

1/13/09

**A motion was made by Councilwoman Benacquisto, seconded by Vice Mayor Priore, and passed (3-1) with Councilman Willhite dissenting, approving the Capital Improvement Plan as presented.**

**B. ORDINANCE 2009-03 CHANGES TO CHAPTER 18 OF THE VILLAGE OF WELLINGTON CODE OF ORDINANCES**

The Ordinance was introduced by Mr. Schofield. He stated that this is essentially where the Village adopts their building code, and Mr. Mr. Jack Tomasik, Building Official, was present to review that for Council. Mr. Schofield further explained that this provides the Administrative Chapter of the enforcement of the new 2007 Florida Building Code which will go into effect on March 1, 2009. He noted that the Village is legally required to adopt that code.

Mr. Tomasik explained that Chapter 1 allows the Village to enforce the Code. When the Village adopts the new codes on March 1, 2009, it will include all of the codes including the fire prevention code, plumbing, mechanical, building, gas, etc. Mr. Tomasik said that it is the Village's obligation to adopt this code at this time.

**A motion was made by Councilwoman Benacquisto, seconded by Vice Mayor Priore, approving Ordinance No. 2009-03 on First Reading as presented.**

Councilman Willhite praised the Building Department, and thanked Mr. Tomasik for working on this item.

**The motion was voted on and was unanimously passed (4-0).**

**C. DISCUSSION OF THE VILLAGE COUNCIL FOR THE PURPOSE OF THE POSSIBLE NOMINATION OF A COUNCILMEMBER TO THE FLORIDA LEAGUE OF CITIES, INC. FLORIDA MUNICIPAL INSURANCE TRUST BOARD OF TRUSTEES**

The Agenda item was introduced by Mr. Schofield. Vice Mayor Priore explained that he currently sits on the Board, and it is very difficult to have two people from the same municipality seated on the same board.

Council had no nominations and took no action on this item.

**D. APPOINTMENT TO FILL THE VACANCY ON VILLAGE COUNCIL CREATED BY COUNCILMEMBER MARGOLIS' RESIGNATION**

The Agenda item was introduced by Mr. Schofield.

Councilwoman Benacquisto felt that it was an exciting opportunity for the Village to potentially have a new member of the Council. She said that it presents the opportunity for a change in the dynamics provides for a great opportunity for a new voice, a new set of perspectives, and she welcomed the opportunity to appoint someone. Councilwoman Benacquisto said that she had a small concern about the process. She said that she wanted the Village to have an advertisement, qualifying period, close of qualifying period, and then to make a decision. She said that she was not looking to have the type of public forum that they have previously had. She noted that even as they sat at the meeting that evening, there were three new letters of interest that had come in, and she hadn't yet had an opportunity to look at their credentials. Councilwoman Benacquisto thought

in all fairness, everyone should have the same opportunity to apply, and meant that as no disrespect to the people who have already applied. Councilwoman Benacquisto recommended that they advertise, have a submission period, a short window of acceptance, close the nominations and make a decision at the next Council meeting.

Councilman Willhite concurred with Councilwoman Benacquisto's comments. He noted that there was a name submitted that night and he wasn't sure he had ever met the individual or recognized the name. Councilman Willhite said that he knew that the individual had previously applied and had been interested in previously being appointed. In light of that, Councilman Willhite didn't see how the seated members of Council could represent the 58,000 residents and appoint a new councilperson who he didn't even know. He said that he wasn't advocating that they undertake any type of formal process, but that people need to know what the process is if they want to be part of that. He said that Councilman Margolis had tendered his resignation, but that did not mean that everyone knows how the process works to get appointed to the Council. Councilman Willhite felt that if the residents of Wellington wanted a councilperson representing them, they should at least have more than an e-mail that is sent in at the last minute or the first one that is sent it, but that all interested parties should have equal time and opportunity and every resident should have the ability to be notified of the process. Councilman Willhite noted that such a process had not been set in place for any time that these appointments have been made. Although Vice Mayor Priore had previously been through previous appointments and that Mayor Bowen had said that they needed a Charter Amendment to do this, in the absence of that, they needed to do something. He reiterated that he didn't believe it was fair for the Council to appoint a Councilmember who has the same amount of importance as them in making decisions for the whole of the Village through an e-mail that simply says consider my name and doesn't have a resume attached.

Vice Mayor Priore said that with regard to Councilman Willhite's comments about opening this process up, he said that he had no problem in establishing a policy, but he thought that most people would be cognizant of what is going on and the fact that their Councilmember has resigned as a result of running for a higher office. Vice Mayor Priore said yes there may be a lot of people who are not aware of this, but those people are not in the political arena. He said that what the Village was looking for were names of individuals who have expressed interest in the past, and who are currently involved with what is going on in the community, i.e., serving on a committee or being involved by way of having run a campaign. Vice Mayor Priore said that he agreed with Councilman Willhite in that he believed that they had to work on the Charter immediately. He said that he didn't like going through this process noting that he had sat on both sides of this appointment process. Vice Mayor Priore felt that there was no really good way to undertake this process because no matter what, there will always be some unhappy people. Since the Charter now states that Council has to make this appointment until it is changed, they have to make the decision and appoint someone. Vice Mayor Priore said that it didn't matter whether the appointment was made that night or if they made the appointment in two weeks. He felt that people needed to express a desire to want to be on Council. He then read an excerpt from "Leading Your Community: A Guide for Local Elected Leaders." The excerpt said that the decision to run for government and lead your community requires hard work, attention to detail, patience, responsiveness, a thick skin and a big hear, and an open mind is critical, and more importantly it requires a commitment to public service and a belief you can make a difference. Vice Mayor Priore said that is what he is looking for and noted that he took his position with those thoughts in mind. He thought that the people who had sent in their applications have shown by their efforts and involvements that they have participated by serving on the Village's standing committees or they have run for office. Vice Mayor Priore said that he was fine if the Council

wanted to undertake a process, but he was only saying that he did not want to have 16 or 17 people come before them for interviews.

Councilwoman Benacquisto said that she did not want that procession of people either which she had previously stated. She noted that people had sent text message or e-mails because no one was aware of when the end of qualifying or any consideration was.

Councilman Willhite said that when people make the decision to run for office, one knows the process that the Supervisor of Elections has, and what the cut off date is. However, in this case, he didn't feel that the Council had established any qualifying time.

Vice Mayor Priore wanted to set the policy how this will occur. He said that each Councilmember will have an opportunity to review the names, will look at the applications and qualifications of the individuals, and then Council will then come to the Council meeting and someone will make a nomination. He said if that person doesn't receive enough votes, then they will move onto the second and so on. Vice Mayor Priore hoped that they would undertake the appointment process in this fashion.

Councilwoman Benacquisto said that she envisioned the same type of process.

Councilman Willhite felt that the person who is interested in applying has to make themselves available to either speak to Councilmembers on the telephone or in person. He felt that this is a 13 month appointment and they will make the same decisions as the rest of Council, and Council should have a good knowledge of that person other than just a submission of a one line sentence asking that Council consider them.

Mayor Bowen concurred with the rest of Council, but he felt that from the names that had previously been submitted, there were several which he could appoint, and that he wouldn't have to look any further. However, he was fine if that was the process Council wanted to undertake.

Mr. Schofield informed Council that they could advertise the opening on Council on the web site as well as on Channel 18. He said that he will also post it in the local newspaper this weekend and will set the deadline for the response date to be no later than 5:00 p.m. on Tuesday, January 20, 2009 this way they will have time to add it on to the Agenda. Mr. Kurtz said that they wouldn't be setting any requirements as to what information the interested party had to submit, but only what that person felt was appropriate to submit.

Vice Mayor Priore asked Mr. Kurtz if the Councilmembers talk with these potential candidates would there be any subject matter that should not be discussed. In response, Mr. Kurtz said that Council could ask their general views on subjects or how they view things, but the interested party should not be asked how they will vote, and certainly should ask them to take on the Councilmember's positioning exchange for the appointment on any and all issues.

**Council directed staff to advertise for the vacant Council seat which will be posted in the local newspaper, on the Village's web site, and Channel 18 and that all responses must be sent in to the Village no later than 5:00 p.m. on Tuesday, January 20, 2009.**

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## **9. ATTORNEY'S REPORT**

**Mr. Kurtz:** Mr. Kurtz reported that in accordance with the Binks Forest Developer's Agreement, the Village now has to approve the interior since the Club House is completed. He explained that

## **WELLINGTON VILLAGE COUNCIL**

### **NOTICE OF VACANCY**

Letters of interest are being requested from residents of the Village of Wellington, who would like to serve an unexpired term of office on the Wellington Village Council until the next Municipal Election in March, 2010. To qualify for office each candidate for the office of village council must be a registered voter in the State of Florida and a resident of the Village of Wellington.

All interested qualified individuals should send a letter of interest and/or resume or any other background information to:

Awilda Rodriguez, Village Clerk

Village of Wellington

14000 Greenbriar Boulevard

Wellington, Florida 33414

[arodriguez@ci.wellington.fl.us](mailto:arodriguez@ci.wellington.fl.us)

Your request must be received in the Village Clerk's Office no later than 5:00 p.m. on January 20, 2009. Any submittals from interested persons received after the deadline date will not be considered in the appointment process.

The Village Council will discuss this matter at their regular meeting on January 27, 2009.

## **MINUTES**

### **REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL Wellington Community Center 12165 West Forest Hill Boulevard Wellington, Florida 33414**

**Tuesday, January 27, 2009  
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Village Council was held on Tuesday, January 27, 2009 commencing at 7:00 p.m. at the Wellington Community Center, 12165 W. Forest Hill Boulevard, Wellington, FL 33414.

Council Members present were: Darell Bowen, Mayor, Dr. Carmine A. Priore, Vice Mayor, Lizbeth Benacquisto, Councilwoman, and Matt Willhite, Councilman.

Advisors to the Council were: Paul Schofield, Village Manager, Jeffrey S. Kurtz, Village Attorney, and Awilda Rodriguez, Village Clerk.

1. **CALL TO ORDER** – Mayor Bowen called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** – Mayor Bowen led the Pledge of Allegiance.
3. **INVOCATION** - Rev. Terry Townsend, First Baptist Church of Wellington, delivered the Invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield presented the Agenda for approval requesting that the Agenda be reordered as follows: (1) move Regular Agenda Item 8C Ordinance No. 2009-03 (Changes to Chapter 18 of the Village of Wellington Code of Ordinances) to the Public Hearing portion of the Agenda as item 6A; and (2) Switch Item 8E and 8F on the Regular Agenda so that 8E is the Palm Beach Community College Update and 8F becomes the Appointment to Fill the Vacancy on Village Council Created by Councilmember Margolis' Resignation.

**A motion was made by Councilman Willhite, seconded by Councilwoman Benacquisto and unanimously passed (4-0) approving the Agenda with the following amendments: (1) move Regular Agenda Item 8C Ordinance No. 2009-03 (Changes to Chapter 18 of the Village of Wellington Code of Ordinances) to the Public Hearing portion of the Agenda as item 6A; and (2) Switch Item 8E and 8F on the Regular Agenda so that 8E is the Palm Beach Community College Update and 8F becomes the Appointment to Fill the Vacancy on Village Council Created by Councilmember Margolis' Resignation.**

#### **5. CONSENT AGENDA**

##### **A. CERTIFICATES OF CORRECTION**

##### **B. RESOLUTION R2009-09 (INTERLOCAL AGREEMENT BETWEEN PALM BEACH**

COUNTY AND THE VILLAGE OF WELLINGTON -FUEL CONTROL EQUIPMENT LEASE)

- C. FY 2007/2008 CARRY FORWARDS
- D. APPROVE THE ANNUAL CONTRACT FOR THE COOPERATIVE PURCHASE OF BULK QUICKLIME
- E. APPROVE DISPOSAL OF SURPLUS VILLAGE PROPERTY
- F. RESOLUTION R2009-07 (APPROVAL OF PALM BEACH COUNTY PARATRANSIT INTERLOCAL AGREEMENT (\$40,000)
- G. RESOLUTION R2009-06 (APPROVAL OF THE ART IN PUBLIC PLACES PROGRAM) A RESOLUTION OF THE VILLAGE OF WELLINGTON COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA APPROVING AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE ART DISPLAY AGREEMENTS AND DONATION AGREEMENTS IN ORDER TO FACILITATE THE VILLAGE'S ART IN PUBLIC PLACES PROGRAM; AND PROVIDING AN EFFECTIVE DATE.
- H. CITIZENS VOLUNTEER ORGANIZATION GUIDELINES

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

A motion was made by Councilwoman Benacquisto, seconded by Councilman Willhite, and unanimously passed (4-0) approving the Consent Agenda as presented.

6. PRESENTATIONS AND PROCLAMATIONS

A. PRESENTATION BY REPRESENTATIVE JOSEPH ABRUZZO

Mr. Schofield introduced the Agenda item.

Representative Joseph Abruzzo thanked the Council for the opportunity to speak to them, and that it is a privilege and a pleasure to serve Wellington in the State House. He said that he wanted to present an overview of the outcome of the Special Session, issues regarding the budget and some of the bills he will be or has filed. Representative Abruzzo announced that his District office is open in Wellington; it is located at 1035 SR7 in the Wellington Reserve Office Plaza. He encouraged everyone to stop by at any time noting that this is the people's office for the State. Representative Abruzzo went on to highlight the budget in the Special Session. He said that the budget issue was a difficult time in Tallahassee. Although the budget was passed, he noted that he had voted against it because of massive cuts to education and health care. Representative Abruzzo said that today Governor vetoed many of the cuts that he was concerned about. He commended Governor Crist for recognizing the importance of the education cuts within their budget. On a good note, Representative Abruzzo stated that there is an economic gardening plan that is coming out of the budget which is a pilot program put forth by the Governor which he supported. He explained that the program will help existing small businesses get loans and obtain money for technology communication. Representative Abruzzo said that *Enterprise Florida* has over a dozen programs that support bringing business to Florida pointing out that this is the sole program in the State which will help existing businesses. He said that, in his opinion, the two greatest problems for businesses are solvency and liquidity and this program addresses both those issues. Representative Abruzzo commended Councilwoman Benacquisto who has been a big advocate of the Nicole Hornstein legislation. He said that she has been helping him and other State-elected officials work to ensure that HB169 becomes law. Representative Abruzzo explained that this is the bill that will require minors to wear a safety helmet while horseback riding in certain areas. He felt that this bill will move along with Councilwoman Benacquisto's leadership

and Senator Aronberg's work in the Senate, and he hoped to be able to move it through the House. Representative Abruzzo then reported that he filed HB167 which is the Consumer Energy Savings Act. He explained that there is a nine-day period from the last week of July to the first week of August that is considered some of the lowest points in retail sales. Representative Abruzzo proposed a bill where during that time period certain appliances, i.e., refrigerators, washers, fluorescent light bulbs, etc. that are dubbed "Energy Star" will be sales tax exempt. He felt that this accomplishes three things: (1) helps boost retail sales at their lowest point, (2) educates consumers on the benefits of having Energy Star appliances in their home, and (3) helps the environment. Representative Abruzzo also filed HJR617 which is a joint resolution in the Senate which requires that the State raise teachers' pay to the national average by 2012. He said that he is also proposing a bill for first responders. He explained that at this time if you are currently a first responder, i.e., police, fire, etc., and you sustain a career-ending injury in the line of duty, you would not be able to receive any other income. For example, there is a police officer who was shot in the line of duty and as a result is now in a wheel chair. He said that the officer wanted to write a book about his lifetime experience and publish that book; however, he was unable to do so because he would lose his benefits. As such, Representative Abruzzo said that he was writing a bill that would change that. He then spoke of summer camp fingerprinting. Representative Abruzzo said that presently, many of the individuals who work with children are required to get background checks and fingerprints; however, the summer day camps do not require that. He said that there are many states that started to have problems by not having the correct background check being done. Representative Abruzzo said that he is working with the County to pursue this bill. Lastly, he noted that he was also filing a bill for the hospitality industry which is an education program that will come from the Department of Regulations. This education program will be in conjunction with Florida State, University of Central Florida and other universities around the State that will help implement a higher degree of education program within high schools on the benefits of the hospitality industry which is very important to the State. In addition, Representative Abruzzo said that he is the primary co-sponsor on the Best Use Working Waterfront which passed as the constitutional amendment on the ballot. He said that he was available to answer any questions regarding the budget or the State's future plans.

Councilwoman Benacquisto thanked Representative Abruzzo for taking on the issue for the safety helmets in Nicole Hornstein's memory, ensuring that their best efforts are addressed and that the law gets passed this year. She then asked Representative Abruzzo his opinion on how education will fare during the regular session. In response, Representative Abruzzo said that is a big concern of his. He said that education and health care are the bulk of the budget, and they are expecting another \$4.3 billion in cuts. He said that he would be doing all he could to help to reduce those cuts. One way that he felt he could accomplish that is to push for a better deal for the State with regard to the Indian Seminole Compact Review. At this point, Representative Abruzzo then went on to highlight the committees that he serves on: (1) Insurance, Business and Financial Affairs Policy Committee, (2) Joint Legislative Committee on Auditing, (3) Military and Local Affairs Committee (local affairs portion of the committee is the growth management of the state), (4) State Universities and Private Colleges Policy Committee, and (4) Select Committee on Seminole Indian Compact Review. To lessen the education effects of these additional budget cuts which will occur during the general session, Representative Abruzzo believed that they need to support a better deal for the Compact which he believed even the Governor supported. He explained that the Compact deal brings the State in \$137 million per year which gives the Seminole Indians the exclusive rights to Blackjack; however, the deal was voided because the Governor signed a Compact that didn't go through the legislative process and the Supreme Court ruled it illegal. Representative Abruzzo said that the Indians continue to play Blackjack; however, they are not paying the State anything. Representative Abruzzo said that the committee was formed in the House to review what is occurring with this deal. He felt that if the State enters into a

deal with the Indians which allows the State to collect \$137 million for their exclusive rights to play blackjack, it would translate into only a 7% tax while the current Florida pari-mutuels are being taxed 62%. In Representative Abruzzo's opinion, he thought that the State should be getting closer to \$500 million or more in the Compact. He said that he met with the Governor and he agreed that the State should receive more money from the Indians if possible. Representative Abruzzo said that the Governor was open to this idea, and he believed that there are leaders on both sides of the House who know they need to negotiate a better deal which would help to offset some of the major education cuts coming this year.

Councilwoman Benacquisto asked what percentage of those funds would go towards education if the Compact was successful. In response, Representative Abruzzo said that he wanted to put the bulk of that money towards education. He further advised Council that he had found a clause in that Compact that said if the Indians are upset with any type of gaming issues that the State conducts, i.e., State's new Powerball game; they can void the Compact and continue to play their card games without paying the State a dollar. Representative Abruzzo noted that he had addressed this in Committee, and that will be off the table. With regard to education, he said that he would be pushing for a majority of the funds to go towards education.

Councilwoman Benacquisto asked if those funds would supplement existing funding sources, and will not replace them which is what is said happened with the lottery. Representative Abruzzo felt that the money would be marked for education, and it would go towards offsetting some of the cuts. He said in his opinion, they will be writing a new deal, and will come up with a recommendation on how they want the deal to exist, and hopefully, it will offset some of the cuts, layoffs, student funding, and they will have a better deal for Florida.

Councilman Willhite thanked Representative Abruzzo for his service and for opening up his office in Wellington which he felt would be a benefit to the residents. He also thanked Representative Abruzzo for sponsoring the Nicole Hornstein Act noting that he has a great sponsor at the other side of the Capital. He hoped as a freshman representative this will get passed in its third year and will be a great start to his future career because this bill has great merits which will benefit the children who ride horses. Councilman Willhite asked Representative Abruzzo to introduce his staff members. Representative Abruzzo introduced Joshua Swarz, Legislative Aide, and Justin Waldron, District Secretary. He said since he has taken office, they have fielded hundreds of constituent complaints and concerns, and he has been spending time in the community trying to reach out to the residents. Representative Abruzzo thanked Councilman Willhite for his kind words regarding the Nicole Hornstein Act. He felt that the actions taken by the Wellington Council will benefit everyone in the State.

Vice Mayor Priore said that he was thrilled to listen to Representative Abruzzo's comments because it appeared that he had hit the ground running. He said that based upon his meetings with the leadership of both the School Board and the leadership of the counties, the overriding issue is the \$4.3 billion of cuts. Vice Mayor Priore said that they are concerned that the legislature will look at county and local government to find the sources of those monies. He asked Representative Abruzzo to keep that in mind, and hopefully he will take back, that Wellington has cut everywhere they have asked them to cut; however, he was seriously concerned with how much cuts would come down particularly when there are mandates with no dollars associated with them. Vice Mayor Priore said that the school boards are really facing a dilemma, the counties will not be able to operate, and the Village is at the brink of questioning what they will be able to provide the community. He felt that if there ever was a time to where the legislature has to look within itself to find the answers, it is now. Representative Abruzzo agreed with Vice Mayor Priore that the unfunded mandates that were passed down to the municipalities and the county are a



concern of his. He said that he does serve on the Local Affairs Policy Committee who will see a lot of those issues come before them. Representative Abruzzo said that he would try to do his best to ensure that they are not passing the burden along. He said that from a budget standpoint, the State is hoping to get a great amount of federal assistance from President Obama in the United State Congress specifically in the area of transportation so that they can then move some dollars on the general revenue side to help offset some of the cuts and possibly hardships that will be passed down. He said that he will always be advocating for the Village of Wellington and the other municipalities in his district to ensure everything that they can and taking responsibility from the State level.

Mayor Bowen extended his thanks to Representative Abruzzo.

## **7. PUBLIC HEARINGS**

**A. ORDINANCE 2009-03 CHANGES TO CHAPTER 18 OF THE VILLAGE OF WELLINGTON CODE OF ORDINANCES: AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO BUILDING CODES AND THE ADOPTION OF THE 2007 EDITION OF THE FLORIDA BUILDING CODE AS REQUIRED BY STATE STATUTE; ADOPTING A LOCAL ADMINISTRATION SECTION AS PROVIDED FOR IN THE STATE BUILDING CODE BASED UPON THE BUILDING CODE ADVISORY BOARD OF PALM BEACH COUNTY MODEL; AMENDING SEC. 18.31 (b) (1) and (2) REGARDING THE ADOPTION OF THE GROUP OF CODES KNOWN AS THE 2007 FLORIDA BUILDING CODE, INCLUDING THE BUILDING CODE, THE NEC ELECTRICAL CODE, THE FLORIDA FIRE PREVENTION CODE, THE PLUMBING CODE, THE FUEL GAS CODE AND THE MECHANICAL CODE; REPEALING AND READOPTING SEC. 18.32, WELLINGTON BUILDING CODE ADMINISTRATIVE CODE, IN ITS ENTIRETY; AMENDING SEC. 18.33 AMENDMENTS TO THE FLORIDA BUILDING CODE TO REFERENCE THE CHANGED SECTION REFERENCES OF THE STATE BUILDING CODE AND ADOPTING A WINDSPEED MAP; REPEALING CHAPTER 32 "FLOODS" IN ITS ENTIRETY; ENACTING A NEW ARTICLE III "FLOOD-DAMAGE PREVENTION"; PROVIDING FOR CODIFICATION; PROVIDING AN ADOPTION DATE; AND, PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE.  
*(Moved from the Regular Agenda)***

The Ordinance title was read by Mr. Schofield. He noted that Mr. Jim Barnes, Director, Operations and Mr. Jack Tomasik, Building Official, were present to speak on the item or to answer any questions. Staff recommended approval of Ordinance No. 2009-03 as presented.

### Public Hearing

A motion was made by Councilwoman Benacquisto, seconded by Vice Mayor Priore, and unanimously passed (3-0) to open the Public Hearing. Councilman Willhite was out of the room at the time of voting.

There being no public comments, a motion was made by Councilwoman Benacquisto, seconded by Vice Mayor Priore, and unanimously passed (3-0) to close the Public Hearing. Councilman Willhite was out of the room at the time of voting.

A motion was made by Councilwoman Benacquisto, seconded by Vice Mayor Priore, and unanimously passed (4-0) approving Ordinance No. 2009-03 on Second Reading as presented.

## **8. REGULAR AGENDA**

### **A. FOREST HILL BOULEVARDING IMPROVEMENTS**

The Agenda item was introduced by Mr. Schofield. He announced that Mr. David Flinchum, Manager, Planning and Zoning, would present a PowerPoint presentation on the proposed Forest Hill Boulevarding.

Mr. Flinchum stated that Forest Hill Boulevarding is the initial launch of the 8 Concepts for the Future that was brought forth by the Economic Development Initiative which began several months ago. He said that the Forest Hill Boulevarding brought up several issues: Village does not have a Main Street, lack of identity, and no real sense of place for either the residents or people driving through the Village. Mr. Flinchum said that part of the initiative is based on a sustainable triangle. He said that the environment factors that they look at to the future are to try to save water, look at green building technology, encourage recycling, and to do things differently in the Village than they have been done in the past. He said that on the social side, they look at why people came to Wellington, why they want to live and stay here, and why some people came here to work. Looking at the economic side of things, there is a tough economy ahead, limited budget available, need to take advantage of in-house resources and staff, encourage the existing businesses to stay, promote outside business to come to Wellington to give a local opportunity for places of employment, and to diversify some of the Village's economy. Mr. Flinchum said that the Forest Hill Boulevarding provides the Village with a great opportunity to accomplish those things. He then read the Mission Statement for this project: utilize existing and proposed elements to reinforce Forest Hill Boulevard as the main street for the Village of Wellington, provide connectivity between the elements to create a sense of place along the Forest Hill Boulevard corridor for visitors, residents and businesses, establish an overall unified image that can effectively be used in the future to create one Wellington.

Mr. Flinchum explained that Forest Hill Boulevarding extends from the Turnpike west to SR80. He said that staff had prepared a graphic showing different composites that are used in a "Main Street" program. He said that staff looked at 11 elements and assigned each of the elements to a team leader. Mr. Flinchum outlined the 11 elements of Forest Hill Boulevard: landscape, signage, lighting, traffic signals, hardscape, community outreach and public information, sidewalk & pathways, utilities, points of interest, funding and roadway. He said that the team leaders looked at how they do business, what has been done in the Village, what they would like to do, what new technology is available, what the costs are, the pros and cons, and to come up with recommendations. Mr. Flinchum said that the Village might not always be able to do the number one recommendation, but at least the Village knows what the cost for number two will be and so on. He explained that all of these elements don't have to be used at every section along Forest Hill Blvd, and can be used also for other roadway programs within the Village as well as for some civic programs.

Mr. Flinchum said that there are very distinct areas along Forest Hill Boulevard which have been separated into five sections. He said that they will start at the eastern most going from the Turnpike to SR80. He then outlined the five sections.

**Section 5** is known as the "Formal Section" which extends from the Turnpike to SR70 and includes Palm Beach Central High School, VillageWalk, Olympia and Buena Vida. He said that this is a very new section of road, and once you come across the Turnpike there is a sense of arrival that you are in Wellington. He explained that this is a very manicured look with a very simple design. Mr. Flinchum said that the medians include a very low jasmine hedge material and a double row of Royal Palms. He noted that there is little pedestrian traffic along this section of Forest Hill Boulevard, and any such traffic is primarily on the north side near the high school. Mr. Flinchum pointed out that a new solar-lit median sign that was done in-house was installed. He said that the Royal Palms of this size are very expensive, but they do want to emulate this type of look throughout the interior sections of Forest Hill, and also to finish up with them as you get closer to Southern Blvd.

**Section 4** is known as the "Urban Section" and extends from SR7 to Birkdale Drive and includes Wellington Hospital, Wellington Mall and all the way to Birkdale on the west end. Mr. Flinchum said that this section has a different look than all of the other sections as it is a more maintenance type median. The plant material here was planted as part of the Mall's installation. He noted that it includes many plants that have a water demand, maintenance and tipping requirement and there is an extensive amount of sod. Mr. Flinchum said that as time allows and they get into this section, staff would like to replace much of the material with native varieties that are more drought tolerant and require less maintenance. He said that they will keep some material, i.e., oaks and palms. He said that this section does provide for an opportunity for bus transit. Mr. Flinchum pointed out that there is an existing shelter which is one of the greatest needs in this section of Forest Hill Boulevard. He showed a graphic of the type of median that current exists there that he felt was appropriate for this section of Forest Hill Boulevard. Mr. Flinchum explained that there is a lot of stop and go traffic, and people at the signalized intersections along the mall.

**Section 3** is known as the "Civic Design" which starts at the east end of Birkdale and goes up Forest Hill all the way up to Montauk. This section includes St. Michael's, Cambridge School, the library, Elbridge Gale, Triangle Park, Veteran's Memorial and the Wellington Community Center. Mr. Flinchum said that typically most detail is put into civic sections. He said that if you visit other cities, these areas will usually include Town Halls, etc., which provides a civic core or an assembly place. He said that this is one of the areas where you see people actually trying to cross the road usually on one side or the other, children riding bicycles going to school, crossing guards, people going to Publix, etc. Mr. Flinchum said that staff has devised several recommendations for the middle section. He said that one of the things that is being proposed is a chirping box which is a new ADA type of device which provides a count down for a hearing impaired person to cross the intersection. Mr. Flinchum said that this also provides the Village with the opportunity to use banners, the opportunity to use pedestrian lights and existing street lights. He said that staff would like to keep the Royal Palms that are planted in this area and to try and match their height. Mr. Flinchum said that there are some opportunities to provide accent lighting in the medians noting that there are some darker sections towards the north of Forest Hill. Although the Village may not be able to do lighting on both sides, accent lighting in the median will provide for some comfort along those darker sections. Mr. Flinchum said that they will also be using some plant materials that will encourage pedestrians to cross at the designated sections of these areas. He said that they are also proposing using DuraTherm which is an embedded grid into existing asphalt where a melted plastic goes into the grid. Mr. Flinchum said that it provides a variety of colors and design, and does several things: highly identifies a pedestrian crossing, slows vehicles down, and provides a unique character to certain sections of Forest Hill where it can be applied. In addition, there will be an informational sign which he said he would describe later in his presentation. Mr. Flinchum said that there is some berming near the Wellington Community Center which they would like to do in order to provide better privacy and a sense of enclosure along that western

portion of Forest Hill Blvd. He reiterated that most of the dollars are usually spent in the civic areas. He stated that FPL has a display yard near Palm Beach Lakes where many different types of pedestrian lights, street lights, etc., which are all adaptable for the banners are displayed. Mr. Flinchum said that if the Village has an opportunity where there is a large impervious area, i.e., at a corner or plazas, they can use tree grates which are expensive, but they do provide the opportunity to interject landscape material into that area. In addition, public art is typically seen around civic centers. Mr. Flinchum said that the "Triangle" has been identified as being one of the best places to put a main piece of art. He said that from that, they can then have complimentary pieces of art throughout the Village either at civic locations, buildings or perhaps at other intersections or medians throughout Wellington. He then showed a slide of the DuraTherm which shows that it is flush with the pavements and has a variety of patterns and colors.

**Section 2** is known as "Old Wellington" and extends from the right-hand side of Montauk north to Wellington Trace. Mr. Flinchum stated that this area will probably be the most demanding section of Forest Hill Blvd because it is one of the oldest sections and the infrastructure will present some challenges; however, staff does envision a lot of opportunity in this section. He said that pedestrians in this section of the roadway tend to stay on either side of the street, i.e., walking dogs, strolling, jogging, etc., and there is a tremendous amount of pedestrian usage during the day and evening hours. Mr. Flinchum said that staff's vision for this section is to relocate and install curbing closer to the vehicular travel lanes. He explained that when that is done, they will create opportunities to introduce landscaping between the current sidewalks and the road. Mr. Flinchum said that landscape accomplishes many things: provides the pedestrians with a sense of separation from the traffic, and reduces headlight impact. He said that staff would like to investigate using bio-swales along this section of the roadway. Mr. Flinchum explained that when you use bio-swales, you work with the existing drainage system as much as possible, but you try to plant in depressions materials that will slow down and allow the water to naturally percolate into the soil to help filtrate that initial sediments in the runoff. He said that the attractive part of this is that the water that actually reaches the final catch basin is less volume and is a higher quality and cleaner water that actually goes into the system and goes into the canal. Mr. Flinchum thought that this presented a good opportunity to try these in Wellington. He then addressed the landscaping in the median noting that they would like to continue with the native scheme that was used earlier. Mr. Flinchum noted that this section of Forest Hill has some wider medians, and staff would like to plant some slash pines that had been lost to the Pine Beetle. He said that there are some existing materials such as the live oaks that are in the median that they can use. Mr. Flinchum then stated that unfortunately this section has some of the most damaged material as a result of the hurricanes, and also when the FPL crews do their utility clearing. He further stated that some of the plant material has reached its limit noting that they were the wrong material to use which happens quite often in landscape design. Mr. Flinchum said that they will change the palette that is presently located there and plan to utilize the native design in this section. In addition, there are some lift stations and other utilities located in this area. He showed a slide of the lift station, and noted that work with the exception of the wrought iron fencing could be done in-house. This will also be surrounded on three sides with landscaping. Mr. Flinchum noted that the Wi-Fi system is being installed which will allow the Village staff who have laptops in their vehicles to maintain contact and do research from the database as they are making their trips throughout the day.

**Section 1** is known as the "suburban" section which extends from the right side of Wellington Trace north across the FPL easement up to Southern Blvd. Mr. Flinchum noted that this is a .8 mile section of road. He said that staff feels that this section provides them with a greater opportunity to apply some of the recommendations that they have. He further stated that this is a recently constructed section of road, and the Quercus intersection is proposed to have the mast

arm traffic signals. In addition, this provides the ability the use of the elements that staff is recommending. With regard to the landscaping, Mr. Flinchum said that this area also provides for the opportunity to plant the slash pines, and they will try to match the Royal Palms in height that are presently located there so that this look is similar to the medians in Section 5. There are some remnants from the road construction still in the median and these will be scraped, and then staff will have a clean slate to work with. Mr. Flinchum said that they found that when the median width is 4 ½ feet or less, it is more economical to go with a paver installation. He said that staff also wants to try a new type of irrigation system in this portion of Forest Hill that being a two wire system called "Logic Plus." Mr. Flinchum explained that this is a very simple system which requires less manpower, and only a staff member, a truck and a hand-held device are the only things needed to trigger these valves and test them. He then described the signage package which was developed by one of the teams. Mr. Flinchum showed what is called a "changeable" type sign which usually announces upcoming events for residents. He noted that presently there is one located by the FPL Corridor and one by the library. He showed the old wayfinder signs that are currently throughout the Village. Mr. Flinchum explained that because of the location or the number of panels they have and the size of the text, by the time someone sees them, the person is in the wrong lane or it is totally missed. In order to improve those signs, Mr. Flinchum said that the signs will be relocated and they will be followed by a follow-up sign. He said that the international graphics which will be color-coded will be utilized. Mr. Flinchum pointed out that the decals were made in the Village's Sign Shop and they put them on the sign to see how they looked. Mr. Flinchum said that the eventual signs will include the color-coded decals, the brick veneer will be filled in with stucco, the cabinet will be replaced with a back lit sign, and they will be protected with a lexon glass. He then showed the median informational signs which will replace the Village's sandwich boards that are presently being used. Mr. Flinchum said that the signs will be double-sided and the message will be kept very simple. He explained that when the sign is not needed, the panel will be removed and the Village logo will be displayed. Mr. Flinchum stated that these signs can be used not only on the major roadways into Wellington, but also on all of the other medians throughout Wellington. Mr. Flinchum concluded his presentation stating that staff believes that the Forest Hill Boulevarding concept is an important first step of the 8 concepts that they have been working on. He stated that he would be glad to answer any questions. Mr. Flinchum introduced Rich Cataldo, Project Manager, who would be discussing Section 1.

Mr. Cataldo, CIP Manager, introduced himself and said that he was also the Project Manager for the Forest Hill Boulevard project. At this time, he shared with Council the proposed budget and schedule for the first section of the Forest Hill project.

- **Landscaping:** \$110,000.00 (includes palms, trees, shrubs, ground cover, sod, mulch, irrigation, accent lighting)
  - **Signage:** \$37,000.00
  - **Lighting:** \$5,000.00
  - **Traffic Signals:** \$27,000.00
  - **Hardscape:** \$8,000.00
  - **Roadway:** \$12,000.00
  - **Community Outreach:** \$1,000.00
- TOTAL ESTIMATE FOR SECTION ONE: \$200,000.00**

He noted that an additional 10% was added in for contingency from the original submittal.

With regard to the schedule, Mr. Cataldo said that the work is estimated to take between 6-9 months with a start date dependent upon outside utilities, i.e., FPL.

Mr. Cataldo, said that with the permission, staff was seeking direction to proceed with the existing capital funds as outlined in the presentation.

Councilwoman Benacquisto thanked Mr. Flinchum and Mr. Cataldo for the presentation. She felt that this is one of the more exciting projects that they have seen in Wellington. Councilwoman Benacquisto was of the opinion that this design will create a continuity of appearance down that road which has been lacking for some time. She referred to the signage for Phase I at \$37,000, and asked if staff could explain what that will look like. In response, Mr. Cataldo explained that the signage element for Section 1 is comprised of roadway signs, wayfinding signs and informational signs. He said that the roadway signs are the traditional signs, i.e., speed limits. The wayfinding signs will show the international icons as shown by Mr. Flinchum. The information signs are the signs with the interchangeable text. Mr. Cataldo explained how they derived at the \$37,000 is: \$2,000 for roadway signs, \$35,000 for wayfinding signs, and \$5,000 to \$6,000 for informational signs.

Councilwoman Benacquisto asked where the wayfinder signs will be located when entering into Wellington on Forest Hill Blvd. Mr. Barnes noted that there is an existing wayfinding sign located at St. David's in the Pines. Councilwoman Benacquisto asked if there was a new sign because of the amount of the money being allocated for these signs. Mr. Flinchum explained that sign is difficult to see and by the time it is seen, the driver will be in the wrong lane. He said that it is not cost effective to relocate that sign so a new sign will be constructed a little further north closer to the FPL easement which will provide sufficient time for people to determine which direction they need to go.

Mayor Bowen asked Mr. Flinchum if that sign was going to be relocated. In response, Mr. Flinchum said that those types of signs cannot be relocated. The signs can be refurbished if they are in a visible location and are located far enough from the intersection; however, the sign by St. David's is in the wrong location and it is not possible to relocate it.

Councilwoman Benacquisto said that during the Economic Initiatives, they had discussed narrowing Forest Hill Blvd. to cut down on the speeding and to make it more pedestrian friendly. She asked how that was going to be achieved with what staff had presented. Mr. Flinchum explained that they will not actually be narrowing the travel lanes, but instead they will use some design techniques which include a combination of landscaping, curbing, lighting, etc. to give the appearance that the road is narrowing. Mr. Schofield referred to the bio-swale section that had previously been discussed. He said that there are several landscaping elements that are incorporated in that: step median plantings which will provide the illusion of the median closing in, and at the edge of the pavement, there are plantings that come up to the road and plantings between the road and the sidewalk and those things will provide the illusion of a narrower road. Mr. Flinchum added that at this time, there are not a lot of plantings along the left and right side of the road; there is sparse landscaping in the median. He said that when they start planting the swale sections and the curb is brought closer to the travel lane, the driver will realize that there are other things happening besides the road, i.e., line of sight issues, pedestrians, markings in the pavement, etc. He said that there is a lot of activity occurring visually which will slow the drivers down especially in this older section of Wellington.

Councilwoman Benacquisto asked if this was the area that staff was recommending installing benches and creating areas for people to stop. In response, Mr. Flinchum said that they looked at furniture and there are both advantages and disadvantages of having furniture on linear sidewalks. He said that the team recommended that those funds be saved and that they are used where there is more of a stationary need for furniture around the civic buildings, intersections, boat ramp

park, etc., to encourage people to stay there. However, the team discouraged the use of periodic water fountains and benches along the linear path.

Councilman Willhite referred to Section Five which is the only area that showed a bus stop. He said that he knows there are presently bus pull offs, and asked if staff was not proposing any further bus stops or coverings. Mr. Flinchum explained that Section Two has a lot of school bus pickups so that would be a great opportunity to include another bus shelter. Councilman Willhite thought that perhaps that alludes to possibly having some furniture. Councilwoman Benacquisto added that the original presentation showed some seating areas there, and she was wondering what happened to that idea. Mr. Flinchum explained that the advantage to these elements is that if there is a section where Council wanted to incorporate one of the elements, staff knows the pricing and the pros and cons of the different street furniture so they have the option of using the same type furniture in the parks, civic buildings, plazas and along Forest Hill Boulevard wherever Council desires.

Councilwoman Benacquisto said that this evening Council was only being asked to take action on approving Section One. She asked what the timeline was for bringing the rest of the sections back to Council. Mr. Flinchum explained that there is a team meeting scheduled for this Friday. He said that their assignment will be to look at the other sections noting that much of the research was already done. He said that they don't have the designs for the other sections, but they could provide a ballpark figure on the linear footage of that section of the road. Mr. Flinchum said that the easy section, Section Five, does not need a lot of work. Section Four just requires refurbishing and replacing some of the plant material in the median, adding some of the sign features and the lighting. He felt that Section Two was going to be the most complicated and most expensive section; however, he felt it is the most beneficial because it is a high concentration of residential development in Wellington.

Councilwoman Benacquisto said that she agreed with the comments made by Vice Mayor Priore at the Agenda Review Meeting that they should begin to move as much of it along as possible while the funding is available and the team is coordinated to do it.

Mr. Schofield advised Council that they have a workshop scheduled in February that he will discuss under the Manager's Comments, but the next sections they should see back in March.

Vice Mayor Priore said that the section from Montauk to Wellington Trace on the north side is the area where he felt has the greatest concentration of needs. He didn't believe that the Village could move forward on the improvements to this median without looking at the properties on the sides of the roadway. Vice Mayor Priore felt that there was a multitude of appearance issues with those properties, i.e., poor hedging, different fences, etc. He thought that if the Village did not do something to address those issues then everything that any improvements done to the median will be diminished by the appearance of those properties. Vice Mayor Priore was of the opinion that the Village might have to make the decision to declare that portion of the road will impact the whole of the community, and they may address the Village's need to install hedging, fencing or some wall. He further stated that there are other areas around the County which have major arteries through them and how they look when the properties that border them are addressed. Vice Mayor Priore said that Section One which goes from Wellington Trace to Southern Blvd has and will have attention to the borders on both sides which have been maintained. He said that a similar situation has to be done with the section from Montauk. Vice Mayor Priore suggested that when staff brings back numbers on this project that they have to be inclusive of addressing those roadways. He further noted that in that area, some of the trees were cut and destroyed to allow for fencing. There are some large, overgrown exotics along that area that also need to be addressed.

He also noted that there is a church in that area where the Village needs to consider how to provide a buffer to approve the cosmetic appearance on the road. Vice Mayor Priore believed that is a major factor in moving forward. With regard to Section Five, he said that it is true that area has been developed and paid for by those homeowners associations, but the Village needs to consider how to provide lighting for that area to the turnpike. He explained that the area is absolutely dark, and the residents in the communities have been asking for better lighting for a long time. Vice Mayor Priore noted that Mr. Schofield has stated that the Village is in the process of getting FPL to put up lighting in that area. He said that he did not want to send a message out that the Village thinks that Section Five is complete giving the impression to those residents that the Village is not planning to do anything further in that area.

Councilman Willhite hoped that the Village will be expanding the informational signs further to the median section as those residents in Section Five want that information as well. He hoped that the Village will budget for additional signage in that area. Councilman Willhite said that he had confirmed that day that the complete roadway will be curbed and guttered which will provide the impression of the roadway narrowing. He said that as he had mentioned at the Agenda Review meeting, staff is going to do an analysis to determine if reclaimed water could be used in all of the medians as a green technique. He said that he understood that it might not be cost effective, but hopefully they will look into it to see what the costs are. With regard to Section Three, he noted that it was shown as only two lanes on one side, when a portion of that area is actually three lanes on each side. He noted that there are three lanes throughout the entire section of Birkdale through Montauk. Mr. Schofield said that what Council was seeing was just a typical section of that roadway, but staff is aware that it is three lanes through Birkdale on the west or northbound side depending upon what side of road you are on. Councilman Willhite said that he didn't want to give the residents the impression that the Village was narrowing the roadway there. In addition, Councilman Willhite said that it was requested at the Agenda Review Meeting, if it was possible, for staff to provide a cost analysis for each section as they move forward in this process. Councilman Willhite said that his only concern with the entire Forest Hill Boulevarding is that it is unknown whether the Village will have funding for the future to do more roadways. He thought that as the project happens, more residents will want similar improvements made to the other roadways as well. Mr. Flinchum reiterated that the elements can be used in all sections throughout the Village. Councilman Willhite also pointed out that staff was doing most of the work internally as they had built the Village sign in Section Five. He noted that it is important for the residents to know that the Village did that sign in-house which is a great savings to the Village, and that many of the proposed things are planned to be done internally, i.e., signs, cultivating trees.

Councilwoman Benacquisto said that the great thing about this type of scenario is that this project will be done in phases. She said that they are making decisions about improving the community over the next 10-15-20 years, and if other thoroughfares want to have this done, those are decisions for future days.

Councilman Willhite said that his intent was the hope that they will continue to do this throughout the Village, and hopefully there will be funding available to continue it throughout the entire Village.

Vice Mayor Priore said that as he had mentioned at the Agenda Review meeting, Council is committed to do Section One through Five. He said that he didn't want to see the first Section being done, and then the project stops there. He felt that the Village should proceed with Section Two as quickly as possible.



Councilman Willhite concurred with Vice Mayor Priore noting in that the Council is committed to do the first five sections, and hopefully they will be able to continue the project throughout the rest of the Village, and that in 20 years, the Village will have this uniform look to it.

Mayor Bowen said that he was excited about this project which he felt is long overdue, and he wanted staff to move forward quickly on it. He agreed that the Village has to address those backyards particularly in Section Two noting that there are many neighborhoods there that are not homeowners associations so the look is very erratic. Mayor Bowen felt that to do that section of Forest Hill Blvd. without addressing those problems would be a big mistake. He thought that Council all agreed on that so he thought that staff needed to include that as they begin working on Section Two.

**A motion was made by Vice Mayor Priore, seconded by Councilwoman Benacquisto, and unanimously passed by Council (4-0) directing staff to proceed with the entire Forest Hill Boulevarding project with specific approval to proceed with the improvements to Section One.**

**B. ORDINANCE 2009-02 REGARDING TRAFFIC SAFETY AND RED LIGHT ENFORCEMENT AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA CHAPTER 62 TRAFFIC AND VEHICLES BY ENACTING ARTICLE IV "DANGEROUS INTERSECTION SAFETY ACT"; PROVIDING FOR RECORDED IMAGE MONITORING, DEFINITIONS, AN INTRODUCTORY PERIOD, REVIEW OF RECORDED IMAGES, NOTICES, HEARING, ENFORCEMENT AND PENALTIES RELATED TO A VIOLATION OF THIS ARTICLE, ALSO KNOWN AS A "RED LIGHT ZONE INFRACTIONS"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

The Ordinance title was read by Mr. Schofield. He said that this was the Second Reading and adoption of the Ordinance, and Mr. Kurtz was available to address any questions.

Mr. Kurtz explained that this ordinance will allow the Village to implement the usage of cameras to help enforce red light zone infractions. He said that the process will be to have the cameras installed, and once the Sheriff certifies that the cameras are in working order, there will be a 90 day notice period to the entire community informing them that this is in place. During that 90-day time period, the staff will ensure that the cameras are operating properly, and that after the 90 days, people will be subject to receiving tickets. He explained that the tickets will not go through the normal court system because the courts do not allow reliance to be solely on a camera. He said that this is similar to the situation with toll violations where reliance is on cameras. Mr. Kurtz said that the cameras will pick up on the violation, an employee in the Code Enforcement Division will review the camera's findings, notices will be sent out, and people will have a choice as to whether they want to pay the fine, contest the fine, or if they fail to respond, they will have deemed to waived their ability to contest and a fine will be assessed by the Hearing Officer who will be one of the Village's Special Magistrate. Mr. Kurtz said that if someone is going to contest the violation, they will file a Notice of Appeal and that notice will contain a notarized statement as to why they feel they should not be charged with the violation. He said that the people receiving the violation will know that there is a picture of their vehicle going through the red light. At that point in time, the Special Magistrate will look at the Notice of Appeal, and if they feel that the reasons to dismiss the case are sufficient based upon the affidavit that has been supplied, the case will be dismissed. If the Special Magistrate does not feel that there are sufficient reasons to dismiss the case based solely upon the affidavit, a hearing will be conducted. At the hearing, the Code Enforcement

Officer will present the evidence (photographs). Mr. Kurtz said that the fines are: \$125.00 for the first two fines within a three year period; \$250.00 for the third violation within a three year period. He further explained that if this ordinance passes, the Village staff will secure Requests for Qualifications from firms who provide these cameras which will then be provided to Council in the upcoming months.

#### Public Hearing

A motion was made by Vice Mayor Priore, seconded by Councilman Willhite, and unanimously passed (4-0) to open the Public Hearing.

1. Mr. Bob Gilbert, 15660 Rolling Meadows Circle. Mr. Gilbert spoke about his dislike of people running red lights. He also noted that the ticket is against the car, and not the driver. In addition, it is just like a parking ticket where points aren't given so as a result, the behavior will not change. Mr. Gilbert said that it could be perceived that this ordinance will serve as a source of revenue for the Village.

Mr. Kurtz said that this is an alternate mechanism of enforcement of the Red Light Infraction. It will supplement the ongoing existing efforts, and people will still be subject to getting a ticket for a red light violation that will bring the driver into court and they will get points on their license if a Sheriff's Deputy happens to be there and witnesses the infraction. Mr. Kurtz said that the person will not be subject to both of these penalties, but if there is an officer there to write out a ticket that will still occur.

Mr. Schofield added that they have identified some problem intersections: Wellington Trace at Big Blue where several fatalities have occurred all of which involved someone running a red light; Wellington Trace at both crossings of Forest Hill, Pierson and South Shore, South Shore and Forest Hill. He noted that those are presently problematic intersections for the Village, and it is those intersections that led them to this ordinance in the first place.

There being no further public comments, a motion was made by Councilwoman Benacquisto, seconded by Vice Mayor Priore, and unanimously passed (4-0) to close the Public Hearing.

A motion was made by Vice Mayor Priore, seconded by Councilwoman Benacquisto, and unanimously passed (4-0) approving Ordinance No. 2009-02 on Second Reading as presented.

~~C. ORDINANCE 2009-03 CHANGES TO CHAPTER 18 OF THE VILLAGE OF WELLINGTON CODE OF ORDINANCES~~ (Moved to the Public Hearing Agenda)

**D. ORDINANCE 2009-04 RENTAL DWELLING UNIT LICENSES AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO LICENSING AND REGULATION OF RESIDENTIAL RENTAL UNITS; AMENDING THE CODE ORDINANCES OF THE VILLAGE OF WELLINGTON, FLORIDA, TO PROVIDE THAT DETACHED SINGLE FAMILY RESIDENTIAL UNITS OFFERED FOR LEASE OR RENT MUST COMPLY WITH THE REQUIREMENTS OF CHAPTER 71 "RENTAL DWELLING UNIT LICENSES" AND SECURE A LICENSE PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

The Ordinance title was read by Mr. Schofield. He noted that Mr. Barnes and Ms. Rose Taliau, Manager, Code Compliance were present to address the item and to answer any questions.

Mr. Kurtz explained that the ordinance that he had placed before Council showed the legislative changes. He said that there is underlining showing the definitions and strike through in 71:23 to delete what was formally 71:23a.

Vice Mayor Priore noted that "a detached single family" was underlined under the Rental Dwelling Unit where it says "a detached single family" and questioned whether that was being added in while in 71:23 it had a line through it. Mr. Kurtz explained that in the definitions section they are saying that detached single family residences will now be included, and will be included wherever there is a reference to rental dwelling unit, and 71:23 was exemptions and previously any detached single family dwelling included any zero lot line dwellings were exempt. He said that the other exemptions: community residential home, the accessory dwelling, the room rented for transient lodge, the grooms quarters and security quarters remain exempt from compliance with this ordinance.

Vice Mayor Priore said that he was confused because the ordinance says rental dwelling unit means any dwelling that is rented for residential purposes including any detached single family, and then later on, it says any detached single family dwelling including any zero lot line is exempt. Mr. Kurtz noted that they were striking it out because it is no longer exempt. Mr. Kurtz explained that the intent of this ordinance, if it is passed, is to include it and single family homes will be required to get a license in order to rent out a single family dwelling.

Councilwoman Benacquisto said that it was her understanding from the previously night's meeting that Council was unhappy with this ordinance.

Mr. Kurtz said that there was a problem in the Agenda package in that it did not reflect the legislative changes. He stressed that this was the exact same language, and that the proposed changes were being shown only for clarity and for the record.

#### Public Comment

1. Dionna Brahs. Ms. Brahs spoke on behalf of the Realtors Association of the Palm Beaches. She said that they wanted neighborhoods to thrive so that they can sell great communities, and they also didn't want to have one more foreclosure on the market which continues to drive prices down and destroy neighborhoods. Ms. Brahs said that their intent is not to complain about the ordinance, but instead to try and find a real solution to this problem. She said that they were concerned that the proposed ordinance would still not accomplish its intended purpose. Ms. Brahs said that this ordinance came as a result of an outcry of the gated communities who must understand that they can probably do more than the Village can. She said that residents within HOAs are provided documents which they must sign which usually include provisions regarding rental. She said that if the provision is not adhered to, there is action that can be taken, i.e., evicting the tenant. Ms. Brahs said that the owners of these rental units do not have any intention of paying a mortgage, HOA or city taxes so why would they adhere to a rental permit with a fee attached. The Realtors Association felt that this rental ordinance is not a solution, but that the HOAs needed the ability to enforce their bylaws, and that the Realtors Association are willing to work on the mechanics of this process to help them accomplish that. She felt that this ordinance will impose requirements on owners who already follow the rules, and noncompliant landlords will simply ignore the new ordinance and not register.

Councilman Willhite said that he was very concerned about the number of foreclosures in the Village noting that he and Mr. Schofield had a meeting with County staff regarding this. He said that a few months earlier, he had proposed starting to have some annual meetings with the president and boards of the HOAs in an attempt to get a handle on some of this. He asked if it would be agreeable for the proposed ordinance to say any single family home that has one single rental would be waived from the fee although they would have to license the home and complete the forms; however, if the person has multiple single family homes that are being rented, they would have to pay the fee. Councilman Willhite said that the Village has the ability through their water bills, etc., to identify those homes that are being rented. He felt that the benefit of this is to ensure that the residents in the surrounding areas are being protected from certain individuals because the onus is on the homeowner to do background checks on the people they rent to.

Vice Mayor Priore said that the complication that he saw from Councilman Willhite's suggestion relates to enforcement and monitoring. He questioned how the Village would be able to find out if an individual has more than one home that they have purchased and are renting. He said that he had brought this up not only because single family homes were being rented, but because they were being inhabited by more than one family. He said that this was becoming quite stressful in some of the communities especially with the extra cars because of the added families. He said that if the HOAs and the realtors can work together so that the HOAs come to understand that they have the power to enforce this. Vice Mayor Priore felt that the Village is still overwhelmed with the multi-families, but if Council reviews this at a later time and finds that the problem with the single family homes is not getting better then he would support the Village moving forward with the proposed ordinance.

Councilman Willhite said that some of the single family homes don't have HOAs so the Village is not just doing this to help out the HOAs, but is helping the residential neighborhoods that don't have HOAs where people have applied for Section 8 housing and other types of rentals in their neighborhoods. He said that the Tax Collector can identify the owner of the residence and the Village would be able to find out if the person had multiple homes. He said that he was just trying to offer another type of solution to try and address this in some manner.

Councilwoman Benacquisto said that Council all agrees that there is something that needs to be done, but it is only a matter of what tool or mechanism should be used. She felt that if the Village sets this ordinance aside at this time, and in the meantime staff works on an analysis of how many properties would be impacted with owners who have multiple properties that are being rented in the single family category. She felt that would go a long way to make a case whether or not this ordinance is needed and whether or not it would make a difference. Councilwoman Benacquisto said that no one wants to do anything at this point to burden a family who is renting their home, in an attempt to save their homestead property until they can make it through this crisis. She said that she would rather see the Village set this aside, work with the realtors, work with the HOAs and try to get them to understand what tools they already have and how the Village can be a support to them; however, she did not feel that this was something that the Village should undertake at this time.

Mayor Bowen said that his concern is that the Village still has not been able to get all of the multi-family homes to comply yet now they are now proposing to add more things that staff won't be able to do. In addition, he felt that there are current laws regarding multi-families living in a single family home that the Village has not been able to enforce, and he thought that the Village should put their resources in working in those areas first and then revisit this at a later date because he believed that this issue will clear up as the economy gets better.

Councilman Willhite didn't think that the Village would get 100% compliance for the multi-family homes certainly not because staff has not been working on them, but because of the landlords' lack of compliance. He said that his suggestion was just another way of addressing the housing crisis that presently exists in the Village. He asked if a motion to table this would be in order to allow staff, the HOAs and realtors to work on this.

Mr. Schofield said that he had met with Councilman Willhite and discussed this at great length. He said that the staff has been dealing with rental problems for years. Mr. Schofield explained that this ordinance as it was originally proposed included single family residences which are becoming an issue for the Village. In terms of enforcement, Mr. Schofield said that the Village does have an enforcement mechanism. He said that he believed that the suggestion that a homeowner who is in trouble and is renting is exempt from the payment provisions because the Village doesn't want to impose a burden on them; however those people who are clearly renting more than one single family home are clearly doing so as a business and should be treated as such. He further stated that those homeowners do not come to the Village's attention unless there is a code enforcement issue noting that the officers go out to look for things that will make a difference in the community. In terms of identifying those people who are renting out more than one single family home, he said it was a relatively simple procedure whereby they search the Village's records by comparing the water bill to the people who are listing on the property appraiser as the owner. He said that is what they did for the rental dwelling ordinance, and stated that Ms. Taliau and her staff were making progress every month in reducing the number of people who are non-compliant. Mr. Schofield said that as Council has pointed out on numerous occasions, the people who the Village didn't have a problem with came in and registered and abided by the requirements of the ordinance, but it is the absentee landlords or people who are interested in making a profit rather than creating a community who the Village has a problem with. Mr. Schofield said that he understood what Council had said at the Agenda Review meeting. He said that he heard that Council does not want to place a burden on someone who is in financial trouble due to no fault of their own, but he agreed with Councilman Willhite's recommendation. He said that if someone is renting multiple single family units, then that is a business and not a homeowner in trouble.

Mayor Bowen said that in this particular market there are many people who found themselves with more than one house who didn't want to be in the rental business. Those people intended to buy the homes, sell the homes, but got caught with them. Mayor Bowen said that he would rather the Village revisit this issue in six months or a year when the economy may improve because he believed that they will find that even those people are not in the rental business.

Mr. Schofield said that he understood his direction is to go out and see what the extent of the problem is relative to the single family homes, and once that is completed; the ordinance will be brought back to Council.

Councilwoman Benacquisto noted that the School Board is tracking those single family homes where multiple families are residing. She asked that staff also be directed to obtain that listing from the School Board because she felt that is a tool that the Village should also have.

Vice Mayor Priore also felt that the Village should be enforcing the issue of the multiple families residing in a single family home because there is law that says only one family to a household.

Mr. Schofield said that he has direction to collect data and to bring this back.

**A motion was made by Councilwoman Benacquisto, seconded Vice Mayor Priore, and unanimously passed (4-0) to table Ordinance No. 2009-04.**

**E. PALM BEACH COMMUNITY COLLEGE STATUS UPDATE** (Agenda reordered during Agenda approval process, originally 8F)

Mr. Schofield introduced the Agenda item. He said that since the last meeting, the Village has not had any substantive meetings with the College. Mr. Schofield said that he does have a meeting with the College scheduled for February 4<sup>th</sup> to review part of the lease. He said that the cost of doing the appraisal is \$15,000, and he was seeking Council's approval to move ahead with it.

**A motion was made by Councilwoman Benacquisto, seconded by Vice Mayor Priore, for the Village to move ahead in obtaining the appraisal on the K-Park property.**

Councilman Willhite said that he had asked Mr. Schofield to do an analysis on the cost of this property as well as to do a cost analysis since the Village took on the Palm Beach Community College issue. He stated that the cost total to date is between \$800,000 and \$900,000, and the Village has incurred up to \$120,000 to \$125,000 since embarking on this project. Councilman Willhite said that his concern was how much money the Village continues to incur on a project that is being paid for by the Village residents, and which could potentially be voted down. In addition, the Village is asking for things from the College that should have been provided to them. Councilman Willhite said that he understands that Council wants to do what is best for the residents of the Village for now and in the future, but he asked them to think about how much the Village continues to keep spending on this project with a lack of response to questions and concerns from the College. Although Mayor Bowen had previously stated that he had the answer to the questions that he needed; Councilman Willhite said that he doesn't have the answers that he needs.

Vice Mayor Priore asked Councilman Willhite to keep in mind that the dollars that were spent on this project were not those solely associated with the College bringing their proposal forward. He said that the Village spent a great deal of money on this property prior to that to determine whether this property should be a signature park, whether to close community center, a senior center should be located there, close and move tennis courts to that site, etc. He said that over a period of time those costs were applied to this property. Vice Mayor Priore said that if Councilman Willhite really wanted to know how much was spent since this particular property was brought to the Village by the Community College, then perhaps the numbers need to be separated out.

Councilman Willhite noted that the costs were separate, and noted that since the Village has been involved in the Community College proposal, they have spent \$125,000 out of the \$800,000 to \$900,000. Vice Mayor Priore said that he recalled that he did not support at one time spending \$125,000 on a feasibility study to tell the Village what they should have already known.

Councilman Willhite referred to the Mayor Bowen's previous comments that said that the Village should make a decision on it. He said that in line with that when will they decide on that since they don't have a meeting with the College until sometime in February.

Councilwoman Benacquisto felt that having the appraisal done is a valuable tool so that they know what the land is actually valued at which will stop the varying estimates on the property's worth.

Councilman Willhite agreed that this is a valuable tool as he had brought it up during his last Council Comments; however, as they continue to do this and the Manager continues to spend

money and staff time on this project, the costs incurring keep adding up which the residents are paying for.

Mayor Bowen said that he didn't see the necessity in doing the appraisal, and that he won't support paying \$15,000 for it. He said that when a piece of property is purchased for public use, its value is whatever you paid for. He said that if the land was bought for investment purposes than it would be important to know the value. Secondly, he said that the Village has enough information about the land right across the street that had been offered to the Village for \$8.5 million so the Village has a pretty fair estimate of what K-Park is worth from that estimate. He said that it is also his understanding that someone had purchased that property.

Vice Mayor Priore said that the Village has been bombarded with letters, e-mail, calls, etc., that the property is worth anywhere from \$20 million to \$50 million, and he said that he wants to finally know what the current value is for that piece of property. He said that he didn't want to spend the \$15,000 to do the appraisal, but he wants to know the value because he firmly believed that the property does not have those numbers associated with which it might have had at the height of the residential and real estate market. Vice Mayor Priore said that it is obviously less looking at the property across the street of 150 acres at \$8.5 million. He wanted to know what they were talking about and what the potential is for getting a return to this community.

Mayor Bowen said that his concern is that the Village is spending \$15,000 to counteract the people who have been spewing these numbers that everyone knows are incorrect. Vice Mayor Priore added that they deal with perceptions especially if someone who is not acquainted with the subject reads in the paper that a property that is worth \$30 million is being given away, they react. Vice Mayor Priore asked that they publish the actual value of the property based on a bona-fide appraisal.

#### Public Comments

1. Tony Fransetta. Mr. Fransetta spoke about his opposition to the Village's giving the K-Park land to the Palm Beach Community College. Regardless of the value of the property, he felt it was still inappropriate to give the land away. He noted that he had almost 500 petitioners who are opposing to giving the land away. Mr. Fransetta talked about the survey and that if he didn't know about the project and was given the survey that he would have voted in support of the College; however, your support would change once you look at the legitimacy and worthiness of the residents of Wellington having to share the entire cost and burden of giving that land away specifically, costs for fire and police protection, added traffic, etc. He further noted that there were claims that there is a senior element to this project; however, there is none. He then said that Valerie McKinley would be presenting the petitions to the Village Clerk. Mr. Fransetta said that he also wanted to hear Council's comment in response to the people who petitioned for fairness.
2. Valerie J. McKinley, 1530 Grantham, Drive. Ms. McKinley said that since the Council was focusing on the value of the property, she explained where one of those numbers had come from. She said that in the mid-part of the year, a question was raised as to the value of the property. Ms. McKinley said that the answer was: "The original purchase price of K-Park was \$8.5 million. The original acreage was 65 acres after extracting an easement from Oakmont, the acreage went up to 68.5 acres... She then noted that the last line says: "Our estimate of current market value is somewhere between \$25 million and \$28 million based on recent offers of between \$400,000 and \$450,000 per acre. She said that did include the 5 acres carved out at \$1 million an acre for Sunrise. Ms. McKinley said the particular memorandum that outlined this information was from Paul Schofield so there was some credibility at the

time. She said that she was asked to attend the meeting to present a survey. Ms. McKinley said that one of the problems that many of the people in the community saw was the Village's reliance on the survey that was done by the Village. She said that she agreed with Mr. Fransetta's comments regarding the survey. Ms. McKinley said that the only statement that was given to the respondents was "Palm Beach Community College is proposing to locate a new campus on SR7 just south of the Mall on Village-owned property. People were then asked if they knew about it, were aware of it, if they were interested in it, and if they supported it or didn't support it. However, that begs the question if it is fiscally responsible. Ms. McKinley said that when the Village goes out with a survey, the Council's duty is to represent the people which mean that when the Council is elected that they have values that are accompanied by ethics which give principle. She didn't feel that they should be conned with the results of this survey.

As a point of clarification, Mr. Schofield said that no member of Council was responsible for that survey. The survey was put together by staff, and if anyone should be accountable for its accuracy or lack thereof, it should be him and solely him.

**The motion was voted on and was passed 3-1 with Mayor Bowen dissenting.**

**F. APPOINTMENT TO FILL THE VACANCY ON VILLAGE COUNCIL CREATED BY COUNCILMEMBER MARGOLIS' RESIGNATION** (Agenda reordered during Agenda approval process, originally 8E)

Mr. Schofield introduced the Agenda item. He said that Mr. Kurtz will explain the process and some instructions for Council.

Mayor Bowen said that since there is an Acme Improvement Landowners Meeting scheduled for the conclusion of this meeting, he asked if Council should conduct that meeting prior to the appointment or should the election be done. In response, Mr. Kurtz said that in order to make the most effective use of Council's time, he suggested that the original recommendation was that they go through the vote, and since it will take a few minutes from the time Council turns the votes into the Clerk until the votes are tabulated, that Council take a five minute recess. Mr. Schofield said that rather than taking the five minute recess; there are a couple of items that he needs Council direction on that they could take up during that time. Mr. Kurtz then said that staff has put together a ballot that is before Council which contains the 15 remaining names of people who have applied for this vacancy. He said that Council was to rank their top five candidates in order of preference with 1 being the first choice and 5 being the fifth choice. Mr. Kurtz said that Council needs to sign the ballot and staff will then tabulate the information. He explained that scoring will be assigned with the top ranked appointment getting five points and down to the fifth rank person getting 1 point. Mr. Kurtz explained that the person who gets the most total points will be the presumptive nominee. The information will be relayed to Council, and these ballots will be available for the public to review which is why they need to be individually signed. Mr. Kurtz said that it will then be up to Council to appoint that person with a motion and vote. He said that this is the process that was outlined by Council at the Agenda Review Meeting. He asked if Council was still amenable to that process, they could begin the voting. Council then began the voting process. At this point, the Council's signed ballots were given to Ms. Rodriguez to be tabulated.

**9. ATTORNEY'S REPORT**

**Mr. Kurtz:** No Report



## 10. MANAGER'S REPORT & UPDATES

**Mr. Schofield:** Mr. Schofield presented the following report:

- Council had received a Memorandum from the Education Committee outlining changes that they were recommending to the Student Enrichment Grant program. He recommended that Council address those changes during the Budget Process which will be sometime in the March timeframe. He said that, given consensus for that, he would relate that back to the Education Committee. Council consensus was to review the changes recommended by the Education Committee during the Budget Process.
- The next Regular Village Council meeting will be held on Tuesday, February 10, 2008 at 7:00 p.m. at the Wellington Community Center.
- A Community Meeting will be held on January 29, 2009 at 6:00 p.m. to discuss the proposed noise exemptions for golf courses. Mr. Kurtz explained that this is not proposed to be a Council Meeting, but will be a community meeting with the golf course operators and some of the residents.
- The Solid Waste Authority has proposed several hearings in the western communities regarding the proposed western landfill sites. He noted that one of the proposed dates is February 17<sup>th</sup> in Wellington which conflicts with a previously scheduled Council Workshop on Forest Hill Boulevarding. He asked Council for direction as to which meeting they wanted him to reschedule. Council consensus was for Mr. Schofield to reschedule the Forest Hill Boulevarding Workshop
- A renovation has been done to the outside of the Community Center.
- Beautiful Wellington Grant applications will be available on February 1<sup>st</sup> and completed applications must be returned to the Village by March 31<sup>st</sup>.
- For the 12<sup>th</sup> consecutive year, the Village is providing grants for non-potable water irrigation. He said that grants are available to an individual or a neighborhood. The applications must be completed and returned by the close of business on March 23, 2009. This is a grant that enables people to come off of the water supply and onto wells for their irrigation.
- On June 24, 2008, the Village of Wellington passed Ordinance No. 2008-13 which is the Nicole Hornstein Act requiring equine riders younger than 16 years of age to wear a helmet while riding on public property in an effort to decrease the number of serious and fatal head injuries. The Village is enforcing that ordinance and there will be an education relative to it, and the Village will be installing signs noting this on the trails.
- Tickets are still available for the Father/Daughter Dance which will be held on February 7, 2009 and tickets. For more information, call 791-4733.

## 11. COUNCIL REPORTS

**Councilwoman Benacquisto:** Councilwoman Benacquisto thanked all of the applicants who applied for the opening on the Village Council. She said that it is great to see that people want to be involved in their local governments. She thanked the Equestrian Alliance for hosting the forum that had been held the previously evening, and she also thanked the applicants for their participation. Councilwoman Benacquisto said that she had discussed at the Agenda Review meeting naming the Village's Public Arts Program for Susan Bradford who was recently killed in a terrible automobile accident. She noted that the Council had approved the Public Arts Program on Consent and did not include that note. Council consensus was to rename the Village's Art Program "The Susan Bradford Art in Public Places Program."

**Councilman Willhite:** Councilman Willhite said that the input that the Council had received from the Education Committee is important, and Council will discuss the recommendations during the Budget Process. He said that at the Public Safety Board meeting that Council had attended, several Councilmembers had been out of town. Councilman Willhite said that Council had made the commitment in April that the Village would try and attend those meetings, but only he and Councilman Margolis had attended that meeting. He said that he advised the Committee that Council would try and reschedule it. He said that he has asked staff to put Council on the Public Safety Committee's next agenda. In light of all of the things happening in Palm Beach County and around the Country particularly pertaining to the corruption of ethics violations, he asked Mr. Schofield to look at amending the Village's Code of Ordinance Article III Code of Ethics to follow the State's standards of that and that the Village's Code be amended to mirror any changes that are made by the State. Councilman Willhite said that the premise of this is that the Village would follow the State's actions regarding ethics. He noted that it has been 15 years since Wellington had addressed this, and many things have changed since that time. Vice Mayor Priore said that he supported Councilman Willhite's recommendation; however, he asked if this could be done without altering the Village's Charter. Mr. Kurtz said that the ethics provisions are within the Village's Code of Ordinances. He said that there is reference in the Charter that Council will address it; however, the actual implementation and the guidelines are in the Ordinances which could be amended by the normal ordinance process. Mr. Kurtz said that he and Ms. Rodriguez are working on scheduling a Sunshine and Ethics Presentation for all of the Village's Boards and Committees for sometime in February. He said that they are trying to hold one general workshop instead of individual board/committees workshops. He noted that video tapes of the presentation will be made available. Vice Mayor Priore said that the leadership of Palm Beach County has initiated their Ethics Code and is being published and will be available, and all municipalities and Council are being encouraged to support that Code of Ethics.

Mr. Schofield said that he understood his direction is to bring back an ordinance that adopts the State's Code of Ethics as amended from time to time.

**Vice Mayor Priore:** Vice Mayor Priore said that as a result of Councilman Margolis' resignation, Wellington has no representative for the **Issues Forum for Intergovernmental Coordination Program**. He said that he sits on the Executive Committee for that, and he could take that position and has been sitting in on that, but the Village really needs to name a representative and an alternate. Vice Mayor Priore said that the County as well as all of the cities in the County and all of the other governmental agencies are part of that. He noted that this has to be an elected official noting that staff participates in this at the IPARC level. Councilwoman Benacquisto asked if that could be brought back along with the Western Communities Council appointments. Mr. Schofield said that they will bring those items back on February 10<sup>th</sup>.

Vice Mayor Priore noted that he had received a copy of the American Recovery and Reinvestment Bill. He said that \$31 billion dollars will be directed to modernize or build federal or other public infrastructure that leads to long term energy savings. He said that since the Village is having ongoing discussions about its Municipal Complex, there may be federal money available for that. Vice Mayor Priore said that the Village needs to have a plan that is ready to be moved forward that shows and one which shows that the Village can and will build a "green" building. He said that this Bill is currently in the House of Representatives in Washington, and he believed that the Village needed to get itself prepared for when the opportunity presents itself.

Vice Mayor Priore said that the Village needed to go back and visit the Charter. He said that they need to revisit many of the methodologies that are currently in place, i.e., appointments to vacant Council seats. He believed that the Council needs to address this sooner rather than later and

that it needs to be on an Agenda as to the protocol and process on how a vacant Council seat is handled.

**Mayor Bowen:** Mayor Bowen said that the volunteer event that had been held in Sugar Pond Manor on Sunday was a great event. He hoped that other communities will embrace also holding a similar event. He felt that this was a step in the right direction for improving the neighborhood.

At this point, Ms. Rodriguez presented to Mayor Bowen the results of Council's ballots for the vacant Council seat. Mayor Bowen announced that Council had selected Howard Coates to fill Councilman Margolis' Council seat.

Mr. Kurtz announced that a motion was in order to approve Mr. Coates' appointment.

**A motion was made by Vice Mayor Priore, seconded by Councilwoman Benacquisto, and unanimously passed (4-0) appointing Howard K. Coates, Jr. to fill Vacant Council Seat #3 for the Village of Wellington.**

Mayor Bowen noted that Mr. Coates would be sworn in at the next Council meeting.

**12. CLOSING COMMENTS - None**

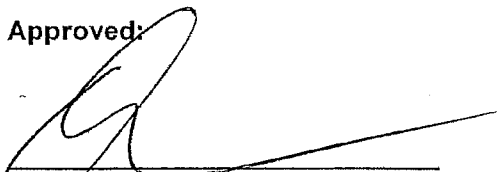
**13. PUBLIC FORUM**

1. Bobby Munden. Mr. Munden noted that there are a number of questions that remain unanswered relating to the Palm Beach Community College proposal. He thought that the biggest question is what the College would do if the Village did nothing and said no land. Mr. Munden thought that the College wouldn't build the school in Boca or in the Gardens, and there would be no place to build other than in the western communities. Mr. Munden said that one of the questions that needed to be answered is how many Wellington children will attend. He felt that if the College has no other place to build, they why should the Village give the land away.

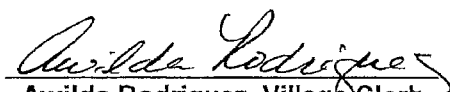
**14. ADJOURNMENT**

There being no further business to come before the Village Council, a motion was made by Councilman Willhite, seconded by Councilwoman Benacquisto, and unanimously passed (4-0) to adjourn the meeting at 9:00 p.m.

Approved:



Darell Bowen, Mayor



Awilda Rodriguez, Village Clerk