

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Thursday, September 24, 2015

7:00 PM

Village Hall

Village Council

*Bob Margolis, Mayor
John Greene, Vice Mayor
Matt Willhite, Councilman
Anne Gerwig, Councilwoman
John T. McGovern, Councilman*

1. CALL TO ORDER

Mayor Margolis called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Boy Scout Troop led the Pledge of Allegiance.

3. INVOCATION

Deacon Al Payne, St. Therese de Lisieux Catholic Church, Wellington, delivered the Invocation.

4. APPROVAL OF AGENDA

Mr. Schofield presented the Agenda recommending approval with the following amendments:

1. Move Consent item 6C: Authorization to Renew the Contract to Provide General Liability and Property Casualty and Compensation Insurance to the Regular Agenda as item 8A.
2. Regular items 8A and 8B will become items 8B and 8C.
3. Move Consent item 6G: Authorization to Enter into an Agreement with Mock Roos and Associates to Evaluate the alternatives for maintaining canals to the Regular Agenda as item 8D.
4. Move Consent item 6H: Isla Verde Plat to the Regular Agenda as item 8E.
5. Add the Wellington Green Market Discussion to the Regular Agenda as item 8F.
6. Move Consent Agenda item 6H: Authorization of Disposition of Surplus Tangible Person Property to the Regular Agenda as item 8G.

He noted that staff had received a request from the applicant to postpone item 7B? Resolution No. R2015-61 (Global Dressage Complex, AKA Equestrian Village Permit) to the October 13th meeting. However, that needed to be postponed under the item since it is a scheduled public hearing.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed approving the Agenda as amended.

5. PRESENTATIONS AND PROCLAMATIONS

Mr. Schofield requested that Lt. Shaivitz give Council an update.

Lt. Eli Shaivitz updated Council that an arrest had been made for the homicide at the Chevron Station.

PUBLIC FORUM

1. Kathy Copan, 13665 Barberry Drive, Wellington. Ms. Copan spoke about an invasive ficus tree that is on the Villae of Wellington's Canal Bank right-of-way and the problems that it is causing her property. She requested the removal of that tree.
2. Jaidyn Brody, 1862 Barnstable Road, Wellington. Ms. Brody thanked

Council for attending and supporting her "Putting for Patients" event which was a huge success raising just under \$5,000.00. She noted she had been fundraising at the Food Truck Invasion that evening. She also spoke about a problem she had with food that had been promised by Panda Express which did not materialize.

3. Michael Miskin, 11472 Paradise Cove Lane, Wellington. Mr. Miskin, President of the Isles of Wellington, spoke in support of the paving of 120th Street.

6. CONSENT AGENDA

Mr. Schofield introduced the Consent Agenda approving as amended.

A motion was made by Councilman McGovern, seconded by Councilman Willhite, and unanimously passed (5-0) as amended.

- A. [15-694](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF AUGUST 11, 2015 AND AUGUST 25, 2015

This item was approved on Consent.

- B. [15-333](#) AUTHORIZATION TO AWARD A CONTRACT TO MULTIPLE VENDORS FOR THE PURCHASE AND DELIVERY OF FERTILIZERS, HERBICIDES, INSECTICIDES, FUNGICIDES AND OTHER SPECIALTY ITEMS

This item was approved on Consent.

- E. [15-380](#) AUTHORIZATION TO RENEW AN EXISTING CONTRACT FOR ANNUAL LAB ANALYSES

This item was approved on Consent.

- F. [15-384](#) AUTHORIZATION TO RENEW AN EXISTING CONTRACT FOR LANDSCAPE MAINTENANCE OF SECONDARY ROADWAYS VILLAGE-WIDE

This item was approved on Consent.

7. PUBLIC HEARINGS

- A. [15-540](#) SECOND PUBLIC HEARING ON THE FISCAL YEAR 2015/2016 PROPOSED MILLAGE RATE AND ANNUAL BUDGET FOR WELLINGTON

I. RESOLUTION NO. R2015-74 (MILLAGE RATE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE TAX LEVY AND MILLAGE RATE FOR WELLINGTON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016; AND PROVIDING AN EFFECTIVE DATE.

II. RESOLUTION NO. R2015-75 (WELLINGTON BUDGET)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING A BUDGET FOR THE VILLAGE OF WELLINGTON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the resolutions by title.

Ms. Quickel presented the staff report.

Public Hearing

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) to open the Public Hearing.

1. Marcus Cade, 15580 Sunward Street, Wellington. Mr. Cade spoke in support of installing sidewalks in Aero Club.

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

Approvals**RESOLUTION NO. R2015-74 (MILLAGE RATE)**

A motion was made by Vice Mayor Greene, seconded by Councilman McGovern, approving Resolution No. R2015-74 adopting the millage rate of 2.45 as presented.

Ms. Quickel read the required language regarding the millage rate and the rollback rate.

The motion was voted on and was unanimously passed (5-0)

RESOLUTION NO. R2015-75 (BUDGET)

A motion was made by Vice Mayor Greene, seconded by Councilman Willhite approving the Budget allocating the following projects for the \$3.2 million for unfunded capital projects:

- 1. Lake Worth School Crossing-\$45,000**
- 2. 120th Street Paving-\$1,885,000**
- 3. Huntington Drive-\$45,000**
- 4. Aero Club Sidewalks-\$ 675,000**
- 5. Traffic Calming-\$200,000**
- 6. Pierson Road Realignment-\$350,000**

Councilman McGovern requested the following friendly amendment:

- 1. Reduce Traffic Calming to \$100,00.00**
- 2. Reduce Aero Club sidewalks by \$35,000**

3. Reduce Pierson Road Realignment by \$35,000

He explained this would provide them with the \$300,000 already in the budget which would pay for the improvements to Big Blue and Barberry, and they would not have to come back and reallocate those funds.

Vice Mayor Greene did not accept amending the amendment to his motion.

The motion was voted on and was passed (3-2) with Councilwoman Gerwig and Councilman McGovern dissenting.

B. [15-678](#)**RESOLUTION NO. R2015-61 (GLOBAL DRESSAGE COMPLEX, AKA EQUESTRIAN VILLAGE PERMIT)**

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A SEASONAL EQUESTRIAN USE PERMIT FOR THE GLOBAL DRESSAGE COMPLEX, AKA EQUESTRIAN VILLAGE, AT 13466 SOUTH SHORE BOULEVARD FOR AN EQUESTRIAN SHOW USE FROM NOVEMBER 1, 2015 TO APRIL 30, 2016; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. He requested a motion by Council to postpone this item to the October 13, 2015 Council meeting.

A motion was made by Councilwoman Gerwig, seconded by Councilman Willhite, and unanimously passed (5-0) postponing hearing the Global Dressage Special Use Permit to October 13, 2015.

8. REGULAR AGENDA**A. [15-337](#)****AUTHORIZATION TO RENEW THE CONTRACT TO PROVIDE GENERAL LIABILITY, PROPERTY, CASUALTY AND WORKERS' COMPENSATION INSURANCE**

Mr. Schofield introduced the agenda item. Mayor Margolis said that he would have to recuse himself from this item because he is a Trustee for the Florida League of Cities Municipal Pension Trust.

Mayor Margolis left the Council Chambers.

Mr. De La Vega presented the staff report. Mr. Gehring addressed Council questions.

A motion was made by Councilman Willhite, seconded by Councilman McGovern, and unanimously passed (4-0) authorizing the renewal of the contract to provide general liability, property, casualty and workers' compensation insurance with the Florida Municipal Insurance Trust (Florida League of Cities) at an estimated net annual cost of \$689,808.

Mayor Margolis re-entered the Council Chambers after the approval of this item.

B. [15-699](#)**RESOLUTION NO. R2015-73 (ADOPTION OF POLICY FOR**

REIMBURSEMENT OF ATTORNEYS' FEES AND COSTS INCIDENT TO ETHICS COMPLAINTS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING A POLICY FOR REIMBURSEMENT OF ATTORNEYS' FEES AND COSTS INCURRED BY CITY OFFICIALS, ADVISORY BOARD MEMBERS AND EMPLOYEES IN SUCCESSFULLY DEFENDING ETHICS COMPLAINTS.

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the resolution by title.

Ms. Cohen presented the staff report.

Public Comments

1. Carol Coleman, 14221 Stroller Way, Wellington. Ms. Coleman said that she had been listening to the Agenda Review held the previous day, and she clarified that she had made an ethics violation against an individual in the Village of Wellington, not against the Village. She said the allegations were legally sufficient to indicate possible violation of Section 112-3135 of the Florida Statutes, Anti-Nepotism Law. The case was reviewed and probable cause was found.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving Resolution No. R2015-73 as presented.

C. [15-716](#)

BINKS FOREST GOLF COURSE POTENTIAL ACQUISITION

Mr. Schofield introduced the agenda item.

Mr. Barnes addressed Council said it was his understanding that Council would not provide direction until they had the opportunity to review all of the appraisals which had not all been received. He said that staff would be back with the appraisals at the October 13th meeting. Ms. Cohen explained the Restricted Covenant that was on the golf course.

Councilman Willhite requested the status of the golf course. Mr. Barnes would check with the Planning Department.

Council consensus was that they would not make a decision on this until the appraisals all were presented.

D. [15-662](#)

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MOCK ROOS & ASSOCIATES, INC., TO EVALUATE ALTERNATIVES FOR MAINTAINING EXISTING CANAL RIGHTS-OF-WAY THROUGHOUT THE VILLAGE

Mr. Schofield introduced the agenda item.

Mr. Barnes presented the staff report.

A motion was made by Councilwoman Gerwig, seconded by Mayor Margolis,

and died 2-3 with Vice Mayor Greene, Councilman Willhite and Councilman McGovern dissenting.

Mr. Schofield said that he has clear understanding of what Council wants, and this will be brought back to Council with a clear explanation. He said that part of the direction that they received was to look at alternative means and methods of canal maintenance other than the clear cutting that had been proposed. He said that he will cover this in the Weekly Report, and Council can contact him individually if they have any questions. Mr. Schofield said that they would most like bring this back on October 27th.

E. [15-639](#)

RESOLUTION NO. R2015-69 (ISLA VERDE OF WELLINGTON RESIDENTIAL REPLAT NO. 1)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE ISLA VERDE OF WELLINGTON RESIDENTIAL REPLAT NO. 1 LYING IN SECTIONS 6 AND 7, TOWNSHIP 44 SOUTH, RANGE 42 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF ISLA VERDE OF WELLINGTON RESIDENTIAL REPLAT, AS RECORDED IN PLAT BOOK 115, PAGES 69 THROUGH 73, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Mr. Schofield introduced the agenda item. Councilwoman Gerwig announced that she had to recuse herself from this item because her firm has done some bridge design work for who she believed is the same developer.

Councilwoman Gerwig left the Council Chambers at this point.

A motion was made by Councilman McGovern, seconded by Vice Mayor Greene, and unanimously passed (4-0) approving Resolution No. R2015-69 as presented.

Councilwoman Gerwig returned to the Council Chambers after the approval of this item.

F. **WELLINGTON GREEN MARKET DISCUSSION**

Mr. Schofield introduced the agenda item.

Mr. DeLaney presented the staff report.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) authorizing staff to start a Letter of Interest process for a rental agreement.

Mr. Schofield said that this would come back relatively quickly.

G. [15-338](#)

AUTHORIZATION OF DISPOSITION OF SURPLUS TANGIBLE PERSONAL PROPERTY

Mr. Schofield introduced the agenda item.

A motion was made by Councilman Willhite, seconded by Councilwoman Gerwig, and unanimously passed (5-0) approving (1) the FY 2015 disposition of surplus tangible personal property; (2) removal of assets per the Village's new capitalization threshold; and (3) remove non-capitalized replaced, retired or unidentifiable assets from the capital asset listing.

9. PUBLIC FORUM

There were no public comments.

10. ATTORNEY'S REPORT

Ms. Cohen presented the following report.

1. She reported that when she went to sign off on the Amended and Restated Bylaws, the certification stated that "these Bylaws were approved at a meeting of the Board of Directors by two thirds majority vote on September 10, 2015." She said that she calculated that two thirds vote would be 3.33 people. In light of that, she asked that Council take a vote to revise the language that "these Bylaws were approved at a meeting of the Board of Directors by a majority vote on September 10, 2015." She corrected that and said it would actually say: "these Second Amended and Restated Bylaws were approved at a meeting of the Board of Directors by a majority vote on September 24, 2015."

Councilman Willhite asked if Ms. Cohen was asking him to take action as a member of the Wellington Village Council or as a board member of the Wellington Community Foundation. He stated that he was not sitting at this meeting as a member of the Wellington Community Foundation, and did not think it was an appropriate action to take at the Council meeting.

Ms. Cohen said that she understood Councilman Willhite's comments, and since this needed to be corrected, she would put it on the next agenda.

11. MANAGER'S REPORTS

Mr. Schofield presented the following report:

1. The next Regular Council meeting will be held on Tuesday, October 13, 2015 at 7:00 p.m. in the Council Chambers.
2. There will be a Public Forum to review the proposed Charter Amendments on Tuesday, September 29, 2015 in the Council Chambers at 7:00 p.m.
3. The Village will be participating in the American Heart Association's Heart Walk on Saturday, September 26, 2015 at the Meyer Amphitheater starting at 9:00 a.m.
4. The Village along with the Noelle Cares for Kids and Together with the Pride Foundation will hold a Wiffle Ball Tournament on Sunday, September 27, 2015 at 10:00 a.m. at Village Park.
5. Tickets are on sale at the Village Park for the Fall Festival that will take place on Saturday, October 17, 2015 from 6 to 10 p.m.

Mr. Schofield said that the Mayor had been challenged to come in a costume this year. Mayor Margolis said that he would accept the challenge. He then challenged the Village Manager to also come in costume. Mr. Schofield accepted the challenge.

12. COUNCIL REPORTS

Councilwoman Gerwig presented the following report:

1. She asked if anyone was carpooling to the Heart Walk.

Mr. Schofield said that there were people who were carpooling, and he would have Ms. Kelly contact her since she is organizing the event.

2. She said that she had attended the opening of the Alzheimer's Care Facility. She said that it is a wonderful, caring group of people and she believed it was a good moment for the community,

3. Councilwoman Gerwig addressed speed control noting an incident that had occurred with cars crossing the double line to pass another car. She noted that there has been a lot of speeding and passing throughout their neighborhoods, and thought that is only controlled with the presence of a deputy and a radar gun. Councilwoman Gerwig said that neighbors have expressed concern that there is not enough traffic control on their streets.

4. She stated that the lids were not being put back on the garbage cans after the waste has been picked up. She asked if the waste haulers are supposed to put the lids on the garbage cans.

In response, Mr. Schofield said that it is an automated system and the life should automatically go down. He indicated that he would have Mr. Wright contact Waste Management regarding this problem.

Vice Mayor Greene presented the following report:

1. He reported that he also had attended the opening of the Alzheimer's Care Facility. He said that the facility is providing an incredible benefit and is a great asset to the community. He thought that at the pace they were going and the reputation that they were developing, they will quickly outgrow the facility. He was happy to have them in Wellington and appreciated all the work that they do.

2. He stated that he would be attending the Heart Walk on Saturday.

3. Vice Mayor Greene said that he has been following the Pope's visit to the United States which he found to be remarkable. He said it was incredible to see that everyone puts their differences aside and recognize the significance of having someone like the Pope visit this country and the impact he has on everyone.

4. With regard to the March election, he said that he thought it was important to put personal decisions aside until the budget process and other issues were completed, but he was happy to announce that he had pulled papers and would be running to retain his seat.

Councilman Willhite presented the following report:

1. He offered encouragement to all of the residents and employees who would be participating in the Heart Walk on Saturday.

2. He reminded Council that they were to have turned in all of their evaluations for the Village Manager and Village Attorney by that evening. He noted that he had submitted his evaluations to Mr. Barnes.

3. As they talk about policy, Councilman Willhite directed staff to put a policy manual on the website that is pertinent to each department.

4. Councilman Willhite asked the Manager if the \$25,000 approval he has for purchasing items was individual or aggregate.

Mr. Schofield explained that it is both an individual and an aggregate. He further explained that he can spend up to \$25,000, but he cannot break up purchase orders, for example, three \$10,000 requests to approve \$30,000. He said that the policy is very clear that Council approval is required if in the aggregate it goes over \$25,000.

Ms. Cohen added that if Mr. Schofield needed to order \$25,000 worth of pencils now and then six months later \$25,000 of pencils, that was not counted as an aggregate because they were two different purchases.

Councilman Willhite expressed concern about that, and asked that policy come back to Council for more discussion.

5. Councilman Willhite said that he was excited about the October Fall Festival.

6. He said that he continuously gets letters about Meridith Tuckwood and her performance, and he recognized her for her hard work, and appreciated the letters that are received from members of the community.

7. He said that he is not Catholic, but was very intrigued by the Pope's visit. He found that this Pope was proving that he is for the people which he admired.

Councilman McGovern presented the following report:

1. He praised the work that Jadiyn Brody has done in her quest to raise money for Leukemia. He said that the "Putting for Patients" was a great event.

Councilman McGovern said that her not getting the food from Panda Express was very disappointing. He stated that he and his daughter had a great time at the event.

2. He said that the event for the opening of the Alzheimer's Care Facility at St. Michael's Lutheran Church, was not only wonderful for the people who were there and the people who spoke about the serving being provided, but all of the aspect of what was there.. He said it is a beautiful facility and will be very successful. He said it shows what can happen when an organization, a community and Foundations come together. He recognized the generosity of the Leo and Anne Albert Charitable Trust and the James and Claudine Kirkwood Fund of the Community Foundation for Palm Beach and Martin Counties, for making that space what it is for the families and those who are suffering from Alzheimer's.

3. Councilman McGovern said that everyone at his house is excited about the Fall Festival. He encouraged everyone to buy tickets and attend the October 17th event.

Mayor Margolis presented the following report:

1. He recently read that the Village's Tennis Center won the USTA Grant for \$750.00 to buy equipment for the Youth Program.

2, He announced that he would not be able to attend the Heart Walk on Saturday. He explained that his wife Linda is undergoing radiation treatment and her doctors do not want her to be in the sun, so he will be home with her.

3. He acknowledged that Mr. Shalloway was at the Alzheimer's Care Facility opening.

13. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned.