

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, SEPTEMBER 21, 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 Library Director Elena Romeo.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Mayor Pro Tem Waller.

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Village Manager: Requested Item No.11 be moved to Item No. 7A under the Consent Agenda with Jorge Cabrera reappointed to the Hazardous Duty Employee Pension Board.

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

**CONSENT AGENDA**

- 1. Minutes of September 7, 2005 Council Meeting**
- 2. Approval of Eckler Engineering Task Order No. 93 for Cresthaven I Pump Station Revisions**  
Staff: Bill Davis, Public Service Director
- 3. Rejection of Bids received and opened on August 23, 2005 for Bid No. 2005-004 Raw Water Wells 18 & 19**  
Staff: Bill Davis, Public Service Director

**3A. RESOLUTION NO. 2005-79**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDDING A PIGGY-BACK CONTRACT FOR CONSTRUCTION OF THE NEW RAW WATER WELLS 18 & 19 TO FLORIDA DESIGN CONTRACTORS, INC. OF WEST PALM BEACH, FLORIDA, IN THE AMOUNT OF \$381,285; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bill Davis, Public Service Director

**4. RESOLUTION NO. 2005-80**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDDING A BID FOR THE CRESTHAVEN I PUMP STATION REVISIONS TO TLC DIVERSIFIED, INC., IN THE AMOUNT OF \$439,730; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bill Davis, Public Service Director

**5. RESOLUTION NO. 2005-81**

**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 CORPORATION; AND PROVIDING AN EFFECTIVE DATE.** Staff: Paul J. Nicoletti, Village Attorney

**6. RESOLUTION NO. 2005-82**

**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 AND EXCHANGE OF CONTROL FROM ADELPHIA COMMUNICATIONS CORPORATION TO TIME WARNER NY CABLE LLC AND THEN TO CABLE HOLDCO EXCHANGE II LLC, AN INDIRECT SUBSIDIARY OF COMCAST CORPORATION; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Paul J. Nicoletti, Village Attorney

**7. RESOLUTION NO. 2005-53**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE SCHEDULE OF FEES FOR THE LIBRARY, PUBLIC SAFETY, VILLAGE CLERK/GENERAL GOVERNMENT, CODE ENFORCEMENT, LAND DEVELOPMENT, LEISURE SERVICES AND PUBLIC SERVICES DEPARTMENT OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.** Staff: Karl E. Umberger, Village Manager

**7A. Appointment to the Hazardous Pension Board of Trustees**

Staff: Virginia M. Walton, Deputy Village Clerk

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

End of Consent Agenda.....

Mayor Davis stated that there was an additional item he wanted put on as a public presentation and asked Village Attorney Nicoletti to join him at the podium. Mayor Davis announced that Attorney Nicoletti would be taking on a new position with the City of Stuart after serving 12 years as the Village Attorney for Palm Springs. Mayor Davis read aloud the inscription on a "Distinguished Service Award", presented the plaque to Attorney Nicoletti and thanked him for his years of dedication and service to the Council and community.

**PUBLIC COMMENT**

David Sirman of 3039 Lillian Road expressed his dissatisfaction with the proposed parking ordinance. He stated how costly it was to install additional parking pads and screening for recreational vehicles or boats. To comply with the ordinance would create a financial hardship for the average working class families of Palm Springs.

Tom Cox of 340 Pinehurst Road spoke about the problem of city vehicles speeding down his street. He previously spoke to the Utilities Director about this problem but stated that he still witnessed all types of city vehicles speeding, including pick-up trucks, dump trucks and trash trucks. He requested that something be done about it. Mayor Davis directed both Chief Pickens and Utilities Director, Bill Davis, to address the problem with the employees.

Eric Johnston of 320 Riverdale Road stated that the proposed parking ordinance created some difficulty with screening requirements. He did not know how to comply with this part of the ordinance without violating some other section of the Village Code. He

pointed out areas of the ordinance that had contradictory language and requested that some of it be stricken and some of it be changed.

Wendy Wright of 460 Los Altos Road explained an ongoing problem she has had since 2003 with playground equipment. While inspecting remodeling work done without a permit, Land Development Director Bette Lowe spotted a large structure in the back yard and asked if the homeowners had obtained a permit prior to installation. The owners were unaware that playground equipment required a permit, but attempted to obtain the building plans and windload calculations necessary for a permit. After many attempts, they found that no architect or engineer would sign off on the plans or windload calculations. At a subsequent code enforcement hearing, the Special Magistrate ordered them to remove the structure. It now sat in a pile in a corner of their yard attracting snakes, rats and other vermin. Ms. Wright had made several attempts to work with the Village, but no progress had been made to allow her to put the playground back up for her children. Attorney Nicoletti commented that because of the size of the equipment it was considered a structure and had to be treated as such. Mayor Davis requested that Director Lowe and Village Manager Umberger both work with the homeowner to see if a resolution was possible within the Code.

Lonna Giles of 2104 Portland Avenue, Wellington, spoke in support of Wendy Wright. Being a former community activist, she did not think that Ms. Wright was being treated fairly. She stated that the Village was setting a precedent and that if Ms. Wright could not have playground equipment then no one in the Village should be permitted to have them.

Johnny Tiesch of 305 Winged Foot stated that the screening section of the parking ordinance needs to be reworked. He could not comprehend why his antique car was now required to be covered but his new car was not.

William Frame of 3137 Frost Road was unaware there was a parking ordinance which prohibited him from parking his commercial vehicle in his yard. His employer required him to take his vehicle home at night, as he was on call and worked varying hours. If he could not have his commercial vehicle parked at his house, he stood to lose thousands of dollars a year. The ordinance would be a great financial burden on some residents.

## **PUBLIC HEARINGS**

### **8. 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.**

Council Member Smith stated that she would like to amend the definition of a hobby vehicle to mean a vehicle that is being restored. She would also like to have item (a)c under Section 30-629 (...*and screened from view from abutting properties.*) stricken from the ordinance.

Vice Mayor Brinkman stated that the language under Section 30-629(c) was confusing in the number of boats, trailers or recreational vehicles allowed but Council Member Osborne clarified that it did not limit the amount of items as long as they were completely screened in the side or rear yards. Vice Mayor Brinkman also requested under Section 30-629(i), the section of the code outline the administrative variance procedure should be noted.

Council Member Osborne recommended that the wording in Section 30-629 be changed to read that boats cannot exceed 26' and that recreational vehicles cannot exceed 32', instead of the cited 40'. Council was not in favor of this change.

Mayor Pro Tem Waller's was concerned about the section stating "... completely screen additional boats and trailers or recreational vehicles when parked in the back yard....", and wanted this stricken from the ordinance.

Attorney Nicoletti stated that the words "*for hire*" should be added to the definitions of limousine and stretch limousine to clarify their meanings. Mayor Davis expressed his disappointment with Council for being unable to come to a decision on the ordinance after four years of discussions.

Two additional comments were heard from the public. Mr. David Sirman of 3039 Lillian Road asked that the public be notified in advance through the newsletter, of any other workshops or meetings to be held on the parking ordinance and Mr. Tom Cox of 340 Pinehurst Road was in favor of pushing the ordinance through and dealing with issues as they arise.

Attorney Nicoletti recapped the changes to be made to the parking ordinance: definition of hobby vehicle to include, "*in the process of being restored*"; add the words "*for hire*" to the definitions of limousine and stretch limousine; the words "*screened from view*" in Section 30-629 will be stricken from the ordinance; the section that references administrative variances will be indicated under Section 30-629(c)(i); and the words "*completely screened from view*" will be omitted under Section 30-629(c)b. Hearing no further comments, Attorney Nicoletti then read by title. A motion was made by Vice Mayor Brinkman and seconded by Council Member Osborne to adopt Ordinance 2005-25 on first reading. The vote was 4-1 in favor of adoption. Mayor Davis opposed.

Mayor Davis announced that items No. 9 and 10 would be recessed until September 28, 2005 at 5:15 p.m. due to an error in the placement of the advertising of the ad valorem taxes and budget for Fiscal Year 2005-2006. The corrected ad would run on September 23, 2005 announcing the new meeting date and time. A motion was made by Mayor Pro Tem Waller to recess the public hearing until September 28, 2005 and was seconded by Council Member Smith. Motion carried 5-0.

**9. ORDINANCE NO. 2005-27 (SECOND 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 L. Morse, Finance Director

**10. ORDINANCE NO. 2005-28 (SECOND 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 L. Morse, Finance Director

**REGULAR AGENDA**

**VILLAGE COUNCIL COMMENTS**

Vice Mayor Brinkman thanked everyone for their cards, flowers, and sympathy condolences on the passing of her father.

Council Member Osborne commented it was time to move forward with the parking ordinance.

Council Member Smith stated she was glad they were moving forward with the parking ordinance and asked to review it again in six months for any changes that may be necessary at that time. She was concerned about some commercial canopies and signage she had seen in the village, and also asked about outstanding site plans along Lake Worth Road, since she had no seen too much activity.

Village Manager Umberger responded with an update on the status of the canopies, signage, and some of the site plans that were ready for review.

Mayor Pro Tem Waller thanked Vice Mayor Brinkman for spearheading the parking ordinance committee. She asked that Council consider an ordinance regarding sexual offenders as other nearby towns and cities have recently enacted laws regarding this issue. Manager Umberger assured Council that Chief Pickens was working on this item and would be bringing his recommendations forward in the near future.

Mayor Davis offered his condolences to Vice Mayor Brinkman and announced the ad valorem tax and final budget hearing would be held on Wednesday, September 28, 2005 at 5:15 p.m.

## **ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 8:42 p.m.

Respectfully submitted,

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Village Clerk

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

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Mayor

