

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, MAY 11, 2006**

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE

Mayor Davis called the regular meeting of the Village Council to order at 7:30 p.m.

Present: Mayor John M. Davis, Vice Mayor Patti Waller, Mayor Pro Tem Bev Smith, Council Member Chet Osborne, Council Member Joni Brinkman, Village Manager Karl E. Umberger, Village Attorney Karen E. Roselli, 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 and Leisure Services Director Bill Golson.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Continue Item # 7 to May 25, 2006 Agenda
Move #14 to #5A
Add #16 Presentation by Bill Golson – Update on summer program and rebuilding of hurricane damaged ball field structures.

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

CONSENT AGENDA

- 1. Minutes of Council Workshop (EAR) on April 20, 2006**
- 2. Minutes of Local Planning Agency Meeting on April 27, 2006**
- 3. Minutes of Regular Council Meeting on April 27, 2006**
- 4. Public Safety Forfeiture Expenditure in the amount of \$2,585.00 for purchase of five (5) Glock Model 22 .40 caliber service pistols and forty-five (45) replacement pistol front sights.**
Staff: Jay C. Pickens, Public Safety Director

5. RESOLUTION NO. 2006-39

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A JOINT PARTICIPATION AND PROJECT FUNDING AGREEMENT WITH PALM BEACH COUNTY FOR UTILITY ADJUSTMENTS TO WATER AND SANITARY TRANSMISSION SYSTEMS AND OTHER IMPROVEMENTS ALONG THE RIGHT-OF-WAY OF HAVERHILL ROAD FROM 10TH AVENUE NORTH TO PURDY LANE ROADWAY IMPROVEMENTS, PURSUANT TO SECTION 163.01, FLORIDA STATUTES, ET SEQ.; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

End of Consent Agenda

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

ANNOUNCEMENTS AND PROCLAMATIONS

5a. Representative Shelly Vana

Representative Shelly Vana stated that Lake Worth Utilities and the Telecommunications Committee had a huge energy bill that was combined with two other bills. In that bill, the Public Service Committee had some oversight on distribution.

Representative Vana also stated that she had a number of meetings with the municipal representatives in Tallahassee and they offered to do a peer review of the Lake Worth Utilities and make recommendations. The first task would be to fix some of the problems that occurred during the last hurricane, so, in the event of another hurricane, these problems won't occur again. With regard to insurance (homeowners) – their attempts to spread the risks had not prevailed. One of the big issues we have is an affordable housing trust fund. A few years back a measure was implemented to cap the affordable housing trust fund. We tried to get the cap removed, so money would go into the general fund. We were not successful, but we did get a good affordable housing bill. With regard to the energy bill substations, there was a mellower bill passed. Nuclear power plants - a push to look at nuclear power and the bill that was presented was very broad, not much public input, a no bid process, and overruns still needed to be looked at. She commented that the state had a good budget year and that our schools were in good shape. We have the funding for class size and are able to keep from happening the repeal of the class size amendment. With regard to the Kid Care health insurance, there was a big gap for ages 1-4; but now they were included for no cost to the state.

6. Award of Graduation Certificates to Public Safety Explorers

Staff: Jay C. Pickens, Public Safety Director

Public Safety Director Jay Pickens presented Post 226 certificates for graduating from the Explorer Academy. He called on Lt. John DeMarco to speak about the academy. Lt. DeMarco thanked Mayor Davis, Council, Village Manager Umberger, and Director Jay Pickens for supporting the explorer academy to mentor our youth. He stated that the program gives a lot of insight into a number of programs related to law enforcement and fire fighting, involved. It builds discipline, team work and friendships. The explorers learned emergency medical services, writing tickets, CPR, crime scene investigation, etc. He presented Christopher Smith, Oscar Trump Jr., Frankie Archilles, Tyler Pickens, Nicholas DeMarco, Sandro Orto, David Kennedy, and Christopher Voyeur with their certificates of graduation.

PUBLIC COMMENT - None**PUBLIC HEARINGS****This item will be continued to the May 25, 2006 Agenda****7. RESOLUTION NO. 2006-41 (SITE PLAN)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION SUBMITTED BY VINCE ZABIK, AGENT FOR THE OWNERS, SHOWCASE REAL ESTATE INVESTORS, LLC FOR SITE PLAN REVIEW (SPR 06-05); FOR CONSTRUCTION OF A CLUSTER DEVELOPMENT CONSISTING OF SIX (6) SINGLE FAMILY HOMES, TO BE KNOWN AS DALE ROAD ESTATES, ON .82 ACRES OF VACANT LAND LOCATED AT 3848 DALE ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

8. RESOLUTION NO. 2006-52 (ROAD ABANDONMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, TO ABANDON AND VACATE ACCESS TO SEMINOLE ROAD FROM CHOCTAW ROAD TO CONGRESS AVENUE; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

John F. Foley, 2903 Seminole Road. Mr. Foley stated that Walgreens could come in, but that would only satisfy two businessmen that own property on the north side and south side of Seminole. He did not think it is in the interest of residents there. If a Walgreens goes there, traffic would just go through Walgreens and Seminole and compound the situation. The solution could be if you leave Seminole alone, put a one

way going west and no right turn on Seminole. That would solve the problem. He stated that he had lived 55 years on that road and now you are going to take it away. He provided a petition from homeowners regarding this issue.

Mrs. Shelby Shoup, 2890 Seminole Road, she stated that her property has been broken into several times. Where she lived at Foresthill and Congress at the corner, there was no place to make a turn onto Choctaw Road. Traffic will have to come around and go onto Congress and come back. Cars are going to take the cut off and go right up to Choctaw. Big trucks will come in at all hours. No access for fire trucks, paramedics, etc.

John Glaze 2906 Apalachee, he stated that there was increased traffic on his street and other streets. Stop signs don't do anything. That was his concern.

Robert Bogdanoff, 1794 Congress Avenue. He stated that he was there on behalf of the owner of the six lots that border Congress. People were cutting through from Forest Hill now and increasing traffic and endangering lives. It was in the interests of the homeowners on Seminole to block off that access so there would not be traffic going through it.

Kim Moore, 2906 Seminole Road, read a letter stating that over 50 percent of the people were in favor of the abandonment of Seminole Road from Choctaw Road to Congress Avenue. The development will go much more smoothly. Safety would be compromised if the road stays open, and there would be a reduction of noise due to the road closure.

Lisa Escobar, 2891 Seminole Road, stated she was a state licensed Bondsman. She left her home about six months ago because it was not safe for her son. The road closure would reduce traffic. She would sell her home if the village opened the street.

Mayor Davis, asked Director Pickens his opinion regarding the road closure from a safety point of view and his ability to respond to emergency calls.

Director Pickens stated that in his opinion, from the standpoint of traffic safety and crime, closing was a benefit to the residents. Other streets had a minimal effect. Director Pickens replied that the closure added about 30 seconds to the response time. If more side streets were closed off, there would be longer routes and more time to get to the other side streets.

Mayor Davis stated if there were any questions or comments from council.

Council Member Osborne stated that back in February a petition was brought in and signed by home owners based on the traffic and child safety. They wanted the road closed and we obliged them. Now they want it open. He was not for opening it again.

Vice Mayor Waller had previously listened to the comments by residents and understood the road closure would be permanent. She can't vote not to go along with this resolution.

Council Member Joni Brinkman had concerns about closing the road; however, this council did make the decision to close the road. Now we have an applicant coming forth that owns property on both sides of the road and something needs to be done to jump start the development. I am going to support the abandonment.

Mayor Pro Tem Smith, traffic was not getting better. We need something that is going to jump start that corner, get business people there and reduce crime.

