

## **MINUTES**

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

**Tuesday, July 8, 2014  
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, July 8, 2014 commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

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

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

1. **CALL TO ORDER** – Mayor Margolis called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** – Council led the Pledge of Allegiance.
3. **INVOCATION** – Stanley Gordon, Ward Executive Secretary, The Church of Jesus Christ of Latter-Day Saints, Wellington Ward, delivered the Invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield presented the agenda recommending approval noting the following change(s): 1) move Consent item 6D – Authorization to Award a Task Order to Arcadis/RMA for Engineering Design Services for the Water Treatment Plant Renewal and Replacement Project to the Regular Agenda as item 8E; and 2) add K-Park discussion to Manager's Comments.

Vice Mayor Greene asked Council if they could move Mr. Basehart's update on K-Park to Presentations. Council agreed to Vice Mayor Greene's request.

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

#### **5. PRESENTATIONS AND PROCLAMATIONS**

##### **A. 14-523 PRESENTATION OF AMERICAN HEART ASSOCIATION FIT-FRIENDLY AWARD**

Mr. Schofield introduced the item.

Jennifer Moore with the American Heart Association presented the Fit-Friendly Award to the Village of Wellington's Employee Wellness Committee. She announced they were receiving their first American Heart Association Gold Recognition along with the Community Innovation Award for focusing on employee wellness. She said the Village was one of only thirty-eight work places with this recognition. Council congratulated the Wellness Committee on their achievements.

**B. 14-520 PRESENTATION AND UPDATE ON THE COMMUNITY CENTER AND TENNIS FACILITY PROJECT**

Mr. Schofield introduced the item.

Mr. Barnes indicated he would make a brief presentation on the community center and tennis facility project. He said he had the latest exhibits on the project and the design-build team was there to clarify or answer any questions.

Mr. Barnes showed Council the site plan that was consistent with the original site plan as proposed by the design-build team. He stated the building was currently in the design process and they did not envision any changes to the footprint of the building. He said they were refining the actual internal layout and distribution of program space in the facility. He noted the area to the front of the building was basically open/green space that could be programmed or just left as green space for informal gathering and additional parking was tied into the drop-off area. He explained the main difference between this plan and the current configuration of the facility is the grade change that will be implemented with the new facility, so the parking lot and building entry will be at the same grade.

Councilman Willhite mentioned in his discussions with the design team they looked at the roadway entrance to the community center. He said the pictures of the roundabout at the proposed site in front of the community center show the roadway going south and east away from the community center. He asked the design team to determine the feasibility of continuing the road straight out to Adams Drive and closing off the other parking driveway, and then shifting the parking from its current location to the current entrance location. His thought it would make for a safer and more direct route for any visitors entering the community center. He said if they were going to do some construction or reconfiguration in the area, this would be the best time to address any concerns. He stated the team was looking at the feasibility, but they did not feel there would be any loss in parking. Councilwoman Gerwig thought moving the entrance closer to Forest Hill Blvd would pose a problem because they would be pulling straight out to where Adams Drive meets Forest Hill Blvd. She believed they needed some stacking.

Councilman Willhite stated stacking was already provided for in the parking lot all the way up to the community center. He said they would still be able to go to the right at Forest Hill in front of City Hall and make a left turn. He thought aesthetically and safety wise, it was better to get people from the main roads in and out of the community center without driving throughout the parking lot.

Mr. Barnes stated they will continue looking at that with the team during the upcoming CIP discussion. Specifically, they would be looking at alternate improvements to the Adams Drive and Forest Hill Boulevard intersection. He said the engineers on the team would ensure any modifications to the current access would have the appropriate separation and storage requirements from the Forest Hill intersection.

Councilman Coates asked how much parking was expected to increase. Mr. Barnes stated there was a net increase of approximately eighty (80) parking spaces. He said the quick conceptual showed basically a trade off in parking spaces by relocating the access.

Councilman Coates indicated one of the main reasons they started down this path many years ago was because of the perceived need for additional parking. Mr. Barnes stated additional parking was a requirement of the design criteria package and the team was consistent with that in their current design.

Councilwoman Gerwig mentioned it was not her desire to realign the access road that close to Forest Hill as she thought it would be a problem from a design perspective. Mr. Barnes stated they would look at that not only from an engineering or design perspective, but also how it would play into the current programming of the site.

Mr. Barnes explained the first floor of the community center was proposed with different program spaces. He stated, with the exception of the wet arts and crafts room, all spaces were designed to be multipurpose. He said the largest space, the event hall and multipurpose space on the left side of the floor plan, was two separate spaces with a partition that could be opened to a larger event hall to accommodate banquets and the like. He noted they had not finalized their discussions and the plans had not been reviewed by the appropriate code officials to finalize capacity, but he believed it could accommodate upwards of 220 in seating capacity. He stated the first floor also had a catering kitchen, storage and three elevators. He said two elevators were located adjacent to the entry/lobby area and the third was adjacent to the multipurpose room and building storage area. He indicated the third elevator was for vertical access to the banquet space on the second floor as well as for freight or kitchen type access.

Mayor Margolis asked how many people could be transferred per minute. Mr. Jeff Miles said they did an analysis with the elevator company they planned to utilize for the three elevators. He indicated there were some variables with regards to how many people squeezed into the elevator versus the actual capacity and how fast they entered and exited the elevator. However, in giving some reasonable time periods for those durations, 300 people could be moved in just under eleven minutes using all three elevators. Mr. Barnes mentioned Mr. Miles was with Pirtle Construction and the project manager for this project.

Mayor Margolis asked Mr. Barnes about the City Hall in West Palm Beach. Mr. Barnes stated in talking with the design team of the facility, they compared it with the City Hall in West Palm. He believed they had 400 employees plus visitors, guests and the public using the building, which is at least four stories and 200,000+ square feet, and it functions with two elevators.

Mr. Barnes indicated the first floor also had additional support space and restroom facilities to serve the uses on the first floor. He stated they had two sides to the building, but upon entering the building there was view of the water at the rear of the facility.

He stated the large 4,500 square foot event hall was located on the second floor. He explained the event hall actually cantilevered out over the first floor as one continuous balcony with two types of spaces. He stated one was an enclosed conditioned space with glass for the views and the other was an open air space. He noted, based on that configuration, they could hold over a 300 person capacity. However, their initial calculations had them at 318 occupants with tables and chairs. He said fire code capacity wise it would be far greater than that because they assume less square footage per person as not everyone would be using a seated table environment. He believed they would have more auditorium style standing and seating, so staff would have to plan for a lot more.

Mayor Margolis thought that was about equal to the senior lunches. Mr. Barnes stated it was less than they could accommodate at the community center right now, but beneficially it was one space as

their current capacity has them utilizing other rooms off to the side. He said another benefit is some of the space currently utilized in the existing community center for food distribution, etc., could be accommodated in the lobby pre-function space, so they would have more room for tables, chairs and the temporary stage.

Councilman Willhite asked if they would be able to accommodate more than 318 people if they were not at five or six foot round tables. Mr. Barnes thought they could certainly get more with five foot tables. He said for some events at the existing center they seat ten people per table. He stated they looked at eight seats per table, so there is the ability to house more if need be. He explained they would be designing for the greater capacity, which is the seated auditorium or standing room capacity for the fire code, so seating capacity would not be problem if they go a bit beyond their conceptual design of three hundred plus. He noted their design criteria package contained a direction that seated capacity be between 300 and 350.

Mr. Barnes stated the second floor had storage space and a larger catering kitchen with the ability to expand in the future should their program needs change. He said they would have to go through the required permitting and additional retrofitting, but some of the planned mechanical and electrical infrastructure would be in place to support an expanded kitchen. He said on the other side of the building there would be office space for the current community center staff and restrooms to support the facility. He indicated there were two regular restrooms and a single family restroom as well as a conference room that doubles as program space during the day or a prep room for a bride or the like at a banquet, party or reception.

He noted, based on research done by the staff and the design team, they were not recommending or proposing a permanent stage in their current design. He stated they checked with other municipalities with similar or larger facilities who said unless a full stage is designed with rigging, lighting, etc., they would not benefit from a real stage. Therefore, they were recommending a temporary stage.

Mr. Barnes showed Council some conceptual interior views, with maximized views of the water, through the efforts of the design team. He said, in looking at the south elevation in the front of the building and the one adjacent to the Lake Wellington Professional Center, the architectural language and pattern would be very similar to the existing Village Hall, Scott's Place and the Amphitheater.

Mr. Barnes stated the tennis facility would be located at the Village Walk civic site. He said they stayed consistent with the original plan proposed with a couple of exceptions. He indicated they elected to stay with the program of 21 Har-Tru surface courts with the underground HydroCourt irrigation system. He mentioned they still had the ability, based on the site size and site plan, to accommodate future expansion of six additional regular courts and two courts could be used as a center court type environment with additional bleachers, etc. He stated the entire access driveway and 83 of the 144 parking spaces would be paved and the other spaces would be in overflow grass parking. He indicated a loading and service area would be adjacent to the maintenance building at the east end of the site. He said the tennis facility was a two story building with 2,700 to 2,800 square feet and 3,700 square feet total. He noted they still needed an elevator to handle the capacity projected for the second story and the two stairwells for egress.

Mr. Barnes explained the first floor of the tennis facility housed the lobby, pro shop, tennis professional and director offices, storage, restrooms, locker rooms, etc. He mentioned they were looking into providing some type of exterior access to the restrooms

Mr. Barnes indicated the second floor had two parts. He stated there was a viewing lounge with enclosed conditioned space, so they could stay in the lounge and view the play on the courts below. He said there was an extended viewing deck with some weather protection, but it was not a climate-controlled environment. He indicated they were still investigating different options to cover the trellised area.

He said the architectural language and actual finishes were very similar and consistent with the adjacent parks, so they blend into the surrounding communities. However, they would recommend a metal roof in lieu of the S-tile type roof structure.

Mr. Barnes stated the early presentations and negotiations made with the company had a more extended drop-off area, but there really is no need for that access. So they will have a covered canopy without an expanded drop-off area given that most activity and access to the facility is via parking or pedestrian walk up.

He showed Council a concept view of how the exterior space and interior viewing area could be situated. He said the glass panels provided a higher level of weather protection and the Sunbrella canvas-type fabric canopies would provide some protection. However, play would not be taking place in totally inclement weather. He stated the Sunbrella fabrics would not be 100% weatherproof but would protect viewers from the heat, the sun and a light drizzle.

Councilwoman Gerwig questioned the grade change at the pool. She wondered how they were going to compensate for that transition in the design, because the deck was raised to make the pool deeper. Mr. Tom Biggs with Mock Roos stated the transitions had not been fine-tuned. He said they had a large parking area and transitional ramps would accommodate the grade changes. He did not envision it to be a significant obstacle.

Councilwoman Gerwig asked if they were going to work it into the design as a feature to make it look like they meant to do it. Mr. Biggs stated their landscape architect on the team was Wayne Villavaso and they would work hand-in-hand. Mr. Biggs said they would pay particular attention to the ADA related issues on the site and aesthetically make it very pleasing as there was a lot of green space incorporated into the plan.

Councilwoman Gerwig said it appeared as though they were tying the plan to their property at the Lake Wellington Professional Center and asked if that was something they were working on. Mr. Barnes indicated they were looking at doing that as the plan did not make it seem like a totally separate property and it would allow them in the future to continue that access as well as utilize the available waterfront.

Mayor Margolis asked Mr. Barnes to review the timeline for both facilities. Mr. Barnes indicated they were looking at a groundbreaking for the tennis facility in the fall season with an opening in April. He explained they looked at the possibility of overlapping construction to see if they had an opportunity to reduce the construction duration, open sooner or realize any savings. However, their current design criteria package and bid documents stipulated community center construction on the current site could not commence demolition or construction until the tennis facility was relocated to the new facility. He stated they evaluated overlapping construction schedules for both projects so they could start one, remain open at the tennis center and keep going with the community center construction. He said the preliminary results indicated the cost associated with maintaining service, electrical, mechanical, irrigation, lighting at the current tennis courts would essentially make any savings experienced a wash, if not cost more, due to the temporary nature of it. He recommended they stay with the original plan of having separate and distinct construction schedules.

Mayor Margolis asked about the dates for the community center. Mr. Barnes stated it would be twelve months after the opening of the tennis facility, as it was essentially a two year project.

Mr. Barnes mentioned they would probably lose the two large oak trees at the community center due to the grade changes and replace them with more landscaping and vegetation. He stated the grade change was one of the prime directives on this project in order to facilitate accurate access to the community center.

### **C. PRESENTATION ON K-PARK**

Mr. Basehart indicated staff was seeking direction on moving forward with the potential purchase or sale of the K-Park property. He said there had been tremendous interest for several years on the part of development groups to purchase the property. He stated the matter was discussed at a Directions Workshop in May when Council directed staff to prepare an RFP for review. Council reviewed the RFP in a June workshop where staff noted their comments and suggestions. Mr. Basehart also met with each of them individually. Staff revised the draft and transmitted it to Council. He indicated staff was hopeful Council was prepared to direct publication of the RFP and move forward with the process, as he thought the latest draft captured much of the unified direction given by Council. Other than adjusting the time schedules, the primary changes were to adjust the rating schedule or factors which have been collapsed to four categories: 1) experience of the proposers; 2) financial record and financial capabilities of the proposers to buy the property and to move forward with the project they proposed; 3) the development program which would include the uses, the preliminary site plan and project aesthetics; and 4) price. He thought the schedule was balanced and flexible for however each Council member ultimately wanted to vote. He noted the RFP proposes that Council be the Selection Committee.

Councilwoman Gerwig stated she does not support the Village selling K-Park or support the RFP, but she wanted to be involved in the process. She thought if they were for open space and preservation, and owned this enormous piece of property, they should retain the open space and recreation space for their future needs.

Vice Mayor Greene indicated the RFP did not mean the result would be the sale of K-Park. He thought the intent and direction Council provided in the visioning sessions was to see if the community or anyone who had an interest in the development of K-Park had any creative ideas that would suite the current or future needs of the Village. He understood if none of the proposals met Council's or the community's expectations, there may not be a sale. He thought it was important for anyone participating in the RFP to understand that approving to post the RFP did not mean Council was prepared to sell the land or develop the site. He noted if no proposals meet the Village's vision he would not want to sell K-Park. Mr. Basehart stated the RFP was very clear on the point that submittal of proposals and review by Council did not guarantee Council would sell the property.

**A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and passed (4-1), with Councilwoman Gerwig dissenting, to release the RFP for the K-Park parcel.**

## **6. CONSENT AGENDA**

- A. 14-63 AUTHORIZATION TO RENEW EXISTING CONTRACTS FOR THE PURCHASE AND DELIVERY OF FERTILIZERS, HERBICIDES, INSECTICIDES, FUNGICIDES AND OTHER SPECIALTY ITEMS TO MULTIPLE VENDORS**

- B. 14-69 AUTHORIZATION TO UTILIZE AN EXISTING ORANGE COUNTY, FLORIDA CONTRACT AS THE BASIS OF PRICING FOR THE SOLE SOURCE PURCHASE, DELIVERY AND SERVICE OF FLYGT PUMPS
- C. 14-485 AUTHORIZATION TO UTILIZE AN EXISTING FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION CONTRACT AS A BASIS FOR PRICING FOR CANAL BANK RIGHT OF WAY RECLAMATION PROJECTS
- D. 14-505 ~~AUTHORIZATION TO AWARD A TASK ORDER TO ARCADIS/RMA FOR ENGINEERING DESIGN SERVICES FOR THE WATER TREATMENT PLANT RENEWAL AND REPLACEMENT PROJECT~~  
(Moved from Consent Agenda to Regular Agenda as item 8E.)

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

Mayor Margolis indicated no public comment cards were received by the public.

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

*At this time, Council recessed for ten minutes.*

## **7. PUBLIC HEARINGS**

- A. 14-502 ACME IMPROVEMENT DISTRICT

**RESOLUTION NO. AC2014-04 (ENGINEER'S REPORT FOR THE PROPOSED FIRST AMENDMENT TO THE 2010 ACME IMPROVEMENT DISTRICT WATER CONTROL PLAN)**

**A RESOLUTION OF BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT APPROVING THE ENGINEER'S REPORT FOR THE PROPOSED FIRST AMENDMENT TO THE 2010 WATER CONTROL PLAN; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Schofield introduced the item.

Mr. Riebe stated Mr. Ken Edwards with Caldwell and Pacetti was there as legal counsel and could answer any questions as he was very familiar with the 298 districts.

Mr. Riebe explained the engineer's report was a requirement of the process to amend the Water Control Plan.. He said the resolution before them tonight only affected residents of Wellington who owned property in the Acme Improvement District, which is bounded by Southern Boulevard on the north, Flying Cow Road on the west, the C-26 canal on the south, and State Road 7 on the east. He stated the resolution approved the engineer's report and the first amendment to the 2010 Water Control Plan. He indicated the guiding practices and laws for this process were in Chapter 298 of the Florida Statutes. He stated they were having the Public Hearing tonight to review, approve and discuss the engineer's report and then a 30-day appeal period follows. They will then administer the assessment levy before designing and constructing the improvements.

Mr. Riebe indicated that the proposed improvements contained in the first amendment to the Water Control Plan were designed to address shortcomings as well as improve overall performance of the stormwater management system during severe and heavy rainfall events. He stated the issues were primarily with conveyance but also with traffic and ingress/egress access. He noted the proposed improvements would also help life safety, equalize floodwater throughout the system and optimize the existing system. He clarified the proposed improvements would not significantly impact flood stages or flood stage durations as identified in the report. He said the only way to really impact duration or stage would be to provide additional system storage or additional discharge capacity into the regional system. He indicated there were 17 proposed improvements with 57 sub elements that were prioritized based upon the benefit to the system as listed in Table 3.3.1. He noted the proposed improvements would be constructed over several years to eliminate the need to borrow money.

Mr. Riebe explained the engineer's report had to use three criteria: 1) identification of all lands to be acquired by purchase or condemnation and used for rights-of-way; 2) determination of amount of benefits and damages if any that accrue to each subdivision of land; the benefit must exceed the cost, excluding interest and inflation; and 3) estimation of cost of construction associated with the proposed amendment and required assessment. All proposed improvements were located within the boundary of the Acme Improvement District and on public lands under control of the Acme Improvement District or the Village of Wellington. No additional lands are required. However, he mentioned there was a question about South Shore Blvd specifically and an additional right-of-way was required there. He stated Acme funds or drainage funds would not be used for the acquisition of the right-of way..

Mr. Riebe stated a comprehensive review was done to determine the benefits and damages, and no damages were identified. He said the benefits could be classified into four general categories: 1) reduced property damage; 2) reduced loss of use, productivity and income; 3) improved safety and access; and 4) improved system performance. He estimated the benefits totaled \$31.9 million. He said this was a conservative estimate that only included benefits resulting from the reduced loss of income as a result of severe rainstorm events and the fact people could not freely go to and from their houses or to work. Another benefit was reduced maintenance costs associated with the inundation of the roadways. He noted the total estimated benefits of the projects exceeded the estimated cost and allowed for the full benefit of the original reclamation plans.

Mr. Riebe indicated they used current unit pricing to calculate the construction cost of these projects. They took recent and current bids of Village projects and developer projects, used FDOT databases, Palm Beach County databases, etc. In 2014 present dollars, the estimated cost is about \$23.3 million, including a 10% contingency and a 15% allowance for engineering, legal and administrative services. He stated the required assessment was equal to the projected cost of \$23.298 million. He felt it was important to provide different financing options to deliver the program. He stated one option was a one-time charge of \$845 in today's dollars, but it was not recommended. He said the pay-as-you-go strategy would have an annual assessment of \$104 per assessment unit over a ten year period. They factored in 3% inflation and figured construction costs would escalate 3% per year based on trends and forecasts. Total revenue generated would be \$27.229 million. If they borrowed money, a ten year bond scenario would be \$116 per assessment unit and \$69.54 over the life of the twenty year bond. The assessment allocation would be equally distributed based upon acreage. He noted there was no change to the current assessment method.

Mr. Riebe showed Council the location of each proposed project on a map. The projects varied from widening canals, placing culverts, upsizing culverts, improving localized drainage along roadways, etc., and were all listed on the location chart corresponding to Table 3.3.1 in the report.



## Public Hearing

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

1. Gil Hallenbeck, 13821 53<sup>rd</sup> Road, S., Wellington. Mr. Hallenbeck was concerned because he had 30 acres in basin B and read the plan would have no effect on the flooding of his property after the Village spends millions of dollars on improvements. He was also concerned about the 50% increase in their taxes in one year.

2. Mike Nelson, 13650 Columbine Avenue, Wellington. Mr. Nelson stated his issue was the quality of the economic information being provided. He believed there was no real need to spend \$23 million, as no one was injured by the hurricanes. He said until they controlled the amount of water leaving Wellington, they would never control the amount of water in Wellington. He urged Council not to pass this resolution until more data was provided to really support what they were trying to do.

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

Referring to the Mock Roos' analysis, Councilwoman Gerwig questioned the flood stage benefits of alternative A and the accuracy of the composite description on the chart. Mr. Riebe explained the analysis took each project and modeled each independently and then collectively. He said it also showed the staged elevation or the flood elevation that existed today with no improvements and then a corresponding elevation if the improvements were made. He stated they could use any alternative, but they wanted to look at the net impact of each one and then look at the overall impact.

Councilwoman Gerwig saw several benefits, particularly in alternative A, where it actually changed the flood stage six inches, which seemed to be the number they were considering a real impact, but it did not happen on every model. She said on a couple of the models, the floodwater actually increased by more than six inches. Mr. Riebe indicated the flood elevation typically increased in the northern part because everything from Basin B was flowing north to where the pump stations are located. He stated alternative A was the expansion or widening of the C-9 canal, which ran between the C-2 and C-7 canal on the east side connecting pump stations 3 and 4.

Councilwoman Gerwig asked if the concept was to constantly pump water and to keep that stage higher. Mr. Riebe stated they were feeding the pump as much as it could take, which is why it was raised to provide more flexibility.

Councilwoman Gerwig asked Mr. Riebe how he determined the loss of work. Mr. Riebe explained he looked at the experience during tropical storm Isaac and the ability of people to access the roadways. He said he also used published data and census data to project the potential loss of income and estimated how many storms might occur within the 50 year lifecycle the proposed improvements would be in place. He indicated he used the Village's sales tax receipts to determine the business income.

Councilwoman Gerwig understood if they did the composite of this design they would shorten their flood stage by six hours and be able to move less than an inch of water, but it was more than the Village was doing now. Mr. Riebe stated that depended if it was a ten year storm, as some areas would receive a benefit of over six inches and others almost a foot. He said a hundred year storm is a different animal because Wellington would be essentially one big retention pond and it would be tenths of a foot in that case.

Councilwoman Gerwig asked if a standard community was designed for a 10 or 25 year storm and if their proposed improvements were for a hundred year storm. Mr. Riebe stated it was typically a ten year, one day event. He said they were providing projects to address shortcomings they observed during severe heavy rainfall events. If they get four inches of rain in 15 minutes, they would have flooded areas but not for long.

Councilwoman Gerwig understood the road improvements and the safety aspect. However, if one lives right where they are raising the road they would have access, otherwise they would still be on a flood stage road. Mr. Riebe stated the improvements would address the major collectors and arterials. He said to improve the drainage within subdivisions would be a tremendous amount of money.

Councilwoman Gerwig had questioned how the proposed improvements would differ for a Wellington resident not in the Acme Improvement District. She thought access to Forest Hill Blvd affected everyone in Wellington and had an issue with putting the entire impact on Acme instead of using the capital improvement dollars.

Vice Mayor Greene asked why they needed to spend \$23 million. He said the two storms never really affected his property or quality of life overall. He had an issue with the proposed tax increase and wondered if \$5 million would alleviate some issues versus planning for a storm that may not come. He said he was willing to accept some inconvenience for a couple of days in lieu of a 50% tax increase or \$23 to \$40 million expenditure. He asked if improvements were made in one or two areas if it would be significant enough to move water out or if they should look at it from a capital improvement standpoint. Mr. Riebe believed all of the projects and components listed would provide a benefit, but it all depended on how much Council wanted to spend. He stated the C-9 and C-2 canal improvements needed to be made as well as the projects that included road access.

Vice Mayor Greene said he was having a hard time supporting this resolution at this point. Mr. Riebe explained the ICPR model update was a computer model looking at a static system. However, he did not want the people to expect they would suddenly have a hundred year rainfall event and not have water on their property.

Vice Mayor Greene understood Mr. Riebe's job was to find the best solution and minimize the potential risk, but they were not eliminating it. He indicated they have had issues with having too much water, but with cooperation from South Florida Water Management District (SFWMD) they were able to increase their discharge. Mr. Riebe stated tropical storm Isaac was a very unique storm, as almost 15 inches of rain was isolated to Wellington and the acreage. He said South Florida Water Management District allowed the Village to turn on every pump going into the C-51 canal, which exceeded their permitted and discharge capacity. He explained they were allowed to do that because the other communities of West Palm Beach and Greenacres were not being impacted and the C-51 could handle the flow. He said they also let the Village turn on pump station #2 and pump into the Everglades, which is unusual.

Councilman Coates asked if the proposed projects would impact the recent changes with the flood maps and the favorable findings in terms of the impact to the people who live in Wellington and what the flood rate would be for insurance. Mr. Riebe stated the improvement projects would not affect the flood insurance rates.

Councilman Coates believed Council Chambers would have been full of people if this hearing was held closer to the event in question. He understood these improvements were not going to lessen the

flood level, which was one problem the community had in accepting this kind of investment. He thought the biggest issue was not having adequate infrastructure in place to protect the citizens and their individual properties. He asked what the cost impact would be to their plan if they raised the elevation on some key arteries. Mr. Riebe stated staff broke down the costs a bit differently. He said the localized drainage improvements without culverts would be about \$7.9 million with the remaining improvements costing approximately \$15.4 million. He indicated some roadway projects would involve replacing the culverts.

Councilman Coates questioned the accuracy of the business impact analysis and wanted a more tangible benefit. Referring to South Shore and Forest Hill, he asked if the improvements would allow for unabated access and provide a benefit the community would readily see. Mr. Riebe stated the projects would provide those improvements.

Councilman Coates said they were limited as to how much could be pumped into the C-51, so moving water around would not help unless something was done to increase discharge capacity. He indicated the other problem was pump #2 to the south when it reached restriction levels and the Village could not pump into the Everglades without South Florida Water Management approval. He stated that waiting 12 to 24 hours for South Florida Water Management to make a decision during a crisis event was unacceptable. He knew there was some discussion of potential water catchment south of Wellington and asked if that would benefit. He thought if the capital improvement dollars were focused on increasing storage capacity, they could have some effect on the flood levels. Mr. Riebe stated the Village would be able to temporarily store three feet of water on the 3,300 acre Strazzulla property to attenuate the flood. He indicated Basin B alone was equivalent to a flood. He said if it was system wide it would be equivalent to six inches, which is significant.

Councilman Coates believed capital improvement dollars would be better spent on increasing the capacity by acquiring additional land to hold water and raising the level of the roads where there are problems. He said if the Village could not get the water to the C-51 or pump it south, the water level would not dropping quick enough for the homeowners to see a benefit. He thought the focus should be on increasing the capacity to the south. He questioned if dealing with SFWMD was a dead issue in terms of having a threshold trigger and opening pump #2 in a crisis.

Mr. Schofield said he called SFWMD during Isaac and told them they were going to leave the pumps in place. He stated they were a bit hesitant but were cooperative once roads started going under water. He stated their ability to pump into the conservation area was more limited by the fact it was now under Federal control and not SFWMD. He said the Village was looking at Strazzulla for that reason and because 1,500 of those approximate 3,000 acres were already in Acme.

Mr. Schofield said the system was designed to deal with a ten year storm back in the 70's. He stated when they could not get down Forest Hill Blvd, the principal arterial in and out of Wellington, it caused problems. He said South Shore was a major problem as well because it was the only paved access in and out of Basin B and it was under 2½ feet of water. Mr. Riebe noted the cost of elevating South Shore in phase 3 was about \$2.4 million.

Councilman Coates thought perhaps in the 70's the architects believed every road under water would be acceptable, but he did not believe that was acceptable to their residents today. Mr. Schofield explained it was a State rule, what they all design to, and it could not change.

Councilman Coates asked Mr. Riebe why it was more appropriate for this to be an Acme assessment versus a capital improvements investment. Mr. Riebe stated it could be funded both ways. He explained with the Acme assessment there was a water control plan with specific projects once the

projects were completed, the assessment would sunset. He said there would be better control as compared to the ad valorem taxes where the rates are raised and typically go on into perpetuity.

Councilman Coates asked if they had to have a water control plan in place for the regular budget or if they could decide on the highest priority projects on an annual basis. He understood once Council approved the Water Control Plan, they were locked in and their hands were tied. Mr. Schofield noted they were locked in unless they amended the plan. Mr. Riebe indicated that every year Council reviews the Capital Improvement Plan and prioritizes the needs of the community.

Councilman Coates felt the money spent to raise Forest Hill benefited all of Wellington. He thought it should be paid for Village wide and not solely limited to the Acme residents.

Councilman Willhite stated they were not receiving phone calls now because people were not dealing with cars being flooded or driving off the roads. He noted when Binks Forest Blvd was completely flooded the residents drove on the sidewalks and golf course, so additional costs were incurred to repair those damages.

Councilman Willhite explained it was hard to go to the Metropolitan Planning Organization (MPO) as a representative of the community and argue for the 441 extension to be an evacuation route if residents could not get out of Wellington due to unpassable roads. He indicated Wellington and the western communities were really supporting this project for commerce and to drive commercial traffic on 441 north of Okeechobee as well as use it as an evacuation route.

Councilman Willhite noted his concern about going Village wide was a double taxation argument could be made by the residents in the Lake Worth Drainage District and Pine Tree. He understood the improvements would benefit everyone, but those residents were already paying for the water control districts operating and mitigating surface water in their neighborhoods.

Councilman Willhite was concerned that Wellington had drastically changed and a system designed in the 70's may not work for them today. He stated they were telling him current culverts needed to be replaced with culverts twice their size on Palm Beach Point Blvd as well as on 120<sup>th</sup> and 50<sup>th</sup> Streets. He asked why they would expend money to increase the size of the culverts if the system worked.

Councilman Willhite understood \$23 million was a big number. However, this Council and Councils before them have decreased Village debt to about \$6 million in a short period of time. He said the increase of \$100 per year could be offset. He stated they could do a twenty year bond for another \$9 million or charge the residents \$34 a year to implement the improvements.

Councilman Willhite asked what the impact would be if they did not make the improvements and were only allowed to discharge water into the C-51 Canal at the allowed discharge rate. Mr. Riebe explained they could not discharge into Basin A at that rate because pump station #8 could not be used to move water from B to A due to localized flooding resulting from that pump station. He stated that is why they need to increase the culvert under Palm Beach Point Blvd and be able to move water to the C-1 canal up to pump station #7 and to pump station #2 in the C-2 canal.

Councilman Willhite stated Basin B was already negatively impacted by not doing some of these improvements, as they could not get the water through Basin A quick enough even though the discharge into C-51 could be at a certain rate. Mr. Riebe indicated they could not get water out of Basin B quick enough but they could make some difference. He said they would have problems if they could not use pump station #8. Mr. Riebe explained depending on the elevation of the water, the pumps that are not big enough or that cannot feed water quick enough could cause cavitation

issues. He stated the planned improvements provided for additional flexibility or redundancy, which would allow the system to operate as designed and modeled for conveyance. He said there are operational issues and the facilities needed to be improved, changed or modified. Councilman Willhite said he looked at this as an overall plan and thought they were looking to bring the Strazzulla property into Wellington. Mr. Riebe indicated a pump station would be required to pump water into Strazzulla at a rate that was significant enough to make a difference. Councilman Willhite thought they needed these improvements to move the water from the bathtub to the Strazzulla property. Mr. Riebe stated it would change the dynamic if they were able to pump south, as pump station #8 would become less important because they could discharge water directly into the other temporary retention area. He said those improvements would become less critical because they could move the big flow during a rainfall event south to attenuate the flood and then after the flood passes the water could trickle through the system, head north and pump into C-51.

Councilman Willhite understood the cost of the improvements was very alarming and concerning, but it gives him comfort to know they can make improvements to ensure their residents and visitors are safe. He stated this was not just for hundred year storms, as a single storm could easily flood the roads for an hour. He said his only concern was the cost was now the problem and mitigation factor. Mr. Riebe said the volume of water going through the culverts and across the roadways was significant during flood events. He indicated the overall cost would be \$12 per month for one assessment unit.

Mayor Margolis questioned the benefit to the Village. He asked if the projects were needed for the life safety of their residents and how they were going to pay for them. He did not want to postpone it until deciding on the Strazzulla property or going through the budget process, because they were looking for an Acme assessment.

Mr. Schofield stated if Strazzulla happened it would be a minimum of two years. He explained they did not have to adopt the water plan tonight, but they have to set a TRIM rate for Acme. He said they would adopt the actual rate in August. Mayor Margolis indicated if they used capital funds or millage rates to pay for these projects it would still be a tax increase for the residents. His concern was that all residents would benefit from some of the improvements. He thought if Council wanted to increase the millage rate to pay for the improvements or increase it every year as the improvements were done, that may be an issue to discuss rather than just approving the Acme improvement cost of \$100 or more per unit of assessment. He said he would be comfortable having a discussion about using capital improvement funds for the projects if they were needed for health safety issues, but he was not feeling the improvements would reduce the risk of potential storm impacts. He said if they pay as they go, critical capital improvement projects could be included in the millage rate. Mr. Schofield stated the projects were prioritized and the funding was put together so they would not have to borrow. He indicated the millage rate to generate the same amount of money the assessment would generate was about .5 mil.

Councilman Willhite asked if .5 would bring the millage to 2.96 from 2.46. Mr. Schofield stated that was correct.

Mayor Margolis asked if .5 mils was for all improvements or the most important projects. He said the improvements were prioritized by project importance and based on \$2.5 million worth of additional income.

Mayor Margolis asked if they have ever used the millage rate to pay for improvements such as this. Mr. Schofield stated it was all budgeted through the capital improvement fund which is sourced by ad valorem taxes. He indicated their proposed budget was just under \$80 million this year of which ad valorem taxes generated about \$14 million. He said Acme generated about \$5 million and with an increase it would go to \$7 million or so. He stated the \$2.5 million for the improvements would come from the ad valorem taxes or an assessment. He said if they put it into the Acme assessment it had to be directly tied to an actual improvement or benefit and when it is done their ability to collect that money would go away without a specific action or other identifiable benefit. He indicated if they include in the millage rate, they were not required to tie it to a specific benefit and it would be easier to leave in place long term. He stated they would have to evaluate both every year. He thought it would be better to amend the capital program and fund it with an ad valorem tax rather than assessing it and amending the water control plan every single year.

Councilwoman Gerwig asked how many Wellington and Pine Tree residents who are not in Acme would be affected by a millage rate increase. She thought the improvements benefiting everyone could be funded by ad valorem taxes. Mr. Schofield indicated east of State Road 7, 15,000 residents out of 60,000 would not be impacted by an Acme assessment. He stated there were 60 plus lots in Pine Tree.

Councilwoman Gerwig believed the culvert projects interior to Acme were a localized benefit, but the roadway projects would benefit everyone. She wondered if there was a way to separate them so the people benefiting are being charged.

Mayor Margolis stated in reference to Olympia said that they could not compare the services provided by Lake Worth with the services provided by Acme as there is a significant difference the level of service. Mr. Schofield stated the Lake Worth Drainage District was about \$44 per unit assessment and Acme's was about \$200. He said Marisol, a gated community in Palm Beach Gardens, has a municipal assessment of 5.9 mils, a maintenance assessment from northern Palm Beach County improvement district of \$313.77 a unit, and a debt service payment of the same district of \$760. He indicated Indian Trail, in the vicinity of Orange and Royal Palm Beach Blvd, is \$497 per unit or per acre or part thereof in the acreage.

Councilman Willhite asked what the difference would be between 2.46 and 2.96 on a resident in the Acme district versus the \$100. Mr. Schofield stated it would disproportionately affect residents of Basin A, because the Acme assessments are applied per unit, per acre or part thereof. He stated a five acre property in Basin B under the current assessment would pay \$1,000 a year and under the increased assessment about \$1,500. He said the assessment per acre at Sugar Pond would go from \$200 per acre to \$300 per acre.

Councilman Willhite asked if the agricultural exemption would be less under the millage rate for the Basin B residents. Mr. Schofield stated, except for the value of the actual residence itself, they would be taxed at agricultural values of about \$15,000 an acre.

Ms. Quickel indicated on a \$300,000 home, a half mil increase would be an additional \$150 per year. Councilman Willhite thought it had more to do with the ad valorem aspect than the Acme assessment for the average resident. Ms. Quickel stated it depended on the value of the home. Councilman Willhite said he was concerned about double taxing the residents of the Lake Worth Drainage District, Pine Tree, Olympia and Village Walk.

Councilwoman Gerwig stated that is why she suggested looking at the community wide projects and the improvements that benefited the people directly in that area. She asked if staff could tell her which projects were community wide and which were isolated to true drainage. Mr. Schofield stated it

would be relatively simple to split out the projects in terms of overall Village impact versus localized impacts. He recommended Council set the TRIM rate and when they come back in August to adopt it, staff will have the projects separated for them. He reminded Council that once they set the TRIM rates, they could go lower but could not go higher. He said the 17 projects were ranked in order of priority and need for improvement. He indicated projects 1 through 8 were in the "have to do" category and project 17 was in the "really nice but not necessary" category. He stated staff would separate the projects, make a recommendation and provide some alternatives as to what improvements could be done out of ad valorem taxes and what could be done out of assessments based on their applicability Village wide. He said Council could then make the final adoption on August 12<sup>th</sup>.

Councilman Willhite stated Mr. Schofield was proposing to show both rates at the highest amount, because they did not know how they were going to fund the improvements at this point. H Mr. Schofield stated that was correct. He said if they plan to finance the projects using the ad valorem, it needed reflect .5 mils.

Mr. Edwards explained the TRIM amounts that are supposed to be reflected under 197.3632 are based on the adoption of this plan and corresponding engineer's report. He said if Council does not adopt the resolution approving these two, they would not be in a position to issue those notices under 197 and they would be prohibited from levying the assessment. Mr. Schofield asked Mr. Edwards if they set the rate tonight based on the adoption of the plan, if they could amend the plan to reduce the scope and set a lower rate on August 12<sup>th</sup>. Mr. Edwards recommended they recess the public hearing and hold it on a different date. He did not know when the TRIM had to be adopted by Acme but believed the time was different for a municipality. Ms. Quickel indicated it had to be done by the end of July.

Councilman Coates asked if they could have a special meeting by end of July to address just this issue, as he did not want the taxpayers to see the highest rates on both accounts. Council and staff discussed when to hold the special meeting. Mayor Margolis asked for Council's consensus on holding a special meeting for this purpose..

Councilwoman Gerwig asked if they had to amend the engineer's report to match the assessment. Mr. Edwards stated if they recess the public hearing, Council would be entitled to change or modify the plan and the report of engineer based on their findings. He said Council could come back, separate the improvements as suggested, make their decision and then change the plan and report.

Mayor Margolis asked for the pleasure of Council. Councilman Coates was in favor of having the special meeting. He thought staff needed to breakdown the benefits on a community basis versus those just for Acme as well as provide more information.

Councilman Willhite asked if the TRIM notices would be postponed to that meeting as well. Mr. Schofield stated Council would not be able to accurately set an ad valorem TRIM rate because they did not know the Acme assessment, so the TRIM notices had to be postponed time certain to that meeting. However, Mr. Schofield suggested Council set the Solid Waste rate.

Councilman Coates made a motion to table this item until a time certain meeting on July 22<sup>nd</sup>. Councilwoman Gerwig seconded the motion.

Councilman Willhite asked if they had to do public comments at the next meeting. Mr. Schofield stated when they recess a hearing they pick up where they left off and anything done up to this point was done.

Councilman Coates questioned if he needed to clarify his motion to recess as opposed to table. Ms. Cohen thought if they were going to continue to a date certain it needed to be postponed to that date certain.

**There being no further public comments, a motion was made by Councilman Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) to recess the hearing on this agenda item, Resolution No. AC2014-04 (Engineer's Report for the Proposed First Amendment to the 2010 Acme Improvement District Water Control Plan) until a date certain of July 22<sup>nd</sup>.**

**B. 14-486 ORDINANCE NO. 2014-23 (ARTICLE 14 CODE ENFORCEMENT)**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 14, ENFORCEMENT PROCEEDINGS AND PENALTIES OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON; ELIMINATING REFERENCES TO THE CODE ENFORCEMENT BOARD, SPECIAL MASTER AND TO THE PLANNING, ZONING AND BUILDING DEPARTMENT; ADDING REFERENCES TO SPECIAL MAGISTRATE AND PLANNING AND DEVELOPMENT SERVICES DEPARTMENT; REPEALING SECTION 14.4.2; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

Mr. Schofield introduced the item. Ms. Rodriguez read the Ordinance by title.

Mr. Stillings stated originally the revisions to Article 14 were proposed as a secondary mechanism to resolve code violations and get quicker actions on liens. In light of some objections from the last meeting, the legal staff issued an opinion and believed a more appropriate way to address the changes was through Article 5, Section 5.1.13, Suspension of Development Review Proceedings. He said that section authorized staff to suspend any application for a development permit during dependency of a code enforcement proceeding or for any code violation involving all or a portion of the land proposed for development. He indicated staff proposed to bring that section back with revisions that would include the delay of implementation after the appeal period has run as well as including a mechanism for processing during the dependency of an appeal. He stated it would go before the Planning Board very soon. He stated the ordinance Council has in front of them now does not include the section that would repeal Section 14.1.2. Referring to page 463 and the section regarding Building Permits, Certificates of Occupancy and Use and Development Permits, he said that entire section, including the provisions proposed, are being repealed and the building permit references are already in the Florida Building Code, so the recommendation was to just remove that entire section. He indicated basically the proposed amendments to this section are to change references from Special Master to Magistrate, include the Council where appropriate in the references and update the department references.

Councilman Willhite objected to changing the Planning, Zoning, and Building (PZAB) to the Planning and Development Services. Mr. Schofield stated the new organizational charts came out in the budget and when Council receives the second draft; it will be changed and consistent with the organizational charts. He said the change would be made by the time they hear it again on August 12<sup>th</sup>.



Mayor Margolis stated in 2011 an ordinance went into effect indicating all the things they were trying to do. Ms. Cohen thought the ordinance was approved in February 2012 when Article 5 was amended to include the provision that gave them much of the same authority they were looking to put under Article 14. Ms. Cohen indicated they looked where this item was placed in the code and thought it was better to be under Article 5 relating to development. She said that provision was actually adopted in 2012. She believed if they made some revisions to offer applicants the protections of being able to move forward if they wanted to appeal and post security, it would protect the Village and the applicants.

Mayor Margolis asked why it was approved in 2012 and not enforced. Mr. Stillings indicated they had no need to exercise the provision to date. He also said they needed to change the way it was written, because it described "if demonstrated in writing by the withholding agency the continuation of the development review process could be adverse to the public interest," and that seemed to be high standard to meet.

#### Public Hearing

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

Mayor Margolis indicated no comment cards were received from the public.

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

**There being no public comments, a motion was made by Councilman Willhite, seconded by Councilman Coates, and unanimously passed (5-0) to approve Ordinance No. 2014-23 (Article 14 Code Enforcement).**

#### **C. 14-445 ORDINANCE NO. 2014-09 (PALM BEACH EQUINE COMPREHENSIVE PLAN AMENDMENT)**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE FUTURE LAND USE MAP DESIGNATION (PETITION NUMBER 2013-071 CPA1) FOR CERTAIN PROPERTY KNOWN AS PALM BEACH EQUINE SPORTS COMPLEX, TOTALING 11.94 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF PIERSON ROAD AND SOUTHFIELDS ROAD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Schofield introduced the item, Ms. Rodriguez read the ordinance by title and Ms. Cohen conducted the swearing in of all individuals who intended to provide testimony.

#### Ex-Parte Communications

**Councilman Coates:** Councilman Coates disclosed he had conversations with the applicant and Matt Forrest.

**Councilman Willhite:** Councilman Willhite disclosed he had communications with staff, Dr. Swerdlin, Matt Forrest and Jon Schmidt.

**Mayor Margolis:** Mayor Margolis disclosed he had conversations with staff.

**Vice Mayor Greene:** Vice Mayor Greene disclosed he had communications with Dr. Swerdlin, met with Jon Schmidt and others that may have been in the meeting, and spoke with Steve Gogola and various members of staff.

**Councilwoman Gerwig:** Councilwoman Gerwig disclosed she had communications with the applicant's staff but could not recall if she had spoken to the applicant's representatives. She also spoke with Mat Forrest six months ago regarding the underlying issue of the Jacobs' interest and with staff.

Mr. Stillings indicated this was a second reading of the comprehensive plan amendment to change the future land use map designation for the 11.9 acre parcel known as Palm Beach Equine Sports Complex at the southwest corner of Pierson Road and Southfields road. At the first reading and transmittal, it was sent to the Department of Economic Opportunity. He said the Village received no objections to the proposed amendment and staff recommended adoption of the comprehensive plan change.

Councilwoman Gerwig questioned Amy Huber's request on behalf of Solar Sports and how it might reflect on Council's vote tonight. Ms. Cohen recalled Councilman Willhite at the last hearing requesting the right to put a bridge path along Dr. Swerdlin's property. She explained an easement was provided to the Village by Southfields Association, the property owner. She stated the property association previously granted an access easement to Solar Sports Production that was nonexclusive or in common with others. However, a nonexclusive easement did not mean someone else could not also have an easement to the same property. She indicated if an issue interfered with the easement granted to Solar Sports Production that would be between Solar Sports and the Association. She said Ms. Huber requested they not object Dr. Swerdlin's request tonight, but they would like to postpone the acceptance of the easement so that the parties, Ms. Lhota's client, Ms. Huber's client, the association, the Village staff and potentially Council, have an opportunity to resolve it so there is no question. Ms. Cohen stated it was fine if they wanted to do that but it really was not connected to the issue they were deciding tonight and believed there was no legal impediment to them accepting it. She thought Ms. Huber's point was that it required the consent of Solar Sports Production, but she said after reading the easement and the law it did not as it is a nonexclusive easement. She did not think there was an impediment to Council approving this. She said Council could legally accept the easement provided by Dr. Swerdlin tonight or delay the decision and work with the interested parties.

Councilwoman Gerwig asked who Ms. Lhota was representing in this matter and if they had an interest in the easement. Ms. Cohen believed she was representing Ms. McCullough because her property is within the HOA.

Councilman Willhite clarified with Ms. Cohen that the easement was not from Dr. Swerdlin but from the HOA. He asked if either easement, the nonexclusive easement from Southfields HOA to Solar Sports or the nonexclusive easement from the Southfields HOA to the Village of Wellington negated or superseded the other or if they were both still relevant. Ms. Cohen stated they were both still relevant. However, if there was an impact on the Solar Sports easement it would be an issue between Solar Sports and the Association. She said the language of the easement granted to Solar Sports was pretty clear that it is in common with others and no language in the easement document itself stated it was an exclusive easement. She indicated in the absence of that language, Florida

Law presumed it a nonexclusive easement, so she did not believe the easement in Council's packet required the consent of Solar Sports.

Councilman Willhite questioned if the Village or Solar Sports would be responsible for the ten feet of landscaping within the easements. Ms. Cohen indicated the easement granted to Solar Sports was sixty feet and included the ten feet of landscaping. She stated the easement being proposed for the Village was fifty feet and excluded the landscaping portion. She said Solar Sports could decide to accept it or not, but either way the landscaping would not be included the property or easement granted to the Village.

Councilman Willhite understood if the easement agreement between the HOA and Solar Sports stated the landscaping could not be there, the HOA and Solar Sports would have to litigate where the landscaping would go on Dr. Swerdlin's property for them to be in compliance. However, that would not negatively impact the Village's easement. Ms. Cohen stated that was correct. She indicated both easements were valid. She said the Solar Sports easement did not directly prohibit placement of landscaping. But if they felt it was impeding their access or rights granted under the easement, they would have to debate that with the HOA.

Ms. Cohen thought Mr. Swerdlin wanted to clarify the easement granted to Solar Sports was not from the HOA but from Gould and Acme, the developer. Councilman Willhite asked if the HOA was accepting the easement. Ms. Cohen believed it was on HOA property. She said they were the owners of the property subject to the fifty and sixty foot easements, so there was no conflict between the two of them with respect to the rights being granted. However, to the extent Solar Sports felt there was an impediment to their access easement, the association as the successor in interest or assignee would have to resolve it.

#### Public Hearing

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

1. Janna Lhota with Holland & Knight, 515 E. Las Olas, Suite 1200, Ft. Lauderdale, FL. Ms. Lhota stated she was there on behalf of Ms. Victoria McCullough, the property owner at 1365 Santa Barbara Drive, located in the Southfields of Palm Beach Polo Homeowners Association and immediately adjacent to the Palm Beach Equine Sports Complex and the Palm Beach Equine Clinic. She explained prior to the first reading of the ordinance before them tonight, Ms. McCullough presented a letter to Council in support of the application with the caveat that any approvals for expanding the vet clinic be subject to the restrictive covenants that have been recorded in favor of all the residents within Southfields and memorialized in the recorded covenants. However, she did not see this letter attached in the backup or referenced in the staff report, so she wanted to resubmit their previous letter of May 12, 2014, and ask that it be included as part of the record. She indicated Ms. McCullough continued to support the expansion of the Palm Beach Equine Clinic, but there was concern about the new information and documentation included in the backup for this hearing, specifically the granting of the easement referenced earlier.

Ms. Lhota stated their question to the applicant and Village was whether or not the landscaping was authorized to be placed in a private right-of-way and if the landscaping was required in one of the earlier approvals. If so, the landscaping should be on their property and not within the right-of-way. She asked Council to investigate whether or not this landscaping should be on the private property located to the south, as her client wanted the Village to consider this as a part of the approval. She understood others were saying it should not be considered if it was private or it should be considered

at some later point, but she was concerned the issue they were trying to address, a better bridle path system, would go by the wayside. She mentioned that during yesterday's Agenda Review people were questioning who would pay for the relocation of the road. She thought these questions needed to be answered in connection with this approval and before they moved forward, because it was within the Village's right and part of the infrastructure within the equestrian preserve. Ms. Lhota believed, pursuant to the comprehensive plan, specifically objective 1.1 in the future land use element, since this was an amendment to the future land use map for the Village of Wellington it required an affirmative vote of no less than four members of Council.

