

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, SEPTEMBER 7, 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 Public Safety Director Jay C. Pickens as Sergeant at Arms, Land Development Director Bette J. Lowe, Finance Director Rebecca L. Morse, Leisure Services Director Bill Golson, Public Service Director Bill Davis and Village Engineer Donald Eckler.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Items No. 9 & No. 11 continued to Sept. 21, 2005 agenda

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

CONSENT AGENDA

- 1. Minutes of Local Planning Agency Meeting on August 25, 2005**
- 2. Minutes of Emergency Council Meeting on August 25, 2005**
- 3. Minutes of Regular Council Meeting on August 25, 2005**
- 4. RESOLUTION NO. 2005-70**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATIONS TO THE LABOR AGREEMENT WITH THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (PBA) EFFECTIVE OCTOBER 1, 2003 TO SEPTEMBER 30, 2006 AT ARTICLE 42 (SALARY), ARTICLE 31 (PERSONAL LEAVE TIME)

AND ARTICLE 9 (WORK PERIOD AND OVERTIME); AUTHORIZING EXECUTION OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl E. Umberger, Village Manager

5. RESOLUTION NO. 2005-71

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING EASEMENT DEEDS FROM BONNIE DRIVE AREA PROPERTY OWNERS AS REQUIRED FOR EXPANSION OF WATER AND SANITARY SEWER SERVICES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

6. RESOLUTION NO. 2005-72

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING EASEMENT DEEDS FROM SPRINGFIELD DRIVE AND HAYDEN DRIVE AREA PROPERTY OWNERS AS REQUIRED FOR EXPANSION OF WATER AND SANITARY SEWER SERVICES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

7. RESOLUTION NO. 2005-73

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING EASEMENT DEEDS FROM PINECREST COURT AREA PROPERTY OWNERS AS REQUIRED FOR EXPANSION OF WATER AND SANITARY SEWER SERVICES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

8. RESOLUTION NO. 2005-76

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA APPROVING MODIFICATIONS TO THE LABOR AGREEMENT WITH THE NATIONAL CONFERENCE OF FIREMEN AND OILERS/SEIU, LOCAL 1227, AFL-CIO, EFFECTIVE OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2006 AT ARTICLE 44 (SHIFT DIFFERENTIAL PAY, ARTICLE 41 (SALARY) AND

ARTICLE 19 (PERSONAL LEAVE TIME); AUTHORIZING EXECUTION OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Staff: Karl E. Umberger, Village Manager

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

PUBLIC COMMENT - None

PUBLIC HEARINGS

This item will be continued to the September 21, 2005 Meeting

9. 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

10. 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

Deputy Clerk Walton advised the Council that notice of public hearing was placed in the Lake Worth Herald on July 14, 2005. There were no ex parte communications disclosed. Ed Oliver, John Carrino and Director Bette Lowe were sworn in to give

testimony. Also present were Bill Wheeler, Project Architect and Frank Maroney, Landscape Architect. Manager Umberger stated the 1.84 acre parcel was currently vacant and the Land Development Board had recommend approval of the request at their meeting on July 19, 2005.

Ed Oliver testified the proposed building would be located across the canal and adjacent to their existing shopping plaza currently under construction. The architectural style of the building would be similar to the office building at the shopping center site, but with more windows on the south and north elevations. The plan had been revised based on comments received at the Land Development Board Meeting.

Director Lowe advised Council there was a typo error on Exhibit "A", Item No. 3. The language which said "...revisions to items #2 & #3 which result in significant changes ..." should have "#3" deleted. Mr. Oliver stated that they had applied to Palm Beach County for approval, but had not received confirmation as yet; therefore, requested that the Council approve the site plan subject to Palm Beach County approval and this would be provided prior to permit. Director Lowe had no objection.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, questions from the Council were heard. Director Lowe replied that regarding item 13, the administrative variance was still required; regarding item 12, the approval for a 40 foot entry was still pending from FDOT; however, if rejected, Council could waive this requirement to allow the existing 30 foot entry. In reply to comments about the monument sign, Mr. Oliver requested that they be allowed to come back with a design at a future time. Village Attorney Nicoletti added item #26 to Exhibit A to state the monument sign would be brought back to Council for approval. Hearing no further comment, Attorney Nicoletti read the resolution by title. A motion to approve the resolution was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

This item will be continued to the September 21, 2005 Meeting

11. ORDINANCE NO. 2005-25 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 30 LAND DEVELOPMENT; ARTICLE VI, LAND USE; DIVISION 1, GENERALLY; AND DIVISION 7. SUPPLEMENTAL DISTRICT REGULATIONS; SUBDIVISION II. RECREATIONAL VEHICLES, COMMERCIAL VEHICLES AND SIMILAR VEHICLES BY AMENDING VARIOUS PROVISIONS RELATED TO PARKING;

PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Paul J. Nicoletti, Village Attorney

12. ORDINANCE NO. 2005-27 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES IN AND FOR THE VILLAGE OF PALM SPRINGS, FLORIDA FOR FISCAL YEAR 2005/2006; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff: Rebecca Morse, Finance Director

Manager Umberger advised the Council this ordinance established the operating millage rate of \$4.7714 per \$1,000 of assessed valuation and established a voted debt service millage rate of \$.9692 per \$1,000 of assessed valuation, for a total millage rate of \$5.7406. The operating millage rate was 9.55% greater than the rolled back rate. The operating millage rate would produce \$2,696.045 at 100% collection in ad valorem tax revenue for the General Fund, and the voted debt service millage would produce \$547,639 at 100% collection in revenue. The second and final reading would be at the Council Meeting on September 21, 2005.

Mayor Davis stated this was a public hearing and requested questions or comments from the public. Hearing none, Village Attorney Nicoletti read the ordinance by title. A motion to adopt on first reading was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

13. ORDINANCE NO. 2005-28 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Rebecca Morse, Finance Director

Manager Umberger advised the Council this ordinance established a total budget

for fiscal year 2005/2006 of \$23,453,129, comprised of the General Fund budget of \$11,152,612; the Debt Service Fund budget of \$425,735, and a budget of \$11,774,782 for the Water and Sewer Enterprise Fund. The second and final reading would be at the Council Meeting on September 21, 2005.

Mayor Davis stated this was a public hearing and requested questions or comments from the public. Hearing none, Village Attorney Nicoletti read the ordinance by title. A motion to adopt on first reading was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

REGULAR AGENDA

ACTIONS AND REPORTS

14. Discussion of RFP for New Village Attorney Services

Staff: Karl E. Umberger, Village Manager

Manager Umberger advised the Council that at their request, a RFP had been prepared for new legal services for the Village. Manager Umberger stated an ad would be placed in the Palm Beach Post. Village Attorney Nicoletti also stated there was a luncheon in a few days for local attorneys and he could pass out the RFP at that time as well. It was determined that someone knowledgeable in local issues would be most beneficial.

Since Attorney Nicoletti would be leaving as of September 30, 2005, the question arose of who would attend to Village business during the interim basis until a new attorney was hired. Village Attorney Nicoletti stated Attorney Sheehan, Attorney Baird or Attorney Roselli had expressed willingness to assist the Village. After discussion, the consensus was that Attorney Sheehan would be asked to act as interim Village Attorney. It was also suggested that the RFP be posted on the Village website. Manager Umberger stated the advertising would be placed as quickly as possible and the submission deadline would be September 30, 2005.

Mayor Davis suggested a discussion could take place at the next council meeting on the process for short listing the applicants. The Council concurred.

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Waller commented we were blessed that Florida was spared the current hurricane, and our thoughts were with those on the Gulf Coast.

Council Member Smith stated that the School Board had voted to rename Jefferson

Davis to Palm Springs Middle School. Also, the SAC Committee from the school had suggested a member of the Council become a member of their committee. Vice Mayor Brinkman volunteered to represent the Village

Mayor Davis stated he would like to add this to the agenda as Item. 14A.

14A. Appointment to the Palm Springs Middle School SAC Committee

A motion to appoint Vice Mayor Brinkman to the SAC Committee for Palm Springs Middle School was made by Council Member Smith and seconded by Council Member Osborne. Motion carried 5 – 0.

Mayor Davis stated the next Council Meeting and Final Budget Hearing would be on Wednesday, September 21, 2005, at 7:30 PM.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:04 p.m.

Respectfully submitted,

Deputy Village Clerk

Approved by Council _____

Mayor