

**VILLAGE OF PALM SPRINGS
VILLAGE COUNCIL MINUTES
REGULAR MEETING, COMMUNITY ROOM, SEPTEMBER 28, 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.

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: item #12 was continued to Oct. 26, 2006 agenda
Item #13 was continued to Oct. 12, 2006 agenda
Item #15 language amended to reflect ownership change
Item #17 was continued to Oct. 12, 2006 agenda
Item #25 was continued to Oct. 12, 2006 agenda
Item #26 was continued to Oct. 12, 2006 agenda

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

CONSENT AGENDA

1. **Minutes of Regular Council Meeting on September 14, 2006**
2. **Leisure Services Budget Amendment in the amount of \$156,000 from the Council Contingency Fund to match grant funds for the construction of the Summer Street Park and improvements to the Village Center Ballfield Complex as a result of Hurricane Wilma.** Staff: Bill Golson, Leisure Services Director
3. **Library Budget Amendment in the amount of \$8,800.00 from the Council Contingency Fund to cover salaries and wages through the end of this fiscal year.** Staff: Elena Romeo, Library Director
4. **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

5. RESOLUTION NO. 2006-80 (CONTRACT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING MODIFICATION NUMBER 3 TO TASK ORDER NO. 91 WITH TLC DIVERSIFIED INC. FOR A CREDIT IN THE AMOUNT OF \$18,712.32; AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

6. RESOLUTION NO. 2006-86 (EASEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ACCEPTING AN EASEMENT DEED FROM THE LAKEWOOD HOMEOWNERS ASSOCIATION AS REQUIRED FOR EXPANSION OF WATER AND SANITARY SEWER SERVICES; PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE. Staff: Bill Davis, Public Service Director

7. RESOLUTION NO. 2006-87 (CONTRACT)

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA APPROVING A LABOR AGREEMENT WITH THE NATIONAL CONFERENCE OF FIREMEN AND OILERS (NCFO) AND SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), FOR THE PERIOD OF OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2009; AUTHORIZING EXECUTION OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Staff: Karl E. Umberger, Village Manager

8. RESOLUTION NO. 2006-88 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR, VILLAGE MANAGER AND PUBLIC SAFETY DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES, PURSUANT TO SECTION 23.1225 FLORIDA STATUTES, ET SEQ, FOR THE PURPOSE OF CONTINUING PARTICIPATION IN THE MULTI-AGENCY VIOLENT CRIMES TASK FORCE, PURSUANT TO SECTION II OF THE COMBINED MUTUAL AID AGREEMENT, AS DEFINED IN SECTION 252.34, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Staff: Jay C. Pickens, Public Safety Director

9. RESOLUTION NO. 2006-90 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT FOR THE COLLECTION OF SOLID WASTE WITH WASTE MANAGEMENT INC., OF FLORIDA, A FLORIDA CORPORATION D/B/A WASTE MANAGEMENT OF PALM BEACH FROM OCTOBER 1, 2006 TO SEPTEMBER 30, 2007; AND PROVIDING AN EFFECTIVE DATE. Staff: Virginia Walton, Village Clerk

10. RESOLUTION NO. 2006-91 (AGREEMENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT FOR THE COLLECTION OF SOLID WASTE WITH REPUBLIC SERVICES OF FLORIDA, L.P. D/B/A SUNBURST SANITATION CORPORATION FROM OCTOBER 1, 2006 TO SEPTEMBER 30, 2007; AND PROVIDING AN EFFECTIVE DATE. Staff: Virginia Walton, Village Clerk

11. Approval of Property, Casualty, Liability and Workers Compensation Insurance Renewal. Staff: Virginia Walton, Village Clerk

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

PUBLIC COMMENT - None

PUBLIC HEARINGS

This item will be continued to 10/26/06 agenda

12. RESOLUTION NO. 2006-70 (HIGH POINT ON CONGRESS SITE PLAN)

This item will be continued to 10/12/06 agenda

13. RESOLUTION NO. 2006-76 (CABRERA SUBDIVISION PRELIMINARY PLAT)

14. RESOLUTION NO. 2006-81 (AMENDED SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA APPROVING WITH CONDITIONS, THE APPLICATION OF ROBERT W. JOHNS, AGENT FOR THE OWNER GUARDIAN AMERICAN HOMES, LLC, FOR AMENDMENT TO SITE PLAN REVIEW (SPR 01-05), REQUESTING TO MOVE PARKING LOT ISLANDS TO ACCOMMODATE STREET LIGHTING AND TO CHANGE THE PERIMETER WALL TO MODIFIED PVC FENCING, TO THE PLAN FOR CONSTRUCTION OF 30 TOWNHOUSE UNITS ON 2.85 ACRES LOCATED 1827 ALICE AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was published in the Lake Worth Herald on September 7, 2006. There were no ex parte communications disclosed. Robert Johns and Bob Severn were sworn in to give testimony. At the request of the Land Development Board, Mr. Johns produced three signed letters from surrounding residents that they were in favor of the project. The letters were given to the Clerk. Mr. Johns stated that the previous owner had requested and 8 foot concrete wall, which they felt would create a tunnel and unpleasing esthetic look to the project; and they would like to change to a 6 foot PVC fencing.. Director Lowe advised the Council that the Land Development Board had also requested that a line item be added to the Homeowners Association documents to have funds available for fencing repairs. The applicant agreed.

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 was made by Council Member Osborne and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

15. RESOLUTION NO. 2006-82 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA APPROVING WITH CONDITIONS, THE APPLICATION OF CARLOS M. GONZALEZ, AGENT FOR THE OWNER, BUENA VISTA HOMES OF THE PALM BEACHES INC., FOR SITE PLAN REVIEW (SPR 06-09)), FOR CONSTRUCTION OF A 24-UNIT TOWNHOME PROJECT ON 2.18 ACRES LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF 2ND AVENUE NORTH AND DAVIS ROAD; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was published in the Lake Worth Herald on September 7, 2006. There were no ex parte communications disclosed. Hector Sardina was sworn in to give testimony. Manager Umberger stated there was and ownership change just this past week and the resolution reflected the change of owner to Marbella at Palm Springs LLC. Manager Umberger advised the Council that future expansion of four units was accommodated on the plan in the event more land or a density bonus was acquired; however, any expansion would require the applicant to return for a site plan amendment. Mr. Sardina stated he had agreed with all items in Exhibit A. Council Member Brinkman wanted to know if the homes had three cars, where would they park. Mr. Sardina replied that one would go in the garage, one on the driveway and the third car would use a guest space.

Council Member Brinkman asked that condition #32 be revised to state that this be written in the condominium documents.

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 conditions and revised condition #32, was made by Council Member Brinkman and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

16. RESOLUTION NO. 2006-83 (SITE PLAN – QJ)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF FLORIDA CONCEPTS INC., AGENT FOR THE OWNER, GOLD COAST FEDERAL CREDIT UNION AND GOLD COAST EDUCATIONAL FEDERAL CREDIT UNION; FOR SITE PLAN REVIEW (SPR 06-10) AND A SPECIAL EXCEPTION USE (PSSE 06-02) FOR A 2,756 SQUARE FOOT EXPANSION OF THE EXISTING FINANCIAL INSTITUTION BUILDING, THE ADDITION OF TWO DRIVE-THRU AISLES, THE RECONFIGURATION OF THE EASTERN AND WESTERN DRIVEWAYS ON MEADOW ROAD, AND THE ADDITION OF PARKING SPACES ON TWO PARCELS TOTALING 2.983 ACRES, LOCATED AT 2226 CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

Village Clerk Walton advised the Council that notice of public hearing was published in the Lake Worth Herald on September 7, 2006. Council Member Brinkman disclosed that she was an employee for the company that was serving as agent for the applicant and would not participate or vote on this item. Colleen Walter, Kilday and Associates, was sworn in to give testimony. Manager Umberger advised the Council that Exhibit "A" contained underlined and strikethroughs to indicate recommendations from the Land Development Board. Ms. Walters requested that item #22 be deleted and stated the car sales were only two times per year for approximately four hours and the vehicles were not stored on site. After discussion between the Applicant, the Council and staff, item #22 was revised to limit car sales to twice a year and the applicant would obtain a permit from the Village.

On the subject of the generator location, Ms. Walter stated she had spoken to the owners and they had agreed to relocate the generator and replace the chain link fencing around the generator with an eight foot concrete enclosure, which their engineers felt would alleviate the noise conditions affecting the neighbors. Also, item #21 had been revised to limit how often the generator could be tested and during what hours the testing was allowed. Council Member Osborne suggested the exhaust muffler system on the generator be lowered below the wall. The applicant did not feel that the generator needed to be replaced with a newer one. The six foot wall along the north and east property line abutting the residential homes on Bermuda Road would be constructed before work commenced at the site. There would be a landscape buffer on

the outside of the wall. Director Lowe commented that the photometric plan submitted that day did not comply with Palm Beach County Code. The applicant agreed to review and correct the plan. Item #20 would be amended to reading lighting must be in compliance with Palm Beach County Code. Hearing no further comments from Council, Mayor Davis stated this was a public hearing and asked for questions or comments from the public.

Mike Sousa, 2143 Bermuda Road, supplied two photos of the generator in questions and stated he did not feel the eight foot wall would be sufficient to eliminate the noise problem. When the generator was tested now, the decibel level was like an airplane landing. Mr. Sousa requested a noise meter be used to test the decibel level of the generator. Also, their road already had a drainage problem and he felt this construction work would make the problem worse.

Jacob Debiec, 2213 Bermuda Road, stated he did not feel the enclosure would buffer the noise enough. Also, the car sales blocked traffic on Bermuda and Meadow Road. This was a credit union, not a car dealership and he did not want the car sales.

John Degnan, Meadow Road, stated he had attended the Land Development Board meeting and he had understood then that they had agreed with a wall on Bermuda because landscaping deteriorates and after a while you can see through it. He also agreed with the comments on the car sales.

Ana Debiec, 2213 Bermuda Road, asked to see where the generator would be relocated to on the plan, as well as the wall and landscape buffer. She felt the plan still opened on Bermuda and it would not be safe for people walking. She wanted to know if the generator could be moved to the other side by Congress Avenue.

Donna Barnett, 2114 Bermuda Road, stated she lived on the other side of the street and she can hear the generator when it is on and it rattles her windows even from that distance.

Cosme Vidal, Meadow Road stated he lived across from the side on Meadow Road and wanted to know if they could also put a wall along Meadow Road since he did not want to look at a parking lot.

Ms. Walter responded to the comments. There was no wall along Meadow, but there would be hedges. Ms. Walter suggested areca palms were being used along the frontage of Bermuda and Meadow, as they were a good hedge. It was suggested that the same could be used and allowed to grow tall to screen the vehicles. The wall would create a security issue for the credit union. With regard to the generator, the engineers felt the eight foot wall would buffer the sound, but she agreed to the edible

test when the generator was relocated. They would then make adjustments if the decibel level did not meet codes. Ms. Walters stated that their drainage plan complied with all codes and there would be no run off onto Bermuda Road. The light fixtures in question would be replaced with shoebox fixtures to reflect the light down.

Mayor Davis stated he would like to see the conditions on the exhibit revised or added to reflect all the items brought up tonight. The areca palms on the East and South boundaries was a good idea. Add that if this creates a problem down the road, a resolution would need to be addressed. Also the decibel level test was a good idea. Use the Village's gun.

Hearing no further comments, 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 was carried 4 – 0.

This item be continued to 10/26/06 agenda

17. RESOLUTION NO. 2006-84 (PEOPLE WITHOUT WALLS CHURCH SITE PLAN)

18. 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; PROVIDING THAT THE ANNEXATION IS SUBJECT TO THE ANNEXATION AGREEMENT ENTERED INTO AND ACCEPTED THROUGH RESOLUTION NO. 2006-65 ON SEPTEMBER 14, 2006; 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

Village Clerk Walton stated that public notice was placed in the Lake Worth Herald on July 6 and July 13, 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 Brinkman and seconded by Mayor Pro Tem Smith. A roll call vote was in favor of adoption 5 - 0.

19. ORDINANCE NO. 2006-44 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A VACANT PARCEL OF LAND CONSISTING OF ONE ACRE OWNED BY DAREBECAFE INVESTMENT CORPORATION; LOCATED AT THE SOUTHEAST CORNER OF COCONUT ROAD AND LAKE WORTH ROAD, WEST OF DAVIS ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING THAT THE ANNEXATION IS SUBJECT TO THE ANNEXATION AGREEMENT ENTERED INTO AND ACCEPTED THROUGH RESOLUTION NO. 2006-69 ON SEPTEMBER 14, 2006, AND INCORPORATED HEREIN BY REFERENCE; 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 September 7 and September 13, 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 Waller and seconded by Council Member Osborne. A roll call vote was in favor of adoption 5 – 0.

20. ORDINANCE NO. 2006-51 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING ONE PARCEL OF LAND CONSISTING OF 5.36 ACRES; OWNED BY SUMMIT CONGRESS PLAZA LLC, LOCATED AT 865 SOUTH CONGRESS AVENUE; AND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING THAT THE ANNEXATION IS SUBJECT TO THE ANNEXATION AGREEMENT ENTERED INTO AND ACCEPTED THROUGH RESOLUTION NO. 2006-79 ON SEPTEMBER 14, 2006; 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 September 7 and September 13, 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 Brinkman and seconded by Mayor Pro Tem Smith. A roll call vote was in favor of adoption 5 – 0.

21. ORDINANCE NO. 2006-52 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA AMENDING ORDINANCE NO. 2005-29 ADOPTED OCTOBER 27, 2005; PROVIDING FOR A REVISED AND RESTATED GENERAL EMPLOYEES MUNICIPAL PENSION TRUST FUND; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. Staff: Karl E. Umberger, Village Manager

Village Clerk Walton stated that public notice was placed in the Lake Worth Herald on September 7 and September 13, 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. Phil Ralya, 130 Coco Palm Lane, stated as a twenty-four year employee of the Village, he wanted to thank the Council for this improvement to the pension plan. Hearing no further comments, a motion to adopt on second reading was made by Vice Mayor Waller and seconded by Council Member Joni Brinkman. A roll call vote was in favor of adoption 5 – 0.

22. ORDINANCE NO. 2006-49 (SECOND READING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES IN AND FOR THE VILLAGE OF PALM SPRINGS, FLORIDA FOR FISCAL YEAR 2006/2007; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff: Rebecca Morse, Finance Director

Village Clerk Walton stated that public notice was placed in the Lake Worth Herald on September 14, 2006 and the Palm Beach Post on September 25, 2006. Mayor Davis stated the operating millage rate would be \$4.7714 and the voted debt service millage rate would be \$0.6657, per \$1,000 of assessed value, for a total millage rate of \$5.4371. 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. Victor Stancati, 12078 76th Road N., West Palm Beach, stated he had retired and relocated from New Jersey because he thought his taxes would be lower and they had gone from \$1300 per year to \$4100 this year and he stated if something wasn't done he would have to move out of Florida. Mayor Davis stated the Village had a track record for trying to keep our millage rates low, but property values were continuing to go up and that would mean higher taxes. He had paid fair market value and was not part of "Save our Families" program, so his taxes and insurance would go up as well. Only he could decide if the Florida sunshine was worth it. Mayor Davis thanked him for his comments.

Hearing no further comments, a motion to adopt on second reading was made by Council Member Osborne and seconded by Vice Mayor Waller. A roll call vote was in favor of adoption 5 – 0.

23. ORDINANCE NO. 2006-50 (SECOND READING)

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff: Rebecca Morse, Finance Director

Village Clerk Walton stated that public notice was placed in the Lake Worth Herald on September 14, 2006 and the Palm Beach Post on September 25, 2006. Mayor Davis stated the total budget would be \$25,526,863, comprised of the General Fund budget of \$12,876,230; the Debt Service budget of \$517,795, and a budget for the Water and Sewer Enterprise Fund of \$12,132,838. 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 no comments, a motion to adopt on second reading was made by Council Member Brinkman and seconded by Mayor Pro Tem Smith. A roll call vote was in favor of adoption 5 – 0.

24. 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 THAT THE ANNEXATION IS SUBJECT TO THE ANNEXATION AGREEMENT ENTERED INTO AND ACCEPTED THROUGH

RESOLUTION NO. 2006-66 ON SEPTEMBER 14, 2006 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 the property was contiguous to the Village with the Comprehensive Care property to the north. Since the property was greater than 10 acres, the land use and zoning change would be included in the Cycle I 2007 large scale amendment. The Land Development Board had recommended approval at their meeting on September 12, 2006. There were no comments from Council or staff. Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Roselli read the ordinance by title. A motion to adopt on first reading was made by Council Member Brinkman and seconded by Mayor Pro Tem Smith. Motion carried 5 – 0.

This item will be continued to the October 12, 2006 agenda

25. ORDINANCE NO. 2006-46 (M.I.M. INC. ANNEXATION)

This item will be continued to the October 12, 2006 agenda

26. ORDINANCE NO. 2006-47 (MIN. HOUSING STANDARDS)

REGULAR AGENDA

ACTIONS AND REPORTS – None scheduled

VILLAGE COUNCIL COMMENTS

Council Member Brinkman commented that she had read the fire station at 2nd Avenue and Davis Road was closed. How would the County service our area if it remained closed? Also, was there any idea of how many calls would require the Village going outside our area. Manager Umberger replied the Chief Pickens was in active negotiation with the County and the agreement would be brought to a workshop for discussion. The fire station was closed for remodeling and repairs due to mold issues and would reopen. The County was using Station 46 and the station in Greenacres at Haverhill. With regard to inside and outside calls, the present talks were that for every two calls inside for them, the Village would have one call outside. Part of the negotiations were to limit the area we would respond to outside the Village. There

would be some reorganizing of our command structure internally around April 1, 2007, to meet County requirements.

Mayor Davis commented that Manager Umberger and Chief Pickens would do their best to negotiate as good an agreement as was possible; but the bottom line was we were negotiating with the devil, so to speak, and we really had no choice. Come October 2007, either we complied or we would pay the price.

ADJOURNMENT

Hearing no further business, the meeting was adjourned at 8:52 pm.

ADJOURNMENT

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

Respectfully submitted,

Village Clerk

Approved by Council_____

Mayor