCATED AT 3800, 3804, 3808 AND 3812 MERCURIO DRIVE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO MEDIUM DENSITY RESIDENTIAL LAND USE; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY (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

Deputy Clerk Walton advised that notice of the public hearing was published in the Lake Worth Herald on August 4 and August 11, 2005. Acting Attorney Sheehan read the ordinance by title. There were no further comments from Staff or Council. 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 Mayor Pro Tem Waller and seconded by Council Member Osborne. A roll call vote was taken and the motion carried 5-0.

**16. ORDINANCE NO. 2005-24 (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 TEN (10) ACRES; OWNED BY PELICAN PROPERTIES; LOCATED AT 3663 A & B , 3675 A & B, 3669 DAVIS ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO MEDIUM DENSITY RESIDENTIAL LAND USE; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY (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

Deputy Clerk Walton advised that notice of the public hearing was published in the Lake Worth Herald on August 4 and August 11, 2005. Acting Attorney Sheehan read the ordinance by title. There were no further comments from Staff or Council. 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 Vice Mayor Brinkman and seconded by Council Member Smith. A roll call vote was taken and the motion carried 5-0.

**16. A. ORDINANCE NO. 2005-26 (EMERGENCY)**

**AN EMERGENCY ORDINANCE OF THE VILLAGE OF PALM SPRINGS; PROVIDING THE VILLAGE MANAGER WITH AUTHORITY TO MAKE EMERGENCY PURCHASES; TO DECLARE A PEDESTRIAN AND VEHICULAR CURFEW; TO CALL AN EMERGENCY MEETING OF THE VILLAGE COUNCIL; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** Staff: Karl E. Umberger, Village Manager

City Manager Umberger explained that the emergency ordinance allowed him to make emergency purchases, set curfews, and call for emergency meetings. Acting Attorney Sheehan read Ordinance No. 2005-26 by title and explained that the Ordinance needed to be ratified.

A motion to ratify Ordinance No. 2005-26 was made by Council Member Smith and seconded by Mayor Pro Tem Waller. A roll call vote was taken and the motion carried 5-0.

**16 B. RESOLUTION NO. 2005-75**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, DECLARING A STATE OF EMERGENCY WITHIN THE VILLAGE OF PALM SPRINGS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Karl E. Umberger, Village Manager

Village Manager Umberger stated the resolution was necessary to declare a State of Emergency in the Village of Palm Springs due to Hurricane Katrina. Attorney Sheehan read the resolution by title, again stating it was necessary to ratify the resolution. A motion to ratify the resolution was made by Council Member Osborne and seconded by Vice Mayor Brinkman. Motion carried 5-0.

## **REGULAR AGENDA**

### **ACTIONS AND REPORTS**

#### **17. Appointment to Land Development Board**

Staff: Virginia Walton, Deputy Clerk

Mayor Davis announced that resident James Worth had made application for appointment to the Land Development Board, having previously served on the Code Enforcement Board. A motion to appoint Mr. Worth to the Land Development Board as an alternate member was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5-0.

## **VILLAGE COUNCIL COMMENTS**

Council Member Osborne inquired about the resignation of Village Attorney Paul Nicoletti. Village Manager Umberger replied that his last day representing the Village would be September 25<sup>th</sup>, but that he would attend both Council meetings in September. A brief discussion took place regarding a replacement for Attorney Nicoletti and the short timeframe in which to search for a new candidate. Mayor Davis directed Village Manager Umberger to begin the process with an RFQ and the matter would be discussed at the next Council Meeting.

Mayor Davis announced the next Regular Council Meeting and Budget Hearing would be on Wednesday, September 7, 2005 at 7:30 p.m.

## **ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 7:57 p.m.

Respectfully submitted,

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

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Deputy Village Clerk

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Mayor