Mayor Davis stated that abandonment of Seminole Road was in the best interest of the residents and of the Village. Traffic was going up and congestion was going to continue.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing no questions or comments, Village Attorney Karen Roselli read the resolution by title. A motion was made by Vice Mayor Patti Waller and seconded by Mayor Pro Tem Smith to adopt the resolution. Motion carried 5-0.

9. RESOLUTION NO. 2006-54 (SIGN VARIANCE)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING THE APPLICATION OF SAMUEL J. FERRERI, SCHENKEL SHULTZ ARCHITECTS, AGENT FOR THE OWNERS, SCHOOL DISTRICT OF PALM BEACH COUNTY, FOR A VARIANCE FROM SECTION 34-262 OF THE VILLAGE CODE OF ORDINANCES TO ALLOW A ROLLING DIGITAL MESSAGE BOARD SIGN ON THEIR PROPERTY KNOWN AS THE PALM SPRINGS COMMUNITY MIDDLE SCHOOL, LOCATED AT 1560 KIRK ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Mayor Davis stated that there were no legal advertising for this item and no testimony given. Ex parte communications were divulged. Mayor Pro Tem Smith talked to the principal of Palm Springs Middle School and the Principal indicated that she could not be here tonight, but she wanted to lend her support. Council Member Joni Brinkman stated that she spoke to the principal about this matter, but she will base her decision on the evidence presented.

Village Manager Karl Umberger stated that this was a sign waiver for the Palm Springs Middle School submitted by Samuel J. Ferreri Schenkel Shultz Architects, agent for the owners. The Land Development Code prohibits moving signs; however, Staff has no objections to the request.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing no questions or comments, Village Attorney Roselli read the resolution by title. A motion was made by Council Member Osborne and seconded by Council Member Joni Brinkman to adopt the resolution. Motion carried 5-0.

10. ORDINANCE NO. 2006-15 (SECOND 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 DIRECTIONS TO THE VILLAGE CLERK; 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 advised Council that notice of public hearing was placed in the Lake Worth Herald on March 9, and 16, 2006. No ex parte communications were disclosed. There were no public comments. Village Attorney Karen Roselli read the ordinance by title. A motion was made by Mayor Pro Tem Smith and seconded by Council Member Osborne to adopt on second reading Ordinance No. 2006-15. A roll call vote was taken and motion carried 5-0.

11. ORDINANCE NO. 2006-32 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 1 ENTITLED "GENERAL PROVISIONS," SECTION 1-2, ENTITLED "DEFINITIONS;" TO AMEND THE DEFINITIONS OF "BASEMENT; BUILDING, HEIGHT OF; CABANA; FLOOR; HIGHEST ADJACENT GRADE; AND STORY"; AND TO PROVIDE A NEW DEFINITION FOR THE TERM "LOWEST FLOOR"; 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

Manager Umberger advised the Council that this item is to revise the land development definitions general provisions Section 1-2, to amend the definitions of basement; building, height of cabana floor; highest adjacent grade; and to provide a new definition for the term lowest floor. The Land Development Board recommended approval at their meeting on May 9, 2006.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. There was no council or public comments. Village Attorney

Roselli read the ordinance by title. A motion to adopt the ordinance on first reading was made by Vice Mayor Patti Waller and seconded by Council Member Joni Brinkman. Motion carried 5-0.

12. ORDINANCE NO. 2006-33 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING AND RESTATING CHAPTER 58, OF THE CODE OF ORDINANCES, ENTITLED "PURCHASING" FOR THE VILLAGE OF PALM SPRINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Rebecca Morse, CFO

Manager Umberger advised Council that this was a request to amend and restate the guidelines for chapter 58 of the Code of Ordinances entitled Purchasing. The guidelines of the thresholds have remained the same for 20 years, and need to be updated to current purchasing needs.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. There was no council or public comments. Village Attorney Roselli read the ordinance by title. A motion to adopt the ordinance on first reading was made by Mayor Pro Tem Smith and seconded by Council Member Joni Brinkman. Motion carried 5-0.

