

MINUTES
REGULAR MEETING OF THE
WELLINGTON VILLAGE COUNCIL

February 25, 2003
7:00 p.m.

Pursuant to the foregoing notice, a Meeting was held of the Wellington Village Council on February 25, 2003 at 7:00 p.m. at the Wellington Community Center, 12165 W. Forest Hill Boulevard, Wellington, Florida.

Council Members present were: Thomas M. Wenham, Mayor, Linda Bolton, Vice Mayor, Dr. Carmine A. Priore, Councilman, Mark Miles, Councilman, and Lizbeth Benacquisto, Councilwoman. Advisors to the Council were: Charles Lynn, Village Manager, Christine Tatum, Attorney, Awilda Rodriguez, Village Clerk and Kathy Tatgenhorst, Deputy Village Clerk.

Call to Order:

Mayor Wenham called the Meeting to order.

Pledge of Allegiance

Invocation:

Pastor Tim Christenson, of Wellington Presbyterian Church, was unable to attend; however, Associate Pastor Dave Auckerman was present to deliver the invocation

Approval of Agenda:

Mayor Wenham stated that because many residents were present concerning an issue that had arisen in Binks Forest, he asked that they address that issue first.

Mayor Wenham apologized to those present who had been subjected to unsubstantiated rumors concerning the possible sale and rezoning of the Binks Forest Country Club Golf Course. He stated that many residents had received false information that the Council would be considering a rezoning of the golf course that evening. He proceeded to assure the crowd that a rezoning on that property would not

happen as long as he served on the Village Council. He asked Village Staff to review the procedure that would be required prior to rezoning that property.

Paul Schofield, Director of Planning, Zoning and Building, addressed the Council and residents. He stated that no rezoning applications had been received on the Binks Forest Golf Course. He stated that there were several layers of protection for a rezoning, one being the Comprehensive Plan. In order to change the density on that property, a Comprehensive Plan Amendment would be required, which would be a lengthy process. A change in density would require four affirmative votes of the Village Council and with the required public hearings would take the better part of a year. He stated that applications could be submitted for anything; however, there were many control devices in place. He added that, despite rumors to the contrary, a cemetery could not be developed on that property.

In response to a question from the Council, Attorney Tatum stated that the property was owned by Tartar Acquisitions and that a foreclosure had been filed. She added that the Court had ordered a final judgment on the property and requested that the property be put up for public auction on March 6, 2003.

Jeff Kurtz, Interim Village Attorney, stated that the Legal Department had conducted research on the property and that as far as they could determine Marine Funding no longer had an interest in the property.

Alan Zangen, an attorney and a resident of Binks Forest, addressed the Council. He requested that the Council individually express their feelings about rezoning the golf course.

Councilwoman Benacquisto stated that she was opposed to a rezoning of that property.

Councilman Priore stated that he would be against a rezoning on that property.

Vice Mayor Bolton stated that she would not support a rezoning. She stated that the Village was growing quickly and that she would like to preserve the open space as much as possible.

Councilman Miles stated that he would not support a zoning change.

In answer to a question from Mr. Zangen, Mr. Kurtz stated that a purchase of the golf course would be premature in that there were no current appraisals on the property.

Mr. Zangen stated that they were also concerned about the property lying dormant. He felt that the Village should give some type of assistance or incentives to the purchasers of the golf course to ensure that it continue to operate in that capacity.

Public Comment:

The following individuals spoke before the Council and asked that a rezoning of the golf course not be considered: Howard Kleinman, Edward Smith, Joanne Hamel, Ryan Miller, Gina Riscati, Eugene Traub.

The following individuals asked filled out written comment cards and asked that the Council not support a rezoning of the property: Theresa & Frank Ventriglio, Stan Epstein, Debra Epstein, Arlene Romano, Jerry Radder, Derrold Best, Gloria Gatto, Tamara Clark and Fatemeh Shawns.

Mayor Wenham thanked residents for attending the meeting and once again apologized for the misinformation they were given throughout the day.

I. Presentations & Proclamations

A. Proclamation Designating Jim Sackett Field at Village Park.

Mr. Lynn read the Proclamation.

Mayor Wenham stated that Mr. Sackett had indicated that he could not attend, but wished to express his gratitude to the Council for honoring him.

A motion was made by Councilman Priore, seconded by Councilwoman Benacquisto and unanimously passed approving the Proclamation designating Jim Sackett Field at Village Park.

B. Proclamation Recognizing the Junior Achievement Program.

Mr. Lynn read the Proclamation.

Kathy Foster, representing Junior Achievement, accepted the Proclamation and made a brief presentation to the Council.

A motion was made by Councilman Priore, seconded by Councilwoman Benacquisto and unanimously passed approving the Proclamation recognizing the Junior Achievement Program.

C. Providencia Award

Dean Turney, of the Wellington Equestrian Alliance, addressed the Council. He asked the Council to support the nomination of Eugene Mische, of Stadium Jumping, for the Providencia Award.

A motion was made by Councilman Priore, seconded by Vice Mayor Bolton and unanimously passed to support the nomination of Eugene Mische for the Providencia Award.

II. Public Hearings

- A. ORDINANCE NO. 2003-03 (Public Hearing and First Reading)
AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO ENFORCEMENT OF CODES; REPEALING ARTICLE 14 OF THE UNIFIED LAND DEVELOPMENT CODE; CREATING A NEW ARTICLE 14 OF THE UNIFIED LAND DEVELOPMENT CODE ENTITLED "ENFORCEMENT PROCEEDINGS AND PENALTIES"; AMENDING SECTION 7(I) OF THE UNIFIED LAND DEVELOPMENT CODE; AMENDING SECTION 9.3 OF THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lynn stated that this was the First Reading and Public Hearing of Ordinance No. 2003-03 providing for a Zoning Text Amendment. The intent of this amendment was to amend the Village's ULDC to delete unnecessary provisions or terms, to correct conflicts with the Code of Ordinances and to provide the correct Committee names and Village personnel titles.

Paul Schofield, Director of Planning and Zoning, addressed the Council. He stated that the Planning and Zoning Division staff was working to make the ULDC a more "user friendly" and efficient document. A significant amount of this material had already undergone an extensive revision and the proposed amendments were the next step.

He added that at its February 6, 2003 meeting, the PZAB voted unanimously to recommend approval of Ordinance No. 2003-03, as presented by staff.

A motion was made by Vice Mayor Bolton, seconded by Councilman Miles and unanimously passed to open the Public Hearing.

There being no public comment, a motion was made by Councilman Miles, seconded by Vice Mayor Bolton and unanimously passed to close the Public Hearing.

A motion was made by Vice Mayor Bolton, seconded by Councilman Miles and unanimously passed approving the First Reading of Ordinance No. 2003-03.

- B. RESOLUTION NO. R2003-10 (Public Hearing)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA APPROVING THE DEVELOPMENT ORDER AMENDMENT FOR THE FOREST HILL WELLINGTON EAST PUD LOCATED SOUTH OF FOREST HILL BOULEVARD, WEST OF THE FLORIDA TURNPIKE, EAST OF THE PROPOSED LYONS ROAD, AND

NORTH OF THE LAKE WORTH DRAINAGE DISTRICT L-10 CANAL, AS DESCRIBED MORE PARTICULARLY HEREIN, TO MODIFY CERTAIN CONDITIONS OF APPROVAL AND TO APPROVE A REQUESTED USE FOR GASOLINE PUMPS; AND PROVIDING AN EFFECTIVE DATE. (2000-06 MPA4 VILLAGEWALK OF WELLINGTON)

Caryn Gardner-Young, Planner, made a brief presentation. She stated that the Master Plan Amendment and Requested Use proposed the addition of two gasoline pumps at the Town Center convenience store. The gasoline pumps would be located behind the private gates of the development, and they were meant to service only the residents of the development. The general public would not have access to the pumps and the ownership of the gasoline station would be turned over by the Developer to the Homeowner's Association.

At its February 6, 2003 meeting, the Planning, Zoning and Adjustment Board voted to recommend approval of R2003-10, as presented by Staff, with two revisions to the number of housing units in the Resolution. On page 4, #2 a: change 614 single-family and zero lot line dwelling units to 610; page 4, #2 b: change 340 multi-family dwelling units as duplexes or townhouses to 344. The Board also asked that Staff investigate the County's handling of real estate offices within gated communities, and that the information gathered be forwarded to the Village Council.

Council Member Miles expressed concerns over the co-location of gas station tanks and the Village's major well-fields. He asked that maximum protections be put in place so that the Village's well fields were not at risk.

Mr. Schofield stated that they would write into the agreement that double tanks would have to be used and the applicant had agreed to accept these conditions on their permit.

Ms. Tatum stated that this was a quasi-judicial hearing and proceeded to swear in all those who would be providing testimony.

Chris Chew, representing the Applicant, addressed the Council. He stated that the architectural design of the gas station would be consistent with other structures in the development.

Councilman Priore stated that he had received many calls in the past from residents who complained about high gas prices throughout the community. He urged the homeowner's association to keep prices competitive.

A motion was made by Councilman Priore, seconded by Vice Mayor Bolton and unanimously passed to open the Public Hearing.

There being no public comment, a motion was made by Councilman Priore, seconded by Vice Mayor Bolton and unanimously passed to close the Public Hearing.

Ms. Tatum requested that the Council disclose all ex parte communications.

Each Council Member stated that they had spoken with Staff regarding this issue.

A motion was made by Councilman Priore, seconded by Councilman Miles and unanimously passed to approve R2003-10, as presented.

III. Introduction & First Reading of Ordinances – None.

IV. Consent Agenda

Mayor Wenham presented the Consent Agenda, as follows:

- C1. Minutes of the January 28, 2003 Regular Council Meeting.
- C2. Certificate of Correction for the Non-Ad Valorem Assessment Roll for Fiscal Year 2002/2003.
- C3. Budget Amendments:
 - #2003-02-03, Clarke Mosquito Control (\$20,535).
 - #2003-02-02, Lake Wellington Professional Center Litigation Settlement Payment (\$92,000).
- C4. Award of Bid: Lake Excavation for Village Park Water Re-Use Lake (\$134,087).
- C5. Acceptance of Developer Contributed Assets:
 - A. RESOLUTION NO. R2003-44 (Equestrian Club Phase III)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING DEVELOPER-CONSTRUCTED OFF-SITE IMPROVEMENTS TO THE EQUESTRIAN CLUB PHASE THREE OFF-SITE WATER MAIN FROM BRIGHTON AT WELLINGTON, L.C.; AND PROVIDING AN EFFECTIVE DATE.
 - B. RESOLUTION NO. R2003-45 (Anthony Groves)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING DEVELOPER-CONSTRUCTED OFF-SITE IMPROVEMENTS TO PHASE 1C OF

ANTHONY GROVES PHASE ONE FROM TRANSEASTERN PROPERTIES, INC.; AND PROVIDING AN EFFECTIVE DATE.

- C. RESOLUTION NO. R2003-46 (Bink's Forest Commercial Center)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING DEVELOPER-CONSTRUCTED OFF-SITE IMPROVEMENTS TO THE BINK'S FOREST COMMERCIAL CENTER FROM LAKE WELLINGTON PROFESSIONAL CENTER, INC.; AND PROVIDING AN EFFECTIVE DATE.

C6. Grant of Easements:

- A. RESOLUTION NO. R2003-42 (Wellington Regional Medical Center)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING AN EXCLUSIVE EASEMENT FROM WELLINGTON REGIONAL MEDICAL CENTER, INC. FOR THE PURPOSE OF INSTALLING AND MAINTAINING UTILITIES ON THE PROPERTY KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER; AND PROVIDING AN EFFECTIVE DATE.

- B. RESOLUTION NO. R2003-43 (Wellington Medical Arts Pavilion)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING AN EXCLUSIVE EASEMENT FROM WELLINGTON REGIONAL MEDICAL CENTER, INC. FOR THE PURPOSE OF INSTALLING AND MAINTAINING UTILITIES ON THE PROPERTY KNOWN AS WELLINGTON MEDICAL ARTS PAVILION; AND PROVIDING AN EFFECTIVE DATE.

- C. RESOLUTION NO. R2003-51 (Versailles)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING A WELL SITE AND ACCESS EASEMENT FROM TRANSEASTERN PROPERTIES, INC. CONVEYING A PERPETUAL EASEMENT FOR THE PROPERTY KNOWN AS VERSAILLES; AND PROVIDING AN EFFECTIVE DATE.

- C7. RESOLUTION NO. R2003-41 (Buena Vida Final Plat)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING AND APPROVING THE FINAL PLAT KNOWN AS BUENA VIDA; AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE PLAT; AND PROVIDING AN EFFECTIVE DATE.

C8. Council Appointments to Boards and Committees.

Mr. Lynn stated that he had received a request from several Council Members to remove Item C8 from the Consent Agenda and to bring it forward at a later date.

A motion was made by Councilman Priore, seconded by Vice Mayor Bolton and unanimously passed approving the Consent Agenda, as amended.

V. Regular Agenda

R1. RESOLUTION NO. R2003-11

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY TO UNDERTAKE CERTAIN STREET IMPROVEMENTS, PARTICULARLY RECONSTRUCTION AND RESURFACING OF 12TH FAIRWAY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lynn stated that the Village had become aware of significant parking concerns at Wellington High School. The students who drive were parking in the Publix shopping center and walking to the high school. This was causing a safety concern for the students and a parking concern at the shopping center.

Commissioner Masilotti attended the December 10, 2002, Council meeting and received conceptual approval by Council to allow his staff to work with the County Engineering Department and recommend improvements be made on the open area at Wellington High School to allow for 150 more parking spaces. He stated that he could make funding available to the Village for resurfacing programs if the Village chose to use their saved dollars from the resurfacing programs to complete the parking area at the high school. Council unanimously passed the motion to move forward with the parking improvements at the high school.

The Village would use \$130,000 from reserves to complete the parking area at the high school. The County would pay the Village \$100,000 to offset resurfacing costs at 12th Fairway. The originally budgeted funds for the 12th Fairway Project would be re-deposited into the reserve account, making the net effect of reserves \$30,000, once the monies are actually received from the County.

At its September 24, 2002 meeting, Council approved the roadway reconstruction of the 12th Fairway.

A motion was made by Councilman Priore, seconded by Councilman Miles and unanimously passed approving Resolution No. R2003-11, as presented.

R2. Birkdale Site:

RESOLUTION NO. R2003-34

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AND RECORD A RESTRICTIVE COVENANT FOR A PORTION OF THE "BIRKDALE PROPERTY"; AND PROVIDING AN EFFECTIVE DATE.

- Change Order to PJ's Land Clearing for Demucking (\$30,000).
- Emergency Purchase to Provide Fill from the Black Diamond Site for Fill for the Birkdale School Site (not to exceed \$405,000).
- Budget Amendment #2003-02-05 (\$175,000).

Mr. Lynn stated that as part of the Interlocal Agreement with the School Board of Palm Beach County, the Village agreed to obtain conceptual permits for the "school pad" portion of the Birkdale property from SFWMD and the ACOE and to remove the vegetation, demuck and fill the site. There were three items included on the agenda to fulfill the Village's obligations under the Interlocal Agreement.

- **Permitting.** The Village received the SFWMD permit in late 2002 and purchased 5.7 mitigation credits in the Loxahatchee Mitigation Bank. The ACOE permit was issued on January 23, 2003. Special Condition #6 of that permit required the Village to execute a legally sufficient restrictive covenant over an 8.4 acre wetland portion of the Birkdale property. The Restrictive Covenant would satisfy that condition and ensure that the wetlands were perpetually maintained, while allowing such uses as trails, boardwalks and educational facilities.
- **Demucking.** The Village has contracted with PJs Land Clearing to remove vegetation from the school site at Birkdale. The contractor has agreed, as a change order to their existing contract, to perform demucking of the site, at a cost not to exceed \$30,000.00.
- **Fill.** The Village was also required to fill the Birkdale School Site. The fill was available only for a short period of time. Accordingly, the Village needed to move forward quickly to get the site prepared for construction. Centerline Homes had offered to provide and place the fill at a maximum price of \$4.05/yd, not to exceed \$405,000. It did not include removal of muck holes as that would be done by a separate contractor. Based on current cost data available, this work could cost the Village up to \$650,000.00 if done separately. Hence, the offer from Centerline Homes resulted in a savings of as much as \$245,000 and accelerated the construction timeframe. This transaction would be pursuant to the Village's Purchasing and Procurement Manual, Section 2.6, which provided for emergency purchases.

Staff recommended approval of:

- 1) The Declaration of Restriction (Resolution R2003-34);
- 2) The change order to PJs Land Clearing in the amount of \$30,000.00;
- 3) The offer from Centerline Homes to provide fill to a portion of the Birkdale School Site at a total cost of \$405,000 resulting in a potential savings of up to \$245,000 and allowing the Village to complete demucking and filling of the site no later than July 15, 2003; and
- 4) Budget Amendment #2003-02-05, in the amount of \$175,000, to provide funds for fill dirt from Black Diamond Development, as presented.

A motion was made by Councilman Miles, seconded by Vice Mayor Bolton and unanimously passed approving Staff's recommendation follows:

- 1) The Declaration of Restriction (Resolution R2003-34);
- 2) The change order to PJs Land Clearing in the amount of \$30,000.00;
- 3) The offer from Centerline Homes to provide fill to a portion of the Birkdale School Site at a total cost of \$405,000 resulting in a potential savings of up to \$245,000 and allowing the Village to complete demucking and filling of the site no later than July 15, 2003; and
- 4) Budget Amendment #2003-02-05, in the amount of \$175,000, to provide funds for fill dirt from Black Diamond Development.

R3. Post Retirement Benefits.

Mr. Lynn stated that although many private employers and a number of governmental entities provided post retirement benefits, the Village did not currently have such a program in place. The Gehring Group has done a brief survey of a sample of other Florida governments providing post retirement benefits.

Staff was seeking conceptual approval to move forward with developing a post-retirement health benefits plan—not actual approval of the plan itself. Based on Council's conceptual approval, Staff—along with the Gehrings—would put together a formal plan and related documents and funding scenarios for the Council's approval concurrent with the coming year's budget.

Kris Gehring made a brief presentation.

A motion was made by Councilwoman Benacquisto, seconded by Councilman Priore and unanimously passed requesting that further study be done regarding post-retirement benefits and that an agreement be structured that would require participation from employees.

R4. Retainer Agreement for Legal Services.

Mr. Lynn stated that the agenda materials included an engagement letter from Jeffrey S. Kurtz, Esq., of Brinkley, McNerney, Morgan, Solomon & Tatum, LLP, regarding his

representation of the Village of Wellington as Village Attorney, commencing on or about March 10, 2003.

Councilman Miles asked for a definition in writing regarding billable hours of the paralegal staff.

Mr. Kurtz stated that most of the work would be done by attorneys, however, whenever possible paralegals would be utilized.

In response to a question from Vice Mayor Bolton, Ms. Tatum stated that Mr. Kurtz would be receiving administrative support from his firm in Ft. Lauderdale.

Mr. Kurtz stated that the fees for his support staff would be included in the proposed fees.

Ms. Tatum stated that she had spoken with Bob Rosillo about remaining in his position part-time and he stated that he would remain in his current capacity. He stated that he would agree to the same hourly rates as being proposed by Mr. Kurtz.

Councilman Miles asked that a workshop be scheduled to discuss the philosophical issues pertaining to the Village's legal representation. This was discussed further.

It was the Consensus of the Council to proceed to schedule a workshop as soon as possible in April to discuss this issue.

A motion was made by Councilman Miles, seconded by Vice Mayor Bolton and passed to schedule a workshop in mid-April to discuss the Village's legal representation. Councilman Priore was opposed.

A motion was made by Councilman Miles, seconded by Councilman Miles and unanimously passed approving the Retainer Agreement for Legal Services.

R5. Process for Village Council Appointments.

Mr. Lynn stated that as previously discussed, Staff had advertised and received applications from residents interested in being appointed to fill Village Council vacancies. In accordance with the direction given by the Village Council at its meeting of February 11, 2003, Staff had prepared the proposed process for filling Village Council vacancies. Mr. Lynn proceeded to review this process. Staff was recommending that a forum be held to meet and interview the candidates. They were also recommending that a facilitator be brought in to conduct the forum.

Mr. Lynn stated that Staff was seeking Council direction on the appointment process.

Public Comment:

Mr. and Mrs. Williams submitted written comment cards requesting that Council Members be elected officials and not appointed.

George Koloff – Mr. Koloff reviewed the Village Charter regarding Council vacancies.

Terry O'Grady – Mr. O'Grady felt that a special election should be held in order to allow the electorate to fill the two seats.

Alan Medoff – Mr. Medoff asked what happened if during the 30-day time period the Council could not come to an agreement.

Ms. Tatum stated that there was no provision in the Charter for a special election and that a Charter Amendment would be required. She stated that there was a possibility that the Charter could be amended relative to the dates of an election without going to a referendum; however, there was no legal precedent and would require additional legal research. She stated that a straw vote could be conducted to receive input from the public and that a Charter amendment would not be required as the three remaining Council Members would still have the ultimate decision. She stated that there had been some contact with the Supervisor of Elections concerning the possibility of a straw vote.

Ms. Rodriguez stated that the Supervisor of Elections stated that their involvement was restricted to regular or special elections and that they would not be involved in a straw poll as the ultimate authority would still be the Council.

Councilwoman Benacquisto stated that strict requirements would be needed if the event that a straw poll was held and that she was not sure that she supported that process.

Councilman Miles stated that he was offended by the suggestion of a straw poll on several levels, one being that it was not legal or binding. He stated that that he would interview as many candidates as possible.

Ms. Tatum suggested as much of the interview process as possible be done in public.

Mr. Lynn reviewed the proposed dates of the forum.

Ms. Tatum suggested as much of the interview process as possible be done in public.

It was the Consensus of the Council to utilize a facilitator for the forum; to schedule the public forum on a night other than the regular meeting night; to use the public interview process; hold the candidate forum on a date other than the date that the applicants were appointed; applicants be sworn in the same night in which they are appointed; forum to be held on at the Wellington Community Center on March 19th; absent a run-off, the appointments could be made on March 25th.

In answer to a question from Councilwoman Benacquisto, Ms. Tatum stated that the Charter required that the Vice Mayor be seated at the first regular meeting in April.

A motion was made by Vice Mayor Bolton, seconded by Councilwoman Benacquisto and unanimously passed approving the appointment process outlined by Mr. Lynn as follows: Utilize a facilitator for the forum; schedule the public forum on a night other than the regular meeting night; use the public interview process; hold the candidate forum on a date other than the date that the applicants were appointed; applicants were to be sworn in the same night in which they are appointed; forum to be held at the Wellington Community Center on March 19th; absent a run-off, the appointments would be made on March 25th.

R6. Cable Television and Video Production of Candidate's Forum Policy.

Mr. Lynn stated that as discussed at the last Council meeting, a joint request had been received from the Palms West Chamber of Commerce and WESTPAC to broadcast a candidate's forum on February 26, 2003, at the Wellington Community Center. Staff was seeking direction from the Council regarding the request to waive all costs or fees associated with that broadcast.

In addition, Staff drafted a policy for Cable Television and Video Production of Candidate's Forums based on information gathered through research from other municipalities as was previously transmitted to the Village Council. Staff was recommending approval of the draft policy.

Councilman Miles stated that he had spoken to Donald Dufresne, Chairman of WESTPAC, and asked whether they would be endorsing candidates. Mr. Dufresne responded that his organization had discussed this issue and felt that it was more important that the forum be held and televised and therefore would not be endorsing candidates.

Councilman Miles stated that he would support the broadcast this time, but he did not wish for this to set a precedent.

A motion was made by Councilman Priore, seconded by Vice Mayor Bolton and unanimously passed approving the Policy regarding Cable Television and Video Production of Candidates Policy.

A motion was made by Councilman Miles, seconded by Councilman Priore and unanimously passed waiving the fees for the taping of the broadcast for WESTPAC and the Palms West Chamber of Commerce Candidates' Forum.

R7. RESOLUTION NO. R2003-53

AN AMENDED RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AND THE FILING OF AMENDED EMINENT DOMAIN PROCEEDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Lynn stated that Resolution No. R2003-53 amended the legal description of the Lanier property. This resolution would also clean up some of the title issues and the legal description. He added that Staff would be moving forward with the eminent domain proceeding and recommended a motion to approve Resolution No. R2003-53, as presented.

Councilman Miles stated that in page two of the Council packet, there was a chart for cost per capita. The top line indicated a \$50,000 per acre line item, or a cost per capita of \$500. He recommended that the chart be updated to create a realistic figure and send it back to the Parks & Recreation Advisory Board so that they could look at real numbers.

Ms. Tatum stated that the chart was part of the Comprehensive Plan and would require a Comprehensive Plan Amendment to be changed.

Mr. Schofield stated that they were in the process of updating the Comprehensive Plan and would like to remove the costs as the numbers reflected 1988 dollars. He stated that they would be looking at doing annual updates.

A motion was made by Councilman Miles, seconded by Vice Mayor Bolton and unanimously passed approving Resolution No. R2003-53, as presented.

- R8. Request from Wellington Rotary Club to Hold its Spring Carnival at the Wellington Green Mall Park Site.

Mr. Lynn stated that the Wellington Rotary Club was seeking permission to relocate their annual carnival from the Community Center to the Wellington Green Mall park site. Staff would not issue a Special Permit Use approval on Village owned property without the prior approval of Village Council. He explained that should Council elect to approve the change in location, the Rotary Club proposed using the site from March 17, 2003 through March 23, 2003, with events beginning on Thursday, March 20th and ending Sunday, March 23rd. The Wellington Rotary Club would be required to obtain a Special Use permit from PZAB and comply with all conditions including a condition that only security guard(s) would be allowed to stay on the site over night.

The item was on the Parks & Recreation Advisory Board's agenda on February 5, 2003 and the PRAB voted unanimously to recommend to Council that they approve the request from the Wellington Rotary Club.

A motion was made by Councilman Miles, seconded by Vice Mayor Bolton and unanimously passed authorizing the Village Manager to negotiate a use agreement with the Wellington Rotary Club allowing the use of the Wellington Green Mall park site for the Rotary's annual carnival beginning Thursday, March 20, 2003 through Sunday, March 23, 2003,

Additional Items:

Mr. Lynn stated that a request had been made by residents of Pinewood East requesting an additional speed hump in that community. He stated that traffic studies had been conducted by Staff and that they had met all of the requirements for an additional speed hump in that community. Staff was recommending approval of the installation of the speed hump contingent upon the homeowners providing 50% of the funding estimated to be \$600.

Vice Mayor Bolton that this policy be reviewed, as in essence, she felt that the Village was charging residents for a safety device. She asked that the Public Safety Committee look into this further.

Councilman Miles stated that he was glad to see that residents had taken this action. He felt that this was a safety issue specific to this community and did not feel that the general taxpayer should be responsible for the costs.

A motion was made by Councilman Miles, seconded by Vice Mayor Bolton and unanimously passed approving the additional speed hump in the Pinewood East Subdivision.

Mayor Wenham stated the Village had received a letter from Wellington Regional Medical Center asking to be annexed into the Village of Wellington.

Councilman Priore stated that he had been working on this issue for quite some time and was glad to see it come to a resolution. He also stated that the annexation of this piece of property, would allow further annexation north of the hospital.

Mayor Wenham stated that he was very pleased with the result.

Mayor Wenham stated that there were two comment cards, one from Pam Schead, of Appaloosa Trail. She asked that backyard fireworks not be allowed in the equestrian areas in the Village.

Councilman Miles asked that Ms. Tatum investigate the legal aspects regarding the use of fireworks in equestrian areas.

Mike Nelson, representing Palm Beach Polo, addressed the Council. He stated that he was concerned about an e-mail that was sent from the Vice Mayor concerning the possibility that Palm Beach Polo was making an attempt to purchase the remaining golf course in the Village. He felt that the e-mail provided incorrect information to residents and was politically motivated.

Vice Mayor Bolton responded that she had simply responded to a question asked by residents and her actions were based on information provided to her by the Village's Legal Department.

Mayor Wenham and the Village Council presented Attorney Tatum with a plaque in appreciation of the outstanding service provided to the Village Council and residents of the Village of Wellington.

Attorney's Reports:

Ms. Tatum thanked the Village Council for the opportunity to serve in the capacity of attorney for the Village of Wellington.

Manager's Reports & Updates:

Mr. Lynn stated that the Village of Wellington would be sponsoring the Palm Beach County League of Cities luncheon to be held on the following Wednesday, February 26th. He stated that Commissioner Masilotti would be speaking, and he urged the Council Members to attend.

Mr. Lynn stated that the Palms West Chamber of Commerce and WESTPAC would be holding a candidates debate the following evening beginning at 7:00 p.m. at the Wellington Community Center.

Mr. Lynn reviewed the tentative schedule for the six planned public safety forums, the first of which would be held on Thursday, February 27th at 7:00 p.m. at Wellington High School. He stated that the other dates would be released as soon as they were finalized.

Mr. Lynn stated that the Minto groundbreaking would be at Minto Park, Friday, February 28th; the dedication of the new fire station on Greenvue Shores Boulevard on March 1st at 10:00 a.m.; the roller hockey rink dedication would be held on Saturday March 1st at 5:00 p.m. at Village Park; the dedication of the bridge for Palm Beach Little Ranches would be held on Monday, March 3rd at 10:00 a.m.; and Palm Beach County Day in Tallahassee would be held March 4-6, 2003.

Mr. Lynn expressed his sincere appreciation to Ms. Tatum and wished her the best of luck in her new position.

Council Reports:

Councilman Miles stated that there was a lot of growth in the Village and felt that the Council was responsible for looking forward and determining the impact their decisions had on the future.

He stated that while looking toward the upcoming Budget cycle, residents could expect a 40% increase in taxes next year. He hoped that residents would get involved in the process and make sure that they were prepared with that level of taxation.

Vice Mayor Bolton expressed her condolences for the family of the young girl who lost her life in a riding accident.

Vice Mayor Bolton commented on a letter received from the Wellington Art Society requesting assistance from the Village Council. She stated that it was her understanding that such requests had been forwarded to the Parks & Recreation Advisory Board in order to establish a policy. She asked that this issue be addressed as soon as possible.

She updated the Council on the negotiations between SunGlade and Palm Beach Pointe. She stated that it appeared that Palm Beach Pointe may go forward with an operable gate that could be utilized by Fire-Rescue vehicles and absorb the cost themselves. She thanked Chief Miller for coming up with reasonable solutions to this issue.

Vice Mayor Bolton stated that a request had been received from the Citizens on Patrol group for new vehicles. She asked if there was a way that they could utilize discarded Village vehicles. She also asked if the Council was aware that the police were operating on two 12-hour shifts as opposed to three 8-hour shifts. She felt that the Public Safety Committee should look into this further.

Vice Mayor Bolton stated that she was very concerned about the trash hauling contract. She stated that the Council was only to make a decision on whether to renew the contract, instead, the Council approved a \$7.5 million contract with a 5-year term and never actually saw the contract. She felt that the Council may have been misled as to the reasons for the urgency in approving the contract and felt that they should not have been placed in that position. She felt that the Council signed the contract under duress with a false sense of urgency.

Councilwoman Benacquisto stated that it was her understanding that the reason for considering this contract in January was due to the fact that machinery had to be purchased and an educational program in place in order to make a smooth transition into the automated pick-up process. She did not agree that there was a false sense of urgency presented with the contract.

Mayor Wenham, Councilman Miles and Councilman Priore agreed that they did not feel that the contract was approved under duress.

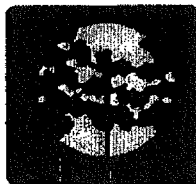
Councilman Priore reported that he had attended a Treasure Coast Regional Planning Meeting and that there was extensive discussion regarding Comprehensive Plan Amendments and that the TCRPC was looking at them very closely. He stated that he had spoken to Commissioner Jeff Koons who was looking at an interlocal agreement with the School Board regarding sharing facilities for recreational purposes. He stated that he had told the Commissioner that the Council would support such an agreement.

Councilman Priore stated that the Florida League of Cities would be holding their meeting at the Wellington Community Center the following day beginning at 10:30 a.m.

Councilman Priore stated that he had attended the Legislative Committee on Intergovernmental Relations and the topic of discussion was annexation. He stated that the effort of the committee was to approach the legislature to address Statute 171 which speaks to the annexation policies.

Councilman Priore reported on the Traffic Performance Committee meeting he had attended with Palm Beach County.

Village of Wellington



DISTRIBUTED TO ALL APPLICABLE PERSONS ON: <u>3/12/03</u>			
COUNCIL	<input checked="" type="checkbox"/>	MANAGER	<input checked="" type="checkbox"/>
CLERK	<input checked="" type="checkbox"/>	ATTORNEY	<input checked="" type="checkbox"/>
LOG NO:		STAFF	<input checked="" type="checkbox"/>

TO: Village Council Members

FROM: Charles Lynn, Village Manager

DATE: March 12, 2003

RE: Applicants' Forum

Attached are tentative agendas and questions for the applicants' forum. These are draft documents for your review. You may wish to accept, reject or modify these documents.

We originally were looking to schedule this on March 19th and 20th; however, the Mayor has requested that we move it to March 31st and April 1st.

Other issues are:

1. Date and time.
2. Do you want to short list prior to the forum?
3. Do you want to short list after the first night or have a short list at all?
4. Format of questions.
5. Subject matter of questions.
6. We currently have all of the applicants making a 5-minute presentation the first night. The second night would be a question and answer session with the facilitator (Pat Bidol-Padva) asking the questions (provided by Council) and the applicants responding. The applicants would have two minutes to respond.

This is all of course subject to approval and revision by the Council. If you develop a short list prior to the forum, it would shorten the time of the process

We will be discussing this at our regular meeting on March 18, 2003. Please let us know what you think.

cc: Awilda Rodriguez
Pat Bidol-Padva

The following is an excerpt of the Minutes of the February 25th Regular Meeting of the Village Council:

Attorney Tatum recommended that as much of the appointment process as possible be done in public. She also recommended that a facilitator be utilized in order to help with the appointment process.

It was the Consensus of the Council to move forward as follows:

- Schedule a special meeting or applicants' forum to interview the applicants.
- Consult a facilitator to conduct the meeting.
- Make the appointments on a separate night subsequent to the interviews.
- Proceed with the forum regardless of a run-off.
- Make appointments to both vacant seats at the same meeting in sequential order.

A motion was made by Councilman Priore, seconded by Vice Mayor Bolton and unanimously passed to advertise a Regular Council Meeting on March 19, 2003 in order to conduct an applicants' forum.

**Appointments of Council Members
The Village of Wellington
Presentations for Village Council Appointments
March 31, 2003
7:00 PM**

Agenda

- | | |
|-------|---|
| 07:00 | Welcome by Charles H. Lynn, Village Manager
Meeting Ground Rules by Pat Bidol-Padva, Ph.D. Facilitator |
| 07:15 | Applicant Presentations: 1.5 hours (5 minutes per applicant) |
| 09:15 | Closing by Pat Bidol-Padva |

Meeting Protocol

Applicant Presentations:

- Each applicant will have up to five minutes for their presentation.
- All time limits will be fairly and strictly enforced.
- All members of the audience will remain silent during presentations.

**Appointments of Council Members
The Village of Wellington
Presentations for Village Council Appointments
April 1, 2003
7:00 PM**

Agenda

- | | |
|-------|---|
| 04:30 | Welcome by Charles H. Lynn, Village Manager
Meeting Ground Rules by Pat Bidol-Padva, Ph.D. Facilitator |
| 04:45 | Council Questions for Applicants: 2 hours |
| 06:45 | Council Perspectives |

Meeting Protocol

Council Questions:

- The facilitator will ask the initial questions of the applicants.
- The order for responding to the question will be same order used for the applicant presentations.
- Each applicant will be given the opportunity to answer the question. As many applicants as wish may answer the question. Applicants will have up to 2 minutes to respond to a question.
- After the applicant responds to the initial question, each councilmember in turn may ask one follow-thru question that is directed to a specific applicant. The process of follow-thru questions may continue until all councilmembers in turn have asked their questions.
- Each councilmember may have up to one minute to ask a follow-thru question and the applicant may take up to two minutes to respond.
- All time limits will be fairly and strictly enforced.

AREAS OF QUESTIONS OR CRITERIA

Experience

- Committees
- Service organizations
- Other

Vision for the Community

- Education
- Recreation
- Levels of Service
- What do you see for the future

Knowledge of the Village

- What is our mission?
- What issues do we have?
- How do we accomplish that mission?

Role of the Council

- Charter
- Council/Manager form of government
- How would you handle citizen complaints?
- How would you handle conflicting opinions?
- How does an individual Council Member achieve their goals?

MINUTES

**REGULAR MEETING OF THE
WELLINGTON VILLAGE COUNCIL**

**April 8, 2003
7:00 p.m.**

Pursuant to the foregoing notice, a meeting was held of the Wellington Village Council on April 8, 2003, at 7:00 p.m. at the Wellington Community Center, 12165 W. Forest Hill Boulevard, Wellington, Florida.

Council Members present were: Thomas M. Wenham, Mayor, Lizbeth Benacquisto, Councilwoman, and Mark Miles, Councilman. Advisors to the Council were Charles Lynn, Village Manager, Jeff Kurtz, Attorney, Awilda Rodriguez, Village Clerk, and Kathy Tatgenhorst, Deputy Village Clerk.

Call to Order:

Mayor Wenham called the Meeting to order.

Pledge of Allegiance

Invocation:

Pastor David Brower, of New Community Church, delivered the Invocation.

Oath of Office: Councilmember Robert Margolis

Robert Margolis was sworn in as a Councilmember by Attorney Jeffrey Kurtz.

Appointment of Councilmember/Oath of Office:

A motion was made by Councilman Miles and seconded by Mayor Wenham to appoint Alan Zangen to the Village Council. Councilman Margolis and Councilwoman Benacquisto dissented and the motion was not passed.

A motion was made by Councilwoman Benacquisto to nominate Dr. Carmine A. Priore to the Village Council. The motion died for lack of a second.

Councilwoman Benacquisto asked that Michael Whitaker be considered. There was no motion.

A motion was made by Councilman Miles, seconded by Councilman Margolis and passed to nominate Laurie Stillwell-Cohen to the Village Council. Councilwoman Benacquisto was opposed.

Laurie Stillwell Cohen was sworn in as a Councilwoman for the Village of Wellington by Attorney Jeffrey Kurtz.

Appointment of Vice Mayor:

A motion was made by Mayor Wenham, seconded by Councilwoman Benacquisto and unanimously passed to appoint Mark Miles as Vice Mayor of the Village of Wellington.

Mr. Kurtz swore in Councilman Mark Miles as Vice Mayor of the Village of Wellington.

Approval of Agenda:

Mr. Lynn stated that the Petitioner had requested that Item R2 be deferred to a future agenda.

A motion was made by Vice Mayor Miles, seconded by Councilwoman Benacquisto and unanimously passed approving the Agenda, as amended.

I. Presentations & Proclamations

- A. Proclamation of the Village Council of the Village of Wellington, Florida Proclaiming April 27, 2003 through May 3, 2003, as Municipal Clerk's Week in the Village of Wellington.

Mayor Wenham presented the Proclamation to Awilda Rodriguez, Village Clerk, and thanked her for the outstanding job she did for the Village of Wellington.

A motion was made by Vice Mayor Miles, seconded by Councilwoman Benacquisto and unanimously passed approving the Proclamation, as presented.

- B. Proclamation of the Village Council of the Village of Wellington, Florida Designating May 18 through May 24, 2003 as Public Works Week.

The Proclamation was presented to Ken Roundtree, Public Works Director.

A motion was made by Councilwoman Benacquisto, seconded by Vice Mayor Miles and unanimously passed approving the Proclamation, as presented.

II. Public Hearings & First Reading – None.

III. Introduction & First Reading of Ordinances – None.

IV. Consent Agenda

- C1. Minutes of the March 18, 2003 Regular Council Meeting.
- C2. Piggyback:
Road Stabilization, Leon County Board of County Commissioners
(up to \$40,000)
- C3. RESOLUTION NO. R2003- 69 (Acceptance of Contractor/Developer Contributed Assets, 120th Avenue, Charles S. Whiteside, Inc.)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING CONSTRUCTED OFF-SITE IMPROVEMENTS FOR 120TH AVENUE BETWEEN PIERSON ROAD AND LAKE WORTH ROAD FROM CHARLES S. WHITESIDE, INC.; AND PROVIDING AN EFFECTIVE DATE.
- C4. RESOLUTION NO. R2003-67 (Platt Approval: Black Diamond Phase II)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING AND APPROVING THE PLAT KNOWN AS BLACK DIAMOND PHASE II; AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE PLAT; AND PROVIDING AN EFFECTIVE DATE.
- C5. RESOLUTION NO. R2003-68 (Agreement with Palm Beach County-Fuel Equipment)
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA APPROVING AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A FUEL CONTROL EQUIPMENT AGREEMENT WITH PALM BEACH COUNTY; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Vice Mayor Miles, seconded by Councilwoman Benacquisto and unanimously passed approving the Consent Agenda, as presented.

V. Regular Agenda

- R1. Appointment of Committee to Name Park Site at Minto's Olympia Development

Debbie Brisson, Director of Parks and Recreation, addressed the Council. She stated that time was of the essence in the naming of this committee as the contractor would need to order a sign for the baseball complex as soon as possible.

Councilwoman Benacquisto appointed Debra Boyum to the committee.

Mayor Wenham nominated David Hughes to the committee.

Councilman Miles nominated Dick Palenschat and Joanie Lauther.

A motion was made by Vice Mayor Miles, seconded by Councilwoman Benacquisto and unanimously passed approving the appointments to the Committee as presented to name the Minto park site.

Attorney's Report:

Mr. Kurtz stated that he would be attempting to schedule attorney/client sessions in the near future.

He added that Attorney Kevin Hennessey was present and had made a request to address the Council.

Mr. Hennessey, representing residents in the Sheffield community, stated that they had filed a petition challenging the development order. He stated that it was his understanding that the issue would be on the April 22nd agenda. He added that the Village's resolution provided that a hearing could be scheduled beyond the 30-day time period with the consent of the parties. He asked that the Council consider giving Staff consent so that the matter could go forward on the 22nd.

Mr. Kurtz stated that Staff would be giving that consent; however, he would be contacting a third party to attempt to obtain their consent as well.

Mr. Hennessey stated that residents in the Sheffield Community had unanimously agreed to adopt "Equestrian Walk" as their new name.

Manager's Reports & Updates:

Mr. Lynn reported on his attendance at Legislative Days in Tallahassee.

Mr. Lynn thanked Representative Shelly Vana for sponsoring the Acme Bill. He gave special thanks to Representative Richard Machek who made very favorable comments about the Village of Wellington at the House Natural Resources Committee. He also thanked Representative Mary Brandenburg from West Palm Beach.

Mr. Lynn stated that the Village had successfully completed construction of Storage Reservoir No. 2 and the Booster Pump Station for \$1,633,000. This was a savings of roughly \$50,000 from the original contract amount of \$1,683,000 which resulted from not having to use contingency funds.

Mr. Lynn stated that the last scheduled Public Safety Focus Group Meeting would be held on April 9, 2003 at the Wellington Community Center.

Mr. Lynn stated that the Blood Drive held on April 4th was a huge success. The South Florida Blood Bank was able to collect 20 units of blood. Its success was attributed to the dedicated group of employees who put the drive together and to those that participated in making a donation.

The Village would be participating in an Arbor Day Celebration at New Horizons Elementary School on April 21st. Festivities would begin at 8:00 a.m. and all Council Members were invited to attend.

The Village of Wellington received its 6th Tree City USA award and a presentation would be made during the Arbor Day festivities.

Mr. Lynn stated that the American Cancer Society Relay for Life event would be held at Royal Palm Beach High School on April 11th and 12th. He encouraged everyone to come out and run or walk a lap to support the American Cancer Society.

He added that the Village had sponsored a team to participate in the March of Dimes WalkAmerica on Saturday, April 26, 2003. Kickoff would be at 8:30 a.m. at John Prince Park in Lake Worth.

Mr. Lynn also stated that the Village had been invited to participate with Royal Palm Beach in their 4th of July festivities; however, it was decided to continue as in the past with the Village event.

Mr. Lynn stated that Mr. Schofield would like to address the Council.

Mr. Schofield stated that Staff was due to bring back a discussion on the rezoning of commercial property to residential property at the April 22nd Regular Meeting. He requested that it be postponed to May 13th in order to give the two new Council Members a chance to be brought up to speed on the issue.

Closing Comments:

Councilwoman Benacquisto invited everyone to attend the egg hunt on Saturday, April 12, 2003.

She also stated that there would be a rally to support the troops in Iraq on Sunday on 441 at 8:00 a.m. She stated that she would like to see the support of the community at this event.

Councilman Miles asked Mr. Schofield to address the maintenance of the Binks Forest Golf Course.

Mr. Schofield stated that the Binks Forest Golf Course had gone through foreclosure and the mortgage company had taken back the title. The Village had ceased maintenance of the golf course and it was expected that the property owner would assume that responsibility. If not, the Village would begin citing property owners and go through the code enforcement process.

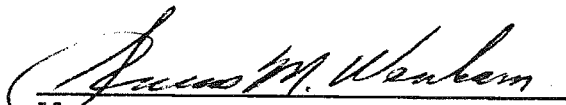
Mr. Lynn announced that John Bonde, formerly of the Indian Trail Water Improvement District, would be joining Village Staff as the Assistant Director for the Department of Environmental Services.

He felt that Mr. Bonde would be a valuable member of Village staff.

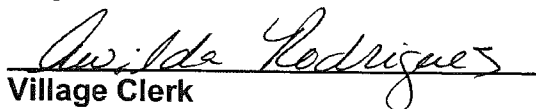
Mr. Lynn also announced the promotion of Jill Badger to Assistant to the Village Manager.

Adjourn

There being no further business, the meeting was adjourned.



Mayor



Village Clerk