

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, February 22, 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.

Council Members present: Bob Margolis, Mayor, John Greene, Vice Mayor, Anne Gerwig, Councilwoman, and John T. McGovern, Councilman.

Council Member Not in Attendance: Matt Willhite, Councilman.

2. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the Agenda for the February 23rd, 2016 Council Meeting for discussion and review.

- A. [15-1057](#) PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA CONGRATULATING WELLINGTON HIGH SCHOOL STUDENT AHMMON RICHARDS FOR BEING SELECTED TO PLAY IN THE UNITED STATES ARMY ALL-AMERICAN BOWL FOOTBALL GAME AND RECOGNIZING HIM ON HIS MANY OUTSTANDING FOOTBALL ACCOMPLISHMENTS

Mr. Schofield introduced the item.

This item is to present Ahmmon Richards with a proclamation recognizing him and congratulating him for being selected to play in the United States Army All-American Bowl football game and for his many outstanding football accomplishments.

There were no changes recommended.

- B. [15-1081](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF JANUARY 26, 2016 AND THE MINUTES OF THE ANNUAL LANDOWNERS MEETING OF THE ACME IMPROVEMENT DISTRICT OF JANUARY 26, 2016.

Mr. Schofield introduced the item. This item is for the approval of the Minutes of the Regular Wellington Council Meeting of January 26, 2016 and the Minutes of the Annual Landowners Meeting of the Acme Improvement District of January 26, 2016.

There were no changes recommended.

- C. [15-1058](#) AUTHORIZATION TO AWARD A CONTRACT FOR THE STRATFORD AREA WATER MAIN REPLACEMENT PROJECT

Mr. Schofield introduced the item. This item is for the authorization to award a contract to B&B Underground Construction, Inc., for the Stratford Area Water Main Replacement Project, in the amount of \$2,851,764.40.

Mr. Barnes presented the item. He explained that the project was similar to the project that was done across the street at Block Island.

Vice Mayor Greene requested to place the agenda item on Regular agenda due

to the high cost for the project.

Council consensus was to move the item to Regular agenda. This item would become Regular agenda as item 8B.

Councilwoman Gerwig requested that the map of the area where the project would occur located on page 72, be placed on the screen during the Council meeting so that the residents can identify the location of the project.

D. [15-1069](#)

RESOLUTION NO. R2016-16 (LAND AND WATER CONSERVATION FUND PROGRAM GRANT) AND RESOLUTION NO. R2016-17 (BUDGET AMENDMENT TO ALLOCATE THE GRANT)

Mr. Schofield introduced the item. This item is for the approval of Resolution No. 2016-016 authorizing the Mayor to enter into an agreement with the Florida Department of Environmental Protection for the Land and Conservation Fund grant and approval of Resolution No. 2016-017 for a budget amendment to allocate the \$200,000 in grant monies to the Governmental Capital Fund revenue and expenditures.

There were no changes recommended.

E. [15-1076](#)

RESOLUTION NO. R2016-014 (SPECIAL USE PERMIT FOR GPL POLO EVENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A SPECIAL USE PERMIT FOR THE 7th ANNUAL GPL POLO EVENT UTILIZING OUTDOOR AMPLIFIED MUSIC TO BE HELD AT 3665 120th AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is the approval of Resolution No. R2016-014 Special Use Permit for the 7th Annual GPL Polo Event utilizing outdoor amplified music to be held at 3665 120th Avenue.

Mr. Schofield presented the item. He explained that the item was being pulled from the agenda per the applicant's request. The event was no longer going to have live entertainment which was the component that Council approves.

Council consensus was to remove the item from the agenda.

F. [15-973](#)

ORDINANCE NO. 2016-01 (VILLAGE PROFESSIONAL PARK ANNEXATION)

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 the item. This item is for the approval of Ordinance No. 2016-01, an Annexation petition to voluntary annex a vacant parcel totaling 10.9 acres into the municipal boundary's of the Village of Wellington.

Mr. Basehart presented the item. He said that that it was the second reading of the Ordinance and that the Lake Worth Drainage District provided a letter to Village which was part of the agenda packet, supporting the annexation. He stated that the annexation was consistent with the comprehensive plan and Chapter 171 and by approving the item, Council would be bringing the property into the Village's boundary's which would help to control the happenings with the property.

There were no changes recommended.

G. [15-1072](#)

OUTSIDE LEGAL FEES AND COSTS

Mr. Schofield introduced the item. This item is for the approval of continued use of professional legal services with the firm of Lehtinen, Schultz, Riedi, Catalano de la Fuente, PLLC (LSRCF) in an amount up to \$125,000 for the 2015/2016 fiscal year.

Ms. Cohen presented the item. She explained that the amount listed on the item was in the budget but was being presented to Council because it was over the \$25,000 limit and the funding approval was for outstanding invoices from Mr. Riedi's firm. She explained that when she started in 2013 the outside counsel budget was close to \$653,000 and the amount for legal services during the current fiscal year was \$300,000 and the expenditure was within the existing budget.

Councilwoman Gerwig and Councilman McGovern asked for the backup information for the services rendered.

Ms. Cohen explained that she reviews all of the invoices as they were received. Ms. Quickel explained that since the invoices had not been processed, they would not appear on Open Wellington on the web site. Ms. Cohen said that staff would provide Council with the outstanding invoices before the Council meeting.

Mayor Margolis asked staff to provide him with the name of the law firm that was handling the outside litigation before Lehtinen, Schultz, Riedi, Catalano de la Fuente, PLLC and Tew Cardenas, LLP along with the total amount billed for 2013 or previous to Ms. Cohen taking over the Village's Legal Department. Ms. Cohen said that she would obtain the information and provide it to Council.

Ms. Cohen said currently Mr. Dunlap, Assistant Village Attorney has joined the department and they were trying to do as much as they could in house. She explained the Legal Department currently has a very full workload that did not include litigation and the department's budget covers sending litigation to the outside counsel.

Ms. Cohen explained during the hearing on Friday regarding the class action lawsuit from one of the Ridder's entities, a motion was filed to dismiss the case. The court agreed with the Village's motion and orally dismissed the case which was no longer in a pending status.

Councilwoman Gerwig asked if Mr. Riedi assisted with the case. Ms. Cohen replied affirmatively and said that the order had not been issued but as soon as they receive the document she would provide it to Council.

Mayor Margolis congratulated Ms. Cohen on the dismissal of the case.

Vice Mayor Greene asked for the lump sum budgeted during 2013-2016 budget amount for legal expenses. Ms. Cohen said that staff would provide Council with the information and stated that all municipalities have expenses relating to outside legal fees.

Councilwoman Gerwig asked staff to include the staff employee expenses along with the benefits for staff assigned to the Legal Department.

Mayor Margolis asked Ms. Cohen to explain and review the municipality's role with Sober Homes during the following night's Council meeting. Ms. Cohen said that she would provide a summary.

Councilman McGovern asked for the number of requests for Sober Homes and the number of Sober Homes that the Village has granted. Ms. Cohen explained that she did not have the information and would have to obtain it from the Planning and Zoning Department but she knew that the amount was not huge. She noted that the reasonable accommodation policy was adopted a year and half ago and depending on the circumstances of the amount of people in the home, the request would have to be reviewed on an individual basis and the accommodation must address the specific disability. After very expensive litigation other municipalities were following the Village's practice in regards to the good reasonable accommodation policy. The process was an administrative process that included the individual being able to appeal to various levels without having to appear in front of Council or the Planning and Zoning Department. She felt that it was a good policy.

Councilman McGovern asked for the amount of citations for violations of the unrelated individuals the Village has given out and the amount of the avocation for accommodations that the Village has received in order to assess the

procedure.

Councilwoman Gerwig said that there was Federal legislation and Lois Frankel was working on the bill for Sober Houses.

Ms. Cohen explained under the Village's Code, Congregate Living Facilities have certain regulations but the Sober Homes do not fit within the same category which was the reason for the different procedure. The reasonable accommodation code was not limited to Sober Homes and if an individual had a need that was not permitted by the Code for therapeutic purposes related to that disability, that accommodation would be something that the Village would consider under the policy.

Vice Mayor Greene asked Ms. Cohen if there was a nuisance clause in the Village Code. Ms. Cohen stated that there were nuisance provisions but she was not aware of the types of conduct the provisions would pertain to and she would need to research the information.

Mr. Schofield explained that there were two separate nuisance provisions in the ordinance. 1) Noise, lights and other specific items; and 2) General provision which was detailed and defined as something that would be bothersome to an ordinary resident. The provision was very subjective and it has been used during certain occasions. He would have Mr. Koch provide additional information to Council.

There were no changes recommended.

3. WORKSHOP

None.

4. ATTORNEY'S COMMENTS

None.

5. MANAGER COMMENTS

Mr. Schofield explained that he received a late request for an item to be added to the agenda. He said it was a resolution to be considered for adoption by Council to support the ocean to lake trail system. The resolution was identified as a priority to the Treasure Coast Regional Planning Council (TCRPC) and Palm Beach County. He stated that the project included adding a boat lift and there was not an economic impact to the Village for the project. He indicated that he wanted Council's direction to add the item to the Consent agenda. Copies of the proposed resolution were distributed to Council.

Vice Mayor Greene said that he would support placing it on the Regular agenda but he wanted to read the information beforehand and would provide direction at the Council meeting the following night. Vice Mayor Greene asked for the amount of municipalities that have adopted the resolution. Mr. Schofield explained that Boynton Beach, Lake Clarke Shores, West Palm Beach and several others adopted the resolution.

Mr. Schofield confirmed that the resolution was regarding two boat lifts with

one being within the Village's jurisdiction (C51).

Council consensus was to provide direction to staff the following night during the Council meeting.

6. COUNCIL COMMENTS

None.

7. ADJOURN

There being no further business, the meeting was adjourned.