

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, MAY 25, 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 Tem 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, Public Service Director Bill Davis, Leisure Services Director Bill Golson, Library Director Elena Romeo and Village Engineer Don Eckler.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Correction to Item #1 Minutes...Mayor was in attendance.
Item #7 will be continued to June 8, 2006 Agenda
Item #8 will go forward tonight

A motion to accept the agenda as revised was made by Vice Mayor Waller and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

CONSENT AGENDA

1. **Minutes of Regular Council Meeting on May 11, 2006**
2. **RESOLUTION NO. 2006-57**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER TO TASK ORDER NO. 92 IN THE AMOUNT OF \$1,290,000.00 TO AKA SERVICES INC; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

3. RESOLUTION NO. 2006-62

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING ADDENDUM NUMBER 2 TO TASK ORDER NO. 92, FOR THE EXTENSION OF SANITARY SEWER LINES ALONG CANAL 9 ROAD FROM KIRK ROAD EAST TO GULFSTREAM ROAD; ACROSS GUFSTREAM ROAD FROM THE WEST END OF EAST LAKE ROAD; ALONG ESPAN COURT; AND MODIFICATION OF DESIGN FOR DALE ROAD TO INCLUDE PUMP STATION ON KIRK ROAD, IN THE AMOUNT OF \$32,000.00 FOR ENGINEERING DESIGN, AND \$18,500.00 FOR SERVICES DURING CONSTRUCTION, TO ECKLER ENGINEERING, INC.; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

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

ANNOUNCEMENTS AND PROCLAMATIONS

4. Joseph Fallon Scholarship Awards

Mayor Davis presented a plaque and a check in the amount of \$1,000 to four (4) scholarship winners: Maria Baquerizo, 722 Springdale Circle; Cherly Contreras, 401 Kirk Road; Yasir Qureshi, 2500 Springdale Boulevard #G-317; and Vanessa Diaz, 1960 Emilio Lane. Each of the recipients came forward to thank the Village Council, the Fallon Family and the Friends of the Library. Mr. Fallon congratulated the students and thanked the Village for continuing and expanding the scholarship in honor of his son.

5. Palm Beach County Fire/Rescue Presentation by Chief Brice

Chief Brice stated that the County now handled Fire/Rescue services for eleven (11) cities, which would increase to fourteen (14) in October. There were three options available to the Village in order to meet the County's Level of Service.

One option was in operation in other cities, such as Tequesta, where the County contracted to handle dispatch and share response areas.

Another option would be a three-way agreement, such as was now in place with North Palm Beach, Palm Beach Gardens and the County. There would be a common dispatch, handled by the County, and each city would have one engine truck with three people, one fire/rescue truck with two people and one Supervisor for each shift. This could conceivably be accomplished between the Village, Greenacres and the County.

The last option would be for no more staffing at the Village and opting into the MSTU by December 2006, or contract for service from the County with a phase-in financing plan. Palm Beach County presently had two stations close by. As of October 2007, the County would be totally responsible for service. The cost of this service this year was estimated at approximately 1.7 million. No increase was anticipated this coming year for the fire/rescue millage.

The Council's remarks were unanimous in realizing that, although unwanted by the Council or the residents, the County Level of Service had been adopted and the Village would have to comply. Concerns about what would happen to the existing Village personnel, the level of responses outside the Village that our personnel would be required to meet and maintaining the existing high level of response time that the Village now has were all brought forward.

Chief Brice stated there were options for defining boundaries for response in the agreements, and response time would be added to the County Level of Service in 2007. Chief Brice suggested this concern and many others voiced by the Council could be addressed if the Council wished to direct the Manager to open a dialog with the County. Specific costs could be worked out and brought back to the Council, possibly in the form of a Workshop. Chief Smith, from Greenacres, responded to questions from the Council that Greenacres had started a dialog with the County.

Mayor Davis thanked Chief Brice for his presentation and asked for a consensus from the Council to direct Manager Umberger to open a dialog with Chief Brice and the County. There was a unanimous consensus of Council.

PUBLIC COMMENT

Mayor Davis asked for public comments. Johnnie Tieche, 305 Winged Foot Road, stated that he had been talking to the residents of the Village and they felt that they would like to see Fire/Rescue stay in the Village, even if it was necessary to partner with the County.

PUBLIC HEARINGS

6. RESOLUTION NO. 2006-36 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION SUBMITTED BY FRED POPPER, OWNER, FOR SITE PLAN REVIEW (SPR 06-03); FOR CONSTRUCTION OF AN 8,900 SQUARE FOOT RETAIL/OFFICE

BUILDING TO BE KNOWN AS PALM PLAZA LOCATED AT 3255 FOREST HILL BOULEVARD; 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 April 6, 2006. There were no ex-parte communications to disclose. Fred Popper was sworn in to give testimony. Village Manager Umberger noted that the Land Development Board heard this item on March 14, 2006 and recommended approval. The Board of Adjustment heard and approved a request for a variance for the eastern side yard setback on the property to permit a 10 ft. setback in lieu of the required 15 feet at their meeting on May 9, 2006. After lengthy discussion between the Council, Land Development Director and Mr. Popper, a motion to amend item #24 on Exhibit A to require a 6 foot wall on the north side of the property abutting a residential area and a 6 foot hedge on the east side of the property, also abutting a residential area, with plant size to be determined by the Land Development Director, was made by Vice Mayor Waller and seconded by Council Member Osborne. Motion carried 5 – 0. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution, subject to revised conditions, was made by Council Member Osborne and seconded by Vice Mayor Waller. Motion carried 5 – 0.

This item will be continued to the June 8, 2006 Agenda**7. RESOLUTION NO. 2006-41**

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.

8. RESOLUTION NO. 2006-55

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF JOHN CARRINO, AGENT FOR THE OWNER, PHILIPS LAKE WORTH, L.P.; FOR SITE PLAN REVIEW (SPR 06-06); FOR CONSTRUCTION OF A TWO-STORY 30,400 SQUARE FOOT OFFICE AND RETAIL SPACE ON 1.698 ACRES LOCATED AT 3400 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.

Village Clerk Walton stated that this item was advertised in the Lake Worth Herald on May 4, 2006. There were no ex-parte communications to disclose. Ed Oliver, agent for the owners, came before the Council to give testimony. Mr. Oliver gave a presentation, with display boards, of the proposed two-story building. There would be a mixture of office and retail, undetermined at the present time; although the owners wished to retain the right to return for a Special Exception should a bank or restaurant wish to become a tenant. With regard to Exhibit A, Mr. Oliver requested consideration of several items: item #5: the owners felt the comments and calculations of LWDD on the existing drainage was incorrect tagging and requested that item be deleted upon proof of corrections; item #6 requested the addition of the word "major" to the language "...drainage or traffic changes"; item #9 add language for the waterline across Congress to read "...and maintained by the Village"; item #15 requested bicycle parking be allowed at seven (7) as shown on the plans; item #20 request the dumpsters be allowed to remain on the north corner and not moved to the southeast corner; item #22 requested an administrative variance to allow one (1) loading space rather than two (2) spaces required; item #31 they would modify if it was determined to be over the code; item #32 requested the amendment of language to read "...inspector as required"; item #37 requested this item be deleted.

Land Development Director Lowe advised the Council she had no objections to the revisions requested for Exhibit A, with the exception of items #20 and #37. After lengthy discussions between the Council, Land Development Director Lowe and Mr. Oliver regarding item #20, it was agreed by all parties that the dumpster would remain in the north corner; but if a problem arose, the owners would be required to move the dumpster. With regard to item #37, after lengthy discussion between the Council, Land Development Director Lowe and Village Attorney Roselli about interpretations of the definitions in the Village Code for shopping centers and retail businesses/restaurants, it was agreed by all parties that item #37 would be deleted from Exhibit A.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the resolution by title. A motion to adopt the resolution, subject to a revised Exhibit A, was made by Vice Mayor Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

9. ORDINANCE NO. 2006-32 (SECOND 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

Village Clerk Walton advised Council that notice of public hearing was placed in the Lake Worth Herald on May 4, 2006. No ex parte communications were disclosed. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Karen Roselli read the ordinance by title. A motion to adopt the ordinance on second reading was made by Council Member Osborne and seconded by Mayor Pro Tem Smith. A roll call vote was in favor of adoption 5-0.

10. ORDINANCE NO. 2006-33 (SECOND 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

Village Clerk Walton advised Council that notice of public hearing was placed in the Lake Worth Herald on May 4, 2006. No ex parte communications were disclosed. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Karen Roselli read the ordinance by title. A motion to adopt the ordinance on second reading was made by Council Member Brinkman and seconded by Vice Mayor Waller. A roll call vote was in favor of adoption 5-0.

11. ORDINANCE NO. 2006-34 (SECOND 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

Village Clerk Walton advised Council that notice of public hearing was placed in the Lake Worth Herald on May 4, 2006. No ex parte communications were disclosed. Mayor Davis stated this was a public hearing and asked for questions or comments

from the public. Hearing none, Village Attorney Karen Roselli read the ordinance by title. A motion to adopt the ordinance on second reading was made by Mayor Pro Tem Smith and seconded by Vice Mayor Waller. A roll call vote was in favor of adoption 5-0.

REGULAR AGENDA

ACTIONS AND REPORTS

12. Manager's Evaluation and Contract Renewal

Each member of the Council complimented Manager Umberger on being innovative, bringing the Village forward with the new Village Complex, annexation initiatives, redevelopment of new areas, stepping forward to work with the County and surrounding municipalities, and doing everything the Council had asked and then some. Vice Mayor Waller put forth a motion to increase Manager Umberger's salary to \$125,000.00 and extend the contract for an additional three years. The motion was seconded by Council Member Osborne. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Council Member Brinkman commented it was unfortunate that the Village had to deal with the County Level of Service, but it was necessary and the Council needed to research every avenue available. Also, at the Treasure Coast Regional Planning Agency there was some rumblings about moving a boundary line in Palm Beach County along the coastal line. This was concurrency related. The League was taking a position the County was trying to override Home Rule. This matter does not have an affect directly on the Village, but it may in the future.

Council Member Osborne agreed with Council Member Brinkman's comments on fire/rescue.

Vice Mayor Waller congratulated the scholarship winners and commented that the new Summer Street Park looked terrific. She hoped she had not insulted Chief Brice with her comments, but she felt strongly about this issue.

Mayor Davis commented that the bottom line was Palm Beach County was a Charter County with enormous power to erode Home Rule. The only hope now for cities was a Bill presently in the House. Mayor Davis stated he did not totally blame County Fire/Rescue. The County had shown again their disdain for cities when they passed this biased Level of Service.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 9:28 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor