

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, DECEMBER 8, 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, Village Attorney Thomas J. Baird and Village Clerk Virginia M. 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, Public Service Director Bill Davis, Leisure Services Director Bill Golson and Library Director Elena Romeo.

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: Continue: Item No. 5 and No. 6 to January 12, 2006 agenda
Mayor Davis: Add: Item No. 10A Discussion on Abstracted Survey
Move: Item No. 10A to Item 4A prior to Public Hearings

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 November 10, 2005 Regular Council Meeting**
- 2. RESOLUTION NO. 2005-106**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING ADDENDUM NUMBER 1 TO TASK ORDER NO. 92, FOR THE ADDITION OF THE SANITARY SEWER LINES ALONG DALE ROAD FROM DONALD ROAD EAST TO KIRK ROAD; KIRK ROAD SOUTH AND EAST ALONG DALE ROAD; REO LANE EAST AND WEST ALONG PARK LANE BETWEEN KIRK ROAD AND GULFSTREAM ROAD; AND BROADWAY FROM JOHN I. LEONARD HIGH SCHOOL 400 LINEAR FEET EAST TOWARD MILITARY TRAIL, IN THE AMOUNT OF \$47,072.00 FOR ENGINEERING DESIGN, AND A NET AMOUNT OF \$23,536.00 FOR SERVICES DURING CONSTRUCTION, TO ECKLER ENGINEERING, INC.; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

- 3. Addendum No. 18 to Task Order One for Eckler Engineering Inc.**
Staff: Bill Davis, Public Service Director
- 4. Public Safety Budget Amendment to recognize donated funds in the amount of \$2,000.00 for the purchase of Taser equipment.**

Staff: Jay C. Pickens, Public Safety Director

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

PUBLIC COMMENT

David Kraftchak, 140 Yucatan Drive, asked if the Village was going to follow up with its promise to pursue relief for residents of Palm Springs from the Lake Worth Utilities high costs and poor service, and complained that Lake Worth would not recognize Palm Springs residents when forming the Advisory Committee recently. Mr. Kraftchak asked if there was anything the residents could do to assist the Village with their efforts.

Mayor Davis responded that the Village was planning a special meeting in January and had requested both State and Federal Representatives be present to hear the issue of Lake Worth Utilities. In response to Mr. Kraftchak's question about assistance from residents, Mayor Davis suggested petitions.

Manager Umberger confirmed that the Village was planning a special meeting on January 19, 2006, at 6:30 PM as a Public Forum to discuss the Lake Worth Utilities issue. Manager Umberger also stated the Village had tried to have Vice Mayor Brinkman included on the Advisory Committee, but was turned down. However, there was a member of the committee that was sympathetic to the Village's concerns and would be present at the January meeting.

Kim Broderick, 460 Alameda Drive, spoke regarding a continuing problem with 2400 Springdale Boulevard. The area between this site and their homes was not being maintained and the property owners at 2400 Springdale had installed huge flood lights, which were shining down onto the adjacent homeowners.

Manager Umberger stated the weeds had already been addressed with a code enforcement case against the owners and the lights were being brought forward as a new code case in January. Land Development Director Lowe was attempting to work with the Management Company for compliance with these issues.

PUBLIC HEARINGS

4A ADDED ITEM NO. 10A DISCUSSION OF ABSTRACTED SURVEY

Village Manager Umberger stated that as part of the requirements for site plan submittal, an abstracted survey be included in the package. This has slowed down the review process considerably and staff was recommending title action at time of permitting. Vice Mayor Brinkman stated that the term "abstracted" was not accurate and what really was needed was a survey reflecting that a title review had been completed and all easements shown on the survey. Village Attorney Baird added that what was being proposed is similar to what the county requires; that the surveyor indicate that all easements and encumbrances identified on the title policy be identified on the survey. After some discussion, it was decided that at the time of site plan submittal, the survey should note that a title review has been completed. Director Lowe added that the survey and title policy should not be more than 12 months old. Vice Mayor Brinkman moved to approve the change which was seconded by Council Member Smith. Motion

carried 5-0.

This Item will be continued to the January 12, 2006 Agenda

5. RESOLUTION NO. 2005-64 (SITE PLAN)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF CHRISTIAN BALLESTEROS/CBR GROUP ARCHITECTS, AGENT FOR THE OWNER, DOWNTOWN SHOPS LLC; FOR SITE PLAN REVIEW (SPR 05-15); FOR CONSTRUCTION OF 20,894 SQUARE FEET OF OFFICE AND RETAIL SPACE ON 1.46 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF LAKE WORTH ROAD AND ADCOCK LANE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

This item will be continued to the January 12, 2006 Agenda

6. RESOLUTION NO. 2005-83 (SITE PLAN)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF PRINCIPLE DESIGN & DEVELOPMENT, INC., AGENT FOR THE OWNER, DR. ROBERT ROY; FOR SITE PLAN REVIEW (SPR 05-18); FOR CONSTRUCTION OF A 31,740 SQUARE FOOT VETERINARY CLINIC AND TEACHING HOSPITAL ON A VACANT PARCEL CONSISTING OF 2.795 ACRES LOCATED AT 3884 FOREST HILL BLVD.; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Direct

7. RESOLUTION NO. 2005-84 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION SUBMITTED BY ANNA S. COTTRELL & ASSOCIATES, INC., AGENT FOR THE OWNER, BURSICO LLC; FOR SITE PLAN REVIEW (SPR 05-19); FOR CONSTRUCTION OF 12,990 SQUARE FEET OF PROFESSIONAL OFFICE SPACE, 12,990 SQUARE FEET OF MEDICAL OFFICE SPACE, AND A SPECIAL EXCEPTION (PSSE 05-04) FOR AN ADDITIONAL 14,000 SQUARE FEET OF FLEX/WAREHOUSE SPACE ON TWO VACANT PARCELS CONSISTING OF 4.44 ACRES LOCATED AT 3230 LAKE WORTH ROAD; AND ESTSBLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton stated that public notice was advertised in the Lake Worth Herald on October 6, 2005. No ex-parte communications were disclosed and Anna Cotrell, agent for the owner, Bursico, LLC, was sworn in. Ms. Cotrell stated that the owners of the property had outgrown their current location and were proposing a two-story building with medical and professional offices and flex space to be completed in three phases. She also stated that they were ready to move forward and willing to accept all of the conditions but requested clarification on item #21 regarding landscaping. She noted that the condition had no time limit on it and requested that the condition be left as is but add that the landscaping would be done after abandonment of the Right-of-Way and in that area. Director Lowe said that she did not have a

problem with that stretch of land but was concerned about the landscaping along Lake Worth Road. She recommended that both areas be landscaped after the abandonment of the Right-of-Way but before the C/O is issued on the final building. Mr. Kevin Conners, project architect, then gave a brief presentation on the appearance of the building. Discussion took place regarding the build-out dates for the three different phases. Director Lowe recommended the build-out date for Phase A be October 27, 2007, Phase B October 27, 2008, and Phase C be completed by October 27, 2009. If extensions were needed, they would need to go before the Council again to request them. Ms. Cottrell noted that an abstracted survey had already been submitted and Mr. Conners clarified that the proposed roof is metal. Hearing no further comments, Attorney Baird read by title only, Resolution No. 2005-84. Council Member Smith moved to approve the plan subject to the revised condition. Vice Mayor Brinkman seconded the motion. Motion carried 5-0.

8. RESOLUTION NO. 2005-85 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION SUBMITTED BY JASON WOBESER, OWNER OF WOODY'S CAR WASH FOR SITE PLAN REVIEW (SPR 05-20) AND A SPECIAL EXCEPTION (PSSE 05-05) FOR CONSTRUCTION OF A 4,454 SQUARE FOOT AUTOMATIC CAR WASH WITH CUSTOMER SERVICE AND DETAILING AREAS, LOCATED AT 3263 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton stated that public notice was published in the Lake Worth Herald on October 6, 2005. No ex parte communications were disclosed and Burt Smith and Jason Wobeser were both sworn in. Land Development Director Lowe stated that the Land Development Board recommended approval of a redeveloped and expanded car wash on an existing piece of property and that a revised exhibit was distributed to each Council Member earlier. Mr. Smith stated that the proposed car wash would be more modern and visually appealing than the existing one, it would have a waiting room and use recycled water, and have 7% more green area than before. The build-out date of October 27, 2007 was acceptable. Vice Mayor Brinkman was concerned about the handicapped space being located too far from the door. Mr. Smith agreed that it could be moved to the east side of the building closer to the door. Hearing no further comments, Attorney Baird read by title only, Resolution 2005-85. Council Member Osborne moved to approve the plan subject to the revised conditions. Mayor Pro Tem Waller seconded the motion. Motion carried 5-0.

9. ORDINANCE NO. 2005-33 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF .67 ACRES OWNED BY HANI ENTERPRISES INC., SHATARA & SONS ENTERPRISES INC. AND AMERICA'S SOUND INC.; LOCATED ON CONGRESS AVENUE 500 FEET SOUTH 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 (CG) 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

Attorney Baird read by title only, the second reading of Ordinance No. 2005-33, to annex a vacant parcel of land owned by Hani Enterprises. Hearing no comments, Mayor Pro Tem Waller moved to adopt the ordinance, which was seconded by Council Member Smith. A roll call vote was taken and the motion carried 5-0.

REGULAR AGENDA

ACTIONS AND REPORTS

10. Consideration and Approval of Village Intervention Action regarding the Boca Raton/Delray Beach Dual Taxation Lawsuit

Village Manager Umberger stated that this action was in support of both Boca Raton and Delray Beach with their lawsuit against the county for shifting funds from the MSTU 911 radio system into the general fund resulting in dual taxation. Vice Mayor Brinkman moved to approve the motion to intervene. Council Member Osborne seconded the motion. Motion carried 5-0.

VILLAGE COUNCIL COMMENTS

Mayor Pro Tem Waller was disappointed in some cities backing away from supporting the Boca Raton/Delray lawsuit for dual taxation. Vice Mayor Brinkman reminded those present that the Holiday Decorating Contest was on Monday, December 12, 2005 and asked for volunteers to join the Beautification Committee. Mayor Davis commended the staff on their clean-up efforts from Hurricane Wilma and noted the great job from the other departments as well. All of the Council Members wished each other and the members of the audience a Merry Christmas and Happy Holidays.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:27 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor