

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, MARCH 9, 2006**

**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, Council Member Chet Osborne, Council Member Bev Smith, Village Manager Karl E. Umberger, Village Attorney Karen E. Roselli, and Village Clerk Virginia M. Walton. Mayor Pro Tem Patti Waller was absent.

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 Vice Mayor Joni Brinkman.

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

Village Manager: Item No. 11 will be pulled from the agenda for re-advertisement.

A motion to accept the agenda as revised was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 4 – 0.

**CONSENT AGENDA**

1. **Minutes of Local Planning Agency Meeting on February 23, 2006**
2. **Minutes of Regular Council Meeting on February 23, 2006**
3. **Public Safety Budget Amendment to recognize Grand Funds from Palm Beach County in the amount of \$27,900 for the purchase of 3 Audicor 200 D Advanced Life Support Units**  
Staff: Jay C. Pickens, Public Safety Director
4. **RESOLUTION NO. 2006-15**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH LION CONTRY SAFARI INC.; OWNERS OF A 2.04 ACRE PARCEL OF LAND LOCATED AT 1212 SOUTH CONGRESS AVENUE, 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 presented was made by Council Member Osborne and seconded by Council Member Smith. Motion carried 4 – 0.

## **PUBLIC COMMENT**

David Kraftchak, 140 Yucatan Drive, stated he was disappointed in the turnout and the Coastal Observer had relegated the announcement of the meeting to page 11 of today's newspaper. He also commented that he had seen the elections notification in the January newsletter, but he didn't remember seeing anything else about the elections.

## **PUBLIC HEARINGS**

### **5. RESOLUTION NO. 2006-83 (SITE PLAN – QJ)**

**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 Director**

Village Clerk Walton advised Council that notice of public hearing was placed in the Lake Worth Herald on October 6, 2005. Mayor Davis disclosed he had an ex parte communication with Dennis Koehler wherein Mr. Koehler voiced his concerns about the crematorium proposed for this site plan. Mayor Davis did not feel he would be unduly influenced by this conversation. Village Clerk Walton swore in Kermit White, Richard Hughes, Dennis Koehler and Land Development Director Lowe to give testimony.

Kermit White, with Principal Design Development, agent for the owners, stated the owners had obtained approval from DOT for a curb cut on Forest Hill Boulevard for the ingress/egress to this site. The owners already had a smaller vet clinic and this increased capacity would bring 12 to 15 new jobs to the area. The owners had accommodated the Albert Lakes concerns about noise and had increased the buffer to 10 feet wide with a 6 foot wall; on the south side, the retention had been moved to this site; the building had been moved 140 feet back from the property line and the crematorium had been eliminated. The emergency generator would be located on the roof within a soundproof container. The noise would be no louder than a car engine running. Director Lowe stated the Council has received a revised Exhibit "A" conditions tonight in which item no. 9 had been changed due to a staff typo error and

item no. 23 had been corrected to note the crematorium was deleted.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public.

Dennis Koehler, President of the Albert Lakes Association, 1966 Richard Lane, stated the residents would not object to this site plan now that the crematorium had been eliminated and asked what type of landscaping material was to be used on the east buffer. Mr. White replied along Forest Hill Boulevard the holly would be changed to foxtail palms or similar palms; the buffer would have trees per code in a clustered pattern and a hedge inside the wall to be maintained at 5 feet. Another question was regarding item no. 33 critical care facility/ER Room open 24 hours. Mr. White replied this was for emergencies only during the evening hours, such as pets being hit by cars, and would not be open for regular appointments or procedures.

Richard Hughes, 1840 Richard Lane, wanted to ask for an 8 foot wall instead of a 6 foot one and some additional landscaping.

William Hall, 1860 Anderson Lane, stated he was the first house on Anderson Lane and he asked if the wall along the south side could also be required for the east side, and also requested the wall be 8 foot instead of 6 foot. Mr. Hall also requested the wall be installed before construction began. Mr. White replied the owners wanted to be good neighbors to the community. They would consider some kind of chain link fence with a hedge landscaping. The south wall could possibly be installed before construction; however, a construction fence would be around the entire area as well. Mayor Davis suggested Mr. White work with Director Lowe on this fencing/wall issue.

Hearing no further comments, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution was made by Council Member Osborne and seconded by Vice Mayor Brinkman. Motion carried 4 – 0.

**6. RESOLUTION NO. 2006-19 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF JEFFREY N. SPEAR, AGENT FOR THE OWNER, MUSIBAY CONSTRUCTION & LAND DEVELOPERS, LLC; FOR AMENDMENT TO SITE PLAN REVIEW (SPR 05-09) TO REVISE THE ELEVATIONS AND TO CHANGE FROM TWO (2) BEDROOM TO THREE (3) BEDROOM UNITS FOR THE 40 TOWNHOUSE CLUSTER DEVELOPMENT PROJECT KNOWN AS ST. CHARLES LANDINGS, LOCATED ON THE NORTH SIDE OF 2<sup>ND</sup> AVENUE NORTH BETWEEN CONGRESS AVENUE AND DAVIS ROAD; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council that notice of public hearing was placed in the Lake Worth Herald on February 9, 2006. There were no ex parte communications disclosed. Jeffrey Spear, agent for the owner, Musibay Construction & Land Developers, LLC, was sworn in by Village Clerk Walton.

Mr. Spear stated that the original project was to be built by Lenar who decided not to pursue the project. Since the new owners were unable to use the same product design, the two-bedroom units were eliminated making all units three-bedroom styles using the same foot prints and depths as the original plans with a slight change in square footage. Mr. Spear further stated that if reworking the drainage requirements produced more space, it would be used for additional parking.

Discussion continued with concerns from Council on the required number of parking spaces and what is actually counted as a parking space. Mayor Davis cautioned that the bottom line was that the plan met the code for the required amount. Vice Mayor Brinkman reminded Council that this has been an ongoing issue and discussion on revising the parking code to not include the garage as a space had been discussed in the past. She asked if a draft of the revisions could be issued for review. Land Development Director Bette Lowe stated that she had been busy with the Comp Plan Amendment and preparing for the E.A.R. but would try to move it to the top.

Director Lowe stated that with the change to all three bedroom units, there may be an issue with increased sewer flow and added that if larger pipes were required, the applicant be responsible for the cost. Public Service Director Bill Davis clarified that the flow may increase when changing the number of bedrooms even if the number of bathrooms does not change. Attorney Roselli stated that it should be added as a Condition of Approval that the applicant be responsible for the costs but the applicant was uncomfortable with this condition without knowing an amount that he would be responsible for. After additional discussion, the condition was capped at an amount not to exceed \$20,000, which was acceptable to Mr. Spear.

Hearing no further comments, Village Attorney Roselli, read the resolution by title. A motion to adopt the resolution as revised was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 4-0.

**7. RESOLUTION NO. 2006-20 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION SUBMITTED BY KEVIN MCGINLEY OF LAND RESEARCH MANAGEMENT, INC., AGENT FOR THE OWNER, LION COUNTRY SAFARI FOR SITE PLAN**

**REVIEW (SPR 06-01); FOR CONSTRUCTION OF A 27,000 SQUARE FOOT PROFESSIONAL OFFICE ON 2.04 ACRES OF VACANT LAND, LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF OAK DRIVE AND CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council that notice of public hearing was placed in the Lake Worth Herald on February 9, 2006. No ex parte communications were disclosed. The applicant, Kevin McGinley was sworn in by the clerk. Mr. McGinley stated the property had recently been annexed into the Village and a professional office complex was being proposed with small, condominium units ranging from 630 to 780 square feet, primarily for small business owners.

Questions by Council were raised regarding the number of units, type of occupants expected, and the amount of parking needed by the type of businesses that would be occupying the units. Mr. McGinley assured Council that the units were not designed for medical offices, but smaller, professional type businesses.

Hearing no further questions or comments, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution was made by Council Member Osborne and seconded by Vice Mayor Brinkman. Motion carried 4-0.

**8. RESOLUTION NO. 2006-21 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION SUBMITTED BY DAVID KEIR OF SEMINOLE BAY LAND COMPANY, INC., AGENT FOR THE OWNERS, DR. RODOLFO TREJO/FIBER OF LIFE LLC, FOR SITE PLAN REVIEW (SPR 06-02); FOR CONSTRUCTION OF A 4,256 SQUARE FOOT OFFICE BUILDING TO BE KNOWN AS PALM SPRINGS MEDICAL ARTS PAVILION LOCATED AT 4137 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council that public notice was placed in the Lake Worth Herald on February 9, 2006. No ex parte communications were disclosed. Thomas Kasischke of Seminole Bay Land Company was sworn in by the clerk. He was representing David Keir who was unable to attend the meeting. Mr. Kasischke did not make a presentation but was available to answer any questions.

