

MINUTES

**REGULAR MEETING OF THE
WELLINGTON VILLAGE COUNCIL
Wellington Village Hall
12300 Forest Hill Blvd.
Wellington, Florida 33414**

**Tuesday, June 10, 2014
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, June 10, 2014 commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

Council Members present: Bob Margolis, Mayor; John Greene, Vice Mayor; Matt Willhite, Councilman; Howard K. Coates, Jr., Councilman, and Anne Gerwig, Councilwoman.

Advisors to the Council: Paul Schofield, Manager, Laurie Cohen, Esq., Attorney, Awilda Rodriguez, Clerk, and Jim Barnes, Director of Operations.

1. **CALL TO ORDER** – Mayor Margolis called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** – Girl Scout Troop #20432 led the Pledge of Allegiance.
3. **INVOCATION** – Deacon Pete Del Valle, St. Therese de Lisieux Catholic Church, delivered the Invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield presented the agenda recommending approval as presented.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving the agenda as presented.

5. **PRESENTATIONS AND PROCLAMATIONS**
 - A. **14-419** PRESENTATION BY REPRESENTATIVE MARK PAFFORD

Mr. Schofield introduced the agenda item. He announced that Representative Pafford was present to give an update on the legislative session.

Representative Pafford said that he just finished his sixth session in Tallahassee. He said that the session was fairly active noting that they passed a \$77 billion budget. He said that several local bills were passed specifically noting the bills for Acme Water Control District and Loxahatchee Groves. Representative Pafford said that he hoped there had been a bigger discussion on health care expansion. He felt that by leveraging some of the federal dollars, they may be able to lower the Ad Valorem burden that many of the Palm Beach County residents pay into the Health Care District. He said that public education took a hit and was behind where he believed it should be in terms of the per student amounts that are paid. Representative Pafford noted how the local governments are more

involved with their constituents and felt that it was good to have local debates before them. He felt that local services was far different than the higher levels of government and was more challenging, and he respected the work of the Council. He said he would be happy to address any questions.

Councilwoman Gerwig expressed her thanks to Representative Pafford for his service.

Vice Mayor Greene thanked Representative Pafford for his support to the community, and for making himself available to Council.

Councilman Coates also thanked Representative Pafford for his service and appreciated his reports. He said that Council had deferred taking any action on the Council level regarding Sober House regulations because they were hoping they would be provided with some guidance from Tallahassee on what was going to be done on a State-wide level. Councilman Coates asked if he thought some guidance from the State would be provided during the next session. Representative Pafford said that the Sober House language was really not defined in the Statute which makes it difficult for local communities and counties around the State to understand and regulate them. He felt that what would be helpful throughout the State would be how to navigate. He said that there are some in the Sober House industry who take advantage of their role, and there is very little therapeutic value for the residents in their homes, yet the operators continually make a lot of money from them. Representative Pafford did not think the Sober Houses really helped people fix bad habits nor did they do anything for the neighborhoods where they are located. He explained that issue was passed by the House although it was very diluted and was the first type of recognition that Sober Houses exist. He felt it got tied up in the Senate which he thought was odd because they passed some things that hadn't been heard of like medical marijuana and immigrant tuition that ran contrary to what the legislature was doing for many years. Representative Pafford felt they could have done a lot for regular homeowners, and he expected that it would come back to the legislature. Councilman Coates noted that it is a very controversial issue in Wellington, and Council has tried to be proactive to do what they can, but they were told that their hands are tied, yet that isn't something that the residents want to hear. He did not think there was anything that could be done on the local level until they get some guidance from Tallahassee. He encouraged Representative Pafford to help the local communities out at the State level to provide guidance. Representative Pafford thought the House vote was almost unanimous and reiterated that it was the first movement to define it and try to provide protection while understanding the U.S. Constitutional issues. He hoped it would have a better likelihood of passing next year.

Councilman Willhite voiced his appreciation of Representative Pafford's service as well as the update. He said that even though the session was over, they needed to begin looking forward as the work has already started for the next session. He pointed out that the Village has a new lobbyist, and asked if Representative Pafford could work with him and the Village staff to see what could benefit Wellington in the next session. Councilman Willhite extended his congratulations on Representative Pafford's appointment as the House Minority Leader for the next two sessions. He also felt that the Village would benefit particularly on environmental issues from Representative Pafford being the Executive Director of the Arthur Marshall Foundation. He advised Representative Pafford to reach out to the Village if there was anything that they could do for him. Representative Pafford appreciated the Village's efforts in working with him.

Mayor Margolis praised Representative Pafford's staff. He also noted that Representative Pafford always made himself available when the Village needed him. Mayor Margolis referred to the redistricting lawsuit, and asked what the reaction was up in Tallahassee. Representative Pafford felt that the reaction was tempered, but thought there would be action to change or call for the maps to be redrawn. He felt that there was a lot of evidence that showed many people of both parties had been involved with those maps which was political and should not have occurred. It was his guess that a

court will likely redraw the districts although attorneys may have a different opinion. Representative Pafford did not feel this was going in the direction of just keeping them the same. With the evidence that was displayed, he questioned if there was a trigger that would affect the Florida House and Senate maps because the same people were involved in also developing those. He said that they will look at the Congressional maps first, and if something came out of those hearings, he suspected there could be some sort of change. He said that they would be looking at redistricting again very shortly, so he didn't know what the timing would look like.

B. 14-418 PRESENTATION AND DISCUSSION OF PHASE IV CANAL RECLAMATION PROJECT – C-16, C-16A AND C-28 CANALS

Mr. Schofield introduced the agenda item. He announced that Mr. Fleury and Mr. Barnes were present to give the presentation.

Mayor Margolis asked Ms. Cohen for clarification on opening up the floor for public hearings versus other agenda items. Ms. Cohen explained that a motion was required by Council for public hearings whereas Council only needed to ask the Clerk if there were any comment cards for the other agenda items and to remind the public that they were entitled to be heard on any matters on the agenda. She said that a motion to open and close public comments was not necessary

Mr. Fleury gave his presentation explaining that the Public Works Department compiled a Surface Water Management PowerPoint on the work that was done with the drainage system over the past five years. He presented the following:

➤ **Neighborhood Drainage Systems**

- They went into the drainage systems in all of the neighborhoods using an oldest to newest approach. He said the ultimate goal was to go into every neighborhood to pump them down, clean, and document them. He showed a map showing the neighborhoods they had been in since 2010 showing what was completed in 2014, what is proposed for 2014 and 2015. It only showed those areas that are maintained by the Village.
- He then showed a slide of a cast-in-place liner that is used for repairing when they locate a bad culvert pipe.

Councilman Willhite asked if that was a cheaper method than replacing the pipe. Mr. Fleury responded affirmatively. He noted that leaves no mess, makes the water run smoother, and is easier on the neighborhoods.

➤ **Roadway Swale Rehabilitation Program**

- Swales are rehabilitated on major thoroughfares that are maintained by the Village.
- They remove pollutants from the swales, they are reconstructed, retrofitted, improve the water quality, they fix new shoulders, and new grass is planted.
- A slide was shown outlining where the swales have been rehabilitated since 2008, and where they are headed through 2016. They did not show private roadways or canals.

Councilman Willhite asked Mr. Fleury to explain what the Village did to the swales prior to 2008. In response, Mr. Fleury said that he was hired in 2008, so he did not know what was previously done. Mr. Barnes explained that no work was done on the public swales that were maintained by the Village during that time period. He said that maintenance was the responsibility of the individual property owners. In the areas where the Village handled the swale maintenance, no maintenance was done. Councilman Willhite said that it was only in 2008 that the Village realized work needed to be done on

them. He said that swales are the Village's area of mitigation instead of curb and gutter. Mr. Barnes said that was correct noting that they provide the flow as well as some pre-treatment of the swales.

➤ **Stormwater Conveyance Culverts**

- There are over 150 primary and secondary culvert crossings under Village roadways, i.e., Forest Hill Blvd., Big Blue Trace, Greenview Shores, South Shore. They carry water between the canal systems.
- He showed a map highlighting those culverts where they have inspected, cleaned, lined or replaced and those that have been earmarked for future inspection. He noted the objects that they have pulled from the pipes. He said that they were about 75% done noting what an expensive process this is because it involves a diver and an underwater operation. Mr. Fleury believed that the difference would be seen the next time the Village encountered a storm like Isaac.

Councilman Willhite asked Mr. Fleury if this included when cameras and pressure cleaning were put into all of the pipes. Mr. Fleury said that he should have mentioned that when he discussed the neighborhoods. He said that was where they were able to bag the entire pipe and stuff down the entire system where they can use the videos. Councilman Willhite asked if that was run throughout all of the pipes throughout the Village. Mr. Fleury said that they have used them throughout the neighborhoods, but don't use them in the underwater pipes. He explained the work that was done in the neighborhood pipes. Councilman Willhite pointed out that in 2006/2007; the Village was finding pipes they did not even realize they had, so he felt they could not do maintenance on them. He was happy that Mr. Fleury was able to identify all of them so that they can be accounted for and worked on if necessary. Mr. Fleury said that a part big was just getting those identified and put on the map.

➤ **Canal Bank Right-of-Way Clearing**

- This program was just implemented on October 1st of this fiscal year. He said that when they started to get a handle on the other issues, they felt they needed to go and look at the canals.
- Three phases were completed to date and Phase IV and V were the C-16; C-16A and C-28 canals.
- A map was shown of the proposed and completed areas as well as a photograph of a clearing.

Councilman Willhite recognized that much of this work had been done and was being done at Mr. Fleury's direction and recognition of what needed to be done to benefit the Village. He also noted that last year Council had given Mr. Fleury direction to begin Phase I in preparation for future storms. He thanked Mr. Fleury for keeping Council apprised of what needed to be done. In addition to the work being done behind the Boys & Girls Club which Councilman Willhite noted, Mr. Fleury said that they were also working on a big project on 50th Street

Mr. Fleury continued with the Canal Bank Clearing:

- He showed photographs related to the canal bank clearing.

➤ **Canal Bank Right-of-Way Clearing – Phase IV: C-16, C-16A and C-28 Canals**

- The property along the canal bank is a Village-owned right-of-way which is generally 25 feet from the water's edge to the property line.
- He noted that one tree or other obstruction can block access to several thousand feet of canal bank.
- These right-or-ways provide access to the canal bank for regular canal maintenance, storm-related debris removal and assurance of necessary stormwater flow.
- Of the 115 or so homes that are along the banks of the three canals, 41 of them have plantings in

the proposed 25 foot maintenance strip. He noted that 20 of those people have given their consent to remove the landscaping from there.

Councilwoman Gerwig said that Mr. Fleury referred to this as a proposed 25 foot maintenance strip; however, everything being done was in the Village's right-of-way and they were not proposing a new strip. She said that Mr. Fleury was saying that the Village did not need the entire right-of-way. Mr. Fleury said that Councilwoman Gerwig was correct noting that this is actually a right-of-way on these particular canals. They are only taking what is needed to do the work. Mr. Schofield said that the distinction was right-of-way as opposed to a maintenance easement and that the Village owned the right-of-way.

Mr. Fleury continued:

- Mr. Fleury then showed pictures of the C-16; C-16A & C-28 canals and the foliage that is on private property and the trees that are wrapping around the water main.
- Aerial water main crossings exist at the outfall ends of the C-16 and C-16A.
- Approximately six (6) drainage outfalls enter canals with damaged ends in need of repair.
- The Eastwood area drainage system is in excess of 30 years old.
- The C-16 and C-16A canal flows north in the C-28 Canal which is a direct route to Pump Station #6 and Control Structure #35.

Mayor Margolis said that not doing this work could possibly affect 530 acres and 1000 homes. Mr. Fleury said that if something was to happen and these two canals weren't cleaned, 530 acres and 1,037 homes would be impacted and not just the 115 homes located on the banks.

Councilman Willhite addressed using a barge. Mr. Fleury explained that to do the tree removal, they use the barge because it is inexpensive; however, when they come back to dig the canal, they would use a backhoe.

Mr. Fleury continued:

- Access for backhoes and dump trucks via a canal bank right-of-way allows for canal bottom excavation and cleaning to ensure proper stormwater flow.
- Drainage easements between homes are consistently blocked by landscaping.
- He said that right-of-way obstructions significantly limit the Village's ability to adequately maintain Wellington's stormwater system to prevent potential flooding.
- Most of the right-of-way obstructions including Palm Trees (including Pony Tails) can be transplanted behind the right-of-way line or buff with excellent survivability.
- A map showing the drainage easement locations was displayed.
- Photograph was shown with a main outfall going between homes as well as photographs of homes with the pipe being obstructed by fences, etc.

Councilwoman Gerwig asked Mr. Fleury to explain why surface access was needed. Mr. Fleury said that first they would go and air bag the pipe, drop the pipe into the deepest man hole, suck the system down, then take the video camera; however, he said they would never be able to inspect the last piece of pipe without doing something. Councilwoman Gerwig asked about Mr. Fleury's concern about what was on top of the pipe. Mr. Fleury was concerned if a pipe was infiltrated by tree roots noting that he could show her videos where they have had to go in to get the roots out of the pipe. In case of an emergency, he wanted to have the ability to clear whatever was there with a backhoe.

Councilman Willhite said if the pipe was crushed, the lining that Mr. Fleury would be installing won't return the pipe to its original structure. Councilman Willhite said that there was the potential that a pipe would have to be replaced if it was damaged or crushed which is where the surface aspect comes into play. Mr. Fleury said that was correct.

Councilwoman Gerwig asked what the product name was that Mr. Fleury would be using. Mr. Fleury noted that it was called Cast-In-Place liner (CIP), but he didn't recall the actual brand name. Councilwoman Gerwig asked if it resulted in a concrete pipe at the end. Mr. Fleury said that it would be like fiber-glass about ½ inches thick.

Vice Mayor Greene asked if historically Mr. Fleury had been able to save many of the trees that had to be removed. Mr. Fleury said that some trees were saved on Saddletrail in Phase I that has bigger lots; but there were very few homes impacted in Phase II, and there were no homes impacted in Phase III. He reiterated that in Phase I, the Village did not take everything that was in the right-of-way, but this is the first time they are in a neighborhood with such small lots. Vice Mayor Greene said that Mr. Fleury had mentioned that the Village was running out of space for some of the debris, and asked if they could mulch some of the trees. Mr. Fleury said that the contractor is to take the trees and dispose of them at a legal dump site and the Village doesn't have to worry about them, Vice Mayor Greene said that he was trying to find some value in pulling the trees off of the banks, i.e., mulch. Mr. Fleury recommended transplanting some trees if they were willing to do that. Mr. Barnes said that in many cases people were very selective about the mulch they use, and in many cases, if it was not specially treated, they don't have the ability to control further regrowth.

Councilwoman Gerwig asked about the theory that the trees would fall into the canal. She said that she sees many trees growing in the canals, but she has never seen one fall in, and asked if that had occurred in 2005. Mr. Fleury said that he was not with the Village at that time, but he was informed by his staff that they spent 30 days pulling trees out of canals. Councilwoman Gerwig said that the work on Pierson was already done; however, significant Cypress trees were left along the edge of the water, and asked if Mr. Fleury was concerned about that. Mr. Fleury pointed out that they had actually skipped that section, and noted that the developer was required to dig that piece of canal between South Shore and Dr. Swerdlin's barn and reshape the bank. Councilwoman Gerwig did not feel that Cypress trees would be coming down although staff should know those trees that may. She wanted staff to know which trees are a hazard and which aren't and to only remove those that are hazardous and only getting access where it is necessary. Councilwoman Gerwig believed that the residents would understand that, and the difficulty has been about clearcutting. Mr. Fleury said that he was only trying to clear enough room to work down the canal banks.

Councilman Coates didn't believe the Village would allow trees to grow in the canals that they rely upon to move water throughout the Village, and asked if there was any situation where they would ever contemplate that. He felt that it was against the concept they have to move water through the Village. He knew they would not make everyone in the Village happy, but he assured them that if nothing was done and homes were getting flooded, the first to get criticized would be Council because they did not take proactive measures to protect their homes. Councilman Coates said that the cardinal thing they have to follow is that the infrastructure that the taxpayers pay for is adequate and the canals and culverts are the most essential parts to protect against flooding. Councilman Coates said that the problem was that the Village was dealing with a situation that had not been addressed in a meaningful way prior to 2008, and there will always be people who are upset when you take the first steps to correct something. Although he sees the beauty of the trees, Councilman Coates said their responsibility was to protect the entire Village and he did not believe that they had any choice, and they needed to be guided as to what was in the best interest of the entire Village. He felt that the Village should take what they know they will use now, and deal with the backlash now rather than

later. Councilman Coates referred to the amount of right-of-way needed noting that there is 35 feet; however, Mr. Fleury was saying they only needed 25 feet. He wanted to be sure Mr. Fleury takes what they need, and Council will deal with any political issues.

Mayor Margolis asked Mr. Fleury to discuss the Village helping neighbors transplant trees where they can. In response, Mr. Fleury said that he rode the canals that morning and looked at every tree. He said that there are many Palm trees that can be transplanted by the homeowner. He said that there was some concern about some date palms, but pointed out that was a situation where he absolutely could not get by. Mayor Margolis asked if the Village would do the transplanting for the homeowners. Mr. Fleury said that he didn't know if they were allowed to expend the funds for private homeowners. Mr. Schofield said, as a general rule, it was not permissible for the Village to spend public funds on private property; however, in this case where there is a specific necessary public purpose, he believed they could do some transplanting, but he would verify that.

Councilwoman Gerwig thought when this was first brought forward that Mr. Fleury had indicated that the Village would transplant these trees. Mr. Fleury clarified that he said that the barge crew would be on site, but the homeowner could on their own accord pay the barge crew to move the trees. Councilwoman Gerwig did not believe that was what was represented to Council. Councilman Willhite said that some of these trees would be very expensive to move, and he wanted to see a line item as to what the cost would be. Mayor Margolis said that he wasn't saying that was something the Village should do, but he just misunderstood what Mr. Fleury had said at the Agenda Review meeting.

Councilwoman Gerwig said that the canal she was referring to with trees submerged was the C-51 canal. She did not believe that canal belonged to the Village, and questioned who would remove those trees out. Mr. Barnes said that the C-51 canal is the responsibility of South Florida Water Management District. Councilwoman Gerwig asked if South Florida was concerned with trees growing in their canals. Mr. Barnes believed that they were concerned, but he did not know if they were concerned about that particular canal. He spoke of a major effort that was undertaken by South Florida after Hurricane Andrew to do hazard mitigation and remove vegetation. Mr. Barnes didn't know what South Florida's plans were at this point, but they have done projects like this in the past. Councilwoman Gerwig said that she noticed native trees, but thought South Florida should be notified if it is a problem because there are a lot of them on the C-51. She thought that they had done some maintenance on the north side, so she thought they would have been aware of those trees. Councilwoman Gerwig requested that Mr. Barnes check into that.

Public Comments

1. James Bowser, 1068 Jackpine Street, Wellington. Mr. Bowser identified himself as one of the adjacent property owners. He indicated that the other adjacent owners he has spoken would like to see limited vegetation removal and not a clearing of the canals. He spoke with engineers at Mock Roos, Mr. Riebe and Mr. Fleury and he did not believe there was a need to dredge the canals from an engineering standpoint as there is adequate capacity. He felt that much of the presentation was centered on the upland drainage pipes and the conveyance to the canal systems. He felt that the canals did not need to be dredged which he felt was prompting the work being done on the banks. Mr. Bowser felt that there was sedimentation in the canals, reiterated there was adequate capacity, and the elevation never decreases where they see dirt. Mr. Bowser agreed that nuisance vegetation should be removed, but he felt that the money expended to work on the canal was more a want than a need. He said that he did not want to see the canals cleared, but wanted to see the money reprogrammed that have a higher priority.
2. Karen Holme, 1061 Summerwood Circle, Wellington. Ms. Holme said that the residents along the C-16A canal were asking to keep all of their well-maintained vegetation; however, the Village was

requesting a clear cut of 25 feet. Many residents feel that the trees should be cherished, and could also be beneficial for erosion and keeping waters clean. She posed several questions to Council: (1) Can a compromise be reached between the City and the impacted residents; (2) Does the City need 25 feet of access or could they negotiate taking less; and (3) Could the Council consider types of trees that the residents have to determine the level of threat to the drainage to the canal. She referred to a post-Hurricane Andrew study done by University of Florida that identified which trees would withstand a hurricane, and noted that live oaks and sable palms were listed. She recommended that the Council look at that study. Ms. Holme supported Council reaching a middle ground that would meet the needs of the residents, and could suggest a plan for the water management while still maintaining the trees.

3. Oren Brenner, 11147 Heartwood Place. Mr. Brenner said that the presentation that was before Council was a clearcutting of 25 feet and there was no current consideration to do less than that. He said that the streets in front of their homes that allow two large garbage trucks to pass next to each other are 20 feet wide. He said that he has two live oak trees that are approximately 18 feet from the edge of the canal which have great value. He said that he bought the property because of the trees and the neighborhood, and this was not a small issue for him. He said that the Conservation Element in Wellington's Comprehensive Plan addresses the maintenance and preservation of Wellington's trees. He said that these are the requirements that are imposed on developers and residents, and he hoped that the Village adhered to the same requirements. He hoped that they can come to a compromise where they don't clearcut 25 feet in order to accomplish what he felt to be a possible benefit. Mr. Brenner noted that many residents who have lived here 30 years have never seen a flood like they had recently experienced. He noted that 70% of the culverts had been fixed, other improvements were done, and he did not feel they were facing an imminent flood.

Councilman Coates said that when he looked at the photographs many of the trees are in the middle of the access. He said that he couldn't imagine that they would ever have the ability to move around them. He asked if there was any solution that Mr. Fleury was aware of that would not necessitate clearcutting the 20-25 foot right-of-way that he needs to access to the canals. Mr. Schofield asked Mr. Fleury what was the distance that Mr. Riebe asked him for. In response, Mr. Fleury said that Mr. Riebe asked for 30-35 feet, and they were only proposing 25 feet. Mr. Schofield pointed out that the Village had compromised. Councilman Coates said that the compromise to clearcutting 35 feet is that they would only be clearcutting 25 feet. Mr. Fleury responded affirmatively.

Councilwoman Gerwig said that the Village would not be cutting trees that are not within the right-of-way. Mr. Fleury said that they would absolutely not do that. Councilwoman Gerwig requested that staff work around trees whenever possible, and help residents move them. She felt that they should work together towards the best solution.

Councilman Willhite said that the Village wants to work with residents; however, when someone gets a permit to put a fence on an easement, the homeowner was under the obligation that if the Village had to do something, it was the owner's responsibility because it was planted on the Village's property. He said that this could be a situation where it is the homeowner's fault where they encroached on Village property. Councilman Willhite said that when this was first talked about 10 years ago, the trees might not have been that big and Council did not take any action. He questioned how big the tree will be in another 10 years if no action is taken now. With regard to dredging the canals, Councilman Willhite pointed out that there are Wellington canals that have 18 inches of water, and they don't let them go down. Mr. Fleury noted that the Village actually pumped in 400 million gallons of water this past month. He noted that some grass will stop the flow of water which was seen in Section 24. He said that they need to have enough sides to reach the middle of the canals. Councilman Willhite also said that it isn't fair to other residents for the Village to pick and choose what

trees to take down. He said that if staff recognizes the work that has to be done, then they do it to the best of their ability. Councilman Willhite requested that Mr. Fleury work the best he can, try have as least amount of impact as possible, but make sure that the remainder of the community is not impacted.

Councilman Coates said that he understood that there were several considerations in terms of the tree removal: (1) the trees are in or nearly in the canal that could impede the flow of water, and (2) those trees that are in the bank that would impede access to work on the canal. He said that he wanted to focus on the trees that are on the bank and would impede access. He asked if there was a homeowner that had a tree that they wanted to keep, if the homeowner would give the Village additional access around the tree. Mr. Fleury believed there was room, but didn't know if that could legally be done. Councilman Coates said that it put the burden on the homeowner to consider whether they would be willing to give up something if they really wanted the tree. Mr. Schofield said that it would depend on the type of the tree. If it was a Palm tree, it would be relatively easy to get around; however, it might not be possible to do with a tree that has a large canopy spread like a live oak. He said he would support considering options to address a homeowner's particular issue in a way that didn't prejudice the rest of the Village. Mr. Fleury said that one of the reasons he had rode the canal again was to try and find some sort of middle ground. He said that he wanted to be able to get in a pick up or a rubber-tire backhoe which is 9 feet wide and sail down the canal at a moment's notice. He said that he came to areas that were too steep particularly where the date palms were, and it was too dangerous for his staff to try and get by them. He also noted that it is impossible to get the cab around the bigger oaks because of the canopy. Councilman Coates asked if there were any instances where homeowners requested that the tree be transplanted to their property. Mr. Fleury said that they have had a lot of people that have requested to take trees down, but they have not had any requests to transplant the tree onto their property. He felt that the canary palms can be transplanted and are a good candidate for being transplanted. Councilman Coates asked if the large oaks were movable. Mr. Fleury responded that they were not movable.

Mayor Margolis said that it was evident that the Council supported Mr. Fleury. Mr. Fleury said that he would not be doing this if he did not believe it was what was best for the Village. Mayor Margolis said that the Village has completed the other phases with no complaints, and there are only a couple of issues that perhaps they can work around. Mayor Margolis said that Council understands Mr. Fleury's work and thanked him for it.

6. CONSENT AGENDA

- A. 14-434** MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF APRIL 22, 2014
- B. 13-0425** AUTHORIZATION TO AWARD A CONTRACT FOR ROADWAY STRIPING AND PAVEMENT MARKING SERVICES
- C. 14-67** AUTHORIZATION TO RENEW EXISTING CONTRACTS FOR ANNUAL ASPHALT MILLING AND RESURFACING VILLAGE-WIDE
- D. 14-325** AUTHORIZATION TO AWARD A CONTRACT FOR OLYMPIA PARK SHADE STRUCTURES
- E. 14-351** AUTHORIZATION TO AWARD A CONTRACT TO PROVIDE LANDSCAPE MAINTENANCE SERVICES FOR UTILITY LIFT STATIONS AND WELL SITES
- F. 14-382** RESOLUTION NO. R2014-32 (FAMILY VISION CENTER PLAT): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL

ACCEPTING AND APPROVING THE FAMILY VISION CENTER PLAT FOR A 1.164 ACRE PARCEL LYING IN SECTION 24, TOWNSHIP 44 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF A PORTION OF TRACTS 9 AND 10, BLOCK 26, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

- G. 14-431** RESOLUTION NO. R2014-33 (CHILDREN'S SERVICES COUNCIL OF PALM BEACH COUNTY): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL SUPPORTING THE CHILDREN'S SERVICES COUNCIL OF PALM BEACH COUNTY IN ITS MISSION, SERVICES AND ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.
- H. 14-403** PURCHASE OF ADDITIONAL MICROSOFT LICENSES

Mr. Schofield introduced the Consent Agenda recommending approval as presented.

Mayor Margolis noted that there were no requests from the public to speak on any of the Consent items.

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

7. PUBLIC HEARINGS

- A. 14-374** ORDINANCE NO. 2014-06 (ARTICLE 6 AMENDMENT): AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON BY REPEALING ARTICLE 6, CHAPTER 12, TEMPORARY SUSPENSION OF THE PROHIBITION OF THE USE OF TENTS AS STALLS WITHIN CERTAIN AREAS OF THE EQUESTRIAN OVERLAY ZONING DISTRICT; AMENDING ARTICLE 6, CHAPTER 10, SECTION 6.10.9.D "USE OF TENTS AS TEMPORARY STALLS" TO INCLUDE PROVISIONS FOR NATURAL DISASTERS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Mr. Rodriguez read the ordinance by title. He announced that Mr. Stillings would make the staff presentation.

Mr. Stillings reported that in 2005 after several storms, an emergency ordinance was approved by the Village suspending the prohibition of tents within certain subareas. He pointed out that provision expired in 2006, and staff was now proposing a more general emergency provision for natural disasters whereby the Building Official must determine if the structure was damaged and cannot be occupied, requires the property owner to obtain a special permit, and that the tent be removed within two weeks of the permit expiration. He highlighted the proposed changes: (1) correction to a section reference which should have been Chapter 7 which is the section which limits the special permits to six months; and (2) based on discussions at the Agenda Review to make the section of the code to read clearer on what the tent was intended for, how long it can be up, and the provisions for an extension. He said that he was available to address Council questions.

Councilman Willhite said that he understood this was done in 2005, expired in 2006, and questioned why Mr. Stillings felt it was necessary to bring it back at this time. Mr. Stillings said that in their review

of the Equestrian Overlay Zoning District, they came across this and felt that a more general provision would be beneficial and would be an easy one to do. Councilman Willhite said that staff was actually requesting to amend language that had expired. Mr. Stillings said that was correct, but that it was still in the code even though there was an expiration date.

Public Hearing

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

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

A motion was made by Councilwoman Gerwig, seconded by Councilman Coates, and unanimously passed (5-0) approving Ordinance No. 2014-06 on First Reading as proposed.

- B. 14-383** ORDINANCE NO. 2014-23 (ARTICLE 14): AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 14, ENFORCEMENT PROCEEDINGS AND PENALTIES OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON; TO PROHIBIT THE ISSUANCE OF BUILDING PERMITS AND ALLOW SUSPENSION OF ISSUED PERMITS, ALLOW SUSPENSION OF THE CONDUCTING OF INSPECTIONS AND/OR THE GRANTING OF CERTIFICATES OF COMPLETION OR OCCUPANCY FOR PROPERTIES WITH OPEN CODE VIOLATION CASES OR OUTSTANDING CODE ENFORCEMENT LIENS OR FINES; TO PROHIBIT THE PROCESSING AND CONSIDERATION OF LAND DEVELOPMENT AND/OR USE APPROVAL APPLICATIONS FOR PROPERTIES WITH OPEN CODES ENFORCEMENT CASES AND/OR OUTSTANDING CODE ENFORCEMENT LIENS AND/OR FINES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the ordinance by title. Mr. Basehart was present to give the staff presentation.

Mr. Basehart reported that this was an Amendment to the Code Enforcement section of the Land Development Regulations. He said that it was the section dealing with enforcement of the code other than fines which is included in Chapter 2 of the Code of Ordinances which was not being amended. He noted that staff was proposing simple changes. He explained that the section of the Code provides that no building permit or Certificate of Occupancy can be issued unless the permit or Certificate of Occupancy is consistent with the Code. It also provides that building permits or Certificates of Occupancy have to be consistent with actions of the Planning, Zoning & Adjustment Board or a Court. Mr. Basehart outlined the amendments that were being made. He indicated that they were adding the Village Council to the list of entities whose decisions must be complied with. Provisions were also being added prohibiting the issuance of a building permit or inspections or allow the suspension of existing permits on properties where there is an unresolved code enforcement violation. Mr. Basehart said that a concern he has heard was that this could be a due process issue because someone is not guilty until the Special Magistrate finds that to be the case. He said that Article 14 defines that a violation is where a Special Magistrate has already ruled, so there is no suspension of permits or refusal to issue a permit on cases that are pending and having gone before the Special Magistrate. Mr. Basehart said that they also added a provision on those properties where

there are unresolved violations or unpaid fines that no land development or land use related approvals can be processed, for example Comprehensive Plan Amendments, Rezoning, Conditional Uses and Special Use Permits. Reference to the Code Enforcement Board was eliminated because that board hasn't been in existence for 10 years, and they have changed the reference from Special Master to Special Magistrate to be consistent with Florida Statute Chapter 162. Mr. Basehart said that the name of Planning, Zoning & Building Department was changed to Planning and Development Services Department because this particular section of the code was adopted from the County and their Growth Management Agency is the Planning, Zoning & Building Department. He said he was happy to address any questions.

Councilwoman Gerwig said that she was presented with the Florida Statute regarding permitting procedures and it stated that the Village had to issue permits if it met the Florida Building Code. She asked if this superceded the State requirement for the Village to issue building permits if it meets the Florida Building Code. In response, Ms. Cohen said that she wasn't familiar with that Statute and could look at it between first and second reading. She pointed out that a letter was provided to Council with respect to the appeal process, and if you have a Special Magistrate entering an order that is appealed timely and it ultimately turns out to be reversed or an improper order, that to deny permits during that time could deprive the individual with the right to use their property. She felt that one way to resolve that potential problem would be to include a provision that would allow the property owner to file a Motion to Stay and post a bond for the corrective work so that they could continue to get their permits and the Village was protect if the Magistrate was incorrect. She said that is a procedure that is used in court. Ms. Cohen felt that would resolve the concerns with respect to any appellate rights.

Councilwoman Gerwig expressed concern about a large property where things become code violations that are not necessarily the fault of the person yet they need to pull a permit for interior improvements on another part of the property. She felt that this was not necessary and thought that the Village had significant fines that built daily, and there is a process to get that money. Councilwoman Gerwig felt that the proposed changed appeared that they were overreaching and using a hammer that was inappropriate and sent the wrong message to people interested in redeveloping this area. She was tired of Council trying to find ways to get back at one or two people because everyone is being affected in this process. She did not believe this was a problem that was affecting the residents and that is who they should be focusing their attention on.

Public Hearing

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

1. Daniel S. Rosenbaum, Esq., 250 Australian Ave., West Palm Beach. Mr. Rosenbaum identified himself as the attorney for Mark Bellissimo, Wellington Equestrian Partners LLC and their subsidiaries and affiliates. He said he wanted to go on record opposing this ordinance. They did not believe that the authority rests in the Village Council to adopt something this far reaching which is contrary to Florida Statutes Chapter 162. He believed that Council could adopt another punitive penalty type measure. He cited an example of what would occur if the Special Magistrate was wrong and they were in the middle of a multi-million dollar development project that the Council holds up. He asked who would pay if the bank triggers a default because they can't get the approvals. He said that this was beyond anything he had ever seen. Mr. Rosenbaum pointed out that the Village was dealing with fundamental federal and state property rights. He said if the Village interferes with these rights they are not talking about not life safety issue which can be redtagged, but they could be dealing with mold or landscaping which are minor issues. He said that in his client's case they would be interfering with hundreds of millions of dollars. He said that

they could have a code enforcement officer with a difference of opinion about whether or not there is a violation because the Special Magistrate goes one way or the other, the ultimate decision is that they could not be issued a building permit or that certain conditions won't be able to be met. Mr. Rosenbaum said that there are Attorney General cases regarding this. He reiterated that this transcends Council's authority and reason that they would expose taxpayers to the type of consequences that could result from this type of legislation. He voiced their strong opposition to this and requested that this ordinance not be adopted by Council.

2. Alexander Domb, 10633 Versailles Blvd., Wellington. Vice Mayor Greene asked Mr. Domb if he was a lobbyist. Mr. Domb noted that he was speaking in his capacity as the Chairman of the Board of the Wellington Chamber of Commerce and not in his capacity as a registered lobbyist for any particular client. Council had some question whether or not he still had to announce that he was a registered lobbyist, Ms. Cohen said that as long as Mr. Domb was registered as a lobbyist with the County that satisfies the requirement and he was not required to announce it. Mr. Domb did not believe that he had to disclose that he was a lobbyist each time he came before Council. Mayor Margolis requested that the Village Attorney obtain an Ethics Opinion on that. Mr. Domb said that he was present to ask Council to look again at this ordinance because of the great impact it has on businesses within the Village of Wellington. He said that the type of penalties involved here for what may be minor code violations are excessive under the circumstances. In addition to that, he said that the Village's definition of an open code case only provides going through the Special Magistrate process; however, the ordinance allows people to have 30 days in which to appeal to the Circuit Court through the Special Magistrate and 60 days to appeal to the Circuit Court through the Planning, Zoning & Adjustment Board. He said that these cases were not final until the people have an opportunity to clear the legal issues that merit further discussion and investigation. Mr. Domb said that there were recent Magistrate hearings where staff members have prosecuted business tax receipt violations, requested fines and penalties beyond that which is allowed in the ordinance and Statute. He noted there was one Special Magistrate decision assessing a taxpayer in excess of what is allowed by the Statute. In that case the Magistrate was wrong and can be wrong. He felt that until such time as they come to a definitive conclusion whether there is a violation, it would be inappropriate to assess these particular harsh remedies against an individual homeowner, builder or even a shopping center owner whose tenant violated the code. Mr. Domb supported Ms. Cohen's idea to at least wait until the final process is done before they look to assess harsh remedies which he felt would protect the Village and taxpayers from any penalty in the event someone sues as a result of the damages that were caused by this particular proposed ordinance.

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

Mr. Schofield announced that three requests for postponement were received: (1) Realtors Association of Palm Beach County; (2) Central Palm Beach County Chamber of Commerce; and (3) Effective Solutions on behalf of Palm Beach Polo, Palm Beach Polo Holdings, Inc. and Polo West Golf Club which will be made part of the record. Mr. Schofield recommendation was that the Council adopts the ordinance on first reading and makes any changes or adjustments that are necessary prior to second reading. Ms. Cohen pointed out that the request from Effective Solutions was actually an opposition to the ordinance. Councilwoman Gerwig said that she had spoken with the Realtors Association, and their request for postponement was because they wanted to be present and could not attend the meeting.

A motion was made by Councilwoman Gerwig, seconded by Councilman Coates, to table the item and to look at the issue that was raised about State Law.

Councilman Coates said that he supported punitive measures available to the Village for remedies where they have owners or developers who are not complying with the Code. On the other hand, he had problems with the way that the ordinance was written because it allowed for the punitive measure being invoked prior to the time of determination that the Magistrate is correct. He felt that felt that created a potential risk and burden that he didn't want the Village to undertake if they were to stop construction on a multi-million project that collapsed because a building permit wasn't issued and it was determined that the Magistrate was wrong. He felt the ordinance needed to be changed so that risk doesn't happen. He suggested making an open case being one where a final determination was made after all appeals were exhausted. Ms. Cohen said that she had suggested allowing the property owner to file a Motion for Stay and post a bond because it could be quite a lengthy process if they waited until all of the final appeals were exhausted. Councilman Coates felt that the big issue was raised by Councilwoman Gerwig. Mr. Basehart said that the section of the Building Code he was familiar with was that the Village must issue a building permit if the plans and applications comply with the requirement of the Building Code from a Building Code point of view. He said that they can't impose construction requirements on a permit beyond what the Code requires. He said that commonly people don't get building permits that comply with the Building Code that doesn't comply with the Zoning Code. He said that they have to comply with all of the codes and ordinances that affect a piece of property in order to get a permit. In light of Mr. Basehart's comments, Councilman Coates said that he would support tabling this.

Councilman Willhite pointed out that Mr. Basehart said it has to meet provisions of all the codes and ordinances. Councilman Coates felt that code violations go beyond simple zoning issues. Mr. Basehart responded affirmatively. Ms. Cohen said that she needed to look at the Statute and the case law which she wasn't familiar with. She said that she could do a memorandum to Council addressing that issue as well as other questions that were raised. Councilman Willhite pointed out that could be addressed between first and second reading.

The motion was voted on and failed by a vote of 2-3 with Mayor Margolis, Vice Mayor Greene and Councilman Willhite opposing.

A motion was made by Councilman Willhite, seconded by Vice Mayor Green, approving Ordinance No. 2014-23 on First Reading directing the Village Attorney to further review the ordinance and create any necessary revisions.

Councilman Coates said that while he supported the concept of having punitive measures when there is a property owner or developer not complying with Code, he could not support this particular ordinance because he felt it went too far and allowed measures being involved prior to a final order. He felt if there was a substantial question whether the Village was pre-empted in this area by Florida Statutes. He believed that Council should have the benefit of knowing that in advance and not having to vote on a critical piece of information that is missing. He said that he would not support something when the Village Attorney says that she doesn't know the answer to, and he didn't expect anyone to vote on something where a question was raised as to the Council's legal ability to do something.

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

C. 14-408 ORDINANCE NO. 2014-19 (FIREARMS AND DANGEROUS INSTRUMENTS): N ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING SECTION 38-82 OF CHAPTER 38, ARTICLE III OF WELLINGTON'S CODE OF ORDINANCES RELATING TO FIREARMS AND DANGEROUS INSTRUMENTS; PROVIDING A REPEALER CLAUSE;

PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the ordinance by title. Ms. Cohen made the presentation.

Ms. Cohen reported that this was the second reading of the ordinance that eliminated the regulation of firearms and dangerous instruments within the Village Parks. She said that in 2011 the Florida Legislature pre-empted this area, so even though the State Statute said that ordinances such as this are unenforceable, it still remains on the Village books. She said that they would not want to have a situation where someone was unfamiliar with the State Statute would attempt to enforce the ordinance. Ms. Cohen recommended that the Village remove the provision from the Code. She noted that on second reading, they added the proposed language in Section II. She noted that it was suggested at the Agenda Review that they also include the word "federal" so that if there are any conflicts with state or federal law then the provision of those laws prevail. She said that the other changes that were made had to do with the inclusion of the words "non-explosive", spring guns and making the distinction between explosive devices and non-explosive devices.

Public Hearing

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

There being no public comments, a motion was made by Councilwoman Gerwig, seconded by Councilman Coates, and unanimously passed (5-0) to close the Public Hearing.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving Ordinance No. 2014-19 on Second Reading as presented with the recommended changes.

D. 14-416 ORDINANCE NO. 2014-24 (BOARDS AND COMMITTEES): AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 2, ARTICLE VI, 2-292 ENTITLED REMOVAL OF BOARD AND COMMITTEE MEMBERS"; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

There were no questions or comments of staff at this point.

Public Hearing

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

1. Houston Meigs, 16433 Deer Path Lane, Wellington. Mr. Meigs felt that the Village could be clearer about what Minutes actually are, that they should be written, what the reasoning was for some of the decisions, and they should be provided for all committees. He then expressed concern that a volunteer on one of the Village's committees could be terminated because their opinion was contrary to the Council person who appointed them. He said that they served

because of the knowledge and insight that they bring to the table in areas where the Council needs that expertise. He didn't believe that Council should expect their appointee to always have the same opinion as the appointing Councilmember. Mr. Meigs did not understand how someone could be appointed to a committee that may have an unfavorable background; yet someone could be removed because of a differing opinion. He also referred to a discussion relating to a DRC "czar" and thought that committee should present to a body of volunteers that are appointed as other committee members are appointed.

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

Councilman Willhite said that he supported that in any section where it indicated audio, they change it to audio/video. Councilman Coates asked if there were any circumstances where meetings would occur in facilities where the capability to audio or video would not be available. Mr. Schofield explained that the Village can only broadcast one meeting at a time. He said that he could not say that there would never be a situation where a committee meetings would be held where there is no video available, i.e., for example, if the Parks & Recreation Advisory Board wanted to meet at the gym or another facility, audio could be make available, but they would not be able to make video available. Mr. Schofield suggested that they change the language to audio/video or both when available.

Councilwoman Gerwig said that she did not first support this ordinance the first time it was before them, and was not supportive of it at this time. She felt it was undue pressure on the appointments as was stated by Mr. Meigs. She said that the At-large appointments that are appointed by Council have more staying power because there has to be a majority of the Council for their removal.

Councilman Coates felt that the representatives on the committees are representatives of the individuals who appoint them. He said if there is some action by the committee appointee that is not what the Councilmember expected when they appointed them, they should have the ability to remove them. He said that he has always said that he values differing opinions as well as those who express agreement because he does factor it all in. He did not believe it was about removing someone who did not agree or disagree with his position, but it is about having some control over the appointees to the committees so that they can react when necessary if something occurs that is objectionable to the appointing Council person and something that is of prejudicial to the value. He supported this ordinance from the beginning, and history has shown that this is needed.

A motion was made by Councilman Willhite, seconded by Councilman Coates, passed (4-1) with Councilwoman Gerwig dissenting, approving Ordinance No. 2014-24 as presented on Second Reading adding in the language "audio/video or both when available."

9. REGULAR AGENDA - None

10. PUBLIC FORUM

11. ATTORNEY'S REPORT

MS. COHEN: Ms. Cohen presented the following report:

- Ms. Cohen reported that the first meeting of the Charter Review Task Force was scheduled for June 25, 2014 at 4:00 p.m.

12. MANAGER'S REPORTS: Mr. Schofield presented the following report:

- The next Regular Council meeting is scheduled for Tuesday, June 24, 2014 at 7:00 p.m. in the Council Chambers.
- The Village Park will host its 2nd Annual Fathers' Day Run on Sunday, June 15, 2014 from 7:00 a.m. to 10:00 a.m. The Run will benefit the Leukemia and Lymphoma Society.
- He will be attending the Florida Association of Special Districts meeting on Tuesday, Wednesday and Thursday of next week. Mr. Barnes will be acting in his stead.

13. COUNCIL REPORTS

COUNCILWOMAN GERWIG: Councilwoman Gerwig presented the following report:

- Councilwoman Gerwig acknowledged the Girl Scout Troop that she met with prior to the meeting, and appreciated their attention to her presentation.
- It was nice to have the Wellington Art Society reception to highlight the art that has been placed on the second floor of the Village.

VICE MAYOR GREENE: Vice Mayor Greene presented the following report:

- Vice Mayor Greene asked about the status of the Public Address System at Village Park. Mr. Schofield said that staff has priced the system, and Council will see a budgetary item for it noting that it is expensive. He said that they will have some portable systems, but there will not be a park-wide system at Village Park for the July 4th event.

COUNCILMAN COATES: Councilman Coates presented the following report:

- Councilman Coates thanked his wife for her attendance at the meeting.

COUNCILMAN WILLHITE: Councilman Willhite presented the following report:

- Councilman Willhite reported that he would be attending a meeting next week of the C-51 canal group
- He inquired about the presentation that Councilman Coates had previously requested by the Director of the MPO on traffic issues. Mr. Schofield said that the request was made, and he would follow up on that the next day. Councilman Coates requested that the residents of Olympia and Buena Vida be personally notified when the presentation is scheduled because they expressed concern to him about the flyover when he campaigned. Mr. Schofield said that he believed the flyover had been removed from the plan. He said that a significant part of that reason was that the flyover could go no further than the western right-of-way line of SR7 because Wellington owns Forest Hill from that point and it required Council approval in order to be built. Councilman Willhite pointed out that the flyover at Forest Hill and Southern Blvd. was still being discussed.
- Councilman Willhite thanked the Wellington Art Society for the work that they continue to do. He extended his apology for not attending the reception, and expressed his appreciation for the art that is displayed around the Village.
- He spoke about his experience in accompanying one of 64 veterans to Bedford, Virginia to the National D-day Memorial and to Washington, D.C. for the 70th anniversary of the D-Day Invasion. He said that it was a phenomenal trip to accompany these veterans and hear about their experiences.
- Councilman Willhite raised the issue of the Minto West project which he said has become hotly debated. He said that he didn't know Council's thoughts on that project, but he felt that it would impact the Village. Councilman Willhite said that the Western Communities Council had taken a position on SR7, and he was waiting to see if they take a position on this issue. He noted that several other communities in the western communities have already taken a position on it and discussed it, and he hoped it would be scheduled for a Council agenda or that a presentation is given so they can see what is proposed. Councilman Willhite said that he would like to have any

information distributed at the Western Communities Council meeting shared with the Council. Councilman Coates said he assumed the issue would be raised at the Western Communities Council meeting. He indicated he would not express an opinion on behalf of the Village at the meeting, but he would gather all of the information that is presented and bring it back to Council for discussion. Mr. Schofield added that he had the Planning Department look at the proposal and the impact it will have on Wellington. He noted that there are both positive and negative impacts to the Village, and Council will be receiving a transmittal with that information the next day.

- Councilman Willhite addressed the issue of postponing items because groups or people can't attend. He said that Council meets every second and fourth Tuesday of the month, and the agendas are published so the community knows what will be discussed. He said that although some individuals or groups like to be there to voice their opinion, the Village has to carry on with business, and they can't postpone items.

MAYOR MARGOLIS: Mayor Margolis presented the following report:

- Mayor Margolis referred to an Administrative Transmittal regarding a PBSO request for a license plate reader. Mr. Schofield explained that a suggestion was made by PBSO in light of the recent occurrence, that the Village considers installing a camera system that does license recognition. He said that they have begun pricing them, and more information will be distributed to Council. Mayor Margolis asked if that system is utilized by other municipalities. Mr. Schofield said that they are used by Palm Beach and he believed Tequesta, but they will find out that information.
- Mayor Margolis commended the Village Attorney's office for developing training for the Boards and Committees. He attended both sessions and learned a lot from them. He also praised Tim Stillings for the Planning & Zoning 101 presentation that he presented at the last Planning Board meeting. He believed that the presentation was being fine-tuned, and he requested a copy of it when it is completed. Ms. Cohen thanked Mayor Margolis for his comments indicating that the feedback from some of the board members was positive. She said that her presentation was also being refined noting that they will be preparing a booklet so that it is available for new members as they come on board.

13. ADJOURNMENT

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

Approved:

Bob Margolis, Mayor

Awilda Rodriguez, Clerk