

**MINUTES
REGULAR MEETING OF THE
WELLINGTON VILLAGE COUNCIL
November 12, 2002**

Pursuant to the foregoing notice, a regular meeting was held of the Wellington Village Council on November 12, 2002 at 7:00 p.m. at the Wellington Community Center located at 12165 W. Forest Hill Boulevard, Wellington, Florida.

Councilmembers present were: Thomas Wenham, Mayor; Linda Bolton, Vice Mayor; Mark Miles, Councilman and Lizbeth Benacquisto, Councilmember. (Councilman Carmine Priore joined the Village Council after reappointment.) Advisors to the Council were: Gary Clough, Director of Environmental and Engineering Services; Christine Tatum, Village Attorney; Awilda Rodriguez, Village Clerk and Janice C. Rutan, Records Management Coordinator of the Village Clerk's office.

Call to Order:

Mayor Thomas Wenham called the meeting to order at 7:10 p.m.

Invocation:

Pastor David Brower, of New Community Church, gave the invocation.

Approval of Agenda:

A motion was made by Vice Mayor Bolton, seconded by Councilmember Benacquisto and unanimously passed to approve the agenda, as amended, to include item II.F – Presentation regarding the National Horse Show.

Attorney Chris Tatum announced that the Attorney-Client session concerning the Village of Wellington v. Elsie M. Lanier, et al scheduled for earlier in the evening had been cancelled and would be rescheduled.

Village Manager Charles Lynn suggested that the Attorney-Client session be readvertised for the following week in the event the parties were ready to meet with the Village Council.

Appointment to Fill Council Vacancy in Seat #4:

Mr. Lynn explained that Dr. Priore submitted a resignation consistent with the requirements of Section 99.012, Florida Statutes, and the Florida Resign-to-Run Law. Based upon that resignation, his seat (Council Seat #4) became vacant on November 5, 2002. The Charter of the Village of Wellington specifically mandated that a vacancy would be filled by appointment and specified that the appointment would be accomplished within 30 days of the vacancy.

Mr. Lynn added that to be consistent with the provisions of the Village Charter, there were two options available to the Village Council:

1. Appoint Dr. Priore to fill the unexpired term of his seat.
2. Appoint another person who was a registered voter and a resident of the Village to fill the unexpired term of his seat.

Based on the results of the November 5th, 2002 Charter Amendment referendum, the unexpired term of Council Seat #4 would extend to March of 2003.

Councilman Miles addressed the Village Council. He felt strongly that Dr. Priore had been sincere in his resignation as the letter submitted by Dr. Priore contained the words "irrevocable resignation". Councilman Miles contended that the language should be treated with respect and left no room for Council discretion.

Vice Mayor Bolton disagreed stating that Dr. Priore had been penalized enough by having lost the election for House Representative. She added that if he were to lose his seat on the Council, he would no longer be able to serve the Village on the Treasure Coast Regional Planning Council, the Florida Municipal Insurance Trust and the Florida League of Cities where he had served as president. Councilmember Benacquisto concurred with Vice Mayor Bolton.

Councilman Miles suggested that representation on those boards be assigned to other Councilmembers. He added that he could not support the reappointment of Dr. Priore due to Dr. Priore's request that the Council accept his irrevocable resignation. Councilman Miles also added that members of the public had expressed an interest in serving on the Council.

It was then revealed that the appointment would be for a four month period at which time the seat would become the elected mayor's seat under the newly enacted Charter amendment. It was suggested that for the future, the process of filling a vacancy be streamlined.

Discussion continued.

A motion was then made by Councilmember Benacquisto and seconded by Vice Mayor Bolton to reappoint Councilman Priore to the Village Council to fill the vacancy in Seat #4 for a term expiring in March 2003. The vote carried 3 to 1, with Councilman Miles voting against the motion.

Ms. Tatum administered the oath of office to Councilman Priore. Councilman Priore then took a seat at the dais.

Councilman Priore thanked his supporters and expressed his gratitude to be back on the Village Council. Dr. Priore addressed the Village Council and explained that the state statute required that the word irrevocable be used within the body of the letter of resignation; however, use of that word should not have precluded the Village Council from reappointing him. Further, he added that he had earned appointment to the various state, county and local boards and committees. As such, those seats did not belong to the Village of Wellington and could not be passed on to another Councilmember.

Presentations & Proclamations

A. Presentation by South Florida Water Management District for Alternative Water Supply Grant Award in the amount of \$300,000.

A presentation to Council was made by Dr. Pat Gleason, Michelle Percy and Jane Bucca of the South Florida Water Management District for a grant award in the amount of \$300,000. SFWMD presented a check for the grant for the Alternative Water Supply Funding Program Agreement for Fiscal Year 2002-2003, which was a result of the Village's application for Phase I of the Water ReUse Program. Mr. Lynn explained that there was a "companion item" under item C9 of the consent agenda providing for the Agreement, effective date, and corresponding budget amendment.