Council Member Smith commented that it was refreshing to see that a project had more parking spaces than what was required. There were no additional comments or questions from staff, Council or the public. Village Attorney Roselli read the

resolution by title. A motion was made by Council Member Smith and seconded by Council Member Osborne to adopt the resolution. Motion carried 4-0.

**9. ORDINANCE NO. 2006-05 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 10, PERTAINING TO BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CREATING NEW SECTION 10-34 TO BE ENTITLED "APPLICATIONS FOR BUILDING PERMITS; OWNER-BUILDER PERMITS;" PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Village Clerk Walton stated that public notice was placed in the Lake Worth Herald on January 12 and January 26, 2006. **Land Development Director Lowe advised that Ordinance No. 2006-05 was modified slightly from first reading to remove the section on repairs costing less than \$1000 that do not require permits as these items are discussed in depth in the Florida Building Code and Florida Statute 489.**

There being no other comments, Village Attorney Roselli read by title only, Ordinance No. 2006-05. A motion to adopt the ordinance on second reading was made by Vice Mayor Brinkman and seconded by Council Member Smith. A roll call vote was taken and motion carried 4-0.

**10. ORDINANCE NO. 2006-11 (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 ONE PARCEL TOTALLING LESS THAN TEN (10) ACRES OWNED BY JEFFREY THOMAS MURPHY BUILDERS INC.; LOCATED AT 2976 LARK ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO COMMERCIAL LAND USE; 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

Village Clerk Walton stated that public notice was placed in the Lake Worth Herald on February 9 and 16, 2006. **Land Development Director Lowe advised that with the construction business proposed for this site, all vehicles and materials must be stored inside the warehouse. The applicant has indicated on his application that he plans to build a storage yard. A storage yard is not permitted in the Commercial General zoning district.**

There were no public comments. A motion was made by Council Member Osborne and seconded by Council Member Smith to adopt on second reading, Ordinance No. 2006-11. A roll call vote was taken and motion carried 4-0.

**This item was pulled from the agenda (to be re-advertised).**

**11. ORDINANCE NO. 2006-12 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN IN ACCORDANCE WITH THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AS AMENDED, BEING SECTIONS 163.3161, ET. SEQ., FLORIDA STATUTES, AMENDING THE SCHOOL CONCURRENCY ELEMENT AND CAPITAL IMPROVEMENT ELEMENT TO BE CONSISTENT WITH THE SCHOOL BOARD OF PALM BEACH COUNTY'S FIVE YEAR PLAN; INCORPORATING A LIGHT INDUSTRIAL LAND USE CATEGORY IN THE FUTURE LAND USE ELEMENT; INCORPORATING LIGHT INDUSTRIAL/COMMERCIAL AND COMMERCIAL/RESIDENTIAL MIXED USE OVERLAY DISTRICTS IN THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE PLAN, PURSUANT TO THE LARGE SCALE COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, FOR THE PURPOSE OF INCLUDING PROPERTIES RECENTLY ANNEXED; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

Staff: Bette Lowe, Land Development Director

**REGULAR AGENDA**

**ACTIONS AND REPORTS**

- 12. Lake Worth Utilities Presentation  
George Adair, Director**

Mr. Adair introduced his Staff, Tom Rutherford, Utilities Customer Service Manager, and Bob Shrednicki, Electrical Engineer. Mr. Adair presented a power point presentation that addressed four main areas for their Utilities System, which were rates, reliability, storm recovery and communications. Mr. Adair and Mr. Shrednicki both spoke on the problems and potential solutions Lake Worth and the Utilities personnel were working on. The power point presentation is available and will be attached hereto and become a part of this record.

Mayor Davis thanked Mr. Adair and Staff for their presentation and opened the floor for questions.

Sue Ryan, 1078 Manor Drive, stated the presentation was well done but gave the residents no answers. Ms. Ryan wanted to know where the money was coming from to fund all the improvements addressed in the presentation. Mr. Adair stated there was monies in a 2004 Bond Issue, Lake Worth had a Replacement and Renewal Fund and there was a possibility of a future Revenue Bond Issue.

