

MINUTES

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

**Tuesday, August 11, 2015
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, August 11, 2015 commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

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

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

1. **CALL TO ORDER** – Mayor Margolis called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** – Mayor Margolis called upon several children from the audience to lead the Pledge of Allegiance.
3. **INVOCATION** – Pastor Emily Denmark McGee, St Peter’s United Methodist Church, Wellington, delivered the Invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield presented the agenda for approval recommending the following changes:

1. Move Consent item 6E, Authorization to Award Contracts for Annual Asphalt Milling, Resurfacing and Sealcoating Village-wide, to the Regular Agenda as item 8F.
2. Add to the Regular Agenda Resolution No. R2015-66 (Plat for Grand Prix Village South lots 15, 16 and 17) as item 8G.
3. Add to Presentations, the Proclamation Recognizing the Wellington Little League Intermediate All Stars on Becoming the Little League Intermediate Division Champions. Staff recommends changing the order of the Presentations so that the Proclamation becomes item 6A and the Presentation on the Civil Rights Ordinance is changed to 6B.

A motion was made by Councilwoman Gerwig, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve the Agenda as amended.

5. PRESENTATIONS AND PROCLAMATIONS

- A PRESENTATION OF PROCLAMATION TO THE LITTLE LEAGUE INTERMEDIATE ALL-STARS (ADDED TO THE AGENDA)

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the proclamation. Council congratulated the team and coaches on their incredible victory as well as recognized the families and the residents for their support. On behalf of the team, one of the team's coaches expressed their appreciation and thanked Wellington for its support and for the opportunity to play on topnotch fields at first-class Village facilities and parks.

**B. 15-567 DIRECTION CONCERNING ADOPTION OF CIVIL RIGHTS ACT
ORDINANCE (Moved from Item 5A.)**

Mr. Schofield introduced the item. He stated this item would be presented by Ms. Cohen and Judge Hoch.

Judge Rand Hoch introduced himself as the President and Founder of the Palm Beach County Human Rights Council. He stated his legal practice for the last thirty years centered on workplace issues and civil rights. He said the Palm Beach County Human Rights Council was asking the Village to enact an ordinance informing all Village residents, not just municipal employees, about their civil rights and directing them to the appropriate agencies.

He indicated that in 2010 the Palm Beach County Human Rights Council asked the Village to include LGBT in their nondiscrimination policies in compliance with the County's equal employment ordinance. He stated Mr. Schofield invited him to work with the Village Attorney and help draft the LGBT inclusive nondiscrimination policies which were unanimously enacted by the Council. He said at last month's workshop after Mr. Schofield addressed their request, there was some discussion as to whether a municipal civil rights ordinance would be of any benefit to the Village. Judge Hoch explained civil rights laws exist to specifically identify people who have been recognized as victims of discrimination and to specifically provide such individuals with the opportunity to have their claims investigated and adjudicated upon by independent agencies. He said the keyword was "independent." He indicated the Village's equal opportunity policy states that discrimination complaints will be investigated by their Human Resources Director. Under the policy, the Village, the potential defendant, has the final say as to whether discrimination has occurred which was not exactly independent. He stated fortunately most of the women and the minorities working for the Village can seek independent avenues of redress by filing a charge of discrimination with EEOC in Miami or the Florida Commission on Human Relations in Tallahassee. He said there was no ordinance they could pass to limit the liability by eliminating those individuals' rights. He stated neither Congress nor the Florida Legislature has included gay men, lesbians and gender nonconforming people in their civil rights laws. Judge Hoch said that was why the Palm Beach County Human Rights Council has worked so hard to get them included in the county-wide nondiscrimination ordinance. He stated with the current makeup of the United States Congress and the Florida Legislature, it is extremely unlikely that LGBT people will be covered by federal and state civil rights laws anytime soon.

Judge Hoch indicated in the Council backup, Ms. Cohen alluded to recent EEOC rulings that recognize LGBT people have the right to file claims in Federal Court if they feel they have been discriminated in the workplace. However, the rulings of the EEOC are not binding in a single court in this country. He said until the federal civil rights laws are changed, LGBT people have the right to go to court, but the court can dismiss those cases since they have no statutory jurisdiction to address those claims. He stated the only independent recourse the Village's LGBT employees have arises from the county ordinance.

Judge Hoch said he was upset with Ms. Cohen's recommendation that Council should "expressly state that Wellington is opting out of the definition of employers set forth in the county's ordinance." He indicated those ordinances provide the Village and its employees the least expensive way to resolve complaints of discrimination, as they could simply file a charge for discrimination with the County's office of Equal Opportunity in West Palm Beach to have their cases properly investigated and resolved by staff. He stated if a hearing must be conducted, the decisions will be made by a panel of nine individuals selected by the County Commissioners "on the basis of community representation, integrity, experience and interest in the area of equal opportunities." He indicated currently there are only seven people on the board, two of whom are practicing attorneys. In addition, at each board meeting, two members of the staff, the Director of the Office of Equal Opportunity, who is an attorney, and an Assistant County Attorney who specializes in employment law are present. He stated in those cases where there has been a determination of reasonable cause, the County ordinance provides a very strict timetable for litigants to file suit in court to obtain a judicial ruling.

Judge Hoch said if the Village follows Ms. Cohen's recommendation, they will not only completely strip away the civil rights of the Village's LGBT employees to obtain any independent adjudication, but they will also be denying the women and other minorities who work for the Village with the least expensive way to resolve complaints of discrimination. He explained if they opt out, women and minority employees will be required to make a federal case out of it by filing a claim with the EEOC or making a state claim with the Florida Commission on Human Relations. He stated by denying the Village an inexpensive, local and effective avenue of defending discrimination claims, it will be required to spend more money on legal fees and costs defending cases in Miami and in Tallahassee over a much longer period of time. He said opting out made no fiscal sense with regard to the non-LGBT employees. He stated with regard to LGBT employees, Ms. Cohen was correct in stating that they can limit the Village's potential liability by opting out of the County ordinance. He said all they have to do is eliminate the only vehicle they have for a judge to make a determination on whether discrimination has taken place. He stated if they take away their civil rights, they can potentially save some money.

Judge Hoch also asked Council to consider that opting out let all of the local business owners know that the Village has found a way to hold itself above a law that applies to all employees with at least fifteen employees. He did not believe that was a very popular stand for the Village to take. He indicated from a legal point-of-view, if the Village took steps to eliminate the civil rights of LGBT employees, it would clearly demonstrate an anti-LGBT animus. So in the event LGBT employees ultimately regained the right to seek redress in court in the future, this anti-LGBT animus could be and would be used against the Village.

Politically speaking, Judge Hoch said any Council member who votes to opt out will join a very small group of elected officials who have knowingly taken steps to make it more difficult and potentially impossible for women and minorities to obtain any independent relief from discrimination. He said according to the U.S. Census Bureau, more than 50% of the population of Wellington is women and 35% are minorities. He asked if this was the message they wanted to send to those constituents.

Judge Hoch explained the key reason it is beneficial for Wellington to enact a comprehensive LGBT inclusive civil rights ordinance. He said their personnel policies provide staff with an internal mechanism to address charges of discrimination brought by Village employees, but a civil rights ordinance is broader and addresses the rights of all 60,000 residents of the Village. He stated it also serves as notice to those individuals thinking of making their homes here or establishing businesses here that Wellington does not discriminate.

He mentioned that last month Facebook announced it was investing \$1 billion in a data center in Fort Worth, TX, that is expected to generate \$21 million in taxes over the next ten years. He said before committing to Fort Worth, Facebook checked the civil rights ordinances of all of the applying locations to see whether or not they included LGBT people. Fortunately for Fort Worth, their civil rights ordinance had been on the books for fifteen years. Judge Hoch said when making relocation and expansion decisions, more and more businesses were investigating how municipal employees protect their LGBT residents. He indicated a word search of the Village's municipal code did not turn up their personnel policies, but if they enacted an LGBT inclusive ordinance it would show up there. He stated, like the Village, the Palm Beach County Human Rights Council is concerned with expanding the tax base throughout Palm Beach County. He said they want companies to build here, to bring jobs here, to house their employees and their families here, and they think it would be great if they did that here in Wellington. He stated that was the main reason they have asked the Village to enact a local LGBT inclusive civil rights ordinance.

Judge Hoch stated on behalf of the directors of the Palm Beach County Human Rights Council, he was asking Council to direct their Village Attorney to draft and enact an ordinance similar to the ones recently passed in Delray Beach, Boynton Beach and other municipalities. He urged them to reject the Village Attorney's recommendation to eliminate the only law currently on the books that allows the Village's LGBT employees to obtain an independent ruling regarding any potential claims of workplace discrimination.

Councilwoman Gerwig stated she would like to meet with Judge Hoch after the meeting to discuss this issue with him.

Vice Mayor Greene stated he had an opportunity to speak with Judge Hoch yesterday and they had a pretty broad discussion during Agenda Review, and that he met with the Village Attorney, Ms. Cohen, privately prior to that. He said he understood her point-of-view and what she was trying to accomplish in terms of protecting the Village from financial exposure. After their discussions, Vice Mayor Greene felt a bit disturbed by the idea of the Village opting out of civil rights where it is covered by the County at this point and telling businesses with fifteen employees or more they do not have an option to opt out. He said for the record, the Village of Wellington has had a very liberal policy and benefits package as well as a very inclusive stance as an employer. Therefore, he thought the Village had been very proactive historically on many of the things Judge Hoch championed. He stated he did not necessarily disagree with the opinion Ms. Cohen formulated, but he said he would support this issue because it is important and the Supreme Court has recently changed some laws. He believed if they wanted to eliminate discrimination at all levels, it was important for them to also send out that message. Vice Mayor Greene wanted the Village to be inclusive and treat everyone with the rights they have as Americans, and he thought this was a step towards that. He hoped they could come up with some language that would be acceptable to everyone.

Councilman McGovern asked if the County ordinance pre-existed or predated the incorporation of the Village and if the Village has been subject to the ordinance for twenty years. Ms. Cohen stated that was her understanding. Councilman McGovern asked how many matters have gone to the Palm Beach County Commission at this point in time. Ms. Cohen stated to her knowledge there had been none. Judge Hoch said that was his understanding as well.

Councilman McGovern agreed with Vice Mayor Greene's comments explaining that he thought it was important for the Village to not opt out of anything Village businesses with fifteen or more

employees were subject to. He believed they have been very progressive as a Village and have talked a lot about wanting to be a beacon and representative in the County. He thought having an ordinance such as this was important and something the Council should do.