Representatives from South Florida Water Management District commended the Village of Wellington for its water conservation efforts.

Vice Mayor Bolton thanked Mr. Lynn for his visionary leadership in this regard. Mr. Lynn in turn acknowledged Gary Clough, Ken Roundtree and Bill Reese for their efforts.

Presentation of Funding to Seven Wellington Schools for Student Enrichment Purchases and Programs in the amount of \$55,000.

Mr. Lynn reported that Council had included \$55,000 in the FY 2002/2003 Budget again this year to fund the public schools in Wellington, for student enrichment programs. The principals of each of the schools and the Education Committee had been invited to attend this meeting. Mr. Lynn noted that under a "companion item" C10 of the Consent Agenda, Staff was recommending approval to continue this School Funding Program for Fiscal Year 2002/2003 under the same guidelines used for last year's program.

Mr. Lynn explained that this funding would grant an allocation of \$5.00 per student based on the eleven-day count for each public elementary, middle and high schools located within the Village.

Mayor Wenham presented checks to the schools as follows:

Bink's Forest Elementary School (1,154 students)	\$5,770.00
New Horizon's Elementary School (788 students)	\$3,940.00
Panther Run Elementary School (1,210 students)	\$6,050.00
Wellington Elementary (1,028 students)	\$5,140.00
Polo Park Middle School (1,382 students)	\$6,910.00
Wellington Landings Middle School (1,550 students)	\$7,750.00
Wellington Community High School (3,766 students)	\$18,830.00
TOTALS (10,878 students)	\$54,390.00

Special thanks were given to the principals of each of the schools and to Michael Whitaker, Chair of the Education Committee.

Mario Crocetti, Principal of Wellington Landing Middle School, expressed sincere appreciation to the Village Council. Palm Beach County School Board members, Dr. Sandra Richmond and Paula Burdick, also thanked the Village Council for their support of education.

B. Presentation to the Boys & Girls Club of Palm Beach County, Inc. for Recreational Services in the Amount of \$50,000.

Mary O'Connor, of the Boys & Girls Club of Palm Beach, Inc., was present for the renewal agreement of \$50,000 to provide recreation and cultural opportunities for youth in the Village of Wellington. The "companion item" under C8 of the consent agenda provided for a Resolution to renew the Agreement with Boys and Girls Club.

The Village Council presented a check in the amount of \$50,000 to Mary O'Connor and Dick Loiselle of the Boys and Girls Club of Palm Beach, Inc. Ms. O'Connor expressed appreciation to the Village Council.

C. Proclamation Recognizing Cheryl Lay as Mathematics Educator of the Year.

Mr. Lynn read a Proclamation recognizing Cheryl Lay as the 2002 Mathematics Educator of the Year awarded by the Palm Beach County Council of Teachers of Mathematics.

D. Proclamation Celebrating 100 Years of Service for the Children's Home Society.

Mr. Lynn read a Proclamation recognizing the 100 years of service for the Children's Home Society. Caroline Johnston of the Children's Home Society was present to receive the Proclamation.

E. Presentation of issues regarding the National Horse Show

Village Manager Charles Lynn reported that the Village of Wellington would be home to the 119th annual National Horse Show November 26, 2002 through December 1, 2002. The Village of Wellington would be a platinum sponsor to the event that would include on site marketing and advertisement. He added that the Village of Wellington had been working closely with representatives of the National Horse Show.

Ken Roundtree, Director of Public Works and Cynthia Gardner, Chair of the Equestrian Committee, addressed the Village Council. Mr. Roundtree reported on the placement of the Horse Show banners at the locations of Pierson Road at South Shore Boulevard, Forest Hill Boulevard at the fountains (both sides), South Shore Boulevard at Forest Hill Boulevard (Veteran's Park) and at Forest Hill Boulevard and SR80 (both sides). He requested Village Council support of placing the banners and added that the banners would only be up for the duration of the Horse Show.

A motion was made by Vice Mayor Bolton, seconded by Councilman Miles and unanimously passed to approve the placement of the temporary banners.

Cynthia Gardner addressed the Village Council. She explained that as part of the platinum sponsorship, the Village of Wellington would be receiving \$51,600 worth of tangible items. Intangible items included Wellington Day and Wellington Children's Day. As such, she requested Village Council direction on how to proceed with the planning of the various events. The Council would have a loge available throughout the duration of the event as well as tickets to the Black Tie Equus affair. A list of invitees was briefly discussed. Ms. Gardner suggested that the Village plan to offer food and beverages during some of the specific events.

Discussion ensued as to funding the events. Ms. Gardner anticipated costs for catering to be approximately \$8,000. By Council consent it was agreed that money would be raised through corporate sponsorship. Councilman Miles stated that Wellington Remodeling, Inc. would donate \$500.00 towards sponsorship of the events. It was also agreed that Cynthia Gardner and Staff would work through the Village Manager.

The Village Council expressed its appreciation to Ms. Gardner for her assistance and involvement.

Public Hearings

ORDINANCE NO. 2002-27 (Public Hearing and Second Reading)
AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO THE CONVERSION FROM COMMERCIAL USES TO RESIDENTIAL USES; MAKING CERTAIN FINDINGS OF FACT; CREATING A NEW SECTION OF THE UNIFIED LAND DEVELOPMENT CODE TO BE ENTITLED "PLANNED UNIT DEVELOPMENTS - CONVERSION FROM COMMERCIAL TO RESIDENTIAL USES"; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lynn explained that this was a Public Hearing and Second Reading of Ordinance No. 2002-27 which would amend Section 6.8 Property Development Regulation standards of the Unified Land Development Code ("ULDC"). This amendment, if adopted, would comply with Policy 1.3.17 of the Land Use Element of the Village's Comprehensive Plan to: 1) allow for the conversion of certain Commercial Land Uses to Residential Land Uses, 2) to provide a regulatory framework for the conversion, and 3) to provide a review process that vests final approval authority in the Village Council of the Village of Wellington.

At their October 3, 2002 meeting, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, had made changes which were incorporated into the ordinance and recommended approval.

Paul Schofield, Director of Planning and Zoning presented Staff's Report. He explained that the proposed ordinance was not project specific.

Mayor Wenham invited Robert Bentz of Land Design South to address the Village Council. Vice Mayor Bolton requested a point of order, confirming with Staff that the ordinance was not site specific.

A motion was then made by Vice Mayor Bolton, seconded by Councilmember Benacquisto and passed unanimously to open the Public Hearing.

Public Comment:

Robert Bentz, Land Design South:

Robert Bentz of Land Design South addressed the Village Council. Mr. Bentz noted that the change in zoning would allow his clients an opportunity to come before the Council with a proposed project, however, he clarified that he was not requesting Village Council approval of the proposed project at this time.

Mr. Bentz stated he was representing Engle Homes, the potential purchaser of property that would be affected by the change in zoning. The property was presently approved for an Adult Congregate Living Facility and is zoned as land use commercial. He noted that an ACLF was not really a commercial use.

Mr. Bentz commended staff and stated that the proposed changes to the zoning code would protect the Village. He urged the Village Council to modify its zoning code to comply with the Comprehensive Plan.

Mr. Bentz, in response to Vice Mayor Bolton, explained that the proposed amendment to the zoning code would not approve his client's project but would allow his clients to come before the Village Council for consideration of the change of land use designation. Vice Mayor Bolton confirmed that Engle Homes had not yet purchased the property.

Councilman Miles confirmed with Mr. Schofield that the current zoning of the property was commercial with an underlying residential use.

Ron Miranda, Michael's Pasta and Nicole's Tavern:

Mr. Miranda, stating for the record that he owned two restaurants in the Village of Wellington, Michael's Pasta and Nicole's Tavern, addressed the Village Council. He expressed his confusion over the Comprehensive Plan.

Mr. Schofield gave a brief explanation as to the Village of Wellington's Comprehensive Plan and its relationship with the Village's Land Development Regulations.

Mr. Miranda expressed his concern with the rezoning of the particular parcel of land located between the Hess Station and Mizner Place on South Shore Boulevard, presently zoned as commercial and approved for use as an Adult Congregate Living Facility. He explained that although the ordinance before the Council this evening was not site specific, if the ordinance was approved, it would then become site specific.

Mr. Miranda gave a brief background of his nine-year history with the Village of Wellington. The choice of his location for Nicole's Tavern was based on the surrounding properties that he thought were zoned commercial. He believed the restaurant's lunch business would thrive due to the neighboring commercial properties.

It was explained to Mr. Miranda that the designation of an ACLF was not a commercial use designation. Designation of the property would not be decided this evening. Discussion followed. Mr. Miranda expressed his concern that the future of the particular parcel of property would have a future effect on his own business. He stated his belief that the proposed zoning change would have a shortterm effect.

Al Malefatto, 1726 Grantham Drive, Wellington, FL:

Mr. Malefatto addressed the Village Council. He was present as a thirteen year resident of Wellington as well as representing Dornum Holdings, Inc., the present owner of the property being referred. The property was presently under contract for sale with Engle Homes.

Mr. Malefatto expressed his understanding (for the record) that the property would not be subject to a rezoning if the text amendment were approved. He believed that the change of use of the property would not be a rezoning but a Development Order amendment changing the site plan from an approved ACLF (161 ACLF units) to a subsequent site plan for a different use.

Responding to Mr. Miranda's comments, Mr. Malefatto also confirmed that when the restaurant, Nicole's Tavern, opened at its present location, the use of the abutting property, owned by Dornum Holdings, Inc., was never for an office building but only for an ACLF.

Lastly, he referred to the time that he had served on the Land Use Sub Committee of the Comprehensive Plan Task Force and at that time he had supported the language that had been included in the Comprehensive Plan regarding the conversion, knowing it would provide the Council with some flexibility.

Vice Mayor Bolton clarified (for the record) that the ordinance before the Council was a conversion ordinance allowing the change from commercial uses to residential uses and in fact was a change in the use. Vice Mayor Bolton expressed that the Council was not responsible for the profitability of any one persons business, however, the Council did need to take into consideration the negative impact its decisions may have on the community. With that said, Vice Mayor Bolton expressed her concern that there are presently 3700 homes being built in Wellington and that at this point in time, the Village needed to provide employment centers and jobs for its residents and not more homes. She added that commercial parcels within the Village needed to be preserved.

Mr. Malefatto asked the Council to take into consideration that his clients, Dornum Holdings, Inc. has been a responsible property owner in the Village for 15 years. He added that Dornum Holdings, Inc. had paid for the construction of Chancellor Drive as part of its approval process as well as having allowed the Village use of its property for many years.

Councilman Priore stated that the Village should pride itself in its lay out based on the PUD process. He then asked Mr. Schofield if residential properties would be allowed to be rezoned commercial in the same fashion as commercial properties outlined in the proposed ordinance.

Mr. Schofield responded that an amendment to the Comprehensive Plan would be required to convert residential property to commercial property.

Councilman Priore expressed his concern that the adoption of the conversion ordinance would set a precedent. Although he understood that adoption of the ordinance would only allow for the process, he was afraid that once the process was allowed, it could set the wheels in motion for future development. Councilman Priore was reluctant to change the ordinance expressing his satisfaction with the Village's plan.

Mr. Schofield agreed that the Council could be setting a precedent; however, he added that it was Staff's responsibility to bring forward inconsistencies between the Village's Comprehensive Plan and Land Development Regulations. This requirement was included in the Comprehensive Plan. He explained that the Village would be required to either provide the mechanism for the change, hence the adoption of the ordinance, or to remove that provision from the Comprehensive Plan.

Councilman Priore spoke to Mr. Malefatto and stated that he had been in support of the ACLF as an approved use for the property adding that an ACLF was not available elsewhere in the community and such a use would provide a distinct advantage to the community.

Mr. Malefatto responded that the inconsistency in the Comprehensive Plan would need to be amended if the text amendment were not approved.

Mike Sexton, Sexton Engineering, Wellington, FL.

Mr. Sexton addressed the Village Council as a resident of the Village of Wellington as well as a business owner in the Village. He was recently able to move his business into Wellington because the Comprehensive Plan allowed for businesses to be built within the center of the Village (Mizner Place, South Shore Boulevard). He added that the ordinance before the Council had become site specific and if approved would allow residences to be constructed between two recently construction commercial centers. If that were allowed the core center of the community center and commercial center would be lost and could cause future businesses to locate to the mall.

There being no further speakers, a motion was made by Councilman Miles and seconded by Vice Mayor Bolton to close the Public Hearing.

Alex Barboni, Dornum Holdings, Inc.

Alex Barboni of Dornum Holdings, Inc. next addressed the Village Council. He reminded the Council that the PUD, with its underlying county land use approvals had been adopted in the Village's Charter. He commented that the proposed text amendment would allow the Village to approve any change of use.

The vote was then called. The motion to close Public Hearing passed unanimously.

Councilman Miles expressed his disappointment over the possibility that the ACLF would not be constructed on the property adding that he felt an ACLF would be the best use for the property.

Councilman Miles requested that the Village Council move forward and approve the ordinance, as the change was required by the Comprehensive Plan. He added that the Council would not have to accept any future projects, including Engle Homes. The ordinance would allow the Village to accept its own standards for future development by including the language that required the Council to achieve innovative design parameters, or overall best use of the property. He added that the Council had two choices, one would be to adopt the ordinance, the second would be to amend the Comprehensive Plan.

Councilmember Benacquisto stated that between first and second reading she had an opportunity to view a map that showed commercial parcels that could be converted through adoption of this ordinance. She noted that there was very little commercial space left and believed it would be shortsighted of the Council to adopt the ordinance adding that conversion of those parcels to residential would leave little room for future development. Further, she expressed her concern that the adoption of the ordinance would be site specific. Councilmember Benacquisto stated she would not be comfortable adopting the ordinance.

Vice Mayor Bolton requested that Staff provide the Council with a study on the percentage of build out that the Village has achieved since the adoption of the Comprehensive Plan. She suggested the Council look at the adoption of the ordinance philosophically. She was concerned the decision was being made in a vacuum adding that until the Council looked at its needs for future development and build-out of the community no action should be taken. Vice Mayor Bolton recommended the matter be considered at a workshop.

Vice Mayor Bolton suggested the Council move forward with amending the Village's Comprehensive Plan to remove the necessary language while at the same time request that Staff provide a status report outlining what developments has been completed and what developments still need to be completed. Further, she suggested that a comparison be made with other well-planned communities. The Village would need to determine future needs.

Councilman Miles suggested the Council postpone any decision on the ordinance and on the Comprehensive Plan amendment until staff came back with the requested information.

A motion was made by Councilman Miles to table the adoption of Ordinance 2002-27 on second reading. Mayor Wenham passed the gavel to Vice Mayor Bolton and seconded the motion.

Vice Mayor Bolton addressed the Council. She once again expressed her concern over the three abandoned golf courses within the Village and stated that it could be a dangerous time to be vulnerable with inconsistencies in the Village's Comprehensive Plan.

Councilman Miles called for a point of order in response to Vice Mayor Bolton's comments.

Discussion followed. It was agreed to table the matter for a date certain and that a workshop be scheduled in the interim.

It was confirmed that postponement of the proposed ordinance would hold the present use of the property (owned by Dornum Holdings, Inc. and under contract with Engle Homes) in abeyance until further Council action. Paul Schofield confirmed that Staff would stop processing applications until such time as the Council took final action.

Mr. Schofield requested that Council allow Staff ample time to research the questions Council had posed by tabling the matter to a time certain.

Ms. Tatum reminded the Council of time restraints if an amendment to the Comprehensive Plan were to be made explaining that applications were being accepted for Round 1 of 2003 amendments and Round 2 applications would not be accepted until this time next year.

Mr. Schofield stated that Staff would move forward with the Comprehensive Plan amendment due to time constraints.

Councilman Priore questioned the necessity of amending the Comprehensive Plan when there was already an underlying land use for the particular parcel of land being discussed. Mr. Schofield explained that the language in the Comprehensive Plan would allow for the change of

use would need to be removed. Further, he noted that an underlying use was allowed because of the County's designation. When the Village adopted its Comprehensive Plan, the use and underlying use were no longer allowed. Any developer would need to request an amendment to the Comprehensive Plan to change the use of a property. Mr. Schofield explained that when the Comprehensive Plan was adopted, it was clearly understood that the adoption of the underlying land use assigned by Palm Beach County created a conflict between the Comprehensive Plan and the zoning. Further, it was clearly understood that the Comprehensive Plan would be the governing document so included in the Comprehensive Plan was a provision for the adoption of an ordinance that would address with the conflict. Staff had since developed the ordinance required by the Comprehensive Plan that was before the Council. Mr. Schofield advised Council of the option to either adopt the ordinance or remove the provision requiring the ordinance from the Comprehensive Plan.

Mr. Schofield continued, explaining that by amending the Comprehensive Plan to remove the provision for conversion, it would open the process for changing the underlying land use to require a Comprehensive Plan amendment. He explained that the Council would not be required to approve any amendment to come before the Council. However, an ordinance were adopted that would change the land use designation of a property and the applicant were to meet all of the performance standards set forth in the Land Use Regulation ordinance, the Council would be required to approve the application.

He noted that an amendment to the Comprehensive Plan would allow the Council more latitude in making a decision than an amendment to the Land Development Regulations. He explained that a Comprehensive Plan amendment is more of a subjective process than an amendment to Land Development Regulations as that would require an approval if all criteria were met.

Councilman Miles called for the vote and confirmed his motion to state that action on the approval of Ordinance 2002-27 be postponed for 90 days. The motion passed unanimously.

Consent Agenda

- C1. Minutes of the October 22, 2002 Regular Council Meeting.**
- C2. Certificates of Correction.**
- C3. Billing Utility Adjustments in Accordance with Council Policy Set Forth in Resolution No. 98-14.**
- C4. Award of Bid #109-02: No. 2 Storage Reservoir Landscaping (\$23,298).**
- C5. RESOLUTION NO. R2002-111
A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON FLORIDA ACCEPTING THE EASEMENTS DEDICATED ON THE FINAL PLAT KNOWN AS ANTHONY GROVES PHASE TWO; AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE PLAT; AND PROVIDING AN EFFECTIVE DATE.**
- C6. RESOLUTION NO. R2002-113

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING AN EXCLUSIVE EASEMENT FROM FERN DEVELOPMENT, LTD. FOR THE PURPOSE OF INSTALLING AND MAINTAINING UTILITIES ON THE PROPERTY KNOWN AS CHILI'S; AND PROVIDING AN EFFECTIVE DATE.**
- C7. RESOLUTION NO. R2002-114**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ACCEPTING AN EXCLUSIVE EASEMENT FROM FERN DEVELOPMENT, LTD. FOR THE PURPOSE OF INSTALLING AND MAINTAINING UTILITIES ON THE PROPERTY KNOWN AS MACARONI GRILL; AND PROVIDING AN EFFECTIVE DATE.

C8. RESOLUTION NO. R2002-116

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON FLORIDA APPROVING AN AGREEMENT FOR RECREATIONAL SERVICES BETWEEN THE VILLAGE OF WELLINGTON AND BOYS & GIRLS CLUB OF PALM BEACH COUNTY, INC.; AND PROVIDING AN EFFECTIVE DATE (\$50,000).

C9. RESOLUTION NO. R2002-117

RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA APPROVING THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ALTERNATIVE WATER SUPPLY (AWS) FUNDING PROGRAM AGREEMENT FOR FISCAL YEAR 2002-2003; AND PROVIDING AN EFFECTIVE DATE (\$300,000, and corresponding budget amendment).

C10. Renewal of Funding Program to Seven Wellington Elementary, Middle and High Schools for Student Enrichment Purchases and Programs (\$55,000).

Councilman Miles, seconded by Vice Mayor Bolton made a motion and unanimously passed (4 to 0 with Councilmember Benacquisto away from the dais) to approve the Consent Agenda as presented.

Regular Agenda

R1. RESOLUTION NO. R2002-118

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA APPROVING A CONSENT TO SUBLEASE AGREEMENT BETWEEN THE VILLAGE OF WELLINGTON AND PALM BEACH COUNTY TO CONSENT TO A SUBLEASE BETWEEN THE BOYS & GIRLS CLUBS OF PALM BEACH COUNTY, INC. AND EXCEL ALTERNATIVES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Lynn presented Staff's Report. He explained that the Boys & Girls Club of Palm Beach County, Inc. requested to sublease to Excel Alternatives for the purpose of providing alternative education to approximately 40 middle and high school students. There would be four teachers in four classrooms, as well as one administrator and shared secretarial reception, food service, and a game and recreation area. He noted that because the Village's agreement with the Boys & Girls Club of Palm Beach County, Inc. required prior written consent from Council to sublet, and Palm Beach County's deed transferring title to the property contained a deed restriction limiting use of the property to park purposes, both the Village and the County must consent to the sublease.

In addition to obtaining approval of this consent for sublease, Mr. Lynn explained the Boys & Girls Club would be required to obtain approval from the Village Council in the form of a Conditional Use A, which would need to be applied for at a later date by the Boys & Girls Club, Inc. This approval process was required as the Boys & Girls Club was located within the Village's Community Park, which is located within the Country Place Planned Unit of Development ("PUD").

In response to Councilman Miles, Ms. Tatum explained that a rezoning would not be required, however, a Development Order Amendment with a Conditional Use approval would be required. Councilman Miles confirmed that a Conditional Use approval would allow a school use on the property. The property was presently zoned as residential within a planned unit development.

Mary O'Conner of the Boys and Girls Club explained that prior to applying for the Conditional Use approval, the Boys and Girls Club must receive a approval for the sub lease by both the Village and the County. The matter had not yet been before the County. She added this was only the first step in the process.

A motion was then made Vice Mayor Bolton, seconded by Councilmember Benacquisto and unanimously passed (4 to 0 with Councilman Priore away from the dais) to approve Resolution R2002-118, Consent to Sub lease as presented.

R2. Proposed RFP for Section 24 Recreational Wetland Acquisition.

Mr. Lynn presented Staff's Report. He noted that this matter had been brought up at the last visioning workshop of the Village Council. Mr. Lynn explained the RFP was being proposed in light of the on-going discussions regarding the possibility of obtaining a portion of Section 24 currently owned by South Florida Water Management District to develop a wetlands/recreational type facility. He explained that an RFP (Request for Proposal) would begin the process of selecting a consultant through the CCNA process to pursue this action. Following Council authorization, the RFP would be released.

Mr. Lynn explained that the Project was divided into four phases. At the end of each phase the Village would have the option to proceed, defer or abandon the Project. The firm awarded the RFP for the Project would be expected to perform the following conceptual planning, design, administrative and engineering services in conjunction with Gary Clough and the Village staff: Mr. Lynn presented the following:

Phase I would be the "Master Plan" and would result in a comprehensive report on:

- Site assessment and environmental audit
- Review of all land restrictions and evaluation of potential uses for the property (i.e., recreational uses/elevated nature boardwalks, canoeing, fishing, wetlands mitigation bank, storm water retention and recharge area, etc.)
- At least two professional real estate appraisals of the property's fair market value.
- Recommended proposed uses for the property, estimated costs of acquisition and development, and estimated annual maintenance costs.
- Identification of potential grants and other capital funding sources (including that for comprehensive analysis of establishing a "wetland mitigation bank" or similar type of program), operating revenue sources, floral and faunal stock to be used and potential procurement sources, etc.
- Identification and obtaining the needed permits and expected time table for permitting, long-term management strategies, required staffing or contractors, and expected project duration.
- Contact with South Florida Water Management District concerning the possibility of joint development of the property.
- Conducting two public workshops to educate public and to obtain feedback on project

Mr. Lynn estimated maximum completion time for Phase I to be 120 calendar days.

Phase II: schematic design documents

Phase III: bidding

Phase IV: construction administration and project close-out services

Mr. Lynn stated that he had notified South Florida Water Management that the Village was letting out an RFP on their property.

Councilman Miles suggested a budget cap be placed on costs related to the Request for Proposal. He expressed concern that the Village would be spending money that it had not budgeted for on land it did not own.

Mr. Lynn explained that he would expect that engineering costs would be between \$10,000 to \$50,000. He added that these costs could be incurred after the ranking of potential bidders and the ultimate award of bid.

Village Engineer Gary Clough estimated that anticipated costs for the preparation of the RFP would not exceed \$2,000.

Mr. Lynn explained that at this point he was looking only for authorization to proceed with the preparation of the RFP. Staff would come back at a later date for funding requests.

Vice Mayor Bolton thanked Staff for moving forward with this opportunity. Vice Mayor Bolton suggested that flood protection for Section 24 be considered as it could open opportunities for grant funding. She asked Staff if there were any benefits available to the Village if a design/build option were included in the RFP. Mr. Clough responded that there too were many variables at this point.

Councilmember Benacquisto requested that wetland mitigation options be included as well.

A motion was then made by Councilman Miles, seconded by Vice Mayor Bolton and unanimously passed to approve the proposed RFP for Section 24, Recreational Wetland Acquisition.

Mr. Lynn added that the ultimate goal of the project, in addition to wetland mitigation and mitigation banks and flood control and protection, would be to double the passive recreational land for the required park land level of services required by the Village's Comprehensive Plan.

R3. Award of Bid #125-02: Construction of Restrooms at the Village of Wellington Aquatics Complex (\$105,720).

Mr. Lynn presented Staff's Report. He explained this bid was for the construction of the Village Aquatics Complex Restrooms. The Scope of Work included the specific items required for the design. Advertising in the Palm Beach Post was completed; additionally, forty-nine (49) vendors were mailed notifications of this bid. Of those, three (3) responded with a bid: Browning and Becker, \$105,720; Andrea Construction, \$107,438 and West Construction, \$129,673.

Staff's recommended bid was from Browning and Becker Construction in the amount of \$105,720. References for this company were perfect, and the past experience with this vendor on the part of the Village had been excellent. The project would be funded by a carry forward of \$120,000 from FY 2001/2002 Parks & Recreation contingency to FY 2002/2003 CIP Project.

A motion was made by Vice Mayor Bolton and seconded by Councilmember Benacquisto to approve Bid #125-02, to Browning and Becker Construction, in the amount of \$105,720, as presented.

In response to Councilman Miles concerns, Village Engineer Gary Clough contributed the high cost per square foot to utility issues in the area.

Councilman Miles reminded the Council that no tax dollars were to be expended on the spray ground. He noted that this was part of the spray ground.

Debbie Brisson, Director of Parks and Recreation confirmed that the Parks and Recreation Committee had recommended that no tax dollars be spent on the aquatics playground, however, the construction of the restrooms was a separate issue and was required by the Department of Health. The Parks and Recreation Committee recommended Council approval of this project.

The motion was unanimously passed.

R4. Award of Bid #108-02: Purchase of 2003 Model Year Ford Vehicles (\$170,617).

Mr. Lynn explained that this bid was for the Purchase of seven (7) new 2003 model year Ford Vehicles. In addition to advertising in The Palm Beach Post, twenty (20) vendors were notified of the Village's bid. Of those, four (4) responded: Orville Beckford Ford, Heintzelman's Truck Center, McCotter Ford, and Duval Ford. In order to assure the Village received the best possible pricing, all bid prices were compared with the Florida Sheriff's Association Bid #02-10-0826, resulting in recommendation of the purchase of one (1) vehicle from the Sheriff's Association bid rather than including in the Village's bid. Six (6) vehicles were recommended for award on the Village of Wellington Bid (#108-02) resulting from bid prices which were lower than the statewide Sheriff's Association bid. Upon approval from Council, requisitions would be completed for purchasing the vehicle. The vehicles would be delivered 60-90 days from placement of order.

Mr. Lynn explained that the budget for the recommended award was \$234,200, and the total of the recommended awards was \$161,930.1

A motion was made by Councilma Miles, seconded by Councilmember Benacquisto and unanimously passed to approve Bid No. 108-02, and use of Florida Sheriff's Association Bid, in the amount of \$170,617, as presented.

R5. Council Appointments to Boards and Committees.

Mr. Lynn reminded the Council that on October 8, 2002, the Village Council had appointed Edward Tierney as a Regular Member to the Code Enforcement Board. Mr. Tierney had been an alternate member to the Board.

He explained that Council would now need to appoint an alternate member to the Code Enforcement Board to fill the unexpired term (5/14/2003) of Edward Tierney.

A motion was made by Councilman Miles, seconded by Councilman Priore and unanimously passed to appoint Bob Curro as an alternate member to the Code Enforcement Board for a term expiring May 2003.

R6. Lanier Property Issues.

Mr. Lynn explained that this matter had been placed on the agenda as the Village has had discussion relating to the Lanier property. The Village had been facing a deadline imposed by the court system that had since been extended.

An Attorney-Client session and a regular meeting was scheduled for November 19, 2002 at 7:00 p.m. by Council consensus to discuss ongoing litigation regarding the Lanier property settlement agreement. Although the meeting would be advertised, it was agreed to cancel the meeting if a settlement agreement had not been reached by that date.

Attorney's Report:

No report.

Manager's Reports & Updates:

Mr. Lynn reminded the Village Council that November 14-15, 2002 were Legislative Days in Tallahassee and that he, along with Mayor Tom Wenham, Councilmembers Carmine Priore and Lizbeth Benacquisto, would be attending.

He also reminded all that the Village would be sponsoring Palm Beach County Day in Tallahassee in March, 2003.

Mr. Lynn announced the annual Tree and Menorah lighting sponsored by the Chamber of Commerce would take place at the Wellington Community Center at 6:00 p.m. November 21, 2002.

Council Reports:

Councilman Miles thanked those who attended the Veteran's Day events.

In response to Councilman Miles questions, Councilman Priore reported that a decision regarding the Village's seat on the MPO had been postponed due to the Governor's election. Councilman Priore would like to have a meeting with the Governor. He then asked the status of the Village's lobbyists, Ballard and Logan. He added that he had no objection to sharing a seat on the MPO, but other municipalities should share a seat also, not just the Village of Wellington.

Councilmember Benacquisto suggested that the Village appoint one of its members to lobby for the seat. It was the general consensus that the Council move forward with actively securing a seat on the MPO. It was agreed to contact individual members of the MPO.

A discussion concerning Ballard and Logan ensued.

It was agreed to look for other lobbyists to represent the Village of Wellington. Councilman Priore requested Council support for his continuation in representing the Village. This would be in addition to hiring a lobbyist to secure a seat on this organization. Village Manager Lynn agreed to look into other firms.

Councilman Miles expressed appreciation to property owners who have planted and trimmed hedges along the major thoroughfares.

Vice Mayor Bolton discussed items that the Council should bring to the Florida League of Cities conference in Orlando. Council should address these issues at its next retreat.

Vice Mayor Bolton requested that Staff look into a better traffic flow for Wellington High School stating the area was becoming exceedingly dangerous. She asked Mr. Lynn to request assistance from the Palm Beach County Sheriff's office.

It was reported that this matter had also been passed onto the Public Safety Committee.

Vice Mayor Bolton commended staff for the recent Comedy Night held at the Community Center. In response to concerns raised by Councilman Miles, it was agreed to request a financial report from staff to ensure that these events were not being subsidized by taxpayer dollars.

Mayor Wenham reported that the Palm Beach County Fire-Rescue had placed fire and heat sensors in the abandoned Greenview Cove and Bink's Forest Country Clubs.

Councilman Priore thanked Diane and Ted Pearlman for starting the seniors club over ten years ago.

Adjourn:

With no further business to come before the Village Council, it was moved by Vice Mayor Bolton, seconded and unainmously passed to adjourn at 10:15 p.m.

Approved:

Date

Thomas Wenham, Mayor

Awilda Rodriguez, Village Clerk