

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, AUGUST 24, 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 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 and Library Director Elena Romeo.

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

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager: Items #6 and #7 on consent agenda continued to 9/14/2006
Items #12, #14, #15 & #17 on Public Hearings continued to 9/14/06
Item #13 pulled from the agenda
Add: Item #11A Acknowledgement of Donation Gifts for Public Safety and Library

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

CONSENT AGENDA

1. **Minutes of Budget Workshop on July 22, 2006**
2. **Minutes of Local Planning Agency Meeting on July 27, 2006**
3. **Minutes of Regular Council Meeting on July 27, 2006**
4. **Library Long Range Plan and Annual Plan of Service**
Staff: Elena Romeo, Library Director
5. **Leisure Services Budget Amendment to recognize increased revenues from Travel Club trip registrations, Special Events and Summer Camp/Vacation Programs, and equal associated expenses, for a total amount of \$22,000 above budget.** Staff: Bill Golson, Leisure Services Director

This item will be continued to September 14, 2006 Agenda

6. RESOLUTION NO. 2006-65 (AGREEMENT)

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 will be continued to September 14, 2006 Agenda

7. RESOLUTION NO. 2006-66 (AGREEMENT)

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

8. RESOLUTION NO. 2006-72 (INTERLOCAL AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXATION OF THIRTY (30) PARCELS OF TEN ACRES OR LESS THOSE LANDS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND PROVIDING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

9. RESOLUTION NO. 2006-73 (CONTRACT MODIFICATION)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 2 TO TASK ORDER NO. 93 WITH TLC DIVERSIFIED INC. FOR A CREDIT IN THE AMOUNT OF \$44,148.00; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

10. RESOLUTION NO. 2006-74 (CONTRACT MODIFICATION)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 1 TO TASK ORDER NO. 90 WITH FLORIDA DESIGN CONTRACTORS INC., FOR A CREDIT IN THE AMOUNT OF \$3,375.00; AND PROVIDING AN EFFECTIVE DATE.

Staff: Bill Davis, Public Service Director

11. RESOLUTION NO. 2006-75 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE BANKING AGREEMENT WITH FIDELITY FEDERAL BANK & TRUST TO INCORPORATE LATEST BANKING SERVICES BEING UTILIZED AND COMBINE BANKING AUTHORIZATIONS; AND PROVIDING AN EFFECTIVE DATE.

Staff: Rebecca Morse, Finance 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.

PUBLIC COMMENT –

Judge Art Wroble addressed the Council and audience and asked for support in his re-election to the Circuit Court. Judge Wroble had been on the bench for the past 6 years; 4 years in civil court and 2 years in family court.

Johnnie Tieche, 305 Winged Foot, asked for an update on the Minimum Housing Ordinance to alleviate the problems in the Village with multiple families living in one home. Mr. Tieche stated he knew of at least twelve houses right now with this situation. In answer to questions from the Council, Manager Umberger replied that the Code Enforcement Officers were pursuing these homes; and if Mr. Tieche has addresses, he should provide them to Chief Pickens.

11A. Manager Umberger advised the Council that a check had been received from attorneys for the Estate of Sylvia Cass. Ms. Cass had been a long time resident and very active with the Palm Springs Library. A bequest had been made in her estate and a donation of \$31,525.26 had arrived at the Village, to be equally split between the Palm Springs Library and the Public Safety Department. Vice Mayor Waller commented that she had known Ms. Cass.

PUBLIC HEARINGS

This item will be continued to September 14, 2006 Agenda

12. RESOLUTION NO. 2006-70 (SITE PLAN)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF DALE R. HEDRICK, AGENT FOR THE OWNER, HIGH POINT ON CONGRESS, LLC; FOR SITE PLAN REVIEW (SPR 06-08); FOR CONSTRUCTION OF 8,130 SQUARE FEET OF RETAIL SPACE, 33,740 SQUARE FEET OF WAREHOUSE SPACE, 33,670 QUARE FEET OF OFFICE SPACE AND A SPECIAL EXCEPTION USE (PSSE 06-01) TO PERMIT A 4,550 SQUARE FOOT DRIVE-THRU FAST FOOD

RESTAURANT WITH SEATING FOR 110; ON 7.34 ACRES LOCATED ON THE EAST SIDE OF CONGRESS AVENUE, IMMEDIATELY SOUTH OF HOLLY DRIVE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

This item will be Pulled from the Agenda

13. RESOLUTION NO. 2006-71 (SITE PLAN)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF JEFF H. IRAVANI, AGENT FOR THE OWNER, RICHBUILT OF BOCA, INC.; FOR SITE PLAN REVIEW (SPR 06-07); FOR CONSTRUCTION OF A 2,000 SQUARE FOOT OFFICE BUILDING; LOCATED ON THE NORTH SIDE OF FOREST HILL BOULEVARD BETWEEN MILITARY TRAIL AND KIRK ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

This item will be continued to September 14, 2006 Agenda

14. ORDINANCE NO. 2006-41 (SECOND 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 will be continued to September 14, 2006 Agenda

15. ORDINANCE NO. 2006-42 (SECOND 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

16. ORDINANCE NO. 2006-43 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING TWENTY-SIX (26) PARCELS OF LAND CONSISTING OF A TOTAL OF 13.76 ACRES; INDIVIDUALLY OWNED, LOCATED AT 3578, 3672 AND 3864 COCONUT ROAD, 3579, 3582, 3625, 3629 AND 3901 DAVIS ROAD, 3512, 3537, 3538, 3551, 3562, 3574, 3588, 3589 AND 3601 HUNT ROAD, 3808, 3825, 3901 AND 3902 LAKEWOOD ROAD, 103, 104, 112, 115 AND 121 PLEASANT PLACE, PLUS THE ROAD RIGHTS-OF-WAY FOR DAVIS ROAD FROM CANAL ROAD TO LAKE WORTH ROAD, FOR COCONUT ROAD FROM CANAL ROAD TO SECOND AVENUE NORTH, FOR HUNT ROAD BETWEEN COCONUT ROAD AND DAVIS ROAD AND FOR LAKEWOOD ROAD BETWEEN COCONUT ROAD AND DAVIS 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

Manager Umberger advised the Council these properties were generally located in the area south of Mercurio Drive, north of a line located 100 feet north of Montante Boulevard, east of Coconut Road and west of Davis Road. These annexations were a result of the Village's sewer installation project in this area. The properties were contiguous to the Village on the north, south and east. The land use and rezoning designations would remain in the County until later this year. The Land Development Board recommended approval of this request at their regular meeting on August 8, 2006.

Mayor Davis stated this was a public hearing and asked for questions or comments from the Council and the public. Hearing none, Village Attorney Roselli read the ordinance by title. A motion to adopt on first reading was made by Council Member Osborne and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

This item will be continued to September 14, 2006 Agenda

17. ORDINANCE NO. 2006-46 (FIRST READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF .80 ACRES OWNED BY M.I.M. INC.; LOCATED OFF CONGRESS AVENUE, EAST OF LARK ROAD FRONTING PRAIRIE

ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO MEDIUM 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 MULTI-FAMILY RESIDENTIAL 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

REGULAR AGENDA

ACTIONS AND REPORTS

18. Palm Springs VFW and Ladies Auxiliary retiring of three Village flags and presentation of new flags

The Commander of the Palm Springs VFW, along with representatives for the Men's and the Ladies Auxiliary Post 4360 presented Mayor Davis, on behalf of the Village, with three new American flags and POW flags to replace flags being retired. Chris Brown, on behalf of the VFW, also thanked the Mayor and Council for the great July 4th event, which was of collateral benefit to both the Village and the VFW. The VFW and the Village were also working on another joint effort to supply food to working Village employees in the event of any hurricanes due to the fact that the VFW had gas kitchen equipment. Mayor Davis thanked the members of the VFW for the flags and for all their assistance to the Village.

19. Appointment to Library Board

Staff: Virginia Walton, Village Clerk

Mayor Davis stated that due to the resignation of Marian Roedel, there was a regular member vacancy on the Library Board. One application had been received by Paul Harding, 100 Village Green Circle East. A motion to appoint Paul Harding to the unexpired term until April 24, 2008, was made by Vice Mayor Waller and seconded by Council Member Brinkman. Motion carried 5 – 0.

VILLAGE COUNCIL COMMENTS

Vice Mayor Waller commented that the Annual League Conference was very interesting.

Council Member Brinkman advised the Council that on August 30th @ 1:00 PM the Treasure Coast Regional Planning Council was having a kick off meeting for the Urban

Redevelopment Study. Traffic Concurrency would a major topic.

Mayor Pro Tem Smith stated that she had attended the joint meeting of the County League and the County Commission along with Land Development Director Lowe. The affordable housing issue and John Prince Park as a Distribution Center for this hurricane season were discussed. Also Commissioner Newell had a program for the cities to take ownership of certain County roads. Lake Worth would be taking ownership of 10th Avenue North east of I-95.

Mayor Davis announced the next Local Planning Agency Meeting at 7:15 PM and the Regular Council Meeting and First Budget Hearing at 7:30 PM on September 14, 2006.

ADJOURNMENT

Hearing no further business, Mayor Davis adjourned the meeting at 7:52 p.m.

Respectfully submitted,

Village Clerk

Approved by Council _____

Mayor