

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, January 25, 2016

3:00 PM

Village Hall

Village Council Workshop

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

1. CALL TO ORDER

Mayor Margolis called the meeting to order at 3:00 p.m.

2. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the Agenda for the January 26th Council Meeting for discussion and review.

Councilman Willhite requested that the Senior Housing Workshop be held at the following night's Council meeting as a regular item under Presentations & Proclamations.

Council consensus was to move the Senior Housing Workshop item to the following night's Council meeting as Presentation & Proclamations Agenda item 5B.

Mayor Margolis said that he understood that the cub scouts would be attending the Council meeting to present the challenge for the Soapbox Derby and provide the Pledge of Allegiance.

A. [15-1034](#)

PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA RECOGNIZING THE EMERALD COVE MIDDLE SCHOOL 2015-2016 GIRLS SOFTBALL TEAM FOR THEIR COUNTY CHAMPIONSHIP WIN

Mr. Schofield introduced the item. This item is a Proclamation recognizing the Emerald Cove Middle School 2015-2016 Girls Softball team on becoming the Palm Beach County Champions and for their outstanding play in the County Championship.

There were no changes recommended.

B. [15-869](#)

AUTHORIZATION TO AWARD A CONTRACT TO MULTIPLE VENDORS FOR THE PURCHASE AND DELIVERY OF MOSQUITO CHEMICALS

Mr. Schofield introduced the item. This item is for the authorization to award a contract to multiple vendors for the purchase and delivery of mosquito chemicals in the amount not to exceed \$60,000 annually.

Mr. De La Vega presented the item. He explained that after going out to bid, staff was recommending the secondary awardee for items 1, 2 and 4 and the primary awardee for items 3 and 5. The lowest unit priced item for each vendor was selected and the recommendation includes a contract for two years with an additional two one year renewals. He indicated that the current chemical that was being used would be changed to a significantly lower-priced chemical. He understood that the new chemical has been tested and used throughout multiple municipalities and staff felt very comfortable with the change.

Councilwoman Gerwig asked for a list of the areas where the chemicals were being used. Mr. Barnes stated that Mr. Fleury would provide Council with the

information and indicated that staff honors all requests from residents that do not want the chemicals applied in their areas due to environmental concerns.

Councilwoman Gerwig stated that she knew that there were some areas where residents had environmental concerns and who had requested not to have their properties sprayed. In response to Councilwoman Gerwig's question, Mr. Barnes explained that staff does not spray in those areas but the aerial spraying was not handled by the Village. There is a large amount of coordination between the Village's mosquito control and environmental services staff and Palm Beach County who provides advanced notification of the spraying schedule.

Councilman Willhite asked for number of properties that had requested not to be sprayed and the environmental risks versus the benefits from not having the chemicals sprayed within the Village. Mr. Barnes said that he did not have the information but staff would obtain it and provide it to Council.

There no changes recommended.

C. [15-761](#)

AUTHORIZATION TO (1) RENEW AN EXISTING CONTRACT WITH ZAMBELLI FIREWORKS MANUFACTURING CO. FOR THE ANNUAL JULY 4TH FIREWORKS DISPLAY; AND (2) UTILIZE ZAMBELLI FIREWORKS MANUFACTURING CO. FOR THE VILLAGE'S TWENTY (20) YEAR ANNIVERSARY CELEBRATION FIREWORKS DISPLAY

Mr. Barnes presented the item. He explained that the contract was identical to the prior contracts except for the modification of the fireworks for the twenty year anniversary.

In response to Councilman Willhite's question regarding the location of the twentieth anniversary event on March 19th, Mr. Schofield explained that the event would be held at Village Park because the fireworks could not be set off at the lake front because the new community center was an active construction site and there was not enough room at the Wellington Professional Centre. A list of activities set for that day, including the locations would be provided to Council.

There were no changes recommended.

D. [15-382](#)

AUTHORIZATION TO CONTINUE UTILIZING A SOUTHEAST FLORIDA CO-OP CONTRACT WITH MULTIPLE VENDORS FOR THE PURCHASE OF WATER METER FITTINGS AND WATER LINE ACCESSORIES

Mr. Schofield introduced this item. This item is for the authorization to utilizing a Southeast Florida Co-op contract, with multiple vendors, for the purchase of water meter fittings and water line accessories.

There were no changes recommended.

E. [15-828](#)

AUTHORIZATION TO AWARD CONTRACTS FOR WELLFIELD REHABILITATION AND MAINTENANCE

Mr. Schofield introduced this item. This item is for the authorization to award

contracts to All Webbs Enterprises, Inc. and Florida Design Drilling Corp for Wellfield Rehabilitation and Maintenance and approval of Resolution R2016-11 and associated Budget Amendment No. 2016-01 to relocate funds from Water and Wastewater capital project budget to the operating budget.

Councilman Willhite asked if staff was requesting Council to approve the amounts of \$180,000, \$588,680 or \$1,253,600. Mr. Riebe replied that the approval that staff was seeking from Council was for the amount of \$180,000. In the past, Council approved the CIP portion of the item and during the following year the same process would be repeated. He indicated that staff was comfortable that the amount requested would suffice for the services needed for the wells during the current year and additional funding would not be needed until the findings were reported after the wells were inspected by using the cameras.

Councilman Willhite said he had additional questions regarding this item, and indicated that he wanted to meet with Ms. Quickel and Mr. Riebe before the Council meeting to discuss them.

There were no changes recommended.

F. [15-992](#)

RESOLUTION NO. 2016-12 (FOR BUDGET AMENDMENT NO. 2016-014)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING GENERAL FUND RESERVE BALANCES FOR FISCAL YEAR 2016 BY COMMITTING MONIES FROM GENERAL FUND UNASSIGNED RESERVES TO THE GENERAL FUND INSURANCE RESERVE IN ACCORDANCE WITH STATUTORY REQUIREMENTS FOR THE VILLAGE MEDICAL INSURANCE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the item. This item is for the approval of Resolution No. 2016-12 for Budget Amendment 2016-014 to increase the General Fund Insurance Reserves by \$329,000 pursuant to F.S. 112.08.

Ms. Quickel presented the item. She explained staff was required to maintain an insurance reserve pursuant to F.S. 112.08 with the type of medical insurance program that the Village started offering during the past fiscal year. The calculation was based on the policy and premiums during the current year and the estimated amount to be reserved was \$1,150,000. She indicated that the reserved amount during the prior year was \$821,000 but an additional \$329,000 was currently needed to be reserved in order to maintain compliance.

Mayor Margolis clarified that the Village did not need to expend the amount but was required to reserve the amount per the Florida State statute. Ms. Quickel replied affirmatively.

Councilwoman Gerwig asked if this was the portion of the insurance that was under the "self-insured" category. Ms. Quickel explained that the amount was a reserve amount requirement and was related to the "self-insured" category.

There were no changes recommended.

G. [15-998](#) RESOLUTION R2016-13 (BINKS POINTE PLAT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE BINKS POINTE PLAT LYING IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF PARCEL "V" AND A PORTION OF PARCEL "J", BINK'S FOREST OF THE LANDINGS AT WELLINGTON P.U.D. PLAT 2, AS RECORDED IN PLAT BOOK 70, PAGES 162 THROUGH 175, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Mr. Schofield introduced the item. This item is for the approval of Resolution No. R2016-13 accepting and approving Binks Pointe Plat.

Mr. Riebe presented the item. He explained that the act was of a ministerial nature and would serve to codify the subdivision or the town houses project.

Mayor Margolis asked when the townhouse project would be completed. Mr. Riebe said that he would estimate that the project would take 24 months because they recently broke ground.

Councilwoman Gerwig asked if the buffer limitation had been checked. Mr. Riebe replied affirmatively.

There were no changes recommended.

H. [15-1032](#) REVIEW OF CODE COMPLIANCE FINE REDUCTION FOR 1672 FARMINGTON CIRCLE

Mr. Schofield introduced the item. This item is for Council review of a fine reduction request for 1672 Farmington Circle.

Mr. Koch presented the item. He explained that the property was originally sited in 2013 for property management issues and at that time there was no contact with the homeowners. He indicated that prior to the hearing, the homeowners were able to correct some of the violations and the code officer reached out to the owners but there was no response, therefore the fines commenced to accrue for 727 days which led to the total of \$44,171.20. Mr. Koch explained that currently the homeowners were involved in a foreclosure action due to financial and medical difficulties. The homeowner's agent notified him that there was a buyer who was willing to take over the violations as part of the fine settlement but neither the buyer nor the seller has a great deal of money for the settlement. He noted that all the parties were pulling together to reach the counter settlement offer in the amount of \$1,000.

Mayor Margolis asked if the violations had been corrected. Mr. Koch said that the violations had not been corrected but a stipulated settlement agreement would be created and the buyer would take responsibility for the violations. He explained that if the buyer does not correct the violations within 120 days, the fines would start accruing again and staff would once again go through the lien process.

Ms. Cohen asked Mr. Koch if there was an assurance that the short sale would go through. Mr. Koch said that there was never a 100% assurance that a short

sale would go through other than having the contract but if the sale does not go through, the agreement would be annulled which was stipulated in the settlement document.

Vice Mayor Greene noted that the attempt to resolve the issue was happening after 720 days. He indicated that he has always been compassionate but at some point the Village needed to stop the precedence and change because some of the residents were ignoring their situation indefinitely and then going before the magistrate which he felt was a game. Vice Mayor Greene thought that was hurting and impacting the community, neighbors, property values and at some point accountability was needed. He pointed out that the goal was compliance and if the Village was not obtaining compliance, then they were not sending out the right message.

Mr. Schofield stated that the current decision was not easy because the homeowner for a variety of reasons was not maintaining the house. The decision was to leave the liens in place and if the short sale does not get finalized, when the bank takes possession, then the Village would enforce through the bank or take a chance with the new owner. The down side was if the new owner does not handle the repairs, staff would start the process again and cite the property and add the liens.

Vice Mayor Greene said that he wanted to review additional back up information along with the contract. He also indicated that he wanted to move the item to the Regular agenda.

Councilwoman Gerwig asked if there was a problem or impact within the neighborhood because of the situation.

Councilman Willhite said that it was not fair to the other residents in the neighborhood to have a home that was not maintained because he felt the property values of the other homes would decrease in value. He indicated that Mr. Koch usually provides Council with more back up information that would include; the name of the new owner; pictures of the property; and the lien amounts; however, that was not included with the agenda item.

Vice Mayor Greene stated that if the delay was based on a hardship, Mr. Poag had advised him that there were volunteers available through different school programs and other good neighbors in the community that would provide some assistance. He said that Council needed to address these types of situations but the Village needed to send the message to those people that were ignoring the certified letters, not responding to the code enforcement violations and then throwing themselves on the mercy of Council and requesting the reduction of the fines at tremendously huge rates that the Village does not want to set the precedence and allow the continuance of this procedure.

Councilman McGovern asked if the bank had approved the short sale. Mr. Koch said that the bank was delaying the short sale and waiting for Council's decision.

Ms. Cohen said that Council may be looking for some type of follow up process after the lien was filed; however, she was currently not aware of such a process that was in place.

Mr. Schofield indicated that unless there was a life safety issue the Village was not able to do anything about the violations. He explained that had the foreclosure process not gone as far as it had, absence of the short sale, staff probably would not have heard from the owner. He said the item was on the agenda only because there was a buyer that was interested in purchasing the property.

Vice Mayor Greene said that instead of sending threatening letters to residents in order to try and obtain compliance, and to try and protect the values of the properties within all the neighborhoods, staff could send a certified letter that says; "How can the Village help"? and provide the home owners with options regarding providing assistance. He explained that he understood the process but thought there was a better way to handle the situation.

Mayor Margolis asked if the property owners were living in the house, if there were other existing liens and if they were paying their water bill. Mr. Koch explained that he would provide the information to Council.

Council consensus was to move the item to Regular Agenda.

Mr. Schofield said that the item would be moved to Regular Agenda as Item 8B because the original agenda item 8B Outside Legal Fees and Costs had been withdrawn.

I. [15-836](#)

ORDINANCE NO. 2016-01 (VILLAGE PROFESSIONAL CENTER)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, PROPOSING THE VOLUNTARY ANNEXATION (PETITION NUMBER 15-80 / 2015-42 ANX 1) OF REAL PROPERTY COMPRISING OF 10.5 ACRES, MORE OR LESS, LOCATED APPROXIMATELY 600 FEET WEST OF STATE ROAD 7 AND APPROXIMATELY .5 MILES NORTH OF FOREST HILL BOULEVARD IN PALM BEACH COUNTY, FLORIDA, KNOWN AS THE "VILLAGE PROFESSIONAL PARK," MORE PARTICULARLY DESCRIBED HEREIN; DECLARING THAT THE VOLUNTARY ANNEXATION PETITION BEARS THE SIGNATURE OF THE PROPERTY OWNER; AMENDING SECTION 11 OF THE VILLAGE CHARTER BY REDEFINING THE CORPORATE LIMITS OF THE VILLAGE OF WELLINGTON; DIRECTING THE VILLAGE MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS ANNEXATION; DIRECTING THE VILLAGE CLERK TO FILE A COPY OF THIS ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT IN PALM BEACH COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF PALM BEACH COUNTY, AND THE FLORIDA DEPARTMENT OF STATE WITHIN SEVEN DAYS AFTER ADOPTION, IN ACCORDANCE WITH CHAPTER 171 OF THE FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Ordinance No. 2016-01, an Annexation petition to voluntarily annex a vacant parcel totaling 10.9 acres into the municipal boundary of the Village of Wellington.

Mr. Basehart presented the item. He explained that the annexation would be an addition to the Wellington Professional Center property and that the property was 10.9 acres. He directed Council to the aerial pictures located on pages 296 through 299.

Mayor Margolis asked for verification that the item was of a quasi-judicial, ex parte nature and Council would be discussing the annexation but no other discussion regarding future use would be held. Ms. Cohen replied affirmatively.

Mr. Basehart said that the property was removed from the Lake Worth Drainage District and placed into the Acme District several years ago. He indicated that the property was land locked and would be able to be joined with the balance of the Fina property which has the frontage.

Councilwoman Gerwig asked if there was other property located in the area that was owned by Palm Beach County. Mr. Schofield said that there was a 15-acre parcel. Councilwoman Gerwig asked if that parcel was land locked. Mr. Basehart replied affirmatively and indicated the area on the map. Mr. Schofield explained that the other 15-acre parcel was located next to the entrance of the Black Diamond community.

Mayor Margolis asked what the future plans for the land was. Mr. Schofield explained that the plan was for residential and commercial use and possibly an ACLF.

Mr. Basehart explained that the purpose of the annexation was to plat the entire area. The owner has a proposed project and was currently dealing with Palm Beach County traffic division for concurrency and afterwards he plans to move forward with a project.

Mayor Margolis asked if there was traffic concurrency for a number of years. Mr. Basehart explained that with the original project there was traffic concurrency but the time limit had expired.

There were no changes recommended.

J. [15-971](#)

RESOLUTION NO. R2016-06 (SPECIAL USE PERMIT FOR THE ST. RITA CATHOLIC CHURCH PARISH FESTIVAL)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A SPECIAL USE PERMIT FOR ST. RITA CATHOLIC CHURCH PARISH FESTIVAL UTILIZING AMPLIFIED MUSIC LOCATED AT 13645 PADDOCK DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Resolution No. R2016-06 Special Use Permit for the St. Rita Catholic Church Parish Festival for events utilizing outdoor amplified music to be held at 13645 Paddock Drive.

Mr. Basehart presented the item. He explained that the event would include outside music for four days and the request was the same as in the past few years.

Mayor Margolis asked if the item could be placed on the Consent portion of the agenda. Mr. Schofield stated that the item could be moved to the Consent portion of the agenda if that was Council's direction.

Vice Mayor Greene explained that after speaking with Mr. Basehart from a policy stand point, certain special use permits that were requested year after year with no changes and with no violations or complaints, Council should consider not having to bring them before Council for approval. Mr. Basehart explained that staff could move towards a provision where the special use permit could be renewed administratively for a certain amount of time. The policy would shorten the applicant's process.

Mayor Margolis indicated that the current item would remain under the Regular agenda. Mr. Schofield stated that in the future, special use permits could be placed under the Consent agenda and staff would work towards developing a process to provide an extended period special use permit.

Council consensus was to have staff develop a process for yearly renewals to certain special use permits.

Mr. Schofield said that staff would provide Council with a recommended policy to review.

There were no changes recommended.

K. [15-981](#) OUTSIDE LEGAL FEES AND COSTS

This item was withdrawn

3. WORKSHOP

[15-1033](#) SENIOR HOUSING WORKSHOP 2016

This item was not heard as Council had requested earlier that the Item be added to the January 26th agenda under Presentations and Proclamations as item 5B.

4. ATTORNEY'S COMMENTS

Ms. Cohen stated that she would be in Orlando on Wednesday and Thursday but would be available via telephone and email. Mr. Dunlap would in the office to provide any assistance.

5. COUNCIL COMMENTS

Mayor Margolis said that he read over the weekend that there was an accident where a five year old child fell off a golf cart and asked if that happened in Grand Prix Village. Mr. Schofield said that the accident happened in the

internal portion of Grand Prix Village. He stated that one of the things that in past years, they had contracted with PBSO to provide a deputy for traffic control inside the subdivision but this was the first year that they did not have a deputy.

6. ADJOURN

There being no further business, the meeting was adjourned.