

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, MARCH 23, 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, Mayor Pro Tem Patti Waller, Council Member Chet Osborne, Village Manager Karl E. Umberger, Village Attorney Thomas Baird, and Village Clerk Virginia M. Walton. Council Member Bev Smith 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, and Library Director Elena Romeo. Leisure Services Director Bill Golson was absent.

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

1. CERTIFICATION OF ELECTION

RESOLUTION NO. 2006-23

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING THE CERTIFICATION OF THE VILLAGE CLERK OF CANDIDATES FOR THE 2006 GENERAL MUNICIPAL ELECTION; CERTIFYING THE ELECTION OF CANDIDATES; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

A motion was made by Council Member Osborne and seconded by Vice Mayor Brinkman to accept the certification of the Village Clerk of candidates for the 2006 General Municipal Election. Motion carried 4-0.

2. OATH OF OFFICE FOR NEW CANDIDATES

Vice Mayor Brinkman and Mayor Pro Tem Waller were both sworn in as Council Members for another two year term by Village Clerk Walton.

3. ELECTION OF A VICE MAYOR AND A MAYOR PRO TEM

RESOLUTION NO. 2006-24

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, DESIGNATING A VICE MAYOR AND MAYOR PRO TEM FOR THE ENSUING YEAR 2006-2007, AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

Mayor Davis called for nominations for a Vice Mayor and Mayor Pro Tem for the 2006-2007 year. Council Member Osborne nominated Patti Waller as Vice Mayor and Bev Smith as Mayor Pro Tem. Hearing no further nominations, Mayor Davis closed the nominating process. Attorney Baird read the resolution by title. A motion was made by Vice Mayor Brinkman and seconded by Council Member Osborne to accept the nominations. Motion carried 4-0.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Item numbers 14, 15, and 21 will be continued to the April 13, 2006 Agenda.

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

CONSENT AGENDA

4. **Minutes of Local Planning Agency Meeting on March 9, 2006**
5. **Minutes of Regular Council Meeting on March 9, 2006**
6. **RESOLUTION NO. 2006-27**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED A BID FOR THE PURCHASE OF A STANDBY GENERATOR FOR VILLAGE HALL AND THE LIBRARY TO KNIGHT ELECTRIC COMPANY, INC. IN THE AMOUNT OF \$121,771.00; AND PROVIDING AN EFFECTIVE DATE.

Staff: William Davis, Public Service Director

7. **RESOLUTION NO. 2006-33**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED A BID FOR THE PURCHASE OF A 25KW EMERGENCY GENERATOR FOR THE UTILITIES DEPARTMENT TO WALKER MILLER EQUIPMENT, INC. IN THE AMOUNT OF \$14,308.00; AND PROVIDING AN EFFECTIVE DATE.

Staff: William Davis, Public Service Director

8. **RESOLUTION NO. 2006-34**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AWARDED A BID FOR THE PURCHASE OF A 60KW EMERGENCY GENERATOR FOR THE UTILITIES DEPARTMENT TO WALKER MILLER EQUIPMENT, INC. IN THE AMOUNT OF \$22,300.00; AND PROVIDING AN EFFECTIVE DATE.

Staff: William Davis, Public Service Director

9. Approval of Employee Health Plan

A motion to approve the consent agenda as presented was made by Council Member Osborne and seconded by Vice Mayor Waller. Motion carried 4 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS

10. Presentation of CAFR Award and CPFO Award

A Certificate of Achievement for Excellence in Financial Reporting was presented to Rebecca Morse, Finance Director for the Village, representing the highest standards in governmental financial reporting for the fiscal year ending September 2004. Director Morse was also awarded a Certificate of Achievement as the individual responsible for achieving the highest standards in financial reporting. These certificates represent the highest awards presented for excellence in financial reporting. Director Morse commended her staff for the exceptional job they do each day and presented them with a token of appreciation.

11. Presentation to Nick Moreno

Mayor Davis presented long-time resident, Nick Moreno, with a proclamation for his 26 years of service and support to the Village. He thanked Mr. Moreno for his dedication, contributions, and support over the years and proclaimed March 25, 2006 as “Nick Moreno Day”.

12. Mayor’s Proclamation of April as Fair Housing Month

Mayor Davis presented a proclamation reaffirming fair housing for all and supporting the continued education of the public in fair housing practices. He proclaimed April as “Fair Housing Month”.

13. Mayor’s Proclamation of April as Read Together Palm Beach County Month

Mayor Davis proclaimed April as “Read Together Palm Beach County Month” in an effort to encourage students and employees alike to read *To Kill a Mockingbird* and promote group discussion and interaction. The proclamation was presented to Elena

Romeo, Library Director for the Village. She thanked Council for their support and encouraged everyone to read the book.

PUBLIC COMMENT

None

PUBLIC HEARINGS

14. RESOLUTION NO. 2006-29 (PLAT- QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY PLAT FOR HARDMAN SUBDIVISION, SUBMITTED BY CARLOS M. GONZALEZ, AGENT FOR THE OWNER, ABEL ECHEMENDIA; FOR THE PROPERTY LOCATED ON THE WEST SIDE OF REO LANE, SOUTH OF PARK LANE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

This item was continued to the April 13, 2006 agenda.

15. RESOLUTION NO. 2006-30 (FINAL PLAT - QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT OF HARDMAN SUBDIVISION, A 3.58 ACRE PARCEL, OWNED BY ABEL ECHEMENDIA, LOCATED ON THE WEST SIDE OF REO LANE, SOUTH OF PARK LANE; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

This item was continued to the April 13, 2006 agenda.

16. RESOLUTION NO. 2006-31 (PLAT - QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE PRELIMINARY PLAT FOR THE HIDDEN SPRINGS SUBDIVISION, SUBMITTED BY SAEID MIRZADEH, AGENT FOR THE OWNER, MIRZA HOME & CONSTRUCTION CO.; FOR THE PROPERTY LOCATED ON THE EAST SIDE OF DAVIS ROAD, ONE QUARTER MILE NORTH OF LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised that advertising was not necessary for this item and there were no ex parte communications to disclose. Although the applicant was present, he had no testimony to present. Nor were there any comments or questions from the public. Village Manager Umberger noted that this item was heard by the Land Development Board on February 14, 2006 which recommended approval. Attorney Baird read the resolution by title only, approving the preliminary plat for Hidden Springs Subdivision.

A motion was made by Council Member Osborne and seconded by Vice Mayor Waller for approval of the preliminary plat for Hidden Springs Subdivision. Motion carried 4-0.

17. RESOLUTION NO. 2006-32 (FINAL PLAT – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE FINAL PLAT OF HIDDEN SPRINGS SUBDIVISION, A .52 ACRE PARCEL, OWNED BY MIRZA HOME & CONSTRUCTION CO., LOCATED ON THE EAST SIDE OF DAVIS ROAD, ONE QUARTER MILE NORTH OF LAKE WORTH ROAD; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised that no advertising was necessary for this item nor were there any ex parte communications to disclose. There was no testimony to present and no comments from the public. Village Manager Umberger reported that this item was presented to the Land Development Board on February 14, 2006 and was recommended for approval. Attorney Baird read the resolution by title only.

A motion was made by Council Member Brinkman and seconded by Council Member Osborne to approve the final plat for Hidden Springs Subdivision. Motion carried 4-0.

18. RESOLUTION NO. 2006-22 (ROW ABANDONMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ABANDONING ALL RIGHT, TITLE, AND INTEREST IN AND TO AN UNIMPROVED THIRTY FOOT ROAD RIGHT-OF-WAY GENERALLY LOCATED EAST OF CONGRESS AVENUE AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY OF LAKE WORTH ROAD AND ON THE SOUTH BY THE NORTH RIGHT OF WAY OF LAKE WORTH DRAINAGE DISTRICT CANAL, IN THE VILLAGE OF PALM SPRINGS, FLORIDA, AND WHICH IS EVIDENCED BY THE RECORD PLAT OF PALM BEACH FARMS COMPANY PLAT NO.7, PLAT BOOK 5 AT PAGE 72, OF THE

PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS, PROVIDING FOR RECORDATION OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Manager Umberger stated that Mr. Graham of Seaglades Investments, owner of the adjacent property, made the request for abandonment of a Right-of-Way, which serves no purpose to the Village. The Land Development Board heard this item on February 14, 2006 and recommended its approval. There were no comments or questions from staff.

Attorney Baird read the resolution by title only. A motion was made by Vice Mayor Waller and seconded by Council Member Osborne to approve the resolution for abandonment of the Right-of-Way. Council Member Brinkman noted that the resolution appeared to be incorrect in the location of the Right-of-Way. The resolution should read "west" of Congress Avenue in lieu of "east" of Congress Avenue. Brief discussion followed. All agreed that the resolution should read west of Congress Avenue and the motion carried 4-0.

19. RESOLUTION NO. 2006-28 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING EXISTING SITE PLAN (SPR 04-10) AND SPECIAL EXCEPTION (PSSE 04-01) FOR THE CONSTRUCTION OF A 5,355 SQUARE FOOT ADULT ENTERTAINMENT CLUB WITH A 4COP LIQUOR LICENSE AND FULL SERVICE RESTAURANT, TO NOW BE KNOWN AS "CLUB MIRAGE" IN LIEU OF "CLUB PEEK-A-BOO", LOCATED AT 3174 LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton stated that this item was advertised in the Lake Worth Herald on March 9, 2006. There were no ex-parte communications to disclose and no testimony to be presented. Village Manager Umberger noted that the Land Development Board heard this item on February 14, 2006 and recommended that the identifier "A Gentlemen's Club" be posted on either the wall sign or the monument sign. They also recommended approval of the name change. There were no comments from the public.

Vice Mayor Waller wanted clarification on the word "or" regarding the signage. Land Development Director Lowe stated that the phrase, "a gentlemen's club", would be on either one sign or the other but not on both as depicted on the plan.

Attorney Baird read the resolution by title only. A motion was made by Council

Member Osborne and seconded by Council Member Brinkman to approve the name change. Motion carried 4-0.

20. RESOLUTION NO. 2006-26 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY WILLIAM GOLSON, AGENT FOR THE OWNER, VILLAGE OF PALM SPRINGS, FOR SITE PLAN REVIEW (SPR 06-04); FOR CONSTRUCTION OF A 1.74 ACRE PUBLIC PARK TO BE LOCATED ON THE SOUTH SIDE OF SUMMER STREET AT THE INTERSECTION OF 10TH AVENUE NORTH AND SUMMER STREET; AND ESTABLISHING AN EFFECTIVE DATE.

Staff; Bette Lowe, Land Development Director

Village Clerk Walton stated that advertising was placed in the Lake Worth Herald on March 9, 2006. There were no ex-parte communications to be disclosed. Village Clerk Walton swore in Village Manager Umberger who intended to give testimony. He stated that a passive park was planned for two acres of land that was donated to the Village and that the Land Development Board recommended approval at their February 14, 2006 meeting.

Council Member Brinkman was concerned that there were no restrooms proposed for this park. Even though it was intended as a passive park, playground equipment and a ball field would attract children who would require the facilities. Discussion ensued. Village Manager Umberger stated that there was no money budgeted for bathroom facilities and perhaps a portable potty could be used, which brought up the question of whether they meet the ADA act. Consensus was that the park should be monitored first for its usage before additional funds be disbursed for bathrooms. Council Member Brinkman requested that Council and staff consider the possibility of planting trees in the multi-purpose area to deter usage of that area and keep it more in line with a passive park.

Attorney Baird read the resolution by title only for site plan approval of Summer Street Park. A motion was made by Vice Mayor Waller and seconded by Council Member Osborne to approve the plans for a park as presented. Motion carried 3-1, with Council Member Brinkman dissenting.

This item will be continued to April 13, 2006 Agenda

21. ORDINANCE NO. 2006-15 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 34 ARTICLE VI,

DIVISION 7, SECTION 34-914, ENTITLED "PARKING IN SINGLE-FAMILY; RESIDENTIAL LAND USE DISTRICTS;" TO REGULATE THE USE OF PORTABLE STORAGE CONTAINERS AND ROLL-OFF CONSTRUCTION DUMPSTERS; 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

This item was continued to the April 13, 2006 agenda.

REGULAR AGENDA

ACTIONS AND REPORTS

22. Presentation of Comprehensive Annual Financial Report by Auditors

Staff: Rebecca L. Morse, Financial Director

The floor was turned over to Mr. Scott Porter of Caler, Donten, and Levine to present the annual financial report of the Village. Mr. Porter stated that they were making the presentation later than normal due to circumstances beyond the Finance Department's control. He noted that there were no issues with internal controls nor were there any issues with compliance. There has been a steady, healthy increase of revenue over the past several years, the fund balance increased well, and the utilities showed good growth. The positive financial report was a credit to the staff whom he thanked for their cooperation. Overall it was a very good report.

Mayor Davis gave credit to Director Morse and her staff for the great report and Council Member Osborne stated that the numbers painted a great picture.

23. Appointment of Regular Trustee to Hazardous Pension Board

Staff: Virginia M. Walton, Village Clerk

Mayor Davis stated there was a vacancy on the Hazardous Pension Board with the resignation of Ed West in 2005. Philip Engelert applied to fill this position for a two year term. A motion was made by Council Member Brinkman and seconded by Vice Mayor Waller to appoint Mr. Engelert. Motion carried 4-0.

RESOLUTIONS

24. RESOLUTION NO. 2006-25

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, DESIGNATING A COUNCIL LIAISON FOR

EACH OF THE ADVISORY BOARDS FOR THE ENSUING YEAR 2006-2007; AND PROVIDING AN EFFECTIVE DATE.

Staff: Virginia M. Walton, Village Clerk

Mayor Davis explained that each year new liaisons are designated for each of the advisory boards. He volunteered as the liaison for the Land Development Board. Vice Mayor Waller stated that she was interested in volunteering for the General Pension Board since Mayor Pro Tem Smith had indicated that if anyone else was interested she would come off that board. Village Manager Umberger noted that it was an appointed position and a separate motion would need to be made.

Council Member Osborne noted his interest in being on the Leisure Services Board. Council Member Brinkman decided on the Library Board, leaving Mayor Pro Tem Smith as the liaison for the Beautification Board. Attorney Baird read the resolution by title only.

A motion was made by Council Member Osborne to appoint Vice Mayor Waller as the General Pension Board council liaison. Council Member Brinkman seconded the motion. Motion carried 4-0.

A motion was made by Council Member Osborne to approve the remainder of the liaisons as stated, which was seconded by Vice Mayor Waller. Motion carried 4-0.

VILLAGE COUNCIL COMMENTS

Vice Mayor Waller: thanked Finance Director Morse and her staff for another good financial report and she thanked Council for appointing her to the General Pension Board.

Vice Mayor Brinkman: thanked Finance Director Morse and her staff for a great financial report. She also noted that she had seen that the Village had won an award for the best tasting water in South Florida. She thanked the Utilities Director and his staff.

Council Member Osborne: congratulated Vice Mayor Waller and Council Member Brinkman on another two years on Council. He also thanked Finance Director Morse and her great staff for another successful year. He wished the best of luck to Nick Moreno.

Mayor Davis: stated that he appreciated the efforts of all who work together to make it possible to provide the level of service that our Village does to its residents. He thank Nick Moreno once again and added that he will be missed.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor