

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, December 12, 2016

4:30 PM

Village Hall - Conference Rooms 1E & 1F

Village Council Workshop

*Anne Gerwig, Mayor
John T. McGovern, Vice Mayor
Michael Drahos, Councilman
Michael J. Napoleone, Councilman
Tanya Siskind, Councilwoman*

1. CALL TO ORDER

Mayor Gerwig called the meeting to order at 4:30 P.M.

Councilmembers present: Anne Gerwig, Mayor; John McGovern, Vice Mayor; Michael Drahos, Councilman; Michael Napoleone, Councilman; Tanya Siskind, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Esq., Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administration and Financial Service; Rachel R. Callovi, Clerk.

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. [16-0628](#) EMPLOYEE OF THE MONTH FOR THE MONTH OF DECEMBER 2016 – CARLOS CANALES

This item was postponed until the first meeting in January.

4. REVIEW OF COUNCIL AGENDA**A. [16-0753](#) RECOGNITION OF THE COMMITMENT AND PARTICIPATION OF THE VILLAGE STAFF AND MEMBERS OF COUNCIL IN "READ FOR THE RECORD"**

Mr. Schofield introduced the item. This item is for the recognition of Village staff and members of Council for their commitment and participation in "Read for the Record" program.

Mayor Gerwig suggested having additional publicity the following year and noted she was very proud of all the hard work done by the entire Council.

Councilman Drahos suggested holding a moment of silence in honor of former Councilmember and Vice Mayor Paul Adams. Mr. Schofield noted a moment of silence would be appropriate and said he was waiting to receive information regarding the arrangements. Staff was working on the appropriate recognition which included a black ribbon being attached to his picture.

Mayor Gerwig said a moment of silence would be provided at the beginning of the Council meeting. She noted when Mr. Adams' family was ready, she wanted the Village to provide a tribute to him with a presentation for his service to the Village and the entire community. Mr. Schofield said the Town Crier would be running an article on Mr. Adams during the current week but he was not sure if the Palm Beach Post was doing the same.

There were no changes recommended.

B. [16-0698](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF NOVEMBER 8, 2016

Mr. Schofield introduced the item. This item is for Council approval of the Minutes of the Regular Wellington Council Meeting of November 8, 2016.

There were no changes recommended.

C. [16-0611](#)

AUTHORIZATION TO UTILIZE FLORIDA SHERIFFS ASSOCIATION, STATE OF FLORIDA AND NATIONAL JOINT POWERS ALLIANCE CONTRACTS FOR THE PURCHASE AND DELIVERY OF VEHICLES AND EQUIPMENT, AND AUTHORIZATION TO DISPOSE OF EXISTING VEHICLES AND EQUIPMENT

Mr. Schofield introduced the item. This item is for the authorization to utilize Florida Sheriffs Association (FSA) contract #16-VEH14.0, FSA 16-VEL-24.0, State of Florida Contract #21100000-15-1. National Joint Powers Alliance (NJPA) contract #031014 and #102811, as a basis for pricing, for the purchase and delivery of vehicles and equipment in the total amount of \$647,122.72, and authorization to dispose of existing surplus vehicle and equipment, pursuant to Village disposition policies.

Mr. De La Vega explained that staff was using the Florida Sheriff's Association, State of Florida and National Joint Power Alliance contracts and felt the best available price was obtained. He noted the total amount was \$647,122.72 and the amount was already included in the budget.

Councilman Napoleone asked if all the vehicles being purchased were new vehicles. Mr. De La Vega said all the vehicles being purchased were new vehicles.

Mayor Gerwig asked if staff researched different vendors to ensure these were the best prices available. Mr. De La Vega explained in the past when staff placed items out for bid, they found that the Florida Sheriff's Association, State of Florida and National Joint Powers Alliance contracts have always provided the best pricing due to the large amount of vehicles and equipment they bid out for. The Village bids for a small specific amount of vehicles in comparison to the three entities, thus the cost to the Village, was higher. He indicated that staff checked with the Southeast Florida Coop and the consensus with all the municipalities was their pricing was the best pricing which was noted by the contracts the Village was presenting to Council.

Mr. Schofield noted the Village has tried to purchase vehicles locally but the local dealers choose not to match the state prices.

Councilman Drahos asked how staff decided to purchase these specific vehicles. Mr. Barnes said the vehicles were selected by using; 1) the Public Works Department's Policy and Procedures since they maintained the Village's fleet; 2), using the APW (American Public Works Association) fleet replacement accreditation standards; 3) using a combination of mileage and years of service; 3) with heavy and maintenance equipment, the criteria involves the hours of operation.

Vice Mayor McGovern said there were fourteen vehicles and six pieces of equipment included in the item and asked if the same amount of vehicles and equipment were surplus. Mr. Barnes said the items would not be surplus until the new items were purchased. Mr. Schofield indicated the list of surplus items was located on page 82.

Mayor Gerwig asked if any monies were recouped when the items were surplus and sold at auction. Mr. De La Vega explained all of the items listed would be sold on govdeals.com and the amount of money recovered by selling them on the website, would be sent back to the Village. He noted any fees encountered by the sale were paid by the buyer, which works out very well for the Village.

There were no changes recommended.

D. [16-0669](#)

AUTHORIZATION TO UTILIZE A NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NIPA) CONTRACT AS A BASIS FOR PRICING FOR THE LEASE OF TWO LARGE FORMAT COLOR PRINTERS (PLOTTERS); AND DISPOSITION OF EXISTING SURPLUS EQUIPMENT (PLOTTERS)

Mr. Schofield introduced the item. This item is for the authorization to utilize NIPA contract #CP 002-13, as a basis for pricing, for the lease of two large format color printers (plotters), from Canon North America, at a total cost of \$190,994; and disposition of existing surplus equipment (plotters), pursuant to Village disposition policies.

Mr. Schofield explained that the existing plotters were six years old and the maintenance cost was significantly higher.

Mr. De La Vega said the NIPA Purchasing Department contracted with Cannon North America which provided the Village with a 17% discount and Mr. Silliman negotiated an additional 25% discount from the NIPA contract price. He explained in order to ensure the price was the best price available, staff obtained quotes from two other providers and found the price from Canon North America inclusive of a \$6,500 trade in allowance for the existing equipment, was the best price. He noted that staff researched if placing the equipment on govdeals.com instead of taking the trade in allowance would be a better method and would save more money but found that the existing plotters were being sold from \$35 to \$200 per plotter. He said staff decided that the \$6,500 trade in allowance was a better decision than placing on govdeals.gov.

Mayor Gerwig asked if the amount of the contract included maintenance of the equipment. Mr. Silliman indicated the contract included maintenance and consumables, which included toner. He explained both units have a built in scanner and printing capabilities; currently, only one of the units has the capability to scan.

There were no changes recommended.

E. [16-0720](#)

AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE FOREST HILL BOULEVARD/C-8 CANAL IMPROVEMENT PROJECT

Mr. Schofield introduced the item. This item is for the authorization to award a task order to Mock Roos and Associates, Inc. to provide engineering design services for the Forest Hill Boulevard/C-8 canal improvement project at a cost of \$76,355.00.

Mr. Schofield explained that the 72" corrugated metal storm drainage pipe connecting the C-8 canal under Forest Hill Boulevard was about forty years old, and needed to be replaced. The engineering designs were included as part of the agenda item but staff was not sure of the amount of time needed to complete the project but the project would not be started until next year. He indicated the project would include reinforcing the concrete pipes with concrete headwalls and the design for the extension of the Forest Hill Boulevard left turn onto Stribling Way.

Mr. Lundeen said that the turn lane could be extended but staff would need to review it once the road was pulled apart during the project.

Councilman Drahos asked staff how they would handle the traffic during the project. Mr. Lundeen indicated that the traffic would not be impacted since the pipe would be extended northward and southward into the canal and one lane of traffic on each side of the road would remain open at all times; lane closures similar to the current the Forest Hill Boulevard project would not exist during the project.

Vice Mayor McGovern asked for the amount of time the area would only have one lane open in each direction. Mr. Lundeen said he estimated the project would take ninety to one hundred and twenty days. Mr. Schofield noted the project was a bit more extensive than the Forest Hill Boulevard project and agreed with Mr. Lundeen's opinion regarding the project length of one hundred and twenty days to complete.

Councilman Drahos asked if the project could be started during the non equestrian time of the year. Mr. Schofield replied affirmatively and said his recommendation was to currently obtain the design and start the project at the end of the school year; and the project would be completed before the start the new school year.

Mayor Gerwig indicated the period of time that Mr. Schofield suggested was during the summer time and during the middle of the rainy season which would cause delays but she agreed with Mr. Schofield because that timeframe was the best time of the year for the project for that area.

Mr. Schofield noted the culvert was showing signs of serious deterioration and slip lining would not assist with the problem.

There were no changes recommended.

F. [16-0677](#) RESOLUTION NO. R2016-75 (INTERLOCAL AGREEMENT FOR COORDINATED SCHOOL PLANNING)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, ADOPTING THE INTERLOCAL AGREEMENT FOR COORDINATED PLANNING; AUTHORIZING THE MAYOR, COUNCILMEMBERS AND THE VILLAGE CLERK TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF PALM BEACH COUNTY, PALM BEACH COUNTY AND MUNICIPALITIES OF PALM BEACH COUNTY PROVIDING FOR COORDINATED SCHOOL PLANNING; DIRECTING THAT THE EXECUTED AGREEMENT BE

PROVIDED TO THE SCHOOL BOARD OF PALM BEACH COUNTY;
AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval of Resolution No. R2016-75 to authorize execution of the Interlocal Agreement between The School Board of Palm Beach County, and Municipalities of Palm Beach County for Coordinated Planning in order to comply with the Community Planning Act.

Mr. Schofield explained the Village was required by Florida Statutes to coordinate the planning process with the School District of Palm Beach County. He noted the prior agreement expired and the current agreement was the replacement and indicated there were changes made to the process.

Mr. Basehart noted the prior agreement was adopted in 2000 and expired in 2011. He said in 2011, House Bill 7207, known as the Community Planning Act, was adopted and the school concurrency option throughout Florida was removed; the Intergovernmental Plan Review Committee (IPARC) was tasked with creating a subcommittee that all of the municipalities would belong to and draft a new model of the interlocal agreement. He said he was asking for Council's approval of the new model of the interlocal agreement.

Mr. Barnes explained the Use Agreements with the schools were not part of the Interlocal Agreement being discussed and the agreement only pertains to the planning and design construction phases of upcoming schools. Mr. Basehart noted the agreement includes the sharing of information with the School Board or between the School Board and the municipalities.

Councilman Drahos asked if the Interlocal Agreement was drafted before the one cent sales tax was implemented. Mr. Basehart replied affirmatively. Mr. Schofield noted the one cent tax would not impact the Interlocal Agreement being discussed but if the School Board decides to build a new school in the Village, boundary line notification would need to be received and the Village must notify the School Board of any new construction.

There were no changes recommended.

G. [16-0643](#)

RESOLUTION NO. R2016-78 (NPDES INTERLOCAL AGREEMENT WITH NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE NPDES FOURTH CYCLE PERMIT INTERLOCAL AGREEMENT WITH NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT, THE LEAD PERMITTEE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval of Resolution No. R2016-78 authorizing the Mayor and Clerk to execute the NPDES Fourth Cycle Permit Interlocal Agreement with Northern Palm Beach County Improvement District.

Mr. Barnes explained the NPDES (National Pollutant Discharge Elimination) system was a program authorized by the APA Clean Water Act and delegated

from the EPA to the state through the DEP (Department of Environmental Protection) which regulates point discharges to all waters in the United States. He said the agreement would pertain to the Village's drainage surface water management system, the system itself and the actual parts and pieces of the structure. He stated the Village works together with the Northern Palm Beach County Improvement District which provides funding through the agreement process in order to obtain compliance with the EPA's requirements.

Mr. Schofield said the practice was a federal requirement and each municipality must indicate that they were not polluting the United States water.

Mayor Gerwig said she wanted Council to think about attending the FLOC Fast Fly In to Washington, DC in February 2017 for two days in order to show the Village's representation regarding the Village's practices with the stated federal requirements and asked which councilmembers wanted to attend. She additionally suggested having representation at the FLOC Fly In event in Tallahassee.

Ms. Kelly noted the FLOC Fly In event was scheduled for February 7 through February 8, 2017, which would include a meeting with the Village's congressional representative in Tallahassee. She added the Fast Fly In to Washington, DC event would be held March 11 through March 15, 2017.

Mr. Schofield noted the room reservations for the February 7 through February 8 event have been made for all of the councilmembers.

Councilwoman Siskind said she would attend the event with Mayor Gerwig.

Mr. Barnes noted according to his calendar, the Legislative Fast Fly In event in Washington, D.C. was scheduled for February 7 through February 8, 2017 and the Legislation Action Palm Beach County Day was scheduled for March 7 through March 8, 2017 in Tallahassee.

Mayor Gerwig said that she would like to attend the Fast Fly in Washington, D.C. and asked the Councilmembers to check their schedules for those dates.

Councilman Napoleone asked for staff to circulate a memo with the dates of the events. Both Ms. Quickel and Mr. Schofield took note.

There were no changes recommended.

H. [16-0680](#)

RESOLUTION NO. R2016-80 (GLENSPUR EAST VACATION/ABANDONMENT - AKA TONKAWA FARMS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, VACATING A PORTION OF THE FIVE (5) FOOT WIDE LIMITED ACCESS EASEMENT, APPROXIMATELY 400 SQUARE FEET, LOCATED ON THE NORTH BOUNDARY OF PARCEL "A" OF TONKAWA FARMS (4150 SOUTH ROAD); AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval of Resolution No. 2016-80 to vacate/abandon a portion of a five (5) foot wide Limited Access Easement (LAE), approximately 400 square feet, located on the north boundary

of Parcel "A" of Tonkawa Farms.

Mr. Schofield explained the owner is requesting to vacate or abandon a portion of the easement located on the northern boundary of the property because he wanted to install a driveway and provide access or connectivity to the property located off of 40th Street South which was on the northeast side of the property. He noted staff was recommending the request in order for the owner to obtain legal connectivity from 40th Street South and indicated the project should be completed by the end of February, 2017.

There were no changes recommended.

I. [16-0739](#) RESOLUTION NO. R2016-82 (WELLINGTON COUNTRYPLACE ESTATES PLAT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE WELLINGTON COUNTRY PLACE ESTATES (AKA POD E) PLAT LYING IN SECTION 21, TOWNSHIP 44 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA.

Mr. Schofield introduced the item. This item is for the approval of Resolution No. 2016-82 accepting and approving the Wellington CountryPlace Estates Plat.

Mr. Schofield explained the item was a boundary plat for Pod E which would allow for Special Use Permits to be issued which currently was not allowed due to the lack of a boundary plat for the parcel.

Mr. Basehart noted there was a condition to the last amendment that states that no permits would be issued on the parcel until it was platted.

Mayor Gerwig asked if the resolution would resolve the canal location problem. Mr. Schofield said platting the parcel would not resolve the canal problem. Mr. Barnes said currently the canal problem would not be resolved but staff was providing the applicant with assistance as they move forward.

There were no changes recommended.

J. [16-0679](#) ORDINANCE NO. 2016-08 (MIXED USE COMPREHENSIVE PLAN TEXT AMENDMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A COMPREHENSIVE PLAN TEXT AMENDMENT (PETITION NUMBER 15-80 / 2015-47 CPTA) TO THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN LAND USE ELEMENT POLICY 1.3.25. MIXED USE; AMENDING THE REQUIREMENT FOR PARCELS WITH MIXED USE FUTURE LAND USE MAP DESIGNATION, REQUIRING BOTH COMMERCIAL AND OFFICE LAND USE FOR MIXED USE PROJECTS MORE THAN 30 ACRES, DELETING THE 60 ACRE MAXIMUM LAND AREA AND REQUIRING FIVE (5) LAND USES FOR MIXED USE PROJECTS MORE THAN 60

ACRES; AUTHORIZING THE MANAGER TO AMEND THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval of Ordinance No. 2016-08, a Comprehensive Plan Text Amendment (Petition Number 15-80/2015-47 CPTA) to amend Land Use Element Policy 1.3.25. Mixed Use (MU) of Wellington's Comprehensive Plan as presented.

Mr. Basehart noted the following two agenda items were companion items and were being heard on second reading. He explained in the Comp Plan and the Zoning code for parcels with Mixed Use, there was a requirement that the maximum size for a Mixed Use project was limited to sixty acres but no one was aware of the reason for the limitation or the reason of the placement. He said the application was privately submitted that involved the Fina property. He explained the problem with the additional property obtained from the county, was the limitation exceeds the limitation in place. He indicated staff was recommending; 1) elimination of the maximum 60 acre land area limitation; 2) requiring both commercial and office land uses when the project was more than 30 acres with combined land area allocation of 10% and building square footage of 25% for commercial and 25% for office; 3) additional land uses to be required when a project was more than 60 acres; and 4) Other staff initiated minor requirements.

Mr. Basehart said both the applicant and staff were moving forward with the recommended approval of the changes.

Vice Mayor McGoven asked if there were changes made to the Ordinance between the First Reading and the Second Reading. Mr. Basehart said there were no changes made.

Councilman Napoleone asked if there were any comments or objections received between the First Reading and the Second Reading. Mr. Basehart said staff had not received any comments or objections and there had not been any interest regarding the item from the general public.

Mayor Gerwig noted that the DEO signed off on the changes and no comments were received. Mr. Basehart replied affirmatively and noted that PZAB recommended the changes.

Mr. Schofield said both Ordinance No. 2016-08 and Ordinance No. 2016-09 Mixed Use Planned Development District Zoning Text Amendment would be approved using the same process.

There were no changes recommended.

K. [16-0681](#)

ORDINANCE NO. 2016-09 (MIXED USE PLANNED DEVELOPMENT DISTRICT ZONING TEXT AMENDMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A ZONING TEXT AMENDMENT (PETITION NUMBER 15-80 / 2015-46 ZTA) TO THE VILLAGE OF WELLINGTON LAND DEVELOPMENT REGULATIONS ARTICLE 6, ZONING DISTRICTS,

CHAPTER 8 PLANNED DEVELOPMENT DISTRICT REGULATIONS, SECTION 6.8.7. MIXED USE PLANNED DEVELOPMENT DISTRICT (MXPB); AMENDING THE REQUIREMENT FOR PARCELS WITH MXPB ZONING DESIGNATION, DELETING THE 60 ACRE MAXIMUM LAND AREA AND REQUIRING FIVE (5) LAND USES FOR MXPB PROJECTS MORE THAN 60 ACRES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval of Ordinance No. 2016-09, a Zoning Text Amendment (Petition Number 15-80/2015-46 ZTA) to amend Article 6, Zoning Districts, Chapter 8 Planned Development District Regulations, Section 6.8.7. Mixed Use Planned Development District (MXPB) of Wellington's Land Development Regulations as presented.

This item was heard with the prior agenda item (Ordinance No. 2016-08 Mixed Use Comprehensive Plan Text Amendment).

No changes were recommended.

L. [16-0727](#)

ORDINANCE NO. 2016-17 (EQUESTRIAN OVERLAY ZONING DISTRICT (EOZD) ZONING TEXT AMENDMENT (ZTA))

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 6.10 OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS BY CREATING SUBAREA F OF THE EQUESTRIAN OVERLAY ZONING DISTRICT; ESTABLISHING REGULATIONS FOR SUBAREA F OF THE EQUESTRIAN OVERLAY ZONING DISTRICT; PROVIDING A CONFLICTS CAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval of Ordinance No. 2016-17 Equestrian Overlay Zoning Text Amendment to amend Article 6.10 of Wellington's LDRs by creating Subarea F of the EOZD and establishing regulations for Subarea F.

Mr. Schofield noted the following three agenda items were interrelated but the order of the items needed to be rearranged. The Comprehensive Plan needed to be first; Public Hearing item 7C would change to agenda item 7D and Public Hearing item 7D would change to agenda item 7C.

Ms. Cohen pointed out that the agenda item cover sheets provided to Council, indicate that certain items were quasi judicial or legislative in nature because they affect everyone and the entire community. She stated the Comprehensive Plan amendment along with the following two agenda items, would be handled the same way. She explained the agenda item regarding the rezoning of the property was considered a quasi judicial hearing due to the general requirement being applied to a specific property. She explained staff usually combines the agenda items, requires a Public Hearing, but Council would vote on the items separately.

Mayor Gerwig recommended handling the swearing in before having

discussions at the Council meeting since the agenda items overlap. Ms. Cohen agreed with Mayor Gerwig.

Mayor Gerwig asked for the procedure when requests from interested parties were received. Ms. Cohen noted pursuant to council procedures, a person or entity could request for "Interested Party" status and the first request was received from Ms. Teebagy through her land planner. The request was made under Section 7.4 of Council Procedures and requested additional time. She said in the response that Mr. Schofield provided to the planner and Ms. Teebagy, staff pointed that made reference to Section 5.8 of the Council Procedures which applies to quasi judicial. In addition she had a conversation with the land planner and explained the procedure and said if they wanted to be considered an interested party, a request was needed. She indicated that she had not heard back from them but she reached out to Ms. Teebagy earlier that afternoon and sent an email asking her if she would like to be considered an interested party. Ms. Cohen said her assumption was that was what Ms. Teebagy had intended and her recommendation to Council was if that was her intent, to allow her to present during the agenda item. At this point, Ms. Cohen read from the Council Procedures noting any person could be listed as an interested party.

Mr. Schofield noted any resident of the Village of Wellington who believes they were being impacted, was able to submit a request to be heard. Councilman Napoleone asked who would decide if the resident would be considered. Ms. Cohen noted Council Procedures indicate the person would only need to make a request and would be deemed as an interested party.

Mr. Basehart explained when the Equestrian Village application was heard during the PZAB meeting, one of the PZAB members mentioned they did not believe it was good to have the code allow any resident in the community to appeal a decision that might effect a certain piece of property. Instead the only the actual person who has an interest in the property should be allowed to make the appeal. He said PZAB members suggested that staff revise the code to reflect the change.

Councilman Drahos said he remembered the conversation because he was on the board at that time and the argument was there needed to be some criteria because the three minute rule means nothing, because any resident was able to speak and call themselves an interested party. He stated that the problem was not fixed at that time but currently Council needed to fix the problem.

Ms. Cohen suggested hearing the interested parties because the purpose of having the quasi judicial hearing was to have a fair hearing where everyone can be heard and their views were considered.

Councilman Drahos said he understood Ms. Cohen's suggestion but he was communicating the need to establish criteria in order not to have a gray area in the future. Ms. Cohen agreed with Councilman Drahos and said she would work on the criteria and provide Council with a draft of the policy and the revision of the Council Procedures.

Mr. Basehart stated the Village's code requires any items placed on Public Hearing portion of the agenda must be advertised in the newspaper, signs must be posted on the property and notices mailed by certified mail to all

property owners within a 500 foot radius of the property. Ms. Cohen stated she would need to obtain additional judicial interpretation regarding changing the criteria of interested parties which would include similar requirements from the Village code that Mr. Basehart delineated.

At this point in the meeting, Ms. Cohen read the current procedure regarding interested parties. Ms. Cohen noted there was not a limitation.

Councilman Drahos said he did not want to have fifty people speaking and only wanted the interested party to speak. Ms. Schofield explained if the interested party had not notified the Clerk by the close of business, they would have three minutes to speak.

Ms. Cohen advised Council that the other interested party was Joseph Maguire. Ms. Teebagy requested an extended presentation. She explained the interested parties would be able to present during the hearing for fifteen minutes unless Council approves additional time, and were entitled to five minutes for their final argument which would include cross examination.

Mr. Drahos said he was surprised the Lakefield community did not have an interested party. Ms. Cohen explained that an email was received from Mr. Barbuto who requested to make a statement earlier in the meeting but before the Public Forum section of the meeting. She noted that the residents comments would be heard in the order that their cards were received. She stated she advised Mr. Barbuto to arrive early in order to be heard and make his presentation early on in the meeting and then he would be able to leave.

Vice Mayor McGovern asked if the Village should be offering Mr. Barbuto the same courtesy as the other interested parties. Ms. Cohen said Mr. Barbuto had not requested extended time but she could contact him and ask if he needed additional time for his presentation.

Mr. Schofield explained the interested parties that have asked for additional time were both from sub committees of the Aero Club HOA and would have fifteen minutes independently or collectively. His recommendation to Council was to provide each of them, fifteen minutes to speak.

Mayor Gerwig asked if it was a requirement to allot fifteen minutes to Ms. Teebagy and Mr. Maguire or could Council decide to allot ten minutes. Ms. Cohen indicated that the minimum allotted time was fifteen minutes for their presentation, testimonies and their expert's presentations but not the cross examination or closing arguments. She indicated by majority vote only, Council would be able to allot additional time to each party, but fifteen minutes was the minimum amount for the interested parties and twenty minutes was the minimum amount for the applicant.

Councilman Drahos asked Ms. Cohen if all the requested speakers have been notified and advised of the additional minute status in order for them to prepare accordingly. Ms. Cohen noted she notified Mr. Maguire, Ms. Teebagy via email and spoke to her land planner on Thursday and have not heard from anyone who wanted to be deemed as an interested party. Ms. Cohen said her recommendation to Council was if they communicate at tomorrow's meeting that they would like to be deemed as an interested party at that time, since they had already asked for additional time in writing, that Council should allow them

to have the additional time.

Vice Mayor McGovern said if they do not send their request by the close of today, an additional fifteen minutes would not be allotted because they would not become an interested party. Ms. Cohen said that Council would be on solid ground if after 6:00 p.m. today no one can be deemed an interested party if their request was not received. Mr. Schofield recommended if a person requested additional time for an extended presentation in writing, and assume they want to present during the public hearing, then they should allow them to do so. If the request was not made by the deadline then the requester would only have three minutes during the public hearing. He noted that public comments were heard in the order received.

Ms. Cohen further explained if Ms. Teebagy decides to speak during the Public Forum portion of the agenda, as an option, Council could move her to the first Public Forum agenda item.

Mayor Gerwig noted the speakers that speak during the first Public Forum would only be able to speak for three minutes. Ms. Cohen said since Ms. Teebagy requested additional time under Section 7.4 of Council Procedures, both she and her expert could be allotted additional time.

Councilman Drahos said if Ms. Teebagy decided to speak during the first Public Forum, she would not have the opportunity to ask questions. Ms. Cohen agreed with Councilman Drahos and said she would not have the opportunity to cross examine. She indicated she was waiting to hear back from Ms. Teebagy to finalize her request.

Mayor Gerwig recapped Council was anticipating two interested parties that would be allotted fifteen minutes and five minutes for their closing and cross examination. Ms. Cohen agreed with Mayor Gerwig noting the applicants would be allotted a total of twenty-five minutes.

Ms. Cohen suggested moving Regular Agenda Item 8A Resolution No. R2016-81 Global Dressage (FKA Equestrian Village) 2016/2017 Seasonal Equestrian Permit, and have it be heard as the first Public Hearing agenda item.

Mayor Gerwig said Council would vote on rearranging the item tomorrow night, but felt making the applicant wait until the Winding Trails agenda items were heard, did not make sense.

Mr. Schofield said he disagreed in moving Agenda Item 8A because there was an issue of where it appeared on the agenda. Initially the item was placed on the Consent Agenda by the Planning Department which he approved and later on the item was moved to the Regular Agenda. He said in order for the item not to be challenged, he suggested that the item stay on Regular Agenda.

Councilman Drahos asked if the item needed to stay on the current agenda or could it be moved to a different agenda. Mr. Schofield said the item needed to remain on the current agenda. Ms. Cohen noted the item was of a quasi judicial nature and the witnesses needed to be sworn in and ex-parte disclosures provided.

At this point in the meeting, Council continued their discussion regarding the Winding Trails agenda items.

Mr. Basehart gave an overview of the three agenda items. He noted the Winding Trails agenda items were a multipart application and the first part of the application were the amendments to the Comprehensive Plan; 1) add the property to the Equestrian Preserve area; 2) change the properties future land use designation in the Comprehensive Plan from Commercial Recreation to Residential B; and 3) amend the Equestrian Trails Master Plan and the Equestrian Circulation Plan within the Equestrian Preservation Element.

Mr. Basehart explained the second part of the application was for the Zoning Text Amendment to the Equestrian Overlay Zoning District EOZD to create a new subarea F. Subarea F would have slightly different development standards than some of the other subareas due to the nature of the property in question and the unique form. He said the applicant wanted to create requirements that were reliable by the public and were not currently in any of the other subareas.

Mr. Basehart said the final part of the application was to add the property into the EOZD and make it a part of the newly created subarea F.

Ms. Cramer said staff included a large amount of the Master Plan elements with the staff report and staff would be providing a presentation at tomorrow night's Council meeting. She explained the items were not on the agenda for Council action but action would be permitted during the second hearing.

Mr. Basehart explained if Council passes the Comprehensive Amendment, the application would be transmitted to the State of Florida for a thirty day review. After the Village receives the application back from Tallahassee, advertisements would be sent out indicating the adoption with the second reading for the rezoning and the addition of the master plan amendment.

Mayor Gerwig noted staff was combining the three items for discussion purposes but Council would need to vote for each item separately.

Vice Mayor McGovern requested staff provide to Council the requirements for passage to second reading of the three items. Ms. Cohen explained the Comprehensive Plan would need a second reading.

Mr. Schofield noted with the Comprehensive Plan, a transmittal hearing would be held in Tallahassee and once staff receives the transmittals from Tallahassee, a second reading would be required for all three items.

Ms. Cohen said the Master Plan would need a second reading after the transmittal was received from Tallahassee and a triparty agreement from W & W Equestrian Club, LLC, Wanderers Club and Acme would be attached for the equivalent swapping of properties in areas surrounding the development. The agreement was for the reconfiguration of land around the lakes and no monies changing hands would occur.

Councilman Drahos asked other than Mr. Basehart and Ms. Cramer what other staff members would be speaking at tomorrow night's Council meeting. Mr. Basehart said Kelly Ferraiolo would be providing a presentation, Andrea Troutman, the Traffic Consultant would be available to answer questions but

she does not have a presentation to provide to Council.

Mayor Gerwig asked if the Equestrian Preserve Committee reviewed the project. Mr. Basehart said the Equestrian Preserve Committee heard the project first and passed it 5-0 unanimously. Ms. Cramer noted the Equestrian Preserve Committee and PZAB reviewed the plans for the Master Plan and approved it with recommendations. Mayor Gerwig asked if Council received the conditions of the recommendations. Mr. Basehart replied affirmatively and said staff provided Council with the conditions of the recommendations for all four items and Ms. Ferraiolo would recap the conditions at the Council meeting.

Ms. Cohen stated she just received an email from Mr. Malefatto on behalf of the applicant, requesting forty-five minutes for their presentation. The procedure states the allotted time was twenty minutes with five minutes for closing statements but Council could approve or deny the request by majority vote tomorrow night.

Councilman Napoleone said Council could approve less time than what was requested. Ms. Cohen replied affirmatively.

Councilman Drahos asked if Council approves forty-five minutes for Mr. Malefatto, the other side may request forty-five minutes and if that occurred, would Council be required to grant the amount requested. In response Ms. Cohen said that if Council grants the applicant with additional time, the interested parties should be granted additional time if requested but Council was not required to grant additional time to anyone.

Mayor Gerwig said she wanted to say a few things and said she was going to repeat the same words at the meeting tomorrow night. She was asking everyone to be as orderly as possible, stick to the subject and said that no one was required to use their three minutes; if they wanted to use less time that was acceptable and would be registered in the Village's records. She stated that staff worked diligently on the project and some of the chatter she has heard has not been very complimentary with the procedure that staff has taken as they feel staff has favored and supports the project. She indicated she wanted staff to know that when they recommend a project, they were giving Council their professional opinion and their recommendations were very important to Council, whether they oppose or support the projects. She said it was up to Council to accept staff's recommendations because their professional opinions were valued. She did not want staff to hold back their professional opinions and should not take it personally if Council does not support a project.

Mayor Gerwig said she was encouraging residents to attend the meeting to speak but she would like everyone to be respectful of staff and of each other.

Ms. Cohen said she recently received an email from Ms. Teebagy formally requesting to be an interested party.

Mayor Gerwig noted for the record that Joseph Macquire was a client of her firm. Ms. Cohen said she would research the situation for any conflicts.

M. [16-0724](#)

ORDINANCE NO. 2016-16 (WINDING TRAILS COMPREHENSIVE PLAN AMENDMENT (CPA))

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A COMPREHENSIVE PLAN AMENDMENT [PETITION NUMBER 16-058 (2016-021 CPA3)] TO AMEND THE FUTURE LAND USE MAP DESIGNATION FOR CERTAIN PROPERTY KNOWN AS WINDING TRAILS OF THE LANDINGS AT WELLINGTON PUD, TOTALING 65.45 ACRES, MORE OR LESS, LOCATED ON THE NORTH EAST CORNER OF AEROCLUB DRIVE AND GREENBRIAR BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, FROM COMMERCIAL RECREATION TO RESIDENTIAL B (.1 DU/AC TO 1 DU/AC); TO EXTEND THE BOUNDARIES OF THE EQUESTRIAN PRESERVE AREA TO ENCOMPASS WINDING TRAILS OF THE LANDINGS AT WELLINGTON PUD; TO ADD THE PUBLIC AND PRIVATE BRIDLE TRAILS WITHIN WINDING TRAILS OF THE LANDINGS AT WELLINGTON PUD TO THE EQUESTRIAN TRAILS MASTER PLAN MAP AND THE EQUESTRIAN CIRCULATION MAP WITHIN THE EQUESTRIAN PRESERVATION ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This item was heard with the prior agenda item (Ordinance No. 2016-17 Equestrian Overlay Zoning District (EZOD) Zoning Text).

N. [16-0726](#)

ORDINANCE NO. 2016-18 (WINDING TRAILS [FKA THE LANDINGS OF WELLINGTON PUD EXECUTIVE COURSE] REZONING)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A REZONING (PETITION NUMBER 16-059 [2016-022REZ]) FOR CERTAIN PROPERTY KNOWN AS WINDING TRAILS OF THE LANDINGS AT WELLINGTON PUD, TOTALING 65.45 ACRES, MORE OR LESS, LOCATED ON THE NORTH EAST CORNER OF AEROCLUB DRIVE AND GREENBRIAR BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO AMEND THE ZONING DESIGNATION FROM AGRICULTURAL RESIDENTIAL/PLANNED UNIT DEVELOPMENT (AR/PUD) TO AGRICULTURAL RESIDENTIAL/PLANNED UNIT DEVELOPMENT/EQUESTRIAN OVERLAY ZONING DISTRICT (AR/PUD/EOZD); TO DESIGNATE WINDING TRAILS AS SUBAREA F OF THE EOZD; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This item was heard with the two prior agenda items; Ordinance No. 2016-17 Equestrian Overlay Zoning District (EZOD) Zoning Text Amendment (ZTA) and; Ordinance No. 2016-16 Winding Trails Comprehensive Plan Amendment (CPA).

O. [16-0728](#)

RESOLUTION NO. R2016-81 (GLOBAL DRESSAGE [FKA EQUESTRIAN VILLAGE] 2016/2017 SEASONAL EQUESTRIAN 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 DECEMBER 14, 2016 TO APRIL 30, 2017; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for approval of Resolution No. R2016-81 for a Seasonal Equestrian Use Permit for Global Dressage Complex, AKA Equestrian Village, at 13466 South Shore Boulevard from December 14, 2016 to April 30, 2017.

Mr. Basehart noted the request was for a seasonal permit for the Equestrian Village for a third time.

Mayor Gerwig noted currently, this was the first time the current Council has seen the request.

Mr. Basehart said the project was approved by Council with a designation allowing the applicant to obtain seasonal permits but the approval was accompanied by numerous conditions, some of which were not satisfied including intersection improvements at Pierson Road and South Shore Boulevard. The applicant has taken advantage of statutory extensions that were granted by the Florida Legislature in conjunction with actions made by the Governor that allow for automatic extensions of project deadlines of development orders. The Village was taking the position that the applicant was not able to make beneficial use of an approval when prior conditions were not been met and annual Seasonal Special Use permit would be needed in order to hold the events.

Mayor Gerwig asked if the request was exactly the same as the prior year's request. Mr. Basehart replied affirmatively and said staff was recommending approval of the request.

Vice Mayor McGovern said he recalled last year's request included additional stalls and other items. He asked if the additional items were included in the current request. Mr. Basehart replied affirmatively. Vice Mayor McGovern asked staff to walk Council through the extensions that have been provided by the State of Florida and the Governor. Mr. Basehart and Ms. Cramer provided the information and explained that there was a provision in the State of Florida statute that indicates when an emergency or disaster occurs, extensions were automatically granted upon request, and staff must approve those requests. Vice Mayor McGovern asked for the length of time for the most current extension provided to the applicant. Mr. Basehart said the extension was a nine month extension.

Mayor Gerwig asked for the items that have not been completed in order to meet the requirements. Mr. Basehart said the only items that needed to be completed were the intersection improvements to South Shore Boulevard and Pierson Road. Mayor Gerwig asked once the improvements were completed, the commercial arena designation would be valid. Mr. Basehart replied affirmatively. Mayor Gerwig asked if Village staff was prepared for the improvement that need to be done by the applicant. Mr. Schofield said staff

was prepared. Mr. Basehart said if the applicant would have made the improvements, the request would not be necessary.

Mr. Schofield noted that there was some of the work that needed to be coordinated if the applicate wanted to bond with the Village in moving forward.

Mayor Gerwig noted that certain requirements needed to be handled by the Village. Mr. Schofield said there were some turn lanes that needed to be done simultaneously; extend a turn lane on South Shore Boulevard and Pierson Road. Ms. Cramer noted the other issue was that staff would prefer not to start the project during the equestrian season.

Mayor Gerwig asked if staff received any complaints during the past season. Mr. Basehart said no complaints were received but he would check with the Code Enforcement Department and report back to Council. Mayor Gerwig said Mr. Koch was nodding his head indicating that no complaints were received.

No changes were recommended.

P. [16-0746](#)

OUTSIDE LEGAL FEES AND COSTS

Mr. Schofield introduced this item. This item is for the approval of continued use of outside professional legal services with multiple firms in an amount up to \$125,000 through February, 2017.

Mayor Gerwig said that the amount listed would be the worst case scenario. Ms. Cohen said this was the amount that she was projecting and she would spend the funds if they were incurred.

Vice Mayor McGovern said unless the trial occurs, she was not asking for \$41,000 of attorney's fees for each of the three months. Ms. Cohen said no. The attorney's fees from Mr. Riedi have been running \$17,000 a month and recently his fees have been running much lower and as cases were being closed, the cost would be reduced even further.

Ms. Cohen explained that one of the cases that was being defended by the Village's insurance defense council involving damages, scheduled mediation for January 3, 2017 and suggested having a councilmember attend because the case involves Palm Beach Polo. She noted she would be asking Council for representation at the following night's council meeting.

Ms. Cohen said another issue she wanted to discuss with Council was regarding the mediation with the enforcement action which was currently scheduled for Friday, December 23. She explained the initial request was that medication be held on a Saturday but there were no mediators who would agree to mediate on a Saturday. Due to that issue, Mr. Straub agreed to schedule the mediation meeting on a Friday. She indicated that it was scheduled for Friday, December 23 at 10 A.M. but the location for the meeting was not approved by the Village prior to Mr. Straub unilaterally scheduling it. Ms. Cohen noted that she would prefer to have the mediation meeting be held at Village Hall or at a neutral location.

Councilman Drahos asked who the mediator was. Ms. Cohen said Michael Small would be the mediator and said she would be asking for representation at the following night's council meeting.

Ms. Cohen said that a calendar call was coming up in January. Councilman Napoleone asked who was the judge hearing the case. Ms. Cohen said Judge Cymonie Rowe would be hearing the case. She explained the case may be rolled to the next docket but she would not know until getting to calendar call.

Councilman Drahos said his schedule was open and he was available to attend the January 3rd mediation. Mayor Gerwig said she was also available on January 3rd but she would rather use the expertise from council. Councilman Drahos asked who was the mediator for the case being heard on January 3rd. Ms. Cohen said that case was being mediated by Ted Deckert.

At this point in the meeting, Ms. Cohen explained currently a large amount of legal activity was occurring but the request for the approval of the legal fees was a standard request in case the funds needed to be expended. She noted the amount being requested was in the budget.

There were no changes recommended.

Q. [16-0773](#) REQUEST FROM MS. JANET TEEBAGY TO SPEAK FOR 15 MINUTES AS THE SPOKESPERSON FOR THE FACT FINDING COMMITTEE OF THE AERO CLUB OF WELLINGTON REGARDING THE WINDING TRAILS DEVELOPMENT PROJECT

This item was heard with Ordinance No. 2016-17 (Equestrian Overlay Zoning District (EOZD) Zoing Text Amendment (ZTA))

R. [16-0774](#) REQUEST FROM MS. JANET TEEBAGY FOR 15 MINUTES FOR EXPERTS RODNEY PACK, FORENSIC RECON SERVICES AND F. DAVID YODER, PILOT AND FLIGHT INSTRUCTOR, TO SPEAK ON BEHALF OF THE FACT FINDING COMMITTEE OF THE AERO CLUB OF WELLINGTON REGARDING THE WINDING TRAILS DEVELOPMENT PROJECT

This item was heard with Ordinance No. 2016-17 (Equestrian Overlay Zoning District (EOZD) Zoing Text Amendment (ZTA))

5. WORKSHOP

None

6. ATTORNEY'S COMMENTS

None

7. MANAGER COMMENTS

Mr. Schofield introduced Cindy Drake, Senior Code Compliance Officer who was the Palm Beach County Relay for Life, Western Communities Relay for Life, Village of Wellington Team Leader.

Ms. Drake provided an overview of the event; 1) all of the funds raised for the event would be helping the American Cancer Society in their quest to find a

cancer free world for future generations; 2) the event was scheduled for March 11, 2017 from 3:00 P.M. until 11:00 P.M. at the South Florida Fair Grounds; 3) The Village of Wellington will join Royal Palm Beach, The Acreage, Loxhatchee Groves, West Palm Beach and have one huge event; 4) The team's name was The Village of Wellington and she was the team leader; 5) Earning goal was \$1,000; 6) No funds have been raised to date.

Ms. Drake explained she was dividing Council and staff into five divisions; 1) Village Hall upstairs; 2) Village Hall downstairs; 3) Public Works Utilities; 4) Parks; 5) Community Center. She said that she wanted Council to adopt one of the sections and chose a staff member for each selected sections to be the Team Captain. She noted the kick-off would be held during the Service Awards event on Thursday.

Councilman Napoleone asked if Council was allowed to fund raise. Mayor Gerwig said Council was not allowed to ask other people for money. Ms. Cohen said she would send Council a memo that sent out the prior year regarding fund raising because their were certain rules that needed to be adhered to when fund raising.

Mayor Gerwig said she would like to have Council games and compete with the other Council's from the neighboring communities. She asked Ms. Drake to make up five pieces of paper in order for Council to draw the names of the departments they would be working with.

Councilman Drahos said it would be fun to draws the names at the Service Awards Luncheon on Thursday. Council agreed to have the names drawn at the luncheon.

8. COUNCIL COMMENTS

None

9. ADJOURN