Councilman Willhite stated that in 2011 Wellington was one of the few communities to add domestic partners to their insurance. He said he would not support anything that would eliminate anyone's abilities or rights. Councilman Willhite thought the Village has been very open and willing. He indicated that only two cities out of 38 in Palm Beach County have passed this language. Councilman Willhite understood two others predated it, as the City of West Palm Beach, the largest municipality in Palm Beach County, has a version of this ordinance. He noted their Village Attorney was charged with protecting the interest of the entire community.

Councilman Willhite asked if something were to go to the County Board of nine or seven, if it would be completely binding at that point or how would the Judge interpret the Board's findings and rulings. Ms. Cohen believed a provision allowed the participants to go directly to a court of law as opposed to going before the Equal Employment Board and the Human Rights Board, but there was a certain timeframe for electing to do that. She said if they do not elect to do that, the Board possesses very broad powers and has the ability to compel evidence, subpoena witnesses, assess damages and attorneys' fees, etc.

Ms. Cohen wanted it to be clear that this was a policy decision for Council. She agreed the Village was a very inclusive community, and explained that her recommendation to them was from the perspective of a lawyer trying to protect the client from exposure.

Jude Hoch said they did not go to all 38 municipalities and ask them to do this. He stated they specifically chose Wellington because it has an incredible community that can attract businesses and it has the policies they have been asked to implement. He indicated the Greenacres policy was enacted the night they were talking about firing their attorney, so they just went with whatever Lake Worth had. However, Lake Worth is in the process of updating their old ordinances on housing and civil rights for employment. Judge Hoch thought they would not be the model to follow, because they were going to be amending their ordinances, which meant Greenacres would be amending theirs as well. He indicated that was why they looked at Delray Beach and Boynton Beach for the ordinance they presented to the Village. He stated it sort of covers everything, so they do not have to come back and spend the time on that.

Judge Hoch explained this ordinance only applied to gay people and people of nonconforming gender should they get an adverse ruling in the future, as anyone else could just file a case in federal or state court but they would be stuck with that. He stated only the gay people and the transgender people have any recourse in the County. He said if they get an adverse ruling or think the panel of seven did not apply the law correctly or were bias or whatever, they would have a year to appeal in court. He noted that normally the cases do not get that far, as they are normally resolved by the staff in mediation.

Councilman Willhite thought it was good they were talking about this and that Judge Hoch was there and reaching out. He stated Ms. Cohen looked at his policy, but he wondered if they could model theirs after another municipality or municipalities as well. Judge Hoch indicated whatever the Council comes up with, as long as it includes LGBT people and provides them with the knowledge that they could go somewhere and get this, they would be fine with it, as they were not married to the proposed language. He said it was up to the Village if they wanted to go through that expense and not just use the County's language like everyone else.

Councilwoman Gerwig stated she did not support the LGBT as a protected class, because she did not think someone's sexuality was something to be discussed in the workplace. She said she never wanted someone to be treated poorly because of their sexual orientation. She believed it was not like being a minority and saying they might not be liked because they have a different skin color. She understood their harassment policy covered that. She stated if they were being harassed because of the something that has nothing to do with their work, then it is inappropriate already under their policy. She agreed opting out of the County's policy would probably protect the Village from higher losses down the road. She said she did not want businesses to decide to not hire the fifteenth employee, so they would not be subject to the rule. She also did not want people to be asking inappropriate questions in interviews. She stated she did not have a bias about anyone's sexual practices, especially for something that was not considered that far out of the norm. She believed the Village was protected by their own policies currently in place.

Judge Hoch stated a friend of his just had a job interview and was wearing a wedding band. He said the interviewer kept asking him about his wife, but he has been married to his husband for three years. He indicated for someone who has a picture of their family, who is wearing a wedding band or who is asked what their weekend, that is where it comes up and that is what they are concerned about. He stated they needed to treat everyone the same way. He said it was not about people having sex in the workplace, but it was about people being who they are in the workplace.

Mayor Margolis stated he agreed with and supported what Vice Mayor Greene and Councilman McGovern said, because of one word "inclusiveness." He absolutely believed that if they discriminate against one, they discriminate against all. He said he comes from a very big corporate organization where for many years different meetings were being held, but he was not invited to them because he was either not part of their religion, minority status or gender. He stated he wanted to help people feel inclusive and not discriminated against in the Village, which was why he was supporting this issue.

Ms. Cohen indicated the Village was currently subject to the County's ordinances. She said if they receive a claim of discrimination by an LGBT person, that person has the ability to go to the County right now and file a claim. She stated they do have an inclusive sexual harassment policy and an equal opportunity policy. She said the reason for her recommendation was not to discriminate but to only protect the Village from potential liability which she wanted to make very clear. Ms. Cohen indicated it was a policy decision for Council to make and it was perfectly fine if they wanted to adopt an ordinance like this.

Vice Mayor Greene thought Judge Hoch's intent was to send a more concentrated message than the County policy that just covers all of the municipalities. He believed staff could craft some language that closely resembled the County language and put it in an acceptable format, bring it back, and then meet with Judge Hoch privately or with his organization. He thought the important thing was that they send a message as a single municipality that indicates the Village is not only covered by the County ordinance, but specifically supports the protection of all classes and all citizens in the Village of Wellington.

Ms. Cohen indicated Judge Hoch was right as there is a gap. She said the LGBT is not considered a protected class under either the Federal or State Law. She stated from that perspective that is where the concern or issue is. She said they do not discriminate on that basis, but if there were any discrimination it does leave a bit of a gap for them to seek a remedy.

Vice Mayor Greene suggested they work on that language, develop something that would give everyone some comfort and bring it back. He stated they were not reinventing the wheel. He mentioned he and Ms. Cohen have talked privately about this, and she never indicated any personal feelings about the intent of trying to protect and defend their rights. He thanked her for her sincere comments, as he certainly understood where she was coming from in her position.

A motion was made by Vice Mayor Greene to provide direction to the Village Attorney to draft language in support of what the Village is being asked by the Palm Beach County Human Rights Council.

Councilman McGovern asked for clarification of the motion: 1) they are not opting out of the County ordinance; 2) they are directing the Village Attorney to draft a LGBT inclusive civil rights ordinance and bring it back to Council by the end of the fiscal year.

Vice Mayor Greene agreed that was his motion. Councilman McGovern seconded the motion. The motion passed (4-1), with Councilwoman Gerwig dissenting. She stated it was not based on the opting out rule, as she was fine with that part.

Mayor Margolis asked Ms. Cohen to be in touch with Judge Hoch.

PUBLIC COMMENTS

At this point, Mr. Schofield said that this was one of two times in the meeting where the Village accepts comments on non-agendered items.

1. Jadyn Brody, 1862 Barnstable Road. Ms. Brody, a student at Elbridge Gale Elementary School, addressed Council sharing her story about her grandfather who was diagnosed with Leukemia as well as other ailments and how she became involved with the Leukemia and Lymphoma Society. Jadyn spoke about her upcoming fundraising event "Putting for Patients" which is a mini-golf event that starts at 1:00 p.m. on September 19th at Adventure Mini Golf, Lake Worth. She advised Council they could get involved by donating an auction item, sponsoring a hole, becoming a corporate sponsor, or purchasing a ticket and spreading the word about the event.

Council voiced their support for Jadyn's fundraiser. Councilman Willhite asked staff to contact Lake Worth's City Commission and possibly extend a challenge to them since the event is being held in Lake Worth. Mayor Margolis noted that Senator Abruzzo has committed to helping with this cause as well.

Mr. Schofield called upon staff to speak with Ms. Brody to get her contact information.

6. CONSENT AGENDA

- A. 15-559** MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF JUNE 23, 2015 AND JULY 14, 2015
- B. 15-517** RESOLUTION NO. R2015-54 (INTERLOCAL AGREEMENT FOR THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION (MPO): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN WELLINGTON AND THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION (MPO))

- FOR THE MPO TO INCLUDE A VOTING REPRESENTATIVE FOR THE VILLAGE OF PALM SPRINGS AND PERMANENT SEATS FOR THE CITY OF GREENACRES AND THE VILLAGE OF ROYAL PALM BEACH; AND PROVIDING AN EFFECTIVE DATE.
- C. 15-536** RESOLUTION NO. R2015-52 (AUTHORIZING THE VILLAGE MANAGER OR DESIGNEE TO SERVE AS LOCAL ADMINISTRATOR FOR HUD'S ENVIRONMENTAL REVIEW ONLINE SYSTEM): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE VILLAGE MANAGER OR DESIGNEE TO ASSUME THE RESPONSIBILITIES OF LOCAL ADMINISTRATOR FOR THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ENVIRONMENTAL REVIEW ONLINE SYSTEM; AND PROVIDING AN EFFECTIVE DATE.
- D. 15-535** RESOLUTION NO. R2015-51 (AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR FISCAL YEAR 2014-2015): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE BUDGET FOR FISCAL YEAR 2014-2015 BY REALLOCATING MONIES FROM THE GOVERNMENTAL CAPITAL FUND TO THE GENERAL FUND FOR APPROVED CDBG PROJECT EXPENSES THROUGH SEPTEMBER 30, 2015; AND PROVIDING AN EFFECTIVE DATE.
- ~~**E. 15-139** AUTHORIZATION TO AWARD CONTRACTS FOR ANNUAL ASPHALT MILLING, RESURFACING AND SEALCOATING VILLAGE-WIDE~~
~~THIS WAS MOVED TO THE REGULAR AGENDA,~~
- F. 15-325** AUTHORIZATION TO UTILIZE AN EXISTING CITY OF MIAMI CONTRACT, AS A BASIS FOR PRICING, WITH MUNICIPAL CODE CORPORATION, INC. (MCCI) FOR LASERFICHE DOCUMENT MANAGEMENT ANNUAL LICENSING, MAINTENANCE AND SUPPORT. *MOVED TO THE REGULAR AGENDA.*
- G. 15-558** AUTHORIZATION TO UTILIZE A NATIONAL JOINT POWERS ALLIANCE (NJPA) CONTRACT AS A BASIS FOR PRICING FOR THE LEASE OF VIRTUAL STORAGE EQUIPMENT

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

There were no public comments on any of the Consent Agenda items.

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

7. PUBLIC HEARINGS

- A. 15-490** RESOLUTIONS ADOPTING THE BUDGETS AND ASSESSMENT RATES FOR THE ACME IMPROVEMENT DISTRICT, WATER AND WASTE WATER UTILITIES, WELLINGTON SOLID WASTE COLLECTION AND LAKE WELLINGTON PROFESSIONAL CENTRE

(a)RESOLUTION NO. AC2015-11: (POSTPONED TO AUGUST 5, 2015): A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE DISTRICT BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AS

PROVIDED HEREIN; LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE DISTRICT AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF THE DISTRICT FOR CERTIFICATION OF THE DISTRICT'S NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

(b) RESOLUTION NO. AC2015-12: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE WATER AND WASTEWATER UTILITY BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016; AND PROVIDING AN EFFECTIVE DATE.

(c) RESOLUTION NO. R2015-55: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE SOLID WASTE COLLECTION PROGRAM BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AND LEVYING THE NON-AD VALOREM ASSESSMENTS FOR SOLID WASTE COLLECTION AND DISPOSAL WITHIN THE JURISDICTIONAL BOUNDARIES OF WELLINGTON; PROVIDING FOR RATES AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON TO CERTIFY THE SOLID WASTE COLLECTION NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

(d) RESOLUTION NO. R2015-56: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE LAKE WELLINGTON PROFESSIONAL CENTRE BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. He said the agenda item included four resolutions; however, staff was requesting that Resolution No. AC2015-11 is postponed time certain to August 25, 2015 because areas were recently brought into Acme assessments and they did not have the required 20 days for the 197 notices. Ms. Rodriguez read the resolutions by title.

Ms. Quickel reported that there were three resolutions adopting the budget and 2016 rates for Utilities, Solid Waste and the Lake Wellington Professional Center being presented for Council's consideration.

Ms. Quickel reported that the proposed budget overview for all funds for 2016 is \$79 million which was presented as part of the TRIM presentation at the July meeting. The total includes the total Enterprise Operating Budget of \$14,491,587. The Enterprise Operating Budget covers Water and Wastewater; Solid Waste; the Professional Center and Debt Service on the Utility Deposits. It also includes capital projects for the Utility Capital Project of \$3,900,000. The proposed Enterprise Budget for Water and Wastewater for FY2016 is at \$10,500,000; \$3.5 million for Solid Waste; \$444,266,000 for Lake Wellington Professional Center. Ms. Quickel pointed out that the Enterprise Budget excludes increases and decreases to Reserves. The total including Capital Projects; Debt Service and Transfers is at \$20,696,000. All funds are the \$20.69 million which is a decrease of \$439,000.00 from the current year. The operating budget for the Enterprise funds stands at \$14.5 million which is a decrease of \$55,000.00 or 3.7%. The Capital Projects stand at almost \$4 million a decrease of \$49,000. Transfers and Debt Service stand at \$2.3 million an increase of \$157,000.00 or 7.2% as related to the indirect cost allocation. She noted that this has been standardized based on discussions with the Village's auditors to 10% of the Enterprise Fund revenues.

Ms. Quickel explained that the Debt Service is the interest on Utility Funds only which is an increase of \$4,000 to \$30,000.00 per year.

For Solid Waste, Ms. Quickel stated that the rated options for Solid Waste curb side container for this year include a decrease of \$20.00 to go down to \$140.00 and \$105.00 which was due to the successful renegotiation of the Solid Waste contract. With regard to the water base rate, staff recommended no change to it being \$18.22. There was no change in the wastewater base rate as well.

Ms. Quickel showed some historical rate information for Water and Wastewater rates as well as for the Solid Waste Assessment which showed the \$20.00 decrease for 2016.

She further report that the total budget for Enterprise revenues stands at \$23,387,000.00 which includes Solid Waste; franchise fees, governmental revenue, charges for service, interest income, Lake Wellington revenue, miscellaneous revenue and utility capital fees. She noted that the two changes were in Solid Waste resulting from the renegotiation of the contract as well as changes in the utility capacity fees which are bases on new construction activity.

For FY2016 the expenditure budgets for Water and Wastewater total \$14,406,000.00 which excludes transfers out and increases to Reserves. This department includes 51 full time positions as well as 3,120 part time and ops hours. The Water and Wastewater budget totals \$16.3 million which is an overall decrease of \$109,000.00. The operating budget is up because of the change in major maintenance which moved it from Capital into the Water and Wastewater Treatment Plant and Lift Station maintenance and sewer line replacements. TPPS replacement is down significantly as the Village was now following a schedule for those replacements multi-years looking forward.

Ms. Quickel said that increased indirect cost allocation to the General Fund was based on a standard calculation of 10% of revenue. The Capital Improvement budget was down a total of \$49,000 and there is a total of \$556,000.00 in replacement and new assets which includes \$364,000 in replacements for Ford vehicles and \$192,000.00 for major software upgrade, tools and equipment.

In the Solid Waste Fund, there is a total of \$3.85 million which is an increase of \$135,000.00. Their increased personnel budget for transfer in, a two road-side refuge patrol positions, the operating budget is down because of the contract savings and they showed the change to the indirect cost allocation to the general fund standardized at 10% of revenues. They also show the expenditure areas within the solid waste collection, road refuge patrol, non-departmental debt service and the capital projects.

The Lake Wellington Professional Center is proposed at \$508,666.00 for this year. It includes an increase of \$135,000 or 3.6% which includes increased personnel budget for allocation of a portion of an accounting position from the General Fund; the operation budget was down for reduced major maintenance that has been moved from capital, and there is the standard indirect cost allocation of 10% of revenues. This is budgeted to transfer out to the General Fund for repayment of acquisition costs in the prior year. They also showed the expenditure areas for the total budget as well.

Ms. Quickel showed the budget calendar, noting that staff would be coming back to Council on August 25th with the presentation for the Acme budget as well as for the capital budget.

Councilwoman Gerwig asked Ms. Quickel to explain how the amount for Solid Waste increased yet the cost decreased. In response, Ms. Quickel explained that two positions were transferred into the Solid Waste budget from Public Works for the gentlemen who pick up road refuse trash. Councilwoman Gerwig questioned why that was done. Ms. Quickel explained that was done because it was related to trash pickup.

With regard to Lake Wellington, Councilwoman Gerwig asked Ms. Quickel to explain the appropriation of prior year excess revenues for property tax, and also asked if the Village pays property tax on that property to the County. Ms. Quickel stated that the Village pays on the lease income. Councilwoman Gerwig asked if that was where the \$45,000.00 was from. Ms. Wadleigh explained that staff was requesting a carryforward of the current year excessive revenue. Councilwoman Gerwig asked how the lease revenue was calculated. Ms. Quickel explained that staff provides copies of the leases for the percentage of the building that are occupied as well as a percentage of their vacancy rates. Councilwoman Gerwig asked Ms. Quickel to provide her with the tax collection data. Ms. Quickel said they will get that information, but noted that the Village will pay the County around \$45,000.

Councilman Willhite asked if the tax included virtual space. Ms. Quickel responded affirmatively.

Councilman Willhite wanted to know the difference in the personnel costs. Ms. Quickel explained that staff had done raw calculations on the personnel costs from when the Village first purchased the property. She explained that when the property was purchased in 2012, the three salaries were almost \$115,000 while they are presently at \$142,000. Since 2013/2014, if those had increased 3% which was the merit increases for those years that would stand at \$121,000. They also included janitorial which previously was the contract for the previous owner which is now a part time position for the Village. She said if they net out the janitorial it would have come to \$121,000. She said that it is fairly comparable, but has increased because the Village has additional items that had previously been paid as outside services. Councilman Willhite asked if there are still three employees at that facility. Ms. Quickel responded affirmatively noting there was also the part time maintenance person.

With regard to Solid Waste, Councilman Willhite asked if there was also a savings to the commercial side. Ms. Quickel stated that the monthly bill the Village pays has dropped almost \$15,000 per month. Councilman Willhite asked if she or the Purchasing Department would agree that being all inclusive and going out for bid was a benefit for the residents. Ms. Quickel said that they have seen it has been a benefit since June.

Councilman Willhite said that when staff referred to major maintenance and things of that nature were they being shy on maintenance because they don't know what the future will bring. He asked what was the overall plan for revenues/expenditures for that facility versus income. Ms. Quickel explained that the major maintenance the Village plans for pertains to the roof and air conditioning. She said that those budgets were related to those items which have to be addressed as long as this property is leased and actively planned for,

Councilwoman Gerwig asked if the Village was just doing maintenance or were they setting aside funds for possibly redoing the roof. Councilman Willhite also asked what the Village's thinking was for the five-year plan that was discussed after the property was purchased. Ms. Quickel explained that an evaluation of the roof was done after the purchase of the property. She said that they are working within the parameters of that evaluation, and look at the things that have to be addressed. Ms. Quickel explained that the Village was spending between

\$12,000 and \$15,000 per year for various roof repairs which has been for the past couple of years. She said that if something more substantive comes up, she would go to Mr. Schofield regarding decisions for that, but no issues have yet come up. She noted that it also is not hard to spend several thousand dollars on the air conditioning.

Councilman Willhite asked if there had been any negative side of Wellington purchasing that property and leasing it. Mr. Schofield explained that staff has not been able to identify any negative impacts on the community. He said that there are people who come to the Lake Wellington Professional Center who choose not to rent space there for a variety of reasons so they were not negatively impacting any other facilities that rent space. With relation to the major expenses on the building, Mr. Schofield indicated that it was known when the property was purchased that there were air conditioning and roofing issues that had to be addressed. He said that where they were two years ago and where they will continue to be over the next three years is doing repair and replacement that keeps the Village in the five-year timeframe. He said that what the Village promised people when that property was purchased was that they would make no changes for two years which has been kept. Mr. Schofield said that they would look at it for two years, but considering their budgetary constraints, they would not be looking at doing anything for five years. He said that they were not looking at installing any new roofs because that is a 30-year structure, and it is unknown where the Village will be with those buildings in three years. Mr. Schofield said that there are no repairs that they see today that can't be accomplished that fit within that additional three-year timeframe. He said that Lake Wellington is still a profit center for the Village. He added that they have begun to look at what buildings they could continue to use and not use if they want to enhance the lakefront property noting that they would start with taking the oldest buildings out of service first.

Councilwoman Gerwig said that they had discussed paying the capital outlay back as well as the profits which is why they had discussed five-years.

Councilman Willhite said if the Village fulfilled their two-year obligation not to make any changes, should they not be looking at the next three years to set funds aside looking ahead into the future. He thought that the Village has already reimbursed itself noting that the \$1 million had not been used. He said that they have shown a positive benefit to the business community that they are offering leases at a good rate that people are taking advantage of. Councilman Willhite thought if they wanted to continue providing that benefit do community, perhaps they should consider installing a new roof and leave it as is or do they put funds aside to possibly rebuild the facility. Councilman Willhite thought as long as they were controlling the costs, keeping the leases up and it serves the Village, it has shown that the purchase has had a positive impact on the community.

Ms. Quickel stated that building has been consistently in line with the model that was purchased.

Mayor Margolis said that it had been stated that Lake Wellington Professional Center was at 95% occupancy. He asked what the percentage of the occupancy was now compared to when the building was purchased. Ms. Quickel said that at the time of purchase the occupancy rate was in the low 80's. She pointed out that virtual occupancy has slightly declined, but those are much lower revenue figures. She explained that there are different virtual plans available, i.e., mail, phone answered, and it gives the appearance there is a physical office. Mayor Margolis said if someone needs an office, they can rent out a conference room. Ms. Quickel said that was correct.

Mayor Margolis said that when they originally discussed purchasing this property, he didn't recall what the profitability rate was, but his understanding was that it was still high. He noted that the Village has improved the efficiency by bringing over employees from the Village of Wellington. Ms. Quickel pointed out that \$275,000 was the transfer out to the General Fund which is the indirect cost allocation; however, it excludes an increase to the Reserve of \$175,000. She explained that meant that even after the transfers and expense budget with the revenues at \$680,000, \$175,000 was remaining in their Reserves.

Mayor Margolis asked what the action was that the Council was taking at this meeting. In response, Ms. Quickel said that Council was approving the budget for these funds; however, it was not the millage rate.

Public Hearing

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) to open the Public Hearing on all of the items with the exception of the postponed item.

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

Resolution No. AC-2015-11

A motion was made by Councilwoman Gerwig, seconded by Councilman Willhite, and unanimously passed (5-0) to postpone Resolution No. AC2015-11 time certain to August 25, 2015 at 7:00 p.m.

Resolution No. AC2015-12

A motion was made by Councilwoman Gerwig, seconded by Councilman Willhite, and unanimously passed (5-0) to approve Resolution No. AC2015-12 as presented.

Resolution No. R2015-55

A motion was made by Councilwoman Gerwig, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Resolution No. R2015-55 as presented.

Resolution No. R2015-56

A motion was made by Councilwoman Gerwig, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Resolution No. R2015-66 as presented.

- B. 15-534 RESOLUTION NO. R2015-50 (FY 2015/2016 CDBG ANNUAL ACTION PLAN): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND ADOPTING THE FY 2015/2016 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PLAN; AUTHORIZING THE VILLAGE MANAGER TO FORWARD THE FY 2015/2016 ANNUAL ACTION PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.**

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

Mr. Poag presented the staff report. He explained that this was the Village's fourth year of entitlement under the Community Development Block Grant. He said that the Village is required each year to submit its Annual Action Plan. Mr. Poag explained that in this year's plan, they are planning to continue some of the activities that were initiated last year while enhancing some additional activities as they relate to the youth in the community based on staff's observation and interaction with the community.

Councilwoman Gerwig asked Mr. Poag to explain the difference between the Youth Work Force Training Program and the POPS program. Mr. Poag explained that the Youth Work Force Program is an actual training program where the training is for out-of-school youths between the ages of 21 which does not count under public services program while the POPS program is a college readiness program where they take an at-risk youth, provide them with a mentor, with college tools and an internship during the summer.

Public Hearing

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

There being no public comments, a motion was made by Councilman McGovern, seconded by Vice Mayor Greene, and unanimously passed (4-0) to close the Public Hearing. Councilman Willhite was out of the room at the time of voting.

A motion was made by Vice Mayor Greene, seconded by Councilman McGovern, to approve Resolution No. R2015-50 as presented.

Councilwoman Gerwig asked if they could add the explanation of what the entitlement means, and asked Mr. Poag to explain it. Mr. Poag explained that an entitlement community means that the Village has met the threshold to be a direct recipient from HUD for the CDBG funds noting that the threshold is based on population. He further explained that a non-entitlement community would be one that would receive funds from the County who would be the grant designee for the funds and the municipality would have to apply directly to them in order to receive those funds. Mr. Schofield added that the CDBG entitlement threshold is 50,000 people and you apply once that is reached noting that the grant is based strictly on population.

Councilwoman Gerwig said she wanted that to be on the record because she knows there is some confusion within the community.

The motion was voted on and was unanimously passed (5-0).

8. REGULAR AGENDA

- A. 15-516** RESOLUTION NO. R2015-53 (PALM BEACH COUNTY SHERIFF'S OFFICE VILLAGE OF WELLINGTON LAW ENFORCEMENT SERVICES PLAN FOR FY16): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING THE LAW ENFORCEMENT SERVICES PLAN FOR FISCAL YEAR.

Mr. Schofield introduced the agenda item.

Captain Hart presented the item on behalf of PBSO. He said that what he was going to present was actually heard by Council several weeks ago during his semi-annual report. Captain Hart said that what was being presented was what the Sheriff's Office and the Council decides is important with regard to the priorities that will be encountered during the year.

Captain Hart said that they have previously discussed four priorities, and if Council agrees with them, the Sheriff's Office will move forward with them. The four priorities were as follows:

1. **Equestrian Interest:** Last year several motorcycles, golf carts and different things associated with transportation with the equestrian communities were stolen. He noted that they started to put resources into that with education as well as deputies that targeted the golf cart usage. As a result of taking that action, they went from 10 golf carts stolen the prior year compared to one last year. Captain Hart said that they will experience the same issue this year, so they will stay with that agenda.

Councilman Willhite asked if it was possible that some were mistakes since some golf carts look alike and perhaps they were just taken to a different location. Captain Hart said that when someone spends \$5,000 plus on a golf cart, the owners tend to mark them which will show their ownership. He said that most of the time the owners can recognize their own golf carts.

2. **Traffic Safety.** Captain Hart said that they have discussed traffic safety many times, i.e., accidents. He indicated that they have tried keeping the traffic crashes at about .2 per 100 residents which he expected to go to 3.0 this year. He said that it appeared that the drivers are not paying attention most likely from texting and driving.
3. **Property Crime.** Captain Hart said that five years ago they were over 1,000 property crimes, but every year since that time, they have gone below 1,000. below 900, below 800 and he believed they were close to below 700. He said that they were going to try and keep that number below 700 property crimes for the year.
4. **Juvenile Justice:** Captain Hart said that in October, they will have a deputy specifically assigned to juveniles who will go out and target those juveniles that are on probation. He said if the juvenile's probation indicates that they are to be home by a certain hour and they are not there, an arrest will be made. Captain Hart found that to be very effective noting that the arrests for juveniles have decreased. He said that the Village has given them the funds to have one deputy dedicated specifically to the juveniles. He said that the deputy is already doing this, but come October, that will be a specific position.

Councilwoman Gerwig asked Captain Hart about forced entry into homes noting that has happened to several friends who lost a significant amount of jewelry. She asked if the Sheriff's Office had any program with the pawn shops in an attempt to locate the stolen items. Captain Hart explained that when anything is stolen; they try to get the best description of the property. He explained that they are tied into every pawn shop in the County and they will send the description out, and if it was pawned anywhere, it will show up in the system. He said that they have individuals dedicated to looking for stolen property. Captain Hart said if the property shows up at a pawn shop, they will go down, find out who pawned it, look at their picture and make the arrest for dealing in stolen property although they cannot always arrest them for the burglary. He recommended that residents get alarms and videos.

Councilwoman Gerwig asked if they had a response to the last video that was sent out on crime stoppers. Captain Hart indicated that they did have a suspect.

Vice Mayor Greene said he hoped people were taking pictures of their jewelry and expensive items because it is a quick way for the residents to send the pictures to the Sheriff's Office who in turn can send them to pawn shops. He extended his thanks to Captain Hart and his deputies for their work in the Village.

Councilman Willhite asked Captain Hart if he thought the increase in traffic crashes could be correlated to the increase in population and size of the roads. Captain Hart said that he could not correlate it with the roads, but 99% is human error. He said if there are more people and more cars on the roadways, there will be more crashes.

Councilman Willhite said he was happy to see Sergeant Kennedy was back in Wellington. Captain Hart said that he is a great asset to the Village.

Councilman Willhite voiced his appreciation for the work that Captain Hart and his deputies are doing. He said that he was happy to see in the Budget Challenge that residents are indicating that law enforcement and protection for the community are very important to them.

Councilman McGovern thanked Captain Hart and his team for all that they do to keep the Village safe.

Mayor Margolis also extended his thanks to Captain Hart and his staff. He said that the budget shows that it is costing about 36 cents per day per resident to get the best. He said that the approval rating in the survey is always high which is a testament to Captain Hart and his staff.

Captain Hart announced that Deputy Dan Delia, Juvenile Justice, received a state-wide award; however, he was not at liberty at this time to announce what the award is. He said that they will be going to Tallahassee to honor him.

A motion was made by Councilman Willhite, seconded by Councilman McGovern, and unanimously passed (5-0) to approve Resolution No. R2015-53 as presented.

B. 15-546 RESOLUTION NO. R2015-58 (PALM BEACH COUNTY SHERIFF'S OFFICE DISTRICT 8 WELLINGTON REQUEST FOR USE OF LAW ENFORCEMENT TRUST FUNDS (LETF) FOR THE PURCHASE OF A NARCOTICS DETECTION CANINE):A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE PUBLIC SAFETY SUB-FUND BUDGET FOR FISCAL YEAR 2014/2015 BY COMMITTING MONIES FROM PRIOR YEAR REVENUES TO OPERATING AND CAPITAL EXPENSE FOR THE PURCHASE OF A NARCOTICS DETECTION CANINE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. He explained that the Law Enforcement Trust Funds are dedicated funds which come from fines and forfeitures. In this case, there is a total of \$14,500 being requested - \$10,000 is for the purchase of the dog and another \$4,500 is to equip the cruiser with kennel and heat sensors. It is the one-time acquisition funds that can be paid under LETF and the funds are available. Staff recommended approval.

Councilman McGovern asked if the dog would stay in Wellington. Mr. Schofield stated that the dog will be based in Wellington, and will only leave when it is off duty or at the required training.

Vice Mayor Greene asked Captain Hart if the dog had already been acquired. Captain Hart explained that they were still trying to find one explaining how difficult it is to find a single purpose canine. He said the government appears to be buying up all of those dogs which have increased the price although the price was not the issue. He said that they have the best personnel looking for the dog, and they trust their judgement when they find one noting that they have turned a few down because they only want the best.

Vice Mayor Greene noted that he has worked with Sergeant Newcomb and Lt. Halperin and he knows how difficult it is to find the right dog. He praised PBSO's canine unit. Captain Hart said that they had a dog for several days and he was not the right dog.

Mr. Schofield explained that the Village was very specific about wanting a non-bite dog because it will be used to sniff drugs and for search and rescue.

Councilwoman Gerwig asked what the span was of the dog's service. Captain Hart said that the dog can go 6-8 years noting that it will be not worked as hard since it will have a single purpose. He further noted that the Village was looking for a floppy-eared dog, not a German Shepherd. He said that even though German Shepherds have proven to be one of the best canine dogs, they found that another floppy-eared dog might work just as well, if not better. Captain Hart said that it might be a better fit for Wellington's needs because there will be no confusion that it is a non-bite dog.

Vice Mayor Greene noted the incredible support for the canine unit. He noted that he had reached out to the Palm Beach Sheriff's Foundation and there are no restricted funds; however, there are no many requests coming in for the canine unit. Captain Hart said that they were fortunate that they don't have to reach out to the Foundation. Vice Mayor Greene thought there might be other municipalities that may have needs and the funds can be transferred.

A motion was made by Vice Mayor Greene, seconded by Councilman Willhite, and unanimously passed (5-0) to approve Resolution No. R2015-58 as presented.

C. 15-269 RESOLUTION NO. R2015-29 (PALM BEACH COUNTY SHERIFF'S OFFICE DISTRICT 8 WELLINGTON FY2015 BUDGET AND CONTRACT ADDENDUM): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE FIRST ADDENDUM TO THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE PALM BEACH COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES; AND PROVIDING AN EFFECTIVE DATE.

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

A motion was made by Vice Mayor Greene, seconded by Councilwoman Gerwig, and unanimously passed (5-0) to approve Resolution No. R2015-29 as presented.

D. 15-544 AUTHORIZATION TO (1) EXECUTE A CHANGE ORDER WITH PIRTLE CONSTRUCTION, INC. FOR STRUCTURAL CHANGES TO THE WELLINGTON COMMUNITY CENTER (WCC); (2) AMEND THE EXISTING WCC CONTRACT LANGUAGE BY ADDING FEDERAL GRANT PROVISIONS TO THE EXISTING AGREEMENT AND EXECUTING A SEPARATE CHANGE ORDER ADDING EXTERIOR

WINDOWS AND DOORS TO PIRTLE'S CONTRACT; AND (3) APPROVAL OF RESOLUTION NO. R2015-59 (BUDGET AMENDMENT) TO COVER THE COST OF BOTH CHANGE ORDERS.

Mr. Schofield introduced the agenda item. He announced that Mr. Barnes and Mr. De La Vega would be presenting this item. Councilwoman Gerwig announced that she had to recuse herself from this item because she has a professional relationship with Song & Associates who is a member of the design team.

At this point, Councilwoman Gerwig left the Council Chambers.

Mr. Barnes reported that this was a three-part item including two changes orders and one budget amendment. He stated that the first change order was specifically to the changes approved by Council in July relating to the modifications to the Community Center Building. This change order executes with Pirtle Construction for the not-to-exceed amount of \$480,000; however, the Village is not precluded from negotiating to get the best price possible while allowing them to proceed with the final design and permitting to minimize and mitigate any potential delays that may arise. The second change order is an item that was identified in the original award to Pirtle in March 2014 such that pursuant to a grant that had been entered into with the Florida Division of Emergency Management in 2012, the portion of the contract relating to Division 8 which is doors, hardware, windows, glazing, etc. was pulled out in order to try and realize a savings. He said that due to the grant requirements, they did not want to burden the entire contract with the grant's federal requirement. Since then they have had continual discussions with the Division of Emergency Management who have indicated that they would permit the Village to award the grant to Pirtle and only encumber that portion of the change order with the grant requirements. In order to save some money and keep the project moving, staff wanted to issue that change order with Pirtle in the amount of \$333,984 which were funds that were set aside and previously allocated for this project in advance of Pirtle's award. Mr. Barnes said that the Village's portion of that is only 25%, \$250,488 of that amount will be funded by the grant. As part of that process, it was indicated that the Village should continue with other portions of the design to be able to recover and maximize any additional grant funds that they may qualify for. The last item is the budget amendment to recognize those two change orders.

Vice Mayor Greene asked when the deadline for any additional grants was. Mr. Barnes explained that it was ongoing noting that the basis for that is because Wellington has one of the last projects funded for that grant cycle. He said they would like to see something before the Village gets too far along in the project. Mr. Barnes noted that previous projects did not utilize all of the grant funds and there is still remaining funds. Vice Mayor Greene asked if Mr. Barnes knew how much they could potentially be looking at in grant funding. Mr. Barnes said it would be pretty decent numbers in terms of the northwest lobby as a large portion of that are work and scope and materials. They are also looking at portions of the roof. He said they would be able to provide a better number in about a month's time.

Vice Mayor Greene thought the designs looked great and he appreciated the quick response and the continued efforts to meet the expectations of the Council. He thanked everyone for their efforts.

Councilman Willhite asked if there is a cost to the change order should the Village get funding. Mr. Barnes said that traditionally the change order is comprised of soft and hard costs. He said that the second change order was money previously programmed and those costs would have been incurred. He said that they felt that they were saving money because they would have bid

it anyway.

Councilman Willhite asked if staff should find any other grant money, the Village would not be looking for additional costs, and this is the cost for moving forward with the building. Mr. Barnes indicated that was correct noting that any funds that could be recovered from grants would reduce their outlay of previously approved dollars.

Councilman McGovern asked if it was correct that the \$83,496 that the Village has to pay to match the federal grant was already in the budget for the project. Mr. Barnes responded affirmatively. Councilman McGovern said in essence this was not a change order, but just formalizing moving the federal grant money to Pirtle to be used on the project. Mr. Barnes said there was a change order to the contract as it was originally not included, but in terms of the budget, the money was already set aside and they were now putting it in the WCC project.

A motion was made by Councilwoman Willhite, seconded by Vice Mayor Greene, and unanimously passed (4-0) authorizing: (1) a change order with Pirtle Construction, Inc. for structural changes to the Wellington Community Center; (2) amending the existing WCC contract with Pirtle Construction, Inc., by adding federal grant provision language and executing a separate change order for exterior windows and doors; and (3) approving Resolution No. R2015-59 (Budget Amendment) to cover the cost of both change orders.

After this motion was made and approved, Councilwoman Gerwig re-entered the Council Chambers.

E. 15-565 DISCUSSION OF THE VILLAGE MANAGER'S EMPLOYMENT AGREEMENT

Mr. Schofield introduced the agenda item. He explained that his contract was automatically set to expire on February 14, 2016 as outlined in his contract. He said that Council is required to do something and it was nothing more than that.

Ms. Cohen explained that Council had to discuss what action they wanted to take: whether they wanted to provide the written notice to renegotiate, terminate or if they wanted to do nothing and have it renew automatically for an additional year. Once that decision was made, she believed a motion was appropriate to provide direction to her to fulfill their desire.

Councilwoman Gerwig said that Council did not have to notify the Manager as the contract automatically continues if they did nothing. She felt it was more appropriate to let the contract continue and not make it an issue. She said if Council decided to negotiate the contract and they don't have a contract in place, then they won't have this manager in place. Councilwoman Gerwig said that they would still have this Council perform that duty. She did not feel taking such action was appropriate particularly with an upcoming election. Councilwoman Gerwig stated that it would be one thing if Council had an issue with Mr. Schofield's performance which they could bring forward. She indicated that she has been living in Wellington for 25 years and the Village had some of the best management in history. She pointed out that Mr. Schofield's achievements as Village Manager are incredible. She noted that during difficult times, spending dropped and services increased. Councilwoman Gerwig did not support renegotiating his contract, and saw this as a passive aggressive move by the Council to make Mr. Schofield look like the one that can't come to an agreement. She noted that the problems existed in the Village were not just with Jeff Kurtz, Francine Ramaglia, Tom Amburgey or any other qualified people

who chose to leave the Village in order to properly practice their craft. She agreed that there have been some good things that happened, but she did not feel it has been a good time for personnel.

Vice Mayor Greene said that he did not know where the implication was coming from that Council was going to not going to fire Mr. Schofield. He said this discussion was not about firing him which was not his intention. He said that it wasn't about any former employees, but about this Council being responsible with a contract. Vice Mayor Greene said that he has two employees and he was not part of the negotiation. He also noted that there have been changes in the legislature regarding severance, and it is his intent that they renegotiate the contract and honor it under the terms that Mr. Schofield agreed to which expires on a certain date. He felt it was prudent to work with Mr. Schofield to see if they can renegotiate a contract. Vice Mayor Greene believed it would be smart to issue a six-month, eight month contract or whatever term, but he did not feel it was responsible to have significant turnover on Council and not have the existing Village Manager. Vice Mayor Greene also noted that Ms. Cohen's contract was up in April, and it probably would not be the right time to have that kind of turnover. He said if the results are not for a long-term contract, then he would support some type of short term contract. Vice Mayor Greene said that he hoped to continue working with Mr. Schofield, but his responsibility was to look out for the Village. He felt that it would be appropriate to provide notice to Mr. Schofield that Council wants to renegotiate his contract and continue to work in a very effective manner.

Councilman Willhite said that he would not base his contracts or leadership in the Village on things that might happen, i.e., election. He said that in 2010, Mr. Schofield negotiated a contract with Councilman Coates that was approved by Council that included an expiration date of February 14, 2016 which has been in place. He said that people may not agree with everything that is done, but sometimes there is a cost savings in doing things, i.e., Solid Waste contract. Councilman Willhite pointed out that the State recognized a cost savings by including a 20-week severance package into any City Manager's contract for the future whereas the Village's Manager has a different clause. He said that they are elected to be fiscally responsible and if they can save the dollars in any type of severance package, they have the responsibility to their residents to do that. Councilman Willhite thought there could possibly be a benefit to Mr. Schofield to have his contract renegotiated as times have changed since 2010. He said that prior to his taking office; he believed a previous Council negotiated a contract with Mr. Schofield after they had decided to do a nation-wide search. He said that Mr. Schofield is still here today with a group of very hard working employees, Council members and residents who have achieved all the things that had been spoken about. Councilman Willhite said as an employer, they had the responsibility to the residents to ensure that things are being met and are being done. He believed there is the possibility of putting any discussion behind them, by negotiating a good contract and moving towards the future. He said that in his mind saying they wanted to renegotiate was not saying they wanted to terminate, but that they wanted continue to have Mr. Schofield, but with a new contract in place. He stated there is the possibility of continuing a good working relationship with Mr. Schofield, and that drama was being created that renegotiating the contract was overreaching, was out of the Council's parameters or something that was being done with ill intent.

Councilman McGovern thought that Council should invoke the provision of the contract to renegotiate its terms. He believed that the service provided to Council and the team he manages is wonderful. He thought that this was a contract that had been negotiated by Councilman Coates and the Manager that specifically included the term included. Councilman McGovern said that it is purely a matter of working through the contract at this time period which

is specifically laid out in the contract. He said that everything else relating to termination, renewal, and the other types of things comes next. Councilman McGovern pointed out that the contract stated that if either party did not give written notice to the other party or terminate the contract by September 1st of the year preceding the end of the term, then the contract shall automatically be extended for an additional one year under the same terms and conditions. Councilman McGovern said that there have been some changes in State law that may need to be looked at, but what they were talking about specifically was exercising the provision that allows Council to re-negotiate under the existing contract. He believed as a policy to allow contracts to renew was not the smartest thing to do when they are long, complicated and detailed contracts. Councilman McGovern said that since not all of Council was present when the contract had been negotiated, he did not see any harm to look at the terms and put in place what will hopefully be a long term contract for the Village Manager that provides stability and security for the Manager, Council, staff, residents and businesses of Wellington. Councilman McGovern believed that was the action that Council should take because it is required for them to do so by September 1st. He said that it will require only a one-line letter that says they want to renegotiate and re-examine the terms for the purposes of entering into a new contract with the Village Manager.

Mayor Margolis said that this would be his third time dealing with a contract for the Village Manager. He said that he negotiated Charlie Lynn's contract the first time. He also pushed forward for Mr. Schofield to become the Village Manager after Council agreed to go out and do an executive search for a new Village Manager when Mr. Lynn resigned. He believed he had negotiated Mr. Schofield's original contract. Mayor Margolis said that he was not on Council when Mr. Schofield's contract was previously negotiated and the previous Council selected Councilman Coates to renegotiate the contract. Mayor Margolis said that to him this was negotiating a new contract as things have changed. He said that he raised this matter three months ago, and he understood why Council needed more time to consider things. Mayor Margolis thought that Mr. Schofield does not want to wait another year to negotiate a new contract because things have changed from his original contract when Councilman Coates brought forth the contract and this is inevitable. He said that Mr. Schofield clarified this with his statement by saying that this was something that Council had to do and they were not doing it because they wanted to reprimand him or offer an excuse why they would not want to negotiate a new contract. He said that the contract that was brought forward by the previous Council provided specific dates to negotiate a new contract which are the dates they were now dealing with. Considering the number of seats that are up for election in March, he said he struggled with whether to evergreen the contract. He said that he reached a conclusion that it would not be fair in a year because Mr. Schofield would have to go through the same thing. Mayor Margolis said that when the stipulation of the terms of a contract is up, a new contract is negotiated. He said that as the other Councilmembers have indicated, laws have changed particularly relating to severance. Mayor Margolis said that all Council was doing was deciding to enter into negotiations for Mr. Schofield's contract which will be expiring. He said that he had some ideas about who should be negotiating the contract on behalf of the Village which they could discuss at this point or at a future meeting. Mayor Margolis stated that renegotiating the contract was not a testament to Mr. Schofield's skills, expertise, or what he has given to the Village, Council, employees, and residents.

Vice Mayor Greene thought it was a testament to what Mr. Schofield was doing because if they did not like what he was doing, a decision would be to terminate. He said but what they were saying was that they wanted to renegotiate the contract.

Mayor Margolis said that there have been employees in the Village who had contracts that were

evergreened, for example, the previous Village Attorney. Ms. Cohen said that it was the contract with the firm. Mayor Margolis said that it is time to renegotiate a contract with Mr. Schofield, and hopefully it will be a fruitful negotiation that will also give Mr. Schofield the opportunity to advise Council items he might want in his new contract.

Despite Council's comments, Councilwoman Gerwig felt this was a passive/aggressive way to fire the City Manager. She thought he could probably get more money somewhere else and get more offers. She said that talent and ability are rare, and creativity was even rarer. Councilwoman Gerwig thought that when someone feels insecure and there is no stability in your ability to practice, creativity is removed. She said that when they talk down to staff and accuse staff at public meetings, it becomes difficult to find good staff. Councilwoman Gerwig said that they could proceed with this, but she said she would not allow it to be called anything different than the dismantling of something that functions very well.

Mayor Margolis said that Councilwoman Gerwig was entitled to her opinion, but he believed that getting into employee relations would be overstepping her bounds because the Charter states the Council does not get involved in employee relations or personnel decisions. Councilwoman Gerwig said that she was not implying that she was involved in any employee relations. Mayor Margolis said that she was entitled to her opinion, but this is something that Council has to do and it is being made to be something more than it is.

There were no public comments on this item.

Councilman McGovern stated that he personally took offense to have his motives questioned as he made it very clear his intense desire to keep the Village Manager. He thought that it was an absolute desire to renegotiate this contract and keep the Village Manager, if at all possible.

A motion was made by Councilman McGovern, seconded by Vice Mayor Greene, and passed (4-1) with Councilwoman Gerwig dissenting, directing the Village Attorney to draft a letter for the Mayor's signature notifying the Village Manager by September 1, 2015 of their desire to renegotiate the terms of his employment agreement dated May 11, 2010.

Council indicated they would discuss who would be negotiating the contract with Mr. Schofield at a later date.

E. 15-139 AUTHORIZATION TO AWARD CONTRACTS FOR ANNUAL ASPHALT MILLING, RESURFACING AND SEALCOATING VILLAGE-WIDE.

Mr. Schofield introduced the agenda item.

Mr. De La Vega explained that the Village's asphalt milling contracts were set to expire on August 28, 2015 with no annual renewal options available. He further explained that they released a unit price bid which included an estimated usage for the entire term of the contract which is three years with two annual renewal options for a total of five years. Mr. De La Vega said that the estimated usages that were used were for a total of five years which was information received from the Public Works Department. He said that each line item with the corresponding estimated usage per section was listed on pages 158 and 159 of the Agenda package. He explained that they multiply the estimated uses by the unit price provided by each proposer and arrive at grand totals for each proposer which is used as a basis for the contract award. Mr. De La Vega said that they were divided into three sections: Section A: Asphalt

Milling and Resurfacing: the low bidder was Ranger Construction estimated at \$6.996 million; Section B: Pathway Resurfacing: the low bidder was M&M Asphalt Maintenance Inc. at \$299,600.; and Section C: Sealcoating: M&M Asphalt Maintenance Inc. at \$10,050.00. Mr. De La Vega said that staff was seeking authorization to award the new contracts to the lowest bidders per section as listed on page 82 of the Agenda Packet. For Section A, there is a primary, second and tertiary award and for Sections B and C, there is a primary and secondary. He indicated that the Village would utilize the services of the primary first, and in the event the primary was not available, they would go to the secondary and so forth.

Councilman Willhite asked Mr. De La Vega to explain if M&M was the sealing company. In response, Mr. De La Vega stated that M&M actually proposed on all three sections. Councilman Willhite then asked if they were a local company. Mr. De La Vega said that their d/b/a is All County Paving.

Councilman Willhite referred to page 83 and the possible projects which were not specifically in the contract to be done, but are potential projects. He asked if these projects were in the Village's Capital Improvement Plan budget to be done. Mr. Barnes explained that Mr. Fleury reviewed the capital projects and these were projects that were proposed in the 2016 capital budget. He said that they included those items here that they knew of. In the event, some of the budgets may change as they are presented for purchase orders or approvals to Council. He reiterated that this was what was proposed in next year's budget for 2016 which is not approved until Council approves the budget for that year. He said that what they have done with the asphalt contract in the past was to include projects they know about when bringing the contract forward and then execute those purchase orders subsequent to that. In the event a new project comes up that was not listed and exceeds the \$25,000 threshold, it will be brought back to Council.

Councilman Willhite noted that the summary stated that the funds for these projects are available in the pedestrian pathway and roadway overlay capital project. Mr. Barnes pointed out that would be subject to funding. He said that line item would be the same line item from year to year as far as the actual budget number, but it is subject to funding approval by Council. He said that those projects listed were projects proposed for FY16 which were not yet approved.

Councilman Willhite asked if the asphalt resurfacing included crack sealing. Mr. Barnes said it was not, explaining that it involved mill and overlay, putting asphalt over existing asphalt but no milling of old asphalt and then sealcoating over existing pavement and it is not cracked sealing that was done on certain roads.

Vice Mayor Greene said he had asked that this be moved from the Consent Agenda because of the high cost. Regarding the items on page 83, he asked if pathways and overlay were specifically included. Mr. Barnes explained that they were included in the extent that Mr. Fleury and Mr. De La Vega projected when they prepared the actual bid. He said that they looked at not only the coming fiscal year, but the next five years. He said that it doesn't bind the Village to that term because it is subject to both the Village and vendor wanting to renew for the future renewal items. He said that an estimate needed to be given so that the vendors could have something to base their price on. Vice Mayor Greene questioned whether companies wanted to respond to an RFP if these are wish list items. Mr. Barnes pointed out that this type of contract is fairly standard in maintenance contracts. Projects that are individually bid out traditionally are larger, stand-alone projects that are not just mill and overlay. He did not believe they were losing bidders as a result of that, but in some cases they actually prefer that the Village has gone out for its own bid.

Vice Mayor Greene asked if everything over \$25,000 came back to Council or would it just be the items on the back that would come back to Council for consideration. Mr. Barnes said that when it is constructed these items that are listed specifically would not come back because they are listed; however, if they were not listed, they would bring back each project or groups where they have real quotes that exceed \$25,000. Vice Mayor Greene said that he was not necessarily approving these projects because some were not fully vetted to the Council on the next fiscal budget. Mr. Barnes said that the entire list is what is proposed for FY16 so it would be vetted through the Capital budgeting process. He said that there were several different ways they could do this noting that over the past two to three years, when they have a good estimate or projected estimate of cost they are included to get Council approval. If they don't know them, then staff will come back with individual or two or three projects. He said the project may already be approved, but if several projects exceed the value they come back independent of a contract coming back. Vice Mayor Greene said that he was not trying to inject himself in what Mr. Fleury knows needs to be done from a utility standpoint or road work, but he always wanted to be mindful that they know where it is going and it is money well spent. Vice Mayor Greene wanted to ensure that they were prioritizing things and it was not being done politically.

Mr. Schofield asked Mr. Barnes to explain the road rating system. Mr. Barnes explained that the road rating system is something that is done regularly on an annual basis and then in between those years by the Public Works Director, the Infrastructure Manager and the Roadway Supervisor. He said that they grade the roads which is a standard paving condition assessment rating system. Mr. Barnes noted that the Village wants to have 80% of the roads in good or better condition as far as an assessment throughout the Village. Over the course of a multi-year timeframe, they hit all of the roads in the Village including neighborhood roads. He said that is the basis that is used to prioritize the roads. He noted that they have to pave within the budget figure that they can live within and justify which this reflects. Mr. Barnes said that going back to the cost and what was being presented, the Council will see the products several different ways: projected in FY2016 as part of this and as part of the Capital Budget review process. In the event there is a project that comes up in the course of a year because of some issue that comes up or was not foreseen, since the Council would not have seen it in the capital budgeting process, it would be brought back as a stand-alone project so that Council has the ability to see it.

A motion was made by Vice Mayor Greene, seconded by Councilman McGovern, and unanimously passed (5-0) authorizing the award of contracts for annual asphalt milling, resurfacing and sealcoating to multiple vendors.

G. RESOLUTION NO.L R2015-66 (GRAND PRIX VILLAGE PLAT FOR LOTS 15, 16 AND 17):
A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE PLAT FOR GRAND PRIX VILLAGE SOUTH LOTS 15, 16 & 17 SECTION 20, TOWNSHIP 44 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING LOTS 15 AND 17 OF GRAND PRIX VILLAGE SOUTH, AS RECORDED IN PLAT BOOK 115, PAGES 196 AND 197, TOGETHER WITH A PORTION OF THAT ABANDONED PART OF LAKE WORTH ROAD DESCRIBED IN OFFICIAL RECORDS BOOK 27401, PAGE 658 AND OFFICIAL RECORDS BOOK 27401, PAGE 629 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNMITY, FLORIDA.

Mr. Schofield introduced the Agenda item. Ms. Rodriguez read the resolution by title.

Mr. Schofield asked Mr. Riebe whether this application was complete in all respects. Mr. Riebe responded affirmatively. Mr. Schofield then asked Mr. Riebe if the application met the Village's Code requirements. Mr. Riebe responded affirmatively.

Councilman Willhite asked if the approval of the plat cleaned up the sale and illegal subdivision of the lots that were being discussed. Mr. Riebe explained that the Village's Code requires that a plat goes through a prescribed process in order to subdivide land anywhere in the Village. He said that the plat will remedy any inconsistencies with the Code.

Vice Mayor Greene said that he had no problem with the plat. He also said that he did not have a problem when applicants come in and follow all of the Village's requirements. He said that the Village's staff does their best to treat everyone with a level of respect and cooperation. He said that they repeatedly find that staff has to put things at the bottom of the stack because there are applicants who don't follow through with what they say they are going to do. Vice Mayor Greene said that he was trying to understand how an illegal subdivision occurs and what impact it has under Florida Law and the Village's requirements. He asked if the plat is approved, if it has an impact on a previous development order or was a new development order required. Mr. Riebe explained that at this point in time, the applicant has fulfilled all of the obligations required by Wellington's Code. He said that included that the master plan has been amended, the subdivision plans have been amended, the plat has been submitted, construction plans have been submitted and approved, and they are technically compliant with the Village's Code. Mr. Riebe added that the applicant has also fully funded 40th Street and provided the surety for all of the required improvements inside Grand Prix Village South for the additional lot being created as well as the lot being expanded.

At this point, Vice Mayor Greene called upon Michael Sexton to answer a few questions.

Mr. Michael Sexton, 16000 Meadow Wood Drive, Wellington approached the Council.

Vice Mayor Greene referred to a document he had received that night that had the surveyor's certification signed by Mr. Sexton on August 4th stating that lots 15, 16 and 17 had been set in accordance with the plat and development regulations of the Village of Wellington. He noted that Mr. Sexton had signed and dated it when it was not in compliance with the Village's Land Development Regulations.

Mr. Dan Rosenbaum, Counsel for the Applicant, 250 South Australian Avenue, West Palm Beach, responded to Vice Mayor Greene's question. Mr. Rosenbaum said that this was not an illegal subdivision citing case laws that a municipality can withhold a building permit where a property is divided by metes and bounds description because it is not platted. He said that because the deed in this case from April was in metes and bounds description, it would be an unreasonable restraint and alienation under Florida and Federal law to deprive the owner of the conveyance. Mr. Rosenbaum said while it is loosely described as an illegal subdivision what actually happens is that when the property is platted, it then gets a lot number, but you can never stop an owner from conveying the property simply because it does not have a recorded and approved plat. He reiterated that what they have been saying is an illegal subdivision is not illegal at all, but until the plat is approved and recorded, it does not actually have an official lot number. Mr. Rosenbaum said that if there was a conveyance hereafter, it would have a lot number.

Vice Mayor Greene pointed out that the property had been given a lot number before the plat was approved. From a legal perspective, Mr. Rosenbaum said that for the plat it has to depict where that lot will be in order to be certified.

Councilman Willhite then questioned how the Palm Beach County Tax Collector has it listed as a specific lot if it had not been platted. Mr. Rosenbaum said that he did not know and they would have to ask the Tax Collector.

Councilwoman Gerwig asked if this was a replat. Mr. Rosenbaum said that it is a replat noting that the property is platted. He explained that all that occurred here was that the Lake Worth right-of-way that was abandoned had been brought in and this was a replat. He stated that lot 17 existed; lot 16 is part of the replat to create an entrance to 40th Street and to bring in the property they had brought before Council several months ago. Mr. Rosenbaum said that they had done the documentation with the Village Attorney, they changed the recorded restrictions and covenants to bring in that property, and this was a very straight forward process.

Vice Mayor Greene reiterated that he did not have a problem with the plat and what was submitted. He said that Mr. Rosenbaum was aware of the pressure that has gone on with staff which he said had to stop. He thought that the only person at fault was the applicant yet they continue to have to go through extreme measures to correct things that are not the Village's fault.

Mr. Rosenbaum agreed that there are some disagreements at times on the engineering pieces. Vice Mayor Greene asked Mr. Rosenbaum to tell him who on staff he felt was responsible for the process they had to go through. Mr. Rosenbaum said that they were not there to cast dispersions or blame staff because he thought they did a good job. He thought there were things they could have done on their end to help move the process along as well as some misunderstandings. He said that his applicant tried to bring things into compliance both with respect to 40th Street. Mr. Rosenbaum said that they have been working diligently on this, but sometimes it takes a little longer to get it together. He said that as Mr. Riebe pointed out he had certain requirements of the applicant and they tried to fill the requirements which sometimes change or sometimes they disagree with things and work on negotiating them. He said that he appreciated the efforts of Council and everyone for allowing this to be placed on the agenda.

Vice Mayor Greene asked what the sense of urgency was to put this item on the agenda. Mr. Rosenbaum said that some of it had to do with turnover of the community noting that they sent out letters and had to annex the property into the community. He said there were certain people in the community among other issues that didn't want the property turned over. While it was one of the things that were time sensitive, they had a bit of a lag time and could have done things quicker and better on their part. Mr. Rosenbaum said that they will try to work on doing things in a more amenable and thoughtful process with staff as they go forward.

Vice Mayor Greene said that Mr. Rosenbaum has been around and understands the political climate that they have been under. He said that if they look at the history of the Council, they will see what they have done in an attempt to extend the olive branch because they recognized that there are things that they have to do in order to move forward. Vice Mayor Greene said that it is not his job to get involved with real estate transactions, but his job is to defend his staff when they are being bullied and the workflow and other resident projects are being put to the side because the Village has to work to accommodate someone who doesn't follow the rules, Vice Mayor Greene said that he will not support getting items walked on to an agenda when there is

no one at fault except those on the applicant's side. He said that they will have 100 percent of his support if they want to do things by the rules. Vice Mayor Greene hoped that they can rely on Mr. Rosenbaum's support to do things the right way. Mr. Rosenbaum said that he can rely on him, and pointed out that these were very difficult circumstances in order to make sure that everything came together. He reiterated his appreciation that Council heard this item as well as staff's efforts to get this done.

Councilwoman Gerwig asked if it was illegal to sell property that is undevelopable. Ms. Cohen thought that it was not illegal to sell it although she had not read the case law that Mr. Rosenbaum had referred to. She said that it happens all the time where property is conveyed; however, the Village's Code does require it to be platted. Mr. Riebe added that the Village's Code is very specific. He said that a subdivision is taking a piece of property and splitting it into two or more pieces of land in the Village's Land Development Regulations. He said that it also said that in order to subdivide land, there is a process that has to be followed that includes a subdivision plan that has to be approved by staff and Council. In addition, there is a platting process that creates a legal lot where that has entitlements. Mr. Riebe said that there also is a requirement that the applicant will provide the required improvement, i.e., water and sewer, etc. Mr. Riebe said that what the applicant did was to take an existing platted lot and made it half of a lot. He said according to the Village's definition it is an illegal subdivision in the Village of Wellington.

Ms. Cohen said that she agreed with Mr. Riebe that you can't take what was one lot and split it in half and convey that because it would create an illegal subdivision. She said they believe it was illegal if there was existing property that was conveyed. She reiterated that to take an existing lot and cut it in half would be a violation of the Village's Code.

Councilwoman Gerwig asked how the lot would be cut in half. Ms. Cohen said that they took lot 17, cut it in half, sold the half, and recorded the deed which was done prior to platting. Councilwoman Gerwig asked if they violated the Village's Code when they recorded the deed. Ms. Cohen explained that it was a violation of the Village's Code when they took one lot and conveyed half of it which then created an illegal subdivision.

Councilwoman Gerwig asked what the Village does in that situation. Mr. Riebe said that the remedy is to plat. He said that it is improper for an applicant to do this before going through the process. He said by doing this, it forces Council to make a predetermined decision. He said that they agree as a community that the Village's Code has to be followed, and the issue is simply about following the Code that was adopted.

Mr. Schofield explained that the Village's Code is very specific as it says that a plat is required in order to subdivide or combine lots that are smaller than 40 acres. He said that does not mean that someone can't convey it and have the deed recorded at the Property Appraiser's Office because they follow the State Law. He said that this does not happen often, but it happens often enough in Wellington so that they have been through this process before. Mr. Schofield said that they went to the Florida Real Estate Commission in the 2004/2005 timeframe because of lots that had been conveyed by metes and bounds as opposed to plats that should have been recorded under the Village's Codes and Ordinances. Mr. Schofield explained that the Village does not view those lots as legal lots when they are conveyed by metes and bounds, and the Village will withhold building permits on them. He said that when they did approvals on the Equestrian Village that property had been conveyed by metes and bounds and it wasn't done by plat. He said that they required the applicant to get the signature from every single property owner each time a permit was issued, and would not do it without the permission of every

property owner. Mr. Schofield said that the Village's recourse is to withhold building permits. He said that from the Village's perspective it is a single lot. Mr. Schofield said that the applicant would not have been issued building permits if they had come in for them once they subdivided the lot. He said that their remedy is to file the plat. Mr. Schofield said that one of the requirements the Village had in order for the applicant to file the plat was for them to amend the master plan, amend the subdivision plan, and change the construction plan. He noted that they have posted additional security for the work within Grand Prix Village South plus they posted additional security for the construction of 40th Street. He said that he could not say why anyone would choose to record a metes and bounds deed knowing that the Village would not issue a building permit. Mr. Schofield said that if the Village had learned of it earlier, they would have issued a Notice of Violation which would have said to amend the master plan, amend development plan and amend the plat. He said that failing that, they would have gone through the Code Enforcement process and established fines.

Councilwoman Gerwig asked if other property owners had illegal subdivisions. Ms. Cohen noted that Big Blue was coming before Code as it was an illegal subdivision for the Dog Park.

Councilwoman Gerwig said that since this meets the Village's criteria, Mr. Riebe has signed off on it, it is not within the Council's purview to say it is an illegal subdivision, so they will not sign the plat. Mr. Riebe said that they have completely complied with the Villages regulations. He said that the Villages goes through the due diligence process so that they don't have to keep bringing things that have to be redone back to Council. He said that this has been a process; however, he recommended that Council approve the plat.

Councilwoman Gerwig asked if this should say it is a replat. Mr. Sexton explained that State Law has moved away from the replat wording. He said that they worked with the surveyor to ensure the name met the State Statute.

Mr. Schofield stated that he felt it was important to have this discussion. He said there is a process that takes time, usually between 45-60 days to process a plat. He said that they were working on this as late as that afternoon to get it done.

Councilman McGovern said Mr. Schofield said this process normally takes between 45 and 60 days, and asked when this application was submitted. Mr. Schofield said that the original application came in the March/April timeframe; however, it sat dormant until July 21st. Councilman McGovern said that they were asked to do what would normally take within 45 to 60 days in 20 days. Mr. Schofield responded affirmatively.

Mayor Margolis said that it may have taken three and half years to get to this point, but he was hearing a consensus to work together. He thanked the applicant's representatives for that noting that Council will always error on the side of staff. He said that it was a difficult decision to put this on the agenda and to certainly discuss this. Mayor Margolis said that they now have the equestrian season approaching, and he urged them not to put this Council through this again although he knew it was not intentional.

Councilman Willhite compared this to the at-risk permits noting that this is at-risk platting. He said that they don't want to be at this point, and wanted them to try and work towards doing things right. He said that at the end of the day, if the Code is correct, then all applicants need to follow it. He asked if applicants have difficulty and questioned if it was due to problems with the Village's Code, and if so, how do they remedy that situation. Mr. Basehart said that the Village's Code was very similar to almost every subdivision Code that he has ever worked with or read.

He did not believe the Code is the problem, but rather that people sometimes get involved in things that cause them to skip steps which cause more money, time and effort than if it is done as it was supposed to be done up front.

Councilman Willhite said what was there to question about the Village's Code if Mr. Basehart with all of his years of experience was saying it is reasonable. He said that walking things on the agenda is not a big issue if it is a life, safety issue, but he thought this would have gone smoother if they had waited for the next agenda. He hoped their discussion would make things better in the future.

A motion was made by Vice Mayor Greene, seconded by Councilman McGovern, and unanimously passed (5-0) to approve Resolution No. R2015-66 as presented.

9. PUBLIC FORUM - There were no members of the public who indicated they wished to speak during the Public Forum.

10. ATTORNEY'S REPORT

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

- A tentative workshop was scheduled for the Charter Review for September 1st.

11. MANAGER'S REPORTS

MR. SCHOFIELD: Mr. Schofield presented the following report:

- The next Regular Council Meeting will be held on Tuesday, August 25, 2015 in the Council Chambers at 7:00 p.m.
- He announced the meetings and workshops for August and September:
 - Monday, August 24: CIP Workshop followed by the Agenda Review
 - Monday, August 24: Wellington Community Foundation following the Agenda Review
 - Tuesday, September 1st: Charter Review Workshop
 - Tuesday, September 8th: K-Park Town Hall Meeting at 7:00 p.m.
- He also advised Council that the September Council meetings had been changed to Thursday, September 10th and Thursday, September 24th due to conflicts with the County and the School District budget hearings. The Monday prior to the September 10th meeting is Labor Day, so Council needed to decide if they wanted to reschedule the Agenda Review or forego it.

Councilman McGovern suggested holding the Agenda Review meetings on Wednesday.

Since Council has a meeting on September 10th, Councilwoman Gerwig asked if the Village could do some type of 9/11 recognition on that date or was anything planned for September 11th. In response, Mr. Schofield stated that the Village does a 9/11 Remembrance ceremony that is done about the same time the planes hit the World Trade Center. He indicated he would find out the details.

With regard to the September 24th meeting, Ms. Cohen asked Mayor Margolis if he had a Pension Trust meeting on that date. Mayor Margolis said that he had to check on that.

Vice Mayor Greene announced that he would be out of town on September 10th.

Mr. Schofield advised Council that the meetings could be rescheduled, and he would have staff try to coordinate their schedules.

- Wellington has released a new Smartphone app for "Access Wellington" which is a free application that allows residents to report issues and submit requests for services from their mobile devices. The app is available in the Iphone app store and the Google place store.

Vice Mayor Greene stated that he could not find the app. Mr. Schofield said that they would assist him in finding it.

- Mr. Schofield said that he would be attending the League of Cities meeting on Thursday to discuss an insurance issue. Since Mr. Barnes will be attending the meeting with him, Ms. Quickel will be acting in his stead.

12. COUNCIL REPORTS

COUNCILWOMAN GERWIG: Councilwoman Gerwig presented the following report:

- Councilwoman Gerwig said her intention was not to personally offend Council with the comments she made during the Manager's contract, but did not offer an apology for them because her job was to serve the residents.
- She stated that she was happy for the Little League team on their win, and asked if a date for a celebration had been set.

Mr. Schofield said that he would get that information from Mr. DeLaney. Councilman McGovern thought the date was set for August 29th. Mr. Schofield said that he would provide that information to Council.

- Councilwoman Gerwig noted that there would be parade and celebration for both the Little League All Stars and the Wellington Wild Girls softball team who also won their championship.

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

- He announced he will be attending the Florida League of Cities Annual Conference in Orlando.
- Vice Mayor Greene hoped the message received by Wellington residents and anyone doing business was how cooperative the Village is. He said that his job is to only ensure that everyone is held to the same standard. He wanted to ensure that the people who work and live in the Village are treated fairly, with dignity and respect and understand the rules. Vice Mayor Greene said that the Village has gone above and beyond to do things for people who try to do things that are important to the community, and indicated he would continue to do that.

COUNCILMAN WILLHITE: Councilman Willhite presented the following report;

- Councilman Willhite said that it has become common practice to cast dispersion on others without recognizing that they are at fault as well. He said that people need to look at themselves before pointing out how and what others are doing with regard to staff referring to staff members leaving the Village. He said he has spoken to many of those employees, and they moved on for personal reasons or for better positions.
- He asked when it was anticipated that the street name would be changed to Ken Adams Way.

Mr. Schofield said that he issued that instruction, and he would get with the engineer. He said that the biggest issue was changing the business addresses which is being worked on. He said he would advise Council shortly if there was a reason why they could not physically have that done before Thanksgiving.

- Councilman Willhite pointed out that there is a lot of growth in the canals.
- He asked Mr. Schofield if he had in fact resolved all of the issues at the Tennis Center.

Mr. Schofield said that some of the issues were easily resolvable, and they have been taken care of. He noted that additional chairs and tables have been ordered some of which are specialty items.

- Councilman Willhite asked why the digital signs were no longer in front of Village Park.

Mr. Schofield said that they had received numerous complaints about the signs, they were not working and they were not able to get parts. He said that they would be replacing them with standard changeable copy signs noting that they have not found an outdoor sign that would work.

- Councilman Willhite stated that he had not received an On-Call Weekend Schedule from Mr. Schofield for the past weekend.

Mr. Schofield explained that he was on on-call the past weekend, and that Council will only receive a schedule when anyone else but him is on-call.

COUNCILMAN MCGOVERN: Councilman McGovern presented the following report:

- He announced that he had appointed Deidre Newton to serve on the Architectural Review Board.
- At the Education Committee's last meeting, all of the principals of Wellington's schools made presentations relative to the Keely Spinelli Grant Program. He encouraged the residents to look at that as it is an important program and a good thing the Village does in trying to improve and assist the math and reading scores for students who fall in the bottom 25 percentile. He commended the principals for their work in using that money as well as the Council for allocating the funds.
- He wished students good luck as school starts on Monday as well as a successful academic year. He asked everyone to be careful as children are going to school because there will be more people walking and cars on the roadways.

MAYOR MARGOLIS: Mayor Margolis presented the following report:

- He reported that he attended the Dog Wash on Sunday at the Dog Park. He said a suggestion was made to him that the Village holds a big event at the Dog Park to celebrate dogs. He thought it was a good idea since there has never been such a celebration during the 10 or so years that the Dog Park has been in existence. With Council consensus, he said he wanted to have the Village Manager work with Mr. DeLaney on organizing such an event.

Council supported having such an event. Mr. Schofield said that he would work on coordinating that event.

13. ADJOURNMENT

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

Approved:

Bob Margolis, Mayor

Awilda Rodriguez, Clerk