

MINUTES

REGULAR MEETING OF THE WELLINGTON COUNCIL Wellington Village Hall 12300 Forest Hill Blvd. Wellington, Florida 33414

**Tuesday, September 24, 2013
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, September 24, 2013 commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

Council Members present: Bob Margolis, Mayor; Howard K. Coates, Jr., Vice Mayor; Matt Willhite, Councilman; Anne Gerwig, Councilwoman; and John Greene, Councilman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Esq., Attorney; Awilda Rodriguez, Clerk; John Bonde, Deputy Manager; Francine Ramaglia, Assistant Manager; and Jim Barnes, Director of Operations.

- 1. CALL TO ORDER** - Mayor Margolis called the meeting to order at 7:00 p.m.
- 2. PLEDGE OF ALLEGIANCE** – Mayor Margolis led the Pledge of Allegiance.
- 3. INVOCATION –**

Matt Wilson, Pastor of Outreach, Wellington Presbyterian Church, delivered the Invocation.

4. APPROVAL OF AGENDA

Mr. Schofield presented the Agenda recommending approval with the following amendments: (1) postpone Presentation item 5A: Recognition of Wellington Little League Teams until all teams can be present to accept their proclamations; and (2) move Consent item 6D: Authorization to Issue a Task Order for Renewal and Replacement Work at Wellington's Water Reclamation Facility to the Regular Agenda as item 8B.

A motion was made by Vice Mayor Coates, seconded by Councilman Willhite, and unanimously passed (5-0) approving the Agenda as amended.

5. PRESENTATIONS AND PROCLAMATIONS

- A. 13-0358: RECOGNITION OF THE WELLINGTON LITTLE LEAGUE ALL STAR TEAMS FOR THEIR CHAMPIONSHIP WINS AND THE WELLINGTON AMERICAN LEGION CHRIS REYKA POST 390 CHAMPIONSHIP TEAM**

This was postponed during the approval of the Agenda.

6. CONSENT AGENDA

- A. 13-0304:** AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT WITH SOUTHEAST ATTENUATORS, INC. FOR GUARDRAIL REPAIR AND INSTALLATION SERVICES.
- B. 13-0343:** AUTHORIZATION TO RENEW THE CONTRACT FOR SUPPLY AND DELIVERY OF ANTI-SCALENT IN THE AMOUNT OF \$28,000.
- C. 13-0291:** RESOLUTION AC2013-05 (ARCHSTONE-FUTURA ENCLAVE DEVELOPMENT VACATION/ABANDONMENT OF EASEMENTS AND GRANTING OF NEW EASEMENTS
- D. ~~13-0341:~~** ~~AUTHORIZATION TO ISSUE A TASK ORDER FOR ENGINEERING DESIGN SERVICES TO MWH AMERICAS, INC., FOR RENEWAL AND REPLACEMENT WORK AT WELLINGTON'S WATER RECLAMATION FACILITY~~ MOVED TO REGULAR AGENDA

Mr. Schofield presented the Consent Agenda recommending approval as amended.

A motion was made by Vice Mayor Coates, seconded by Councilman Willhite, and unanimously passed (5-0) approving the Consent Agenda as amended.

7. PUBLIC HEARINGS

- A. 13-0307:** ORDINANCE 2013-15 (PALM BEACH EQUINE ZTA): AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON AMENDING ARTICLE 6, CHAPTER 10, SECTION 6, DEVELOPMENT STANDARDS; AMENDING ARTICLE 6, CHAPTER 10, SECTION 7, PERMITTED AND CONDITIONAL USES, A. PRINCIPAL AND ACCESSORY USES, TABLE C; AMENDING ARTICLE 6, CHAPTER 10, SECTION 7, PERMITTED AND CONDITIONAL USES, B. ADDITIONAL STANDARDS; ARTICLE 7, CHAPTER 2, SECTION 3, OFF-STREET PARKING, L. PARKING AREA DESIGN AND CONSTRUCTION STANDARDS; AMENDING ARTICLE 8, CHAPTER 22, SECTION 1, VEHICULAR CIRCULATION SYSTEMS, O. MATERIALS AND CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mr. Schofield announced that the applicant was requesting an indefinite postponement, and recommendation a motion to postpone without a time certain for the item to return.

A motion was made by Vice Mayor Coates, seconded by Councilman Greene, and unanimously passed (5-0) to postpone Ordinance No. 2013-15 (Palm Beach Equine ZTA).

- B. 13-0306:** SECOND BUDGET HEARING PROPOSED FISCAL YEAR 2013-2014 BUDGET AND CAPITAL IMPROVEMENT ELEMENT.
 - A. RESOLUTION R2013-64:** A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE TAX LEVY AND MILLAGE RATE FOR WELLINGTON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; AND PROVIDING AN EFFECTIVE DATE
 - B. RESOLUTION R2013-65:** A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING A BUDGET FOR THE VILLAGE OF WELLINGTON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. He advised Council that there were two resolutions for their consideration, Resolution No. R2013-64 and R2013-65, and he read the resolutions by title. Mr. Schofield said that Ms. Quickel and Ms. Wadleigh were in attendance to make a presentation and answer any questions. Mr. Riebe was present to address the Capital Improvement Element as well.

Ms. Quickel noted that Council was provided with some additional information based on their discussions at the Agenda Review Meeting: (1) chart of comparable millage rates for the municipalities in Palm Beach County; (2) summary page of Budget Challenge; and (3) spread sheet regarding the addition to the PBSO contract.

Ms. Quickel then presented a brief overview of the budget:

- 2013/2014 Budget is proposed at \$74.46 million – no change from prior years.
- Operating Budget and Government Funds: \$45.20 million
- Enterprise funds adopted on August 27, 2013: \$15.13 million
- Capital Budget with governmental capital projects: \$3.3 million
- Enterprise capital projects: \$4.18 million
- Showed chart showing final adoption of millage rates with comparative information showing the total budget with the millage rates from 2010 to the proposed year of 2014. This excludes increases and decreased to Reserves. The millage rate is proposed as the same rate of 2013.
- The Acme Budget was also shown.
- The Budget Summary that was advertised was shown to Council.
- Budget Challenge Results: These results were collected from August 21st to September 19th. Total of 120 respondents. The respondents indicated the following:
 - Strong support for landscape maintenance programs, park programming, facilities and maintenance, public safety perception, current roadway and pathway maintenance program
 - Majority support for law enforcement spending
 - Acme assessment increase for flood mitigation programs
 - Did not support an increase in municipal complex operating hours.
 - The top spending priorities: public safety, PBSO contract, landscape maintenance, road improvements, drainage and surface water improvements.
- What will we be doing in 2014:
 - Landscape and irrigation maintenance enhancements
 - Village-wide comprehensive sidewalk repairs
 - Road and pathway overlay scheduling including Big Blue Trace, Greenbriar Blvd., 12th Fairway and neighborhood roads.
 - Enhanced community and special events, park programs and event advertising
 - Implementation of Park Ranger program
 - Increased law enforcement
 - Reading and Mathematics grants to local schools
 - The Yarmouth Neighborhood Pilot project: road enclosure and park amenities
 - Replacement of aging vehicles and equipment previously deferred.
- Major Capital Projects:
 - Continue Acme Flood Mitigation Program for South Shore Blvd and the C-2 Canal Conveyance.
 - Construction of relocated Tennis Center and WCC and Flying Cow Pathway.
- 292 positions will be funded in the 2014 budget.
- Capital Improvement Plan – She indicated staff would address any questions.

Public Hearing

A motion was made by Vice Mayor Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) to open the Public Hearing.

There being no public comments, a motion was made by Vice Mayor Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) to close the Public Hearing.

APPROVALS:

Resolution No. R2013-64 (tax rate/millage) (as described above):

A motion was made by Vice Mayor Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) approving Resolution No. R2013-64 (millage) as presented with a millage rate of 2.47 mills.

Resolution No. R2013-64 (budget) (as described above):

A motion was made by Vice Mayor Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) approving Resolution No. R2013-65 (budget) as presented.

Ms. Quickel read the following mandatory statement into the record: "The proposed millage rate of 2.47 mills for the governmental budget, including Acme Improvement District, funds a 2.3% operating increase over the prior year. The 2.47 millage rate is a 4.98% increase from the rollback rate of 2.3528 mills. The rollback rate is the rate which applied to this year's total assessed valuation of \$5.75 billion yields the same ad valorem tax revenues for \$12.9 million as the last year. Adopting the proposed rate of 2.47 mills generates \$13.5 million or an increase of approximately \$773,000 from last year."

C. 13-0308: ORDINANCE NO. 2013-14 FISCAL YEAR 2013/2014 CAPITAL IMPROVMENT ELEMENT UPDATE: AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, UPDATING THE WELLINGTON COMPREHENSIVE PLAN BY INCORPORATING THE ANNUAL REVIEW AND REVISIONS TO THE CAPITAL IMPROVEMENTS ELEMENT TO REFLECT THE 2013/2014 THROUGH 2018/2019 FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR LEVEL OF SERVICE PROJECTS; AND UPDATING THE SCHOOL DISTRICT OF PALM BEACH COUNTY CAPITAL IMPROVEMENT SCHEDULE; PROVIDING FOR CONFLICT AND SEVERABILITY; AUTHORIZING THE MANAGER TO UPDATE THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item, and read the ordinance by title. Mr. Schofield explained that this is required by law to transmit changes to the Village's Comprehensive Plan and Capital Improvement Element to the State for approval as part of the budget approval process. This does not change the budget, but simply transmits the Capital Improvement Element to the Department of Economic Opportunity for inclusion in the Village's Comprehensive Plan. He announced that Mr. Stillings would be making a presentation.

Mr. Stillings said that he was available to answer any questions.

Public Hearing

A motion was made by Vice Mayor Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) to open the Public Hearing.

There being no public comments, a motion was made by Vice Mayor Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) to close the Public Hearing.

A motion was made by Vice Mayor Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) approving Ordinance No. 2013-14 (Fiscal Year 2013/2014 Capital Improvement Element) on Second Reading as presented.

8. REGULAR AGENDA

- A. **13-0348:** RESOLUTION R2013-44 (PALM BEACH COUNTY SHERIFF'S OFFICE FY2014 BUDGET AND CONTRACT ADDENDUM) A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE SECOND ADDENDUM TO THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE PALM BEACH COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item, and read the resolution by title. He announced that Mr. Bonde would be presenting this item, and Captain Hart was available to address any questions.

Mr. Bonde explained that this year several things were proposed by PBSO: (1) 2% increase in the base of the contract which equates to \$151,579.62; (2) adding three new deputies: (a) detective sergeant; (b) detective; and (c) deputy sheriff for a total of \$404,785.00. This year's revised contract was \$8,135,346.00 which increased the Village's level of service above the Village's current level.

Vice Mayor Coates said he had requested a presentation on the actual dollar increase over the past five years. In response, Mr. Bonde explained that a spread sheet with that information had been provided to Council which was prepared by the Finance Dept. based on Council's questions. Councilwoman Gerwig also added that one of yesterday's questions was what the basic level of service was from the County. Mr. Bonde noted that information was also included in the spread sheet. He explained the information was on a per capital basis, Wellington information was included in the first column, and the darker of the two numbers was the County-wide cost based on per capita. The County's per capita cost is \$275 compared to the Village's at \$275. Mr. Bonde then addressed Vice Mayor Coates' question regarding the increase explaining that this year there was a 2% proposed base increase. The total of 5% was for additional staffing. The chart shown indicated that from 2012 to 2013 there was no increase in staffing nor did the Sheriff's Department increase their contract. He said that occurred also to some degree from 2011 to 2013. From 2010 to 2011, there was only a 1% increase in the contract which was not related to staffing, but was a base level increase. In 2009 and 2010, there were a number of increases some relating to additional staffing while others were to the base of the contract because of costs being incurred by the Sheriff's Department regarding personnel and other matters. He noted that a new school had been opened in Wellington, there 12 or 14 crossing guards and several deputies and one clerical staff member was added at that time. The base contract was 8% itself one year and 6% the next year.

Vice Mayor Coates said that he looks at any increase with skepticism to determine if it is justified. He felt that PBSO has done a fantastic job in the Village with a very low crime rate compared to the remainder of the County. As he has previously stated, he believed there is a perception problem that it was becoming more unsafe to live in Wellington. In recognizing that, he believed that it was a perception that had to be dealt with, and felt the additions to the budget and increase in manpower will help address some of the issues that were adding to this perception. He said that even with the increase, Wellington compares favorably to other municipalities in terms of law enforcement costs and

they are getting great value for the cost in terms of PBSO services. Vice Mayor Coates voiced his support for the increase.

Councilman Willhite praised PBSO and their partnership. He believed that the Village and the Sheriff's Department can do some other public campaigns to help with some of the perception. He noted that residents did not seem to like the digital signs about locking your cars

Councilwoman Gerwig said that the complaint she receives from the residents was that the digital signs makes them feel less safe. She indicated that there have been some incidents in the community, and believed that it is more than just a perception problem. She concurred that the Village and PBSO needs to find a way to partner together to work on these issues. Councilwoman Gerwig wanted a focus to be on an awareness campaign where residents are encouraged to call the non-emergency number if they see something that doesn't seem right.

Councilman Greene felt that there needed to be some accountability on the Village's part. He felt if they really wanted to work on transitional neighborhoods, the Village should enforce the codes and ensure that the people in these neighborhoods feel safe. It appeared to him from the surveys that people do feel safe in their homes; however, he felt that there needed to be personal accountability because sometimes people have a false sense of security. Councilman Greene thought Wellington would never have zero crime, but there are things that can be done to hold people accountable. Councilman Greene expressed his thanks to Captain Hart.

Mayor Margolis felt that Captain Hart and his officers were doing a great job in the community, and expressed his thanks to them. He believed that some of the problems start at home and go through the schools, and they can't arrest away the problem. He noted that he does hear about a perception problem regardless of all the statistics or comparisons that are shown. Mayor Margolis said that when he first moved to Wellington it was a small community and they didn't lock their doors; however, the community has now grown which has brought other issues. He concurred with the other Councilmembers that there may be things that the Village can do to address the issues. He noted the increased number of neighborhood watch meetings and that more people are getting more involved. Mayor Margolis encouraged residents to call if they seem something that doesn't appear to be right. Mayor Margolis supported the increase, and he looked forward to next year.

Councilman Willhite asked Mr. Bonde if the Village employees are also trained to recognize things they see on the streets. Mr. Bonde said if an employee is working outside and sees something wrong, they are not to get involved, but are encouraged to report what they see. He also recognized the volunteers who do the same thing. Mr. Bonde felt that this budget addressed solvability rates which he felt will increase with the increased staffing. He addressed the messages that were out regarding the new law prohibiting texting while driving. In addition, they will also be doing some public education. He said that there has been an increase in traffic accidents due to that type of distraction which they are concerned with. He felt that locking car doors helps to prevent auto burglary which also holds true with locking your homes. Mr. Bonde thought taking measures to prevent those crimes would positively impact Wellington's crime rates. He also noted they were employing cameras and other security measures, but they needed to do more to reach out to the residents so that they understand what the Village is doing for them.

A motion was made by Vice Mayor Coates, seconded by Councilman Greene, and unanimously passed (5-0) approving Resolution No. R2013-44 (Palm Beach County Sheriff's Office FY 2014 Budget and contract addendum) as presented.

B. 13-0341: AUTHORIZATION TO ISSUE A TASK ORDER FOR ENGINEERING DESIGN SERVICES TO MWH AMERICAS, INC., FOR RENEWAL AND REPLACEMENT WORK AT WELLINGTON'S WATER RECLAMATION FACILITY

Mr. Schofield introduced the agenda item. He explained that staff was requesting authorization to enter into an agreement for \$360,000 for Engineering Design Services on what is projected to be a \$4.28 million construction project with a total amount of 8.4% which is within industry standards. He announced that Mr. Riebe could explain the project.

Mr. Bill Riebe presented an overview of the project. He explained it was part of the budget that Council had just approved. The total project cost is \$4.8 million, and staff was estimating \$4.28 million for construction, \$360,000 was being brought forward for design/permitting, and approximately \$160,000 was built in for contingency. He noted that these types of projects take a long time to deliver based on the complexity of the project. The completion date for this project was estimated to be around September 2015. Mr. Riebe explained that this project was initiated about 4 ½ years ago when a replacement/renewal program was developed for utilities. This project and its components were part of that plan for the past four years. Mr. Riebe explained the benefits of this is: (1) replaces old equipment facilities, i.e., wastewater treatment plant; (2) addresses odor and noise issues; (3) improves the treatment capability that provides needed automation and redundancy which is critical; (4) improves working conditions for the operators; and (5) allows for continued compliance with the FDE Operating Permit. He further explained that many of the processes at the plant will have renewal and replacement projects associated with them. The following structures and process areas and assets were identified and their improvements were explained: (1) Headworks; (2) Clarifier No. 3; (3) Filter Backwash Mudwell; (4) Sludge Press Building; (5) Lime Feed Building; (6) Truck Loading Building; (7) Control Building; (8) Filter Backwash Blower Building; and (9) Miscellaneous Repairs and Coatings.

Councilwoman Gerwig asked if none of this had been addressed when the expansion was done. Mr. Riebe explained that the \$22 million expansion was designed in 2006. He said that it was capacity as well as improvements to some of the existing structures, but it was primarily expansion. Mr. Riebe said that these issues were not part of that project. Based on the dollar amount and the extent of the improvements needed, he advised that they not do a change order or change the contract mid-stream. He reiterated that this was renewal and replacement of the infrastructure that is there and needs constant maintenance, renewal, and replacement. Mr. Schofield explained in the 2008-2009 timeframe, when he came on board as Village Manager and Mr. Riebe was coming on board as the Utility Director, the Village did not have a capital maintenance plan for the Utility Department. He explained that Mr. Riebe's first task was to develop the capital maintenance plan which is why a change in the rate structure had been brought to Council. He said that there is basically another 15 years of construction in that plan, but they could not afford to do it all at one time. The rate structure was set so that the repairs were prioritized with these being the next in the priorities; however, they will not be the last of what Council will see. Mr. Schofield explained that the Village's utility system is worth in the neighborhood of one half billion dollars and it needs \$4 million to \$10 million worth of maintenance every year just to keep it operating which was being presented and are the things that were identified in the capital maintenance plan in 2008-2009 timeframe.

A motion was made by Vice Mayor Coates, seconded by Councilman Willhite, and unanimously passed (5-0) approving the Authorization to issue a Task Order for Engineering Design Services to MWH Americas, Inc. for renewal and replacement work at Wellington's Water Reclamation Facility.

9. PUBLIC FORUM - No Comments

10. ATTORNEY'S REPORT

MS. COHEN: No Report

11. MANAGER'S REPORTS

MR. SCHOFIELD: Mr. Schofield presented the following report:

- The next Regular Wellington Council Meeting was scheduled for Tuesday, October 8, 2013 in the Council Chambers.
- Village offices will be open on Monday, October 14, 2014 for Columbus Day.
- Senator Abruzzo and Wellington's Education Committee will host a discussion on the implementation of the Common Core Standards along with Representatives from the Florida Department of Education and Palm Beach County on Wednesday, October 2, 2013 from 6:30 p.m. in Wellington High School's Lecture Hall.
- Ongoing maintenance is being conducted on the Village's web site for the next several days, and residents may experience some temporary outages.
- A letter was received from Dan Rosenbaum, representing Equestrian Sport Productions, advising him that the 2018 World Equestrian Games was not awarded to Bromont/Montreal due to their inability to secure financial backing. At this time ESP, was not requesting a specific commitment from the Village, but were trying to determine if Wellington would be supportive of their application. He indicated that ESP would not have the application package until October 3rd which has to be submitted by November 15th, so Council's first opportunity to seriously discuss this would be on October 8th. Between now and that time, he said that Council would be provided with more material and staff would be speaking to Council about their concerns.

Mayor Margolis said that communication was vital on this issue. He suggested scheduling a workshop to discuss this with the applicant because of the time constraints and because more information was needed. Council consensus was to schedule a workshop because there was a lot of important information that they felt needed to be presented in order for them to make an informed decision, i.e., impact on the Village residents, traffic concerns and patterns, and other things of that nature. They also felt this needed to be presented and discussed by Equestrian Preserve Committee (EPC). Mr. Schofield will coordinate Council's calendars with Ms. Adler as well as to contact EPC to schedule a workshop meeting. Council requested that staff also invite representatives from the State Legislators' Offices, the Governor's Office and the Sports Commission, to attend the workshop.

Amphitheater Events:

- Friday, September 27th at 8:00 p.m. Free Movie Night: "World War Z"
- Saturday, September 28th at 8:00 p.m. "Santana Tribute"
- Food trucks will be back on Thursday, September 26th starting at 5:00 p.m. Beginning on Thursday, October 10th, they will return to an every week schedule.

With regard to the Food Truck Invasion, Vice Mayor Coates spoke about the difficulty in eating food due to the lack of tables, and recommended more tables be added. Mr. Schofield will look into that.

Councilman Willhite felt that was not the right place for the trucks to be located. He spoke about the amount of staff time that is devoted in putting up fences to protect the swales and grass. He also noted the buses that are inconvenienced which utilize that space as a drop off area for students in the afternoon, and that the Village is starting to put more into the area of the pool and tennis. He said that they had talked about alternative locations; however, but no action was ever taken. Although it is a very popular event, he thought there may be a more suitable location that would require less maintenance for the Village employees. Mr. Schofield advised Council that staff would look at

alternative locations and would report back to Council. Councilman Willhite thought Public Works could look at installing a small two-rail fence along Country Club Road to avoid staff having to install the fence not only for this event, but others that are held during the year. Mr. Barnes noted that Mr. Fleury and Mr. Riebe will be looking at improvements at that roadway including fencing and/or curbing that may achieve the same results.

12. COUNCIL REPORTS

COUNCILWOMAN GERWIG: Councilwoman Gerwig presented the following report:

- She reported that the Peace Pole ceremony was a very nice event which was very well-attended. Councilwoman Gerwig expressed her thanks to the Rotary Club for their work on that as well as all that they do for the community.
- She requested that staff look at the road sealants to see if the color could be made to match the faded pavement which she felt were unattractive, i.e., Lake Worth Road.
- With regard to the buses using the parking lot by the Aquatics/Tennis area, she asked if they had permission to utilize it.

Mr. Barnes explained that the buses that utilize the parking lot are from American Heritage and the Village has a Memorandum of Understanding with the school. Councilwoman Gerwig felt it would be a conflict for the Village to tell them they could not park there if they have an agreement. Mr. Barnes said that it is an older agreement that allows the Village to move them elsewhere. Councilwoman Gerwig still felt that the Village needed to properly coordinate any changes with them.

VICE MAYOR COATES: Vice Mayor Coates presented the following report:

- He echoed Councilwoman Gerwig's remarks regarding the Rotary. He felt he did a good job in representing the Mayor and presenting the Proclamation. The students who were in attendance were very appreciative of the awards that were given to them.
- He and Ms. Cohen attended the Caribbean American Foundation for Community Involvement (CAFCI) event the past Saturday. For next year, Vice Mayor Coates requested that the Village follow suit with what is done by the Village of Royal Palm Beach and Palm Beach County and ensure the Village prepares some type of Proclamation for the group.
- Vice Mayor Coates requested that Mr. Schofield prepare a bi-weekly update prior to each Council Meeting advising them of the status of issues that have been raised by Council that have been turned back to staff or Mr. Schofield i.e., Fluoride, Village Manager Evaluation Form. He noted the importance of their review of the Manager Evaluation Form because he did not want to go forward without having an appropriate form to legitimately and objectively critique him.

Mr. Schofield advised Vice Mayor Coates that he would provide that list to Council by the end of the week/early next week. His plan was to provide it to Council on a monthly basis; however, he can give it to Council on a bi-weekly basis, if they preferred. Vice Mayor Coates favored receiving it on a bi-weekly basis prior to the Agenda Review. Mr. Schofield would be provided the update every other Monday when they receive the Weekly Issues Report.

COUNCILMAN GREENE: Councilman Greene presented the following report:

- Councilman Greene stated that he was also going to request the list that Vice Mayor Coates had requested. He said that for him some of the items for discussion were: fluoride, code enforcement, RV Parks, Equestrian Riding trails, as well as other items.
- He said he had not been able to attend the Agenda Review Meeting, and addressed the discussion on the At-Risk Permits. He indicated that he had spoken with Ms. Cohen about At-Risk permits specifically that some could be issued, and he concurred with Councilman Willhite that

perhaps that is a policy that is not in anyone's best interest. He felt when an A-Risk permit is issued, it puts Council in a bad position when the applicant takes steps beyond the risk and then Council has to take some action which might not be favorable. Councilman Greene thought a policy should be put in place that addresses it.

Councilwoman Gerwig pointed out that the Village was not the one at risk, but rather it provides them with protection. She felt that the Village should have a policy, but should listen to the community and let them express their feelings about this process. She thought that they needed to determine when and if it is appropriate. Councilman Greene reiterated that he only was requesting that they re-evaluate the at-risk permits, and have discussion with Council and the public. He felt that even though the Village was not the party at-risk, it still puts them in a position where they may have to make a decision that will cost someone a significant amount of money if they didn't do the things as they proposed. Councilwoman Gerwig noted that the party accepted that risk, and the Village might find themselves in more litigation if they don't have that as an option. She reiterated that the risk is not on the Village, but is on the party applying for the at-risk permit, and if the Village finds problems, they will have to make the correction.

Mr. Schofield advised Council that staff could bring back a discussion on at-risk permits; however, he explained that staff does not do the at-risk permits since Council previously expressed a strong desire for them not to be done, and any of the at-risk permits predates that decision.

Vice Mayor Coates requested that staff do some research to determine if there had been any instances where at-risk permits were granted and then the risk wasn't satisfied, but the applicant still tried to keep whatever was constructed, went to court, and argued equitable reasons. He said that to him would be the risk to the Village.

Ms. Cohen pointed out that if Council was looking for a policy on that, she felt that was in the Manager's function, and if they were looking for a legal opinion and research, that would fall within her domain.

Councilman Willhite believed that when someone is looking to do a project, they can't start until they have a permit from the Village. He thought it is a liability to the Village when they agree for someone to start something, and see if it works. He referred to an expensive barn that came before Council where easements had to be relocated, but the barn was already constructed. He did not believe that they should be issuing a permit at-risk or one with conditions until everything was signed off and approved.

Mr. Schofield reiterated that staff was not issuing permits at-risk per Council's direction, but there are no circumstances that either he or another staff member would agree that they issue permits without conditions as that would be the exception where a permit doesn't require conditions. Mr. Schofield said that some jurisdictions have permits at-risk, and it is a policy decision on the part of the Council. Although staff today does not issue at-risk permits, there is some limited permitting done before certain things are done, i.e., foundations, etc. He said Council has been clear that there is no at-risk permitting.

Councilman Willhite asked if staff could formulate a list of any at-risk permits that might still be outstanding noting that one had been on the agenda. Mr. Schofield said that list had been prepared, and there are no longer any outstanding at-risk permits. He explained that the item on the agenda was not an at-risk permit, but was something that the person elected to do without a permit at all.

Councilwoman Gerwig thought if there is a safety issue and an extreme circumstance, the Village has

to be able to do something. She agreed with Council's decision regarding at-risk permits, but felt there will be circumstances where things are not "buttoned" down. She wanted to keep it as a discussion point.

Mayor Margolis said he received from staff a list he requested as to the permits the Village had issued over the last four or five years. He noted they were: (1) Dr. Swerdlin – covered arena; (2) one or two for Equestrian Village; and (3) one for road in front of PBIEC. Mayor Margolis said that the road in front of PBIEC was something that had to come to Council, it was built at-risk, and Council approved it one year after it was functional. He asked if it was correct that there is litigation also against the Village regarding the road in front of PBIEC. Mayor Margolis said that the people at-risk have already built their structure, and he didn't want to be in a position to tear it down. He said that the at-risk permit is not part of the code or part of the permitting process which he believed they no longer did based on their past experience.

Councilman Greene wanted to be sure that everyone was held to the same standards, everyone's rights are protected, and they limited any financial exposure and liability to all parties.

- Councilman Greene was impressed with the article in the *Palm Beach Post* about things that are happening in West Palm Beach which he believed Ms. Cohen was looking into to see if it was something that could potentially be used in Wellington. He noted the success West Palm Beach has had in recovering outstanding fees for code infractions. Ms. Cohen noted that it becomes a special assessment.
- With regard to transitional neighborhoods, Councilman Greene recommended a nicer way to refer to these neighborhoods, i.e., "opportunity neighborhoods." He felt that when they get the right people, there are opportunities for investment in these neighborhoods. He wanted to look at those areas for either lower income people or young people to come in and establish roots in this community which could be turned into nice neighborhoods. People do care about those communities and care about them, and they need to ensure that the landlords understand and follow the rules.

Mr. Schofield noted that a name change was underway. He explained that they were called transitional because in the 60's/70's people lived there while their house was being built in other neighborhoods around the Village.

- He referred to an AT which addressed routine maintenance and critical updates. He asked Mr. Schofield to explain the critical updates.

Mr. Schofield explained that over time there were some updates and redacting that should have been done. Several weeks ago, he noted that there were some credit card numbers that were compromised, and upgrades were being done to ensure that type of search coming from the outside can't happen. Mr. Silliman and his staff are working on those upgrades which have to be done sequentially. If they can't limit service interruptions during the day, then the IT staff will work nights and on the weekends.

- Councilman Greene noted that on other sites when people are posting comments that they are being verified, i.e., credible names, e-mail addresses, etc. and asked if the Village was doing any of that.

Mr. Schofield explained that the Village is prepared to go to a moderated site for verification.

- He noted the turnover in the IT Department and asked for the status on the applicants.

Mr. Schofield explained that the position was advertised and was due to close at which time interviewing will begin. In the interim Mr. Silliman, who has applied for the position, is acting as the Interim Director. They have not seen as many qualified applicants as they would like.

- Councilman Greene addressed the evaluation form that was received from Chris McLean. He said he went through it and cleaned up some of the language. He noted that Mr. Schofield sent Council several other evaluations from other municipalities. He offered to take the lead and go through the evaluations and see if a satisfactory one could be developed that would be sent to Council for review. Councilman Greene felt it was important for Mr. Schofield to understand what the expectations are and could be measured and evaluated based on that.

Council consensus was for Councilman Greene to develop the evaluation for Mr. Schofield.

COUNCILMAN WILLHITE: Councilman Willhite presented the following report:

- Councilman Willhite reminded staff that Council had previously requested discussions on golf carts, hedge heights as well as other issues that haven't been brought back. He also questioned what the Council policies are. He wanted to see policies come back to Council once they are rewritten or updated. He also thought they should have a Council Policy Manual.

Mr. Schofield said that they have policy books that can be provided.

- He wanted to see someone address letters regarding the bridle trails.

Mr. Schofield pointed out that most of the letters received on the bridle trails related to milling. He said that there is a response to that which Council was copied on. Everyone was receiving the same response that the Village is no longer using milling on bridle trails.

- Councilman Willhite wanted to see something on the history of Wellington created. He said they had discussed it, but had never done anything about it.

Vice Mayor Coates raised the idea of creating a Wellington Historical Society. Mr. Schofield said that they have a great deal of history from various sources, but it is something that has been that high on the list of priorities to dedicate staff time to, but they will do so if it is a Council priority. Councilman Willhite thought creating a Historical Society was a good idea, and that if they created a Historical Society they could do some of that work. Mr. Schofield said that staff would develop a plan to create the Wellington Historical Society.

Council noted the recent passing of Bob Markey, Sr., and Mike McDonough. They requested that staff prepare something recognizing them.

- At the last MPO meeting, Vice Mayor Coates said that FDOT is moving forward with enhancing improvements to Southern Boulevard between Forest Hill and Big Blue.
- He spoke of the correspondence he receives from residents about their perception of unfair code enforcement. He requested that staff address those concerns of unfairness and inequitable code enforcement against residents. He wanted Code Enforcement to understand it is not enforcement, but it is compliance.

- He raised the issue of variances that go to the Planning and Zoning Board after Council approves an application which then doesn't come back to them. He felt that it is an injustice to Council as well as a waste of their time when that happens. Councilman Willhite believed that the code should be changed and that variances should have to come back to Council particularly for those projects that Council approves. He did not think that would be difficult because it is his understanding that there are only a small number per year.

Councilwoman Gerwig pointed out that the Planning, Zoning & Adjustment Board as well as the Construction Board have legislative functions. She said what Councilman Willhite was suggesting would turn them from quasi-judicial boards to just recommending boards with no powers. Councilman Willhite said that he was only referring to issues that come to Council that were approved. Ms. Cohen felt it was appropriate for variances or appeals to be handled by Planning Boards. She said that the variances only typically deal with setbacks, separation and things like that which are requirements of the code, but for whatever reason, they can't meet that provision. There is a list of requirements that the applicant has to prove in order to obtain the variance. She said that the last time that the Council procedures were amended it was decided that those types of matters would stay with Planning and Zoning. She said that they can research what other communities are doing; however, Council can have a discussion on this and can adopt that policy if that is their desire. Ms. Cohen said that it is part of the Council procedures and part of the code that the Planning, Zoning & Adjustment Board as well as the Construction Board approve certain things. Mr. Schofield pointed out that is in the Land Development Regulations. He noted that in some communities land development permits are only done by the Planning Board while in others the Council sits as the Planning Board. He said that the Land Development Regulations is the policy of Council and staff will change it as Council requests. Mr. Schofield said there are some items that should stay at Planning and Zoning, but Council approval of variances is a policy decision. He said that it would be a case where the Planning Board acts as an advisory body rather than a determining body, but that would be Council's decision. Mr. Schofield suggested that there probably were several areas in the Land Development Regulations that Council may want to workshop. He said that rather than doing it piecemeal, they should look at the items that address each Councilmember's concern.

Council consensus was to look at issues in the Land Development Regulations, particularly pertaining to variances.

MAYOR MARGOLIS: Mayor Margolis presented the following report:

- Council had previously discussed the possibility of having the American Planning Association providing a no-cost workshop on different planning issues.

Mr. Schofield explained that both the Florida Chapter of the American Planning Association or the local chapter can provide that workshop. He felt it was important if they could do it at no-cost and could possibly direct them to a web site. Mayor Margolis also recommended the Equestrian Preserve Committee. Mr. Schofield thought that was a good idea, and he would look into arranging for a Planning 101 for Elected and Appointed Officials Workshop

13. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:45 p.m.

Approved:

Bob Margolis, Mayor

Awilda Rodriguez, Clerk