David Kraftchak, 140 Yucatan Drive, wanted to know why Palm Springs residents paid two taxes on their bills. Mr. Adair stated those taxes were collected by Lake Worth and remitted to Palm Springs. There was also a franchise tax that all outside providers paid to Palm Springs, FP&L as well as Lake Worth. Mr. Kraftchak stated he had seen a fuel charge credit on his January bill, but thought there was supposed to be a credit for three months and there was none on his last bill. Mr. Adair explained the credit on the January bill was actually a fuel charge credit for the previous October, November and December bills. Mr. Kraftchak wanted to know who would be paying for the revenue bonds. Mr. Adair stated all electric customers would pay for the bond, not just Lake Worth residents. Mr. Kraftchak also stated he was still having problems with the transformer in front of his house.

Sue Ryan asked what the life of a transformer was and Mr. Shrednicki replied about 40 years.

Mary (last name not clear), 401 North B Street, Lake Worth, questioned some of the comments made on the Village website regarding vegetation and the re-fusing and back feeding from FP&L. Mr. Adair stated Lake Worth System was not back feeding from FP&L at this time, the re-fusing was started in the spring of 2005 and was not completed yet; but there were additional switches installed immediately after Hurricane Wilma. The vegetation control program was in place prior to Hurricane Wilma and was ongoing. Mr. Umberger and Mr. Adair agreed there may have been some misunderstandings in their conversations and Mr. Umberger would have the website information corrected.

Hearing no further questions or comments, Mayor Davis again thanked Mr. Adair

and Staff for coming, making the presentation and fielding questions.

**13. Appointment to the Board of Adjustment**

Staff: Virginia M. Walton, Village Clerk

Mayor Davis stated there was a vacancy on the Board of Adjustment and one application had been received from Arthur T. Wetherill, who previously served on the Code Enforcement Board. Hearing no other nominations, a motion to appoint Arthur Wetherill to the Board of Adjustment as a Senior Alternate for a term to expire on February 10, 2007, was made by Council Member Smith and seconded by Council Member Osborne. Motion carried 4 – 0.

**14. Confirmation of Appointment of 5<sup>th</sup> Member to Hazardous Pension Board**

Staff: Virginia M. Walton, Village Clerk

Mayor Davis stated the Hazardous pension Board of Trustees had elected Public Safety Lt. Randy Hoffer as a fifth trustee at their meeting on February 7, 2006, to serve a two year term. In accordance with the Code of Ordinances, the Village Council, as a ministerial duty, confirmed this appointment. A motion to confirm the appointment of Lt. Randy Hoffer as a trustee to the Hazardous Pension Board was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 4 – 0.

**VILLAGE COUNCIL COMMENTS**

Council Member Smith: appreciated Lake Worth coming. The presentation was good, but not what she expected to see. She was not totally comfortable with what we are going to see from Lake Worth. What she wanted to see was that Lake Worth Power was going to provide the best service and be competitive with FP&L. She felt it was important to keep the lines of communication open and have Lake Worth let the Village know what they can do to get information to our residents. Maybe put the phone numbers given on the presentation on the Village website. We needed to work together as good neighbors. Hurricanes are not good for anyone.

Council Member Osborne: thanked Lake Worth for coming and felt Lake Worth seemed to be on the right tract with new personnel and new priorities; and we should see improvements.

Vice Mayor Brinkman: thanked Lake Worth for coming. She had some concerns on the funding mentioned for paying for the improvements. It was admirable that Lake Worth was moving forward with improvement the systems. Lake Worth said there was currently a revenue bond issue and at the same time said there might be another revenue bond. Village residents are concerned with costs as well as reliability. The

Village needed to know how the capital improvements were going on a regular basis, so the Village residents would not be blindsided when hit with another bond.

Vice Mayor Brinkman: also brought up that the County's Urban Redevelopment Area Plan, which Palm Springs was right in the middle of, was moving forward. The County is in negotiations with the Treasure Coast to do a study, which ultimately would come up with guidelines for the corridors. She is on the Treasure Coast Planning Council and would keep the Council up to date on upcoming "Charrets " on this issue. It was important that Council stay abreast of this and be involved with these workshops.

Mayor Davis: thanked Mr. Adair and staff for coming and making this presentation and field the questions. He stated this would be an ongoing process. It wasn't possible to change 30 years overnight; and that was unfortunately a difficult pill for customers, theirs and ours, to swallow. The key is communication....that's what we've heard from our residents seems to be lacking....and if there's anything we can do, please let us know.

**ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 9:31 p.m.

Respectfully submitted,

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Village Clerk

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

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Mayor