13. ORDINANCE NO. 2006-34 (FIRST READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE CODE OF ORDINANCES FOR THE VILLAGE OF PALM SPRINGS, CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE VI ENTITLED "FINANCE" AT SECTION 2-283, ENTITLED "PURCHASES OVER A CERTAIN AMOUNT"; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Staff: Rebecca Morse, CFO

Manager Umberger advised Council that this was a request to amend the Code of Ordinances, Chapter 2 entitled Administration, Article VI entitled Finance in order to bring this section in line with the amendments to Chapter 58.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. There was no council or public comments. Village Attorney Roselli read the ordinance by title. A motion to adopt the ordinance on first reading was made by Council Member Brinkman and seconded by Council Member Osborne. Motion carried 5-0.

**REGULAR AGENDA
ACTIONS AND REPORTS**

14. Legislative Update by Rep. Shelly Vana Moved to #5A.

15. Presentation by Foundation for Comprehensive Community Care

Ron Pisatka represents the owners of the Community Health Centre. He is responsible for the oversight of the construction project. When the building is completed, it will house four not for profit agencies in the building. He thanked the council for approving the site plan. He thanked Village Manager Umberger and Bette Lowe for their hospitality during the site plan and permit process.

Christopher Circh is the representative responsible for funding the project. The project is designed by Young/Song (2330 North Congress). It is a 28,000 sq ft. two story medical office building and inside will be a full service children's clinic, adult primary care facility, pharmacy and dental office.

Molly Ferguson is the director for the Florida Community Health Centers. She stated that they provide primary care services in communities that experience barriers with regard to health care. The center will have an in-house pharmacy, x-ray and lab services. It will also have two family care practitioners, two pediatricians, nursing staff, dentist and a dental hygienist. When completed, it will have extended hours, after school hours, one late evening per week, and Saturday office hours. The facility is based in Palm Beach County and their Corporate office is on 45th Street. It is the first federally funded health center ever and will be in the Village of Palm Springs. We are here for your help in getting the word out in the community that we exist. They wanted the Village to take the lead in making this your project and to help us present the project.

Mayor Davis asked if there were any questions or comments from the council.

Vice Mayor Waller commented that the newspaper article stated the facility is in West Palm Beach and that the Village of Palm Springs's Mayor was not invited to the ribbon cutting ceremony.

Council Member Joni Brinkman welcomed the representatives to the community. She stated that the Village was excited about the new building. It would help the Village and surrounding area and it is a wonderful program and facility.

Yolanda Bernet, Executive Director for the Comprehensive Aids Program apologized to the Mayor and welcomed the opportunity to meet with him to discuss their plans.

The Mayor thanked the representatives for their presentation.

ADD: 16. Leisure Services Update

Mayor John Davis called on Leisure Services Director Bill Golson to give an update on the summer program.

Director Golson stated that they are organizing a trip to the Marlins game Sunday, May 28th to wrap up the season. This year our summer camp is full. The camp runs 54 of the 55 days during the summer, June 1 through August 15. This year we will be running our youth basketball league and summer cheerleading camp. Ballfields will be closed during the summer. The dugouts will be torn down and replaced, and we will have shade shelters above the bleachers, new batting cages, and we will be making improvements to the entranceway.

Summer street project will be completed within six to eight weeks.

VILLAGE COUNCIL COMMENTS

All Council Members congratulated the Explorers.

Council Member Joni Brinkman commented about the article in the Observer. She was sure the Chief would be happy to provide to the paper his reports regarding our annexations and our services.

Mayor Davis also commented about the article in the Observer. He said it peaked his curiosity as to the deputy's anonymity and that we should take it (the article) with a grain of salt. Mayor Davis suggested Chief Pickens contact Sheriff Bradshaw to see if he concurred with his Deputy's comments. He thanked everyone for attending the meeting.

ADJOURNMENT

Hearing no further business, Vice Mayor Waller adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor