

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, JULY 13, 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, Council Member Joni Brinkman, Vice Mayor Patti Waller, Mayor Pro Tem Bev Smith, Village Manager Karl E. Umberger, Village Attorney Karen E. Roselli, and Village Clerk Virginia M. Walton. Council Member Chet Osborne was absent.

Staff present were Land Development Director Bette J. Lowe, Finance Director Rebecca L. Morse, Public Service Director Bill Davis, Leisure Services Director Bill Golson.

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: Items #2, #3 and #4, continued to the July 27th Council Meeting.
Public Hearings - Item #12 and #13 continued to the July 27th Council Meeting.

A motion to accept the agenda as revised was made by Council Member Joni Brinkman and seconded by Mayor Pro Tem Bev Smith. Motion carried 4-0.

CONSENT AGENDA

1. Minutes of Regular Council Meeting on June 22, 2006

This item continued to July 27, 2006 agenda

2. RESOLUTION NO. 2006-65

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH NUVA GROUP, LLC; OWNER OF TWO PARCELS OF LAND CONSISTING OF .26 ACRES, LOCATED AT 3544 AND 3554 LAKE WORTH ROAD, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

This item continued to July 27, 2006 agenda

3. RESOLUTION NO. 2006-66

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH TONSET COMPANY INC.; OWNER OF A VACANT PARCEL OF LAND CONSISTING OF 16.63 ACRES, LOCATED ON THE NORTHEAST CORNER OF LARK ROAD AND SOUTH CONGRESS AVENUE, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

This item continued to July 27, 2006 agenda

4. RESOLUTION NO. 2006-67

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH DRYMENSION, INC. ANNEXATION OF THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF COCONUT ROAD AND LAKE WORTH ROAD INTO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

5. FINANCE DEPT. BUDGET AMENDMENT \$18,500

Staff: Rebecca Morse, CFO

End of Consent Agenda.....

A motion to approve the consent agenda as revised was made by Vice Mayor Patti Waller and seconded by Mayor Pro Tem Bev Smith. Motion carried 4 – 0.

ANNOUNCEMENTS AND PROCLAMATIONS – NONE SCHEDULED

PUBLIC COMMENT - (Five minute limit.) - None

PUBLIC HEARINGS

6. ORDINANCE NO. 2006-35 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .35 ACRES; OWNED BY DOMINGO ROSADO, SR. AND DOMINGO ROSADO, JR., LOCATED AT 3975 7TH AVENUE NORTH; AND MORE FULLY DESCRIBED IN EXHIBIT “A”

ATTACHED HERETO; PROVIDING FOR AMENDMENT TO THE CORPORATE LIMITS OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS SET FORTH IN SECTION 2.01 OF THE VILLAGE CHARTER TO INCLUDE SAID ANNEXED LANDS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADVERTISING; AND PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF STATE UPON ADOPTION. Staff: Bette Lowe, Land Development Director

Village Clerk Walton stated that public notice was placed in the Lake Worth Herald on June 8 and June 15, 2006. Village Attorney Roselli read the ordinance by title. There were no comments from Staff or Council. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt on second reading was made by Mayor Pro Tem Smith and seconded by Council Member Joni Brinkman. A roll call vote was in favor of adoption 4-0.

7. ORDINANCE NO. 2006-36 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 3.18 ACRES OWNED BY MCN PROPERTY LLC; LOCATED AT 1195 SOUTH CONGRESS AVENUE; 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 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 June 8 and June 15, 2006. Village Attorney Roselli read the ordinance by title. There were no comments from Staff or Council. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt on second reading was made by Vice Mayor Patti Waller and seconded by Council Member Bev Smith. A roll call vote was in favor of adoption 4-0.

8. ORDINANCE NO. 2006-37 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .67 ACRES; OWNED BY GEORGE NORDINGER, LOCATED AT 3470 KIRK ROAD; AND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR AMENDMENT TO THE CORPORATE LIMITS OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS SET FORTH IN SECTION 2.01 OF THE VILLAGE CHARTER TO INCLUDE SAID ANNEXED LANDS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADVERTISING; AND PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF STATE UPON ADOPTION.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton stated that public notice was placed in the Lake Worth Herald on June 8 and June 15, 2006. Village Attorney Roselli read the ordinance by title. There were no comments from Staff or Council. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt on second reading was made by Mayor Pro Tem Bev Smith and seconded by Vice Mayor Patti Waller. A roll call vote was in favor of adoption 4-0.

9. ORDINANCE NO. 2006-38 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .96 ACRES OWNED BY BERNARDI PROPERTIES, LLC; LOCATED AT 2897 PALMARITA ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO LOW DENSITY RESIDENTIAL, 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 RESIDENTIAL MULTI-FAMILY 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 June 8 and June 15, 2006. Village Attorney Roselli read the ordinance by title. There were no comments from Staff or Council. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt on second reading was made by Council Member Joni Brinkman and seconded by Vice Mayor Patti Waller. A roll call vote was in favor of adoption 4-0.

10. ORDINANCE NO. 2006-39 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .19 ACRES; OWNED BY RICHARD V. SPRAGUE III, LOCATED AT 3319 SIERRA DRIVE; AND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR AMENDMENT TO THE CORPORATE LIMITS OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS SET FORTH IN SECTION 2.01 OF THE VILLAGE CHARTER TO INCLUDE SAID ANNEXED LANDS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADVERTISING; AND PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF STATE UPON ADOPTION.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised Council that notice of public hearing was placed in the Lake Worth Herald on June 8 and June 15, 2006. Village Attorney Roselli read the ordinance by title. There were no comments from Staff or Council. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt on second reading was made by Vice Mayor Patti Waller and seconded by Mayor Pro Tem Bev Smith. A roll call vote was in favor of adoption 4-0.

11. ORDINANCE NO. 2006-40 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 1.73 ACRES OWNED BY FIDELITY FEDERAL BANK AND TRUST; LOCATED AT 3989 FOREST HILL BOULEVARD; 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 ZONING DISTRICT, WITH A SPECIAL EXCEPTION FOR AUTOMATED TELLER MACHINES (ATMs) AND OTHER DRIVE-IN, DRIVE-UP, DROP-OFF OR WALK-UP FACILITIES, 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 Manager Umberger stated that this is the annexation, land use change and rezoning of 1.73 acres located at 3989 Forest Hill Blvd. Daniel F. Turk, agent for

the owner submitted the request. The property is compact and contiguous to the Village with the Palm Springs Middle School property to the north. It is currently the site of a bank. The Land Development Board heard the request at their July 11, 2006 meeting and recommended approval. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, a motion to adopt on first reading was made by Council Member Joni Brinkman and seconded by Mayor Pro Tem Bev Smith. Motion carried 4-0.

This item continued to July 27, 2006 agenda

12. ORDINANCE NO. 2006-41 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING TWO PARCELS OF LAND CONSISTING OF .26 ACRES OWNED BY NUVA GROUP, LLC; LOCATED AT 3544 AND 3554 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

This item continued to July 27, 2006 agenda

13. ORDINANCE NO. 2006-42 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF 16.63 ACRES; OWNED BY TONSET COMPANY INC., LOCATED AT THE NORTHEAST CORNER OF LARK ROAD AND SOUTH CONGRESS AVENUE; AND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR AMENDMENT TO THE CORPORATE LIMITS OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS SET FORTH IN SECTION 2.01 OF THE VILLAGE CHARTER TO INCLUDE SAID ANNEXED LANDS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADVERTISING; AND PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, AND FLORIDA DEPARTMENT OF STATE UPON ADOPTION.

Staff: Bette Lowe, Land Development Director

REGULAR AGENDA

ACTIONS AND REPORTS

14. Courtesy Review of Site Plan for Dale Road Estates submitted by Vince Zabik, Agent for the Owners, Showcase Real Estate Investors, LLC.

Village Manager Umberger stated that this was a courtesy site plan review of Dale Road Estates located on Dale Road west of Gulfstream Road, requested by Mr. Vincent Zabik, agent for the owner. Six townhomes are proposed for the .82 acre vacant parcel. The formal site plan would be re-advertised and brought back to Council at the next public hearing. The Land Development Board heard the request at their April 11, 2006 meeting and recommended approval.

Mr. Vincent Zabik advised the Council that a few changes had been made since the drawing had been submitted. They had made a bigger turnaround at the end of the street and he noted that the driveways were sufficient for two cars plus a garage; so there are three-car parking in front of each house. All other concerns on the staff condition's list have been addressed.

Land Development Director Bette Lowe stated that in the site plan package there were status remarks in italics. The strike thru and underlined portions were changes that had to do with the HOA. Director Lowe stated that the site is a little tight, and the streets were a little narrow. The front yards are 20 foot front yards.

Mayor Davis asked if there were any comments from the Council.

Vice Mayor Patti Waller asked how many bedrooms in each unit. Mr. Zabik replied they were 3 bed/2 bath homes with 1 car garage. The homes would be 1650 sq feet under air and 1938 total square footage. The homes were affordable housing criteria. He had already built approximately 12 in Greenacres.

Council Member Brinkman asked if the retention area was on the first lot closest to Dale. Mr. Zabik replied that in front of each house there would be a retention area; and they would raise the rear of each property so all the water actually would run to the front also. Council Member Brinkman asked happened to the water when it gets to Dale Road. Mr. Zabik stated that most of the water stayed on the lots and was absorbed into the ground. Director Lowe stated that they (Dale Road Estates) met the water "quality" standard, not "quantity" standard.

Council Member Brinkman was concerned about the 20 foot set back. If you pulled out of your drive to go to Davis Road and another car was coming, somebody will have to back up. She stated that 15 feet was too narrow for two cars to pass safely. Mr. Zabik suggested that they could move the houses 2 feet back so there would be a 17 foot road width.

Council Member Brinkman stated that she was concerned with circulation and access to emergency vehicles. Mr. Zabik replied that he had discussed with Lake Worth drainage, trash, public safety, etc. and none had reported any concerns about access. Fire could run fire hoses in case of an emergency. Trash did not have a problem at all.

Council Member Brinkman stated that there is no HOA involved in the site plan so the property owner would be responsible for a proportion of the cost to repair the road in front of their home and to maintain the buffer on the side. What if somebody doesn't want to pay. Mr. Zabik stated that we could put a deed restriction or put a lien on their house. Council Member Brinkman responded that if there was no HOA, then who would put a lien on the house. Village Attorney Roselli stated that the Village would have Code Enforcement to deal with this scenario.

Council Member Brinkman asked how the trash would get picked up. Mr. Zabik replied that the garbage truck would drive down and the street and then back up.

Council Member Brinkman asked if there was a safe sight corner as required. Safety would be a big issue in that tight of a site.

Jim Deland, Real Estate Broker for the project, stated the only differential between the picture shown the Council and the homes being built would be that one of the homes would alternate roof models from a hip roof to a gable roof for variety. In reply to questions about where their other homes were located, Mr. Deland replied they have homes being built in Greenacres at 10th Avenue and Military Trail, on Haverhill, Walker, Jackson, Swain, Jennings and Perry. The price range is \$259,000 and up.

Dane Beasley, a representative for Dale Road Estates, addressed the Council. Mayor Davis asked if Mr. Beasley met the requirements for the site plan according to Director Lowe. Mr. Beasley stated that to the best of his knowledge he did meet the requirements.

Mayor Davis asked if there were any other comments from Council.

Vice Mayor Waller asked Director Lowe if she was happy with the six houses. Director Lowe replied that the plan was too tight, but it was better than what was there now. Her major concern was access, turn around and privacy in back yards. Director Lowe suggested they could cut five feet off the house, which would allow for widening of the road, but you would lose 175 sq ft per house. It was the consensus of the Council not to reduce the size of the homes.

With regard to the issue of widening the roadway, Council Member Brinkman, Vice Mayor Waller and Mayor Davis were all in favor of widening the road. After discussion, the consensus was to widen the roadway.

Since this was a courtesy review only, Mr. Zabik thanked Council for their comments and looked forward to bringing the final plan before the Council for approval.

VILLAGE COUNCIL COMMENTS

Patti Waller commented July 4th fireworks were great. The staff did a fabulous job.

Bev Smith commented she liked the bricks and new layout. Also, the budget looked great.

Mayor Davis stated that there was a Budget Workshop meeting July 22nd at 9:00 a.m.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 8:29 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor