

# Village of Wellington

*12300 Forest Hill Blvd  
Wellington, FL 33414*



## Action Summary - Final

**Tuesday, May 27, 2014**

**7:00 PM**

**Village Hall**

### **Village Council**

*Bob Margolis, Mayor  
John Greene, Vice Mayor  
Matt Willhite, Councilman  
Howard K. Coates Jr., Councilman  
Anne Gerwig, Councilwoman*

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

Mayor Margolis led the Pledge of Allegiance

**3. INVOCATION**

Keith Nevad, Youth Leader Pastor, The Pentecostals of The Palm Beaches, Wellington, led the Invocation.

**4. APPROVAL OF AGENDA**

Mr. Schofield presented the agenda for approval recommending two changes: (1) move Consent Agenda item 6A Authorization to Negotiate a contract to provide Insurance Brokerage Services to the Regular Agenda as item 8C; and (2) move Consent Agenda item 6D Authorization to Award a Contract for the Construction of the C-23 Multi-use Path and Bridle Trail to the Regular Agenda as Item 8D.

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

**5. PRESENTATIONS AND PROCLAMATIONS****A. [14-379](#) PRESENTATION OF A MAYOR'S RECOGNITION PROCLAIMING THE MONTH OF MAY, 2014 AS LYME DISEASE AWARENESS MONTH IN THE VILLAGE OF WELLINGTON**

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the Recognition. Council presented the Recognition to Ms. Thatcher

**6. CONSENT AGENDA**

Mr. Schofield presented the Consent Agenda recommending approval as amended. There were no public comments.

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

**B. [14-62](#) AUTHORIZATION TO RENEW A CONTRACT FOR THE SUPPLY AND DELIVERY OF TROPHIES, PLAQUES, AND MEDALS**

This item was passed on Consent.

**C. [14-335](#) AUTHORIZATION TO UTILIZE A GENERAL SERVICES ADMINISTRATION (GSA) CONTRACT AS A BASIS FOR PRICING FOR THE PURCHASE OF A NEW WEBSITE, DESIGN AND CONTENT MANAGEMENT SYSTEM**

This item was passed on Consent.

- E. [14-349](#) RESOLUTION NO. R2014-29 (VILLAGE GREEN PARCEL 6 VACATION/ABANDONMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AND BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT VACATING 382 SQUARE FEET (0.009 ACRE) OF A 10-FOOT WIDE WATER EASEMENT WITHIN PARCEL 6 OF THE VILLAGE GREEN MULTIPLE USE PLANNED DEVELOPED (2815 STATE ROAD 7); AND PROVIDING AN EFFECTIVE DATE.

This item was passed on Consent.

- F. [14-61](#) RESOLUTION NO. AC2014-03 (LEASE AGREEMENT BETWEEN ACME IMPROVEMENT DISTRICT AND J. ALDERMAN FARMS, INC. FOR THE K-PARK SITE)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT, FLORIDA APPROVING THE LEASE FOR PROPERTY LOCATED ON THE CORNER OF STATE ROAD 7 AND STRIBLING WAY TO J. ALDERMAN FARMS, INC. FOR THE PURPOSE OF ORGANIC VEGETABLE FARMING AND AUTHORIZING THE PRESIDENT AND BOARD SECRETARY TO EXECUTE THE LEASE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

This item was passed on Consent.

## 7. PUBLIC HEARINGS

## 8. REGULAR AGENDA

- A. [14-388](#) RESOLUTION NO. R2014-28 (TENNIS CENTER MANAGEMENT AND MAINTENANCE AGREEMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING RENEWAL OF AN EXISTING CONTRACT WITH CHEATHAM, INC. TO PROVIDE TENNIS CENTER MANAGEMENT AND MAINTENANCE SERVICES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Ms. Cohen announced that she would be recusing herself from this item as she had a Conflict of Interest, and Ms. Megan Rogers, Assistant Village Attorney, would be handing the item. Ms. Cohen left the Council Chambers. Ms. Rodriguez read the resolution title.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving Resolution No. R2014-28 as presented.

- B.**     [14-389](#)           AUTHORIZATION TO CONTINUE WITH THE DEVELOPMENT OF THE 40TH STREET PROJECT USING THE ALIGNMENT PROPOSED BY THE DEVELOPER
- Mr. Schofield introduced the agenda item. Mr. Riebe made the presentation.**
- Mr. Rosenbaum and Mr. Perry addressed this item.**
- It was discussed that this was an Engineering item for the approval to be made by the Village Engineer, and there was no Council action to be taken on the item. Mayor Margolis indicated that there was no direction from Council. He thanked everyone for their presentations.**
- A.**     [14-207](#)           AUTHORIZATION TO NEGOTIATE A CONTRACT TO PROVIDE INSURANCE BROKERAGE SERVICES
- Mr. Schofield introduced the agenda item.**
- At this time, Mayor Margolis announced that since he sits on the Florida League of Cities Pension Trust, the Village's Attorney advised him that he needed to recuse himself from this item. He left the Council Chambers at this point.**
- Mr. De La Vega presented the agenda item.**
- A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and passed 3-1 with Councilman Willhite dissenting authorizing staff to negotiate a contract to provide insurance brokerage services.**
- D.**     [14-387](#)           AUTHORIZATION TO AWARD A CONTRACT FOR THE CONSTRUCTION OF THE C-23 MULTIUSE PATH AND BRIDLE TRAIL
- Mr. Schofield introduced the agenda item. Councilwoman Gerwig announced that she would be recusing herself on this item from the advice of the Village's Legal Counsel as she has a business relationship with the Palm Beach Point Homeowners Association who has provided input on this agenda item.**
- Mr. Riebe presented the item.**
- A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (4-0) to refer the discussion of the construction of the C-23 Multi-Use Path and Bridle Trail to the Equestrian Preserve Committee and Public Safety Committee.**

## **9. PUBLIC FORUM**

**Mr. Bart Novack - He spoke about tennis and that it should not be operated by a private company, and that we should either keep K-Park as a private park or sell 8 acres and build senior housing on the remaining acreage.**

## **10. ATTORNEY'S REPORT**

**Ms. Cohen presented the following report.**

- Ms. Cohen reported that Wellington received a lawsuit from Palm Beach Polo Holdings Inc. with respect to the Big Blue Preserve. She would be forwarding a copy of the complaint to Council.
- She advised that they have prepared a pamphlet for distribution to boards and committees. She said that they will be providing training to the Education Committee, Equestrian Preserve Committee, Public Safety Committee, Senior Advisory Committee and Tree Board next week. She said that they will receive materials pertaining to ethics, public records, the Sunshine Law, quasi-judicial hearings, and Robert's Rules. She said this was the first of two trainings they will be doing. Ms. Cohen said that the pamphlet will be finalized with the idea that it can be given to any new board members who come in.

## 11. MANAGER'S REPORTS

Mr. Schofield presented the following report

- The next Regular Council meeting is scheduled for Tuesday, June 10, 2014 at 7:00 p.m. in the Council Chambers.
- He reported that he will be traveling over the next days and would only be intermittently available. Mr. Barnes will be acting as Manager in his absence.

## 12. COUNCIL REPORTS

Councilwoman Gerwig presented the following report:

- Councilwoman Gerwig expressed her gratitude to those people who attended the Memorial Day event. She thanked American Legion Post #390 for their participation.
- She said that the dedication of the Rosemary Taliau Conference Room was scheduled for the next day at 3:00 p.m. She extended her apologies that she would not be able to attend as she had a conflict. Councilwoman Gerwig said she knew Rose, and sent her regards to the family.

Vice Mayor Greene presented the following report:

- With regard to the Big Blue Preserve, Vice Mayor Greene noted that there was previous litigation regarding this and a court order. He requested a copy of the court order. Ms. Cohen said that she would provide that to Council. Vice Mayor Greene asked if there was a designated water level for the Preserve. He also asked Mr. Schofield to provide a status of that area. In response, Mr. Schofield said that there is a water regulations schedule based on the time of the year. He said that under the operating permit, the water elevation level should be at 15 beginning on June 1st which they will do. Mr. Schofield said that there a maximum annual withdrawal from the C-51 canal that they are permitted by the South Florida Water Management District which they have reached noting that they have stopped pumping into their own internal canals. He said that it takes about 90 million to 100 million gallons to fill Big Blue at the point where their canals are already down, and if it does not start raining soon they will have to request permission from South Florida to withdraw that although he didn't know if that would be granted.

Vice Mayor Greene said that the beginning of June is typically the start of the rainy season and questioned why they would be pumping water into and not during the dry season. Mr. Schofield explained that was how the hydrology of hardwood wetlands works where in the rainy season, they are wet and in the dry season, they dry out. He said that in February, they are supposed to be down around 11.5 to 12 which is how the system naturally works. Mr. Schofield said that the permit recreates the natural hydro period which is wet

in the summer and dry in the winter.

Vice Mayor Greene asked if the cypress trees are a preserved species, and if so, have they been inspected. In response, Mr. Schofield said that they are a preserved species and noted that the Village is not aware of any cypress trees that have been removed. He said that there were some activities which was just mowing grass and removing exotics, but when they started clearcutting and backdragging land, the Village ordered stop work orders. Vice Mayor Greene asked if there was an explanation for that. Mr. Schofield said that he and Mr. Riebe had gone out and initially the work was just mowing and removing exotics; however, the next day he received a call from Mr. Riebe to go out and look at it because they had taken a bulldozer clearing it and backdragging it which changed the grade. He said that they were provided with the standards from the Village's code as to how the vegetation can be cleared. Mr. Schofield said that they are responsible for removing exotics and what they have a permit for, but when they go in and remove native trees and start clearcutting and backdragging they have been stopped.

Councilman Coates presented the following report:

- Councilman Coates said that he was out town and was unable to attend the Memorial Day event; however, he expressed his thanks to the Veterans and those people who made the ultimate sacrifice while serving their country.

Councilman Willhite presented the following report:

- Councilman Willhite thanked staff for transitioning into utilizing some biofuel vehicles. He said that he had also requested that a staff member work on some green initiatives as there are grants available that were being utilized by other municipalities.
- He thanked the owners and operators at Trader Joe's as it has been bringing a lot of visitor business into the Village from other areas.
- He said that he had been in contact with the Boys & Girls Club of Wellington and they would like to host the League of Cities meeting. He said that the Village would pay the food expenditures and perhaps some staff time. He said that the League was looking for August 27th or November 26th for that meeting. Councilman Willhite felt it would be a good opportunity for the Village to spotlight the Boys & Girls Club. Mr. Schofield said that he would need direction to move forward on this.

Council consensus was for Mr. Schofield to proceed with this.

- Councilman Willhite thanked staff, the veterans and everyone who came out for Wellington's Memorial Day event. He was very impressed with the turnout. He felt that what sets Wellington apart from some of the other observances was Wellington's parade.
- He recognized that May 18th through May 24th was National EMS Week. He thanked and recognized the EMS providers.
- He thanked Mr. Schofield for opening up some of the parks on Memorial Day.
- He asked if there was anything that the Village could do about fly mitigation which he felt was a problem.
- Councilman Willhite thanked all of Council for attending the last League meeting because it was the induction of the Board of Directors which he is a part of.

Mayor Margolis presented the following report:

- With regard to the Big Blue Preserve, he asked if it was a violation of a court order whether it had to go through the Code process or do they move to

litigation.

In response, Ms. Cohen said that if there was a violation of a court order, the Village could file a motion for contempt. She assumed that if it occurred that it would be part of a counter-claim response.

Mayor Margolis asked if they violated the court order, does the Village move from being reactive to proactive and litigate. Ms. Cohen said that service of the complaint was accepted, and she believed there was an issue that had recently arose which resulted in the complaint for Declaratory and Injunctive Relief. She said that she believed there was a pending code violation. Mayor Margolis recalled going through this years ago that Judge Bronson issued a statement in the Village's favor. If it was a violation, he questioned if it could just go through the Village's litigation. Ms. Cohen explained that the Village has an obligation to respond to the complaint in some manner. This is an issue that was worked on by Mr. Riedi's firm, and this has been sent out to him to respond to because it involved litigation he was involved in the past. Ms. Cohen was certain that he would formulate an appropriate response and she will provide Council with a copy.

•Mayor Margolis referenced an email from residents in the Isles regarding the dust. Mr. Schofield indicated that staff was drafting a response to that which he anticipated would be ready by the next morning. Mayor Margolis wanted them to understand that it was technically out of the Village's hands because the way they could pave 120th was to get more property for the road which they haven't been able to do. Mr. Schofield pointed out that additional right-of-way would be needed to install a bridle trail which they have not been able to obtain. He said that Council has directed staff to reactivate that and indicated that the right-of-way studies are done, as well as the preliminary alignment studies. He said staff will provide options to Council; however, he didn't anticipate that would get done either in this budget year or in next year's. Mayor Margolis said that they may need to find additional options other than paving the road in order to alleviate their concerns, and he has asked staff to look at that.

### 13. ADJOURNMENT

#### NOTICE