2. Mike Nelson, President of Southfield's Homeowners Association. Mr. Nelson stated the easement was granted by Acme in 1981 when Southfields was controlled by Gould, the original developers of that area, and signed by Mr. Wellington who was the president of Acme at the time. He said Southfields owned the land and wanted Council to do something, as they were worried about liability if a head-on collision occurred on the property even though the easements were granted to others. He indicated the easement was granted to Solar Sports because Mr. Jacobs needed access to his property and Pierson Road did not exist in 1981. He said when the issue first came up, he told Mr. Riebe to check with Solar Sports or simply call Mr. Jacobs to make sure they had no issue with it. He stated Southfields had no problem with this because it needed to be done. He said he has been affiliated with Southfields in some way for almost thirty years, so he was probably the most familiar with the issue. However, he had no idea how the landscaping became part of the easement, but Southfields did not put it there as they had given up any control of that strip of land in 1981 before any of them had anything to do with it.

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

Mr. Jon Schmidt stated they were there to discuss a comprehensive plan. He indicated the application adequately addressed all sixteen data and analysis requirements and in compliance with the goals, policies and objectives of the comprehensive plan. He said staff verified their support and they also had the support of the Equestrian Committee and Planning and Zoning. He asked for Council's support to bring the property into compliance and let Dr. Swerdlin expand to a new modern facility. He stated he would address any questions regarding the cross sections.

Councilman Willhite thanked Dr. Swerdlin for wanting to take care of this issue. He understood there was no discrepancy between the fifty and sixty feet as the President of the Southfields HOA just advocated the sixty feet was already there. However, he indicated the cross section was showing fifty feet and asked if it should be amended to sixty feet for approval tonight. Ms. Cohen explained the easement granted to Solar Sports was sixty feet.

Councilman Willhite thought the easement was owned by someone else and not the property of Southfields. Ms. Cohen explained it was actually owned by Southfields as the successor in interest, so it is their property and an access easement was granted to Solar Sports over that property for vehicles, bridle paths or whatever. She said the easement proposed to be granted to the Village is fifty feet. She understood engineering thought that was an adequate amount to accomplish what was intended with respect to the road alignment. She believed Mr. Stillings looked into the issue of a requirement by the Village that trees or landscaping be put there and he could address that with Council. But with respect to the objections to the easement itself, she did not think there was any inconstancy or interference. However, that issue was separate from the comprehensive plan amendment before Council tonight. She stated if Council wanted to accept the easement tonight, they could.

Councilman Willhite asked Ms. Cohen if she was saying to accept the fifty foot easement from the applicant when they just advocated it was sixty feet. Ms. Cohen stated that would be up to the HOA to change it, as a fifty foot easement was provided to the Village by the association.

Mr. Nelson stated it was fifty feet within the sixty feet originally given to Mr. Jacobs. He did not see the issue, as they were giving the Village sixty feet. Councilman Willhite indicated the application only states fifty feet. Mr. Nelson said they would be happy to make it sixty, as it did not make sense to have ten feet sitting there.

Councilman Willhite indicated he would be happy to approve it and amend the plan and easement from fifty to sixty feet. He said Council had to vote, but his motion would be to amend it. Mr. Nelson indicated it would clean up the master plan.

Councilwoman Gerwig asked if the Village would have to maintain the plantings if required. Councilman Willhite thought the Village would put the bridle path there and not relocate Pierson road. Mr. Schofield stated any plantings required as part of the plan would be the maintenance obligation of the association, as the easement for the Village is simply an access easement. Regarding the road, he indicated staff had a plan and will propose improving the drainage under Pierson Road, making some elevation changes and aligning the road. He said staff was negotiating for bridle paths along that area and they would like them all to be consistent.

Councilwoman Gerwig asked Councilman Willhite if he was looking at page 509 of 932, because it appeared to state the property line was the sixty foot right-of-way line. She asked if that was a proper property line and who owned the ten foot green space or if it was in the right-of-way. Mr. Schmidt stated that was correct. He indicated the cross section was fifty feet and provided for the roadway, the drainage swale and recovery area, the bridle path, and ten feet was left for green space. Councilman Willhite questioned if the easement could only be accomplished if the Village relocated the road or if it could be done with the sixty feet right now. Mr. Schmidt stated they would have to relocate the road. He explained to the right of the existing cross section, there is a hedge row, canal and the edge of the canal right-of-way. He stated there was also green space, drainage, the swale, the roadway and then nineteen feet of green space, which would not leave adequate room to have a recovery area between the driver on the roadway and the bridle path. He said on a collector or arterial, ten to fourteen feet of recovery area was needed before the equestrian pathway. He indicated they were proposing to give the Village fifty feet of right-of-way, which would relocate the road closer to the canal and line it up the way it is today on both ends. He stated this would provide for the two lanes of roadway, the ten foot of swale and recovery area, and then the bridle trail, which would end the fifty feet and the existing ten feet of green space, would be left there. He said if they get the comprehensive plan approved, Dr. Swerdlin would move forward with a site plan approval that would provide for the five feet of landscaping required along the west perimeter of his property.

Councilwoman Gerwig thought he was suggesting they would have a sixty foot right-of-way, but it would just include that ten feet of green space. Mr. Schmidt stated that was correct.

Councilman Willhite asked Ms. Lhota if Mr. Schmidt's explanation was concurrent with her client's opinion. Ms. Lhota agreed with Mr. Nelson and the HOA that providing this easement to the Village was long overdue, because the road should not be a continued liability to the association or to Ms. McCullough as a resident. Ms. Lhota believed the easement should be for the full sixty feet and that the landscaping should be relocated to the adjacent property so the easement would be available for a bridle path today, without the need to relocate the road.

Councilman Willhite fully supported moving forward but questioned pulling out the easement aspect. He thought if the easement belonged to the Village, they could remove the landscaping, put in a bridle path and still have ten feet between a car and the bridle path. He believed without curb and gutter, ten feet would be an adequate setback to have a bridle path as six feet was all they needed. Mr. Riebe stated on that road it was six feet for a fence.

Councilman Willhite said if they had ten feet in between and nineteen feet in the current location, they would still have plenty of room with a nine foot setback and ten foot bridle path. However, the landscaping would have to be removed. He suggested they move forward with the approval of a sixty foot right-of-way.

Ms. Cohen stated the easement currently drafted was only granting fifty feet, but the Association could grant the sixty foot easement. Councilman Willhite asked if the HOA had to vote as they had already expressed it was sixty feet, but signed off on fifty feet.

Dr. Swerdlin stated the was fine if they wanted the sixty feet, but it would not solve the problem of putting a bridle path there because the road would have to be moved. Mr. Riebe indicated it would have to be the same cross section that existed to the east to make it work. He stated they would have curb and gutter, a fence two feet behind the curb and gutter, and then the bridle trail. He said they would actually have room for landscaping and green space at a cost of \$17 per foot, which would be less expensive to do.

Councilman Willhite was concerned if the Village only took fifty feet, because he did not want the HOA to be liable for the other ten feet. Ms. Cohen stated this would not give the Village an interest in the property, as it was giving use of the property. She said it was an easement and not a right-of-way. So irrespective of whether it was fifty or sixty feet, the HOA was still the property owner. She indicated the reason the easement was proposed rather than a right-of-way deed was that it would require a vote, and the board had the ability under their HOA document to grant the easement. She stated conveying the property would require a vote of the unit owners and potentially an amendment to their documents.

Mr. Nelson expected if the Village of Wellington had the easement that Southfields would be indemnified of any accidents occurring on the property. Ms. Cohen stated that was not set forth in the easement agreement, discussed or negotiated or something that she would even necessarily recommend. She indicated a statute basically eliminated or alleviated liability to the property owner who allowed equestrian access over their property. She thought that was adequate to protect the property owner, but the Village could not assume liability for the property. Mr. Nelson indicated it was not the equine traffic but the vehicular traffic on Pierson Road, which was supposed to be a canal bank and not a road.

Vice Mayor Greene believed Dr. Swerdlin had the support to move his plan forward. He thought if everyone agreed the easement was sixty feet they would not be discussing fifty feet and moving the road. He questioned who would pay for the road if it is an easement and the property is not being conveyed. He asked why the Village would pay for it if it was not Village property.

Ms. Cohen suggested, given all the questions, separating the easement issue from the approval of what Council was looking at tonight. Because everyone was trying to make this work and she thought that could be accomplished by sitting down and discussing it. Mayor Margolis indicated this was the second reading of the amendment and Council needed to vote on it.

Councilwoman Gerwig made a motion to approve Ordinance No. 2014-09 (Palm Beach Equine Comprehensive Plan Amendment). Vice Mayor Greene seconded the motion for discussion.

Vice Mayor Greene stated he supported what they were trying to do, but the motion did not include any reference to the easement. He believed the long-term cure would be for Southfields HOA to reach out to their property owners and discuss conveying the sixty feet to the Village. However, he knew that was not going to get done tonight. He said he had no issue with spending taxpayer dollars to make the improvements if the easement belonged to the Village, but he would have a hard time accepting an easement that would make the Village liable as well as spend tax dollars to make any roadway improvements.

Mr. Nelson indicated the documents prohibited anyone from selling anything but allowed for an easement. He stated he could not ask the members to sell this piece of property unless he amended the documents. He said they had reviewed the documents for other bridle paths they had wanted to give to the Village and they could not give anything away. However, they could provide the easements.

Councilman Coates stated when Council voted on the ordinance at the first reading, an effort was made to tie the easement to the approval and he objected to it. He said it passed at the first reading without it. He indicated he was not opposed to the easement, but he was opposed to tying the granting of the easement to Council's responsibility of the comprehensive plan amendment. He thought they should keep them separate due to the legal requirements and what they had to do for approval and adoption. He supported approving Ordinance 2014-09 for tonight. He also supported the fifty or sixty feet or whatever the Village Engineer needed to accomplish the desired end result. However, he stated the Village could not take the property, put Pierson Road and the bridle path on it, and then tell the HOA they would not be indemnified from the liability of automobile or equestrian accidents occurring on the road. He said people are granted easements all the time with stipulations depending on the easement. He indicated he would be in favor of adopting the easement when it comes up for consideration, but they did not have to take title to take liability. He thought they could work it legally to save Southfields the expense and cumbersome process of changing their boundaries and the Village could get the benefit of ownership without legal title. Ms. Cohen stated that language would have to be in the easement agreement.

Vice Mayor Greene indicated he recommended a conveyance because of the liability issue and being told by Ms. Cohen they could not indemnify the HOA if it was not Village property. He believed they could work out the scenario proposed, as he has no preference if the easement was conveyed or granted. Ms. Cohen clarified that she said it was not in the easement agreement, not that they could not do it. Ms. Cohen indicated that was a policy decision Council could make.

Councilman Willhite stated he was not trying to tie the easement to the ordinance. He said Dr. Swerdlin and the HOA were trying to take care of a long term problem, so why not discuss it. He indicated he did not support the easement the first time. However, he supported it this time because he believed in the efforts of Dr. Swerdlin and the HOA to move forward and get this done. He asked staff to start working on the sixty foot easement agreement between the Village and the HOA and then bring it back to Council. He said they also needed to start working the road even though the Village could not fund it this year.

**There being no further public comments, a motion was made by Councilwoman Gerwig, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Ordinance No. 2014-09 (Palm Beach Equine Comprehensive Plan Amendment).**

Councilman Coates was unclear if the request for acceptance for the easement was actually noticed and for consideration tonight. He thought they should put a time certain on it, because he knew it was important to Councilman Willhite that the request for acceptance of the amendment be on the agenda for the next meeting in August. Mayor Margolis indicated it would have to be an agenda item, as the comprehensive plan was the agenda item before them tonight.

Mr. Riebe stated Council passed a resolution in 2003/2004 that granted the Village Engineer the authority to accept easements. Councilman Willhite believed Council wanted to discuss it. Mr. Riebe indicated staff put the easement together and a sixty foot grant of easement would suffice.

Ms. Cohen said they needed to have a special meeting and get input from Solar Sports, Ms. McCullough, etc., on this issue. Mr. Schofield suggested it be the second meeting in August. Mayor Margolis asked the interested parties to get together within the next six weeks.

Vice Mayor Greene did not want it to be an issue that never comes back to Council. Mr. Riebe stated staff initiated this, recognized the problem and were actively trying to resolve it. Vice Mayor Greene stated everyone was on record tonight and they wanted to get it done, so he was looking at August and no later than September.

Council and staff agreed the easement issue would be brought back to Council at their second meeting in August.

**D. 13-0379 ORDINANCE NO. 2014-20 (ISLA VERDE RESIDENTIAL COMPREHENSIVE PLAN AMENDMENT)**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE SITE SPECIFIC MIXED USE FUTURE LAND USE MAP DESIGNATION (PETITION NUMBER 2013-64 CPA 2) FOR CERTAIN PROPERTY KNOWN AS ISLA VERDE OF WELLINGTON, TOTALING 53.57 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF STATE ROAD 7 AND APPROXIMATELY 1/2 MILE NORTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO INCREASE THE ALLOWED RESIDENTIAL UNITS FROM 230 TO 360 DWELLING UNITS, UPDATE THE FUTURE LAND USE MAP DESIGNATION TO THE CURRENT MIXED USE (TYPE 1) DESIGNATION AND DESIGNATE THE MAXIMUM DEVELOPMENT THRESHOLD; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Schofield introduced them item. He indicated the applicant asked for a thirty day postponement, of which they are entitled to under the code, and it would be brought back time certain to the August 12<sup>th</sup> Village Council Meeting.

**A motion was made by Councilman Willhite, seconded by Councilman Coates, and unanimously passed (5-0) to move Ordinance No. 2014-20 (Isla Verde Residential Comprehensive Plan Amendment) time certain to August 12<sup>th</sup>.**

**A motion was made by Vice Mayor Greene, seconded by Councilman Willhite, and passed (4-1), with Councilwoman Gerwig dissenting, to extend the meeting past 11:00 pm.**

**E. 14-495**



**(A) RESOLUTION NO. R2014-40 (AMENDMENT TO THE FY 2013/2014 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM)**

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND ADOPTING AN AMENDMENT TO THE FY 2013/2014 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO FORWARD THE AMENDMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.**

**(B) RESOLUTION NO. R2014-41 (FOR BUDGET AMENDMENT #2014-048 AMENDING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM'S REVENUES AND EXPENSES)**

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE BUDGET FOR FISCAL YEAR 2014 BY INCREASING REVENUE AND EXPENSE IN THE GENERAL FUND TO COVER APPROVED CDBG PROJECT EXPENSES THROUGH SEPTEMBER 30, 2014; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Schofield introduced the items. Ms. Rodriguez read the resolutions by title.

Mr. Fackrell stated he was presenting the amendment to the current year's Annual Action Plan. He indicated it added one item that was not previously in the plan, a senior home repair program using funds of \$19,888 left over from 2012/2013. He explained it was to benefit seniors who were income eligible, 62 years of age and over, with emergency home repairs. He said the loans were given over a five year period at zero percent interest.

Councilwoman Gerwig asked if there was a problem with carrying over funds or if it was a certain percentage. Mr. Fackrell stated there was a requirement within the CDBG regulations that they could have no more than 1.5 times their annual grant or letter of credit sixty days prior to the end of the program year. He said the current number for the Village was .34, so 34% of their annual grant could be carried over and they would not have a problem for another fiscal year at the least.

*Vice Mayor Greene stepped out of the meeting at this point.*

Public Hearing

A motion was made by Councilman Willhite, seconded by Councilman Coates, and unanimously passed (4-0) to open Public Hearing. Vice Mayor Greene was absent at this time.

Mayor Margolis indicated no comment cards were received from the public.

A motion was made by Councilman Willhite, seconded by Councilman Coates and unanimously passed (4-0) to close Public Hearing. Vice Mayor Greene was absent at this time.

**A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (4-0) to approve Resolution No. R2014-40 (Amendment to the FY 2013/2014 Annual Action Plan for the Community Development Block Grant Program).** Vice Mayor Greene was absent at this time.

**A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (4-0) to approve Resolution No. R2014-41 (for Budget Amendment #2014-048 Amending Community Development Block Grant Program's Revenues and Expenses).**  
Vice Mayor Greene was absent at this time.

**F. 14-498 RESOLUTION NO. R2014-42 (FY 2014/2015 CDBG ANNUAL ACTION PLAN)**

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND ADOPTING THE FY 2014/2015 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM E PLAN; AUTHORIZING THE VILLAGE MANAGER TO FORWARD THE FY 2014/2015 ANNUAL ACTION PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Schofield introduced the item. Ms. Rodriguez read the resolution by title. Mr. Schofield indicated this was a required Public Hearing to discuss how the Village would disperse the \$258,600 provided by the CDBG formula grant.

*Vice Mayor Greene returned to the meeting at this point.*

Public Hearing

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

Mayor Margolis indicated no comment cards were received from the public.

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

Councilman Coates questioned the utilization of the funds, as everything appeared to be public related entities or programs with the exception of the Boys and Girls Club Neighborhood Outreach efforts. He asked if the public benefit of the Boys and Girls Club Neighborhood Outreach Program could be addressed and whether those funds could be used within the Village's own administration to do the same thing.

Mr. Fackrell indicated up to 15% of an entitlement grant could be spent for eligible CDBG public services that benefited the elderly, abused children, low or moderate income residents of the neighborhoods. He stated this past year they conducted an income survey and found all of the transitional neighborhoods they were working in were eligible for CDBG funds for public services. He indicated the problem was the access to the Boys and Girls club was very limited to some residents because of transportation issues. He said they had yet to come up with a final plan for the use of the funds, but it would involve outreach to the youth in the transitional neighborhoods.

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Mr. Fackrell stated in the reports and discussions they have had with the Palm Beach Sheriff's Office, a majority of their crime and vandalism was caused by youth without proper supervision or proper recreational outlets. He said they were still working to determine whether to take the programs to the neighborhoods or bring them into the Boys and Girls Club. He indicated in talking with the Boys and

Girls Club, the youth aged 14 and up really do not want to be affiliated with the Boys and Girls Club, so they were trying to figure out alternative programs.

Mr. Schofield thought Council was questioning what the Boys and Girls Club was doing that provided a public benefit and why this would not go through a 501(c)(3). He indicated they would not be looking for funds out of the general revenue or out of foundation funding, because the Boys and Girls program was entitled to funding under CDBG and the \$258,600 was money the Village received for those specific purposes.

Mr. Barnes stated at this point the foundation could only fund capital projects, until Council as the Foundation Board made any changes to the operating parameters of the foundation. He said the Village was looking to partner with the Boys and Girls Club, as there are hard to reach segments of the community. He indicated one concept or idea was to do the program offsite and take it to the locations where these youth are in the community, since they do not have access to the Boys and Girls Club, the Community Services Department facilities or the Parks and Recreation facilities. As such, the vehicle to do that would be the Boys and Girls Club because they have the transportation, programming and staffing.

Councilman Coates stated they had a service provider for baseball and the Village provided the facilities. He asked if there was a similar type of arrangement or a provider agreement with the Boys and Girls Club where the Village defines the service needed and the Boys and Girls Club agrees to provide it. He said he was trying to avoid just writing a check to a 501(c)(3) without some metric or understanding as to what that check is for, as he wanted the Village to measure compliance with the Boys and Girls Club just like they do with any other third party provider who provided services to the Village.

Mr. Barnes indicated they had an existing agreement with the Boys and Girls Club that goes above and beyond what the Village does currently with other sports providers. He said they had a funding agreement with very precise and specific performance measures that they have to report on regularly, including the makeup of their current client population. However, he indicated they have suspended the original funding agreement in lieu of the Village handling the maintenance and operations for the new facility. He said once they fully define their program and mobile arrangement, they would resurrect some type of agreement that would include routine and very precise monthly and quarterly reporting as provided previously by the Boys and Girls Club.

Councilman Coates agreed they did a great job and did not want to criticize the Boys and Girls Club, but it was mentioned they did not have a great influence on the age bracket of 14 to 18. He said he was particularly interested in the strategy of going into an area where they have not had great influence and how that would benefit their community. He understood and supported it, but he wanted to ensure they had a metric for all expenditures so they could determine if they had received adequate benefit. Mr. Barnes believed Mr. Fackrell was certainly doing that on the CDBG side and stated the Boys and Girls Club was used to that reporting. He thought they would use the new facility as leverage to bring the older age group in because it had some great facilities.

Councilman Willhite questioned if staff was currently working on the ADA sidewalks and if they had expended all funds. Mr. Fackrell stated they had completed approximately 180 different sidewalks with ramps and raised approaches, but the engineer had identified an additional 160 that are eligible.

Councilman Willhite asked if the CDBG Planning and Administration item was staff cost. Mr. Barnes stated by the nature of the agreement with the Department of Housing and Urban Development, the Village was allowed to recoup a percentage of staff costs. Mr. Fackrell explained it was 20%, \$51,000 out of \$258,000.

Councilman Willhite understood there was a cost of doing business, but it was alarming to see 20% is used to facilitate this program. He thought they wanted to invest in sidewalks and improvements, as it was their responsibility as a department to fund the program. Mr. Barnes stated the offset would be if they elected to fund more projects out of those dollars instead of allocating them for planning and administration, as those funds would have to be offset by general government ad valorem funding.

Mayor Margolis stated Council needed to discuss the Community Foundation and make a decision to start using some of the \$50,000 in funds or have a Board of Directors meeting. He said he receives calls from 501(c) (3)'s looking for support. Mr. Schofield believed this Council had not addressed it, but previous Councils decided to use the Community Foundation for capital projects. He said staff would put this item on their list of what to accomplish in the next quarter.

Councilwoman Gerwig understood CDBG was highly regulated and thanked staff and the department for their hard work. She agreed with using the funds to help their administration, because it was a qualified use and they could attain qualified staff with this type of background and knowledge of compliance.

**A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) to approve Resolution No. R2014-42 (FY 2014/2015 CDBG Annual Action Plan).**

## **8. REGULAR AGENDA**

### **A. 14-504 RESOLUTIONS ADOPTING PRELIMINARY TRIM RATES FOR WELLINGTON AND THE ACME IMPROVEMENT DISTRICT AS FOLLOWS:**

#### **A. RESOLUTION NO. R2014-43 (PRELIMINARY AD VALOREM MILLAGE RATE)**

**A RESOLUTION OF WELLINGTON FLORIDA'S COUNCIL ADOPTING THE PRELIMINARY AD VALOREM MILLAGE RATE FOR WELLINGTON FOR TRUTH-IN-MILLAGE ("TRIM") PURPOSES FOR THE MUNICIPALITY'S FISCAL YEAR 2014-2015 BUDGET WITHIN THE JURISDICTIONAL VOUNDARIES OF WELLINGTON; AND PROVIDING AN EFFECTIVE DATE.**

#### **B. RESOLUTION NO. AC2014-05 (PRELIMINARY NON-ADVALOREM FOR SURFACE WATER MANAGEMENT)**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE DISTRICT'S PRELIMINARY NON-AD VALOREM ASSESSMENT RATE FOR TRUTH-IN-MILLAGE ("TRIM") PURPOSES; AND PROVIDING AN EFFECTIVE DATE.**

#### **C. RESOLUTION NO. R2014-44 (PRELIMINARY NON-AD VALOREM ASSESSMENT RATES FOR SOLID WASTE COLLECTION AND RECYCLING SERVICES)**

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE PRELIMINARY NON-AD VALOREM ASSESSMENT RATES FOR SOLID**

**WASTE COLLECTION AND RECYCLING SERVICES FOR TRUTH-IN-MILLAGE ("TRIM") PURPOSES WITHIN THE JURISDICTIONAL BOUNDARIES OF WELLINGTON; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Schofield introduced the agenda item. Staff recommended that Resolution No. R2014-43 (Preliminary Ad Valorem Millage Rate) and Resolution No. AC2014-05 (Preliminary Non-Ad Valorem for Surface Water Management) is continued time certain until July 22, 2014.

**A motion was made by Councilman Willhite, seconded by Councilman Coates, and unanimously passed (5-0) to continue Resolution No. R2014-43 (Preliminary Ad Valorem Millage Rate) and Resolution No. AC2014-05 (Preliminary Non-Ad Valorem for Surface Water Management) time certain until July 22, 2014.**

Mr. Schofield then introduced Resolution No. R2014-44 – Preliminary Non-Ad Valorem Assessment Rates for Solid Waste Collection and Recycling Services. Ms. Rodriguez read the resolution by title. Mr. Schofield said that the proposals were: \$160.00 for curbside services; \$125.00 for containerized services indicating that these were the same rates as the past four years.

Public Comments

A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) to open the floor for public comments.

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

Councilman Willhite asked what the expiration date was for the solid waste contract. In response, Ms. Quickel said that the contract was up for rebid and the staff was beginning to work on the RFP. She noted that the contract actually expired next year; however, the Village must provide notice of their intent to rebid by the end of September 2014. Councilman Willhite said that it was his intention that the Village would be going out for bid on this. Ms. Quickel said that the Purchasing Department would be bringing that back for Council's decision in either late August or September. Councilman Coates noted that there is an option also to extend the contract. Mr. Schofield said that there is another five year extension allowed in the contract.

**A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) approving Resolution No. R2014-44 as presented.**

**B. 14-350 AUTHORIZATION TO NEGOTIATE A CONTRACT WITH WANTMAN GROUP, INC. TO PROVIDE ENGINEERING SERVICES FOR THE SADDLE TRAIL PARK (SOUTH) NEIGHBORHOOD IMPROVEMENT PROJECT**

Mr. Schofield introduced the agenda item. He announced that Mr. Riebe would be presenting the agenda item. Councilwoman Gerwig noted that she did not have a voting conflict on this item after speaking with the Ethics Officer as it was far enough removed from her client relationship that it would not affect the vote.

Mr. Riebe reported that the Village went through the RFP and interview process. He noted that the rankings of the Selection Committee were as follows: #1: Wantman Group; #2 Mock Roos; and #3 KF Group/Erdman Anthony. He said that staff was seeking authorization to negotiate the contract beginning with the Wantman Group; and if negotiations proved to be unsuccessful, they then would

move on to negotiate with the second and third ranked companies.

Councilman Willhite asked what the Village's historical relationship was with the top three companies. Mr. Riebe said that the Wantman Group has an existing continuing services contract with Wellington. He noted they had done the FEMA maps for Wellington and did a great job. Mr. Riebe said that Mock Roos also has a continuing services contract with Wellington; however, the KF Group/Erdman Anthony Company does not. Mr. Riebe noted that the Village has continuing services contracts with six engineering firms and all of those contracts will come back for the rebid/RFP process next year.

### Public Comments

A motion was made by Councilman Willhite, seconded by Councilman Coates, and unanimously passed (5-0) to open the floor up for public comments.

1. Gary Charboneau, 14499 Laurel Trail, Wellington. Mr. Charboneau renewed his support for the project and asked for Council's support.
2. Houston Meigs, 16433 Deer Path Lane, Wellington. Mr. Meigs identified himself as a member of the Equestrian Preserve Committee, but was speaking on his own behalf. He felt that at some point this project should come before that committee. He said that the committee was recently charged with developing the master plan for the Equestrian Preserve Area, and he felt that this project would have a very significant impact on the Equestrian Community. He said that a letter was submitted by Mr. Biggs and questioned whether it had ever been formally answered by the Village noting that he had requested to receive a copy of any response. Ms. Cohen responded that the letter had been answered, and she would mail a copy to Mr. Meigs. Mr. Meigs then addressed a clause in the equestrian element of the Comprehensive Plan which sets the opportunity for the petitioning process that was conducted. Since this clause limits the petitioning to the Wellington Council and that the roads are owned by Acme, he questioned whether that applied. Mr. Riebe indicated that it did not apply explaining that all of the roads in Saddle Trail are listed on Wellington's right-of-way map which was approved by Council and recorded in the public records. He said that the Village collects gas tax money for those roads which are Wellington roads.
3. Mr. Gino Digioacchino, 2393 Appaloosa Trail, Wellington. Mr. Digioacchino voiced his support of the project and hoped the Village would continue their support. He spoke of the benefits this project would be bringing to their community and that the residents in that community would be bearing the cost of the project.

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

### **A motion was made by Councilman Coates, authorizing staff to negotiate the contract with the Wantman Group.**

At this time, Councilwoman Gerwig offered an amendment to the motion. She explained that she has had a contractual relationship with the third company. She said that if the negotiations fail and staff has to go to the third company, then it would have to come back to Council so that she can recuse herself. Mr. Riebe and Mr. Schofield indicated that the award would have to come back to Council in any case.

Ms. Cohen said that if the motion was to negotiate the contract with the third company on the list, then Councilwoman Gerwig should not participate in the voting. She felt it would be best if the motion was

amended to negotiate with the first two companies and then if that was not accomplished, to come back and have Councilwoman Gerwig recuse herself from the third company.

Councilman Coates accepted the amendment.

Councilman Willhite expressed concern that three companies were ranked and they said they would negotiate with three if necessary; however, now they were saying they would only negotiate with two. Councilwoman Gerwig said that had been her original reason for saying she might have to recuse herself; however, after speaking with the Village's Ethics Office, she was advised that she didn't have that option at this point. She said that she would only have that option when it came to negotiating with that one company.

Councilman Coates said that his amended motion would be to authorize a negotiation with the Wantman Group, and if that fails, to negotiate with Mock Roos. He said that at that point, Councilwoman Gerwig could recuse herself, and then he would make another motion. Ms. Cohen felt that it would be best to divide the motion into two motions.

**An amended motion was made by Councilman Coates seconded by Vice Mayor Greene and unanimously passed (5-0) authorizing negotiations with the Wantman Group, and if that proves unsuccessful, then staff is authorized to negotiate with Mock Roos.**

**At this point, Councilwoman Gerwig recused herself from voting on the next motion.**

**A motion was made by Councilman Coates, seconded by Vice Mayor Green, and passed (4-0) to authorize negotiations with KF Group/Erdman Anthony in the event the negotiations with the Wantman Group and Mock Roos were unsuccessful.**

#### **C. 14-503 VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES' 88<sup>TH</sup> ANNUAL CONFERENCE**

Mr. Schofield introduced the agenda item. Ms. Cohen said that since this is a nomination process, Council could go through the process of opening it up for nominations or they could dispense with that process that has to be a unanimous decision. After some discussion, the Council voted to dispense with the nomination process.

**A motion was Councilman Willhite, seconded by Vice Mayor Greene, to dispense with the normal nomination process and to nominate Councilman Coates as a Voting Delegate for the Florida League of Cities 88<sup>th</sup> Annual Conference.**

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

#### **D. 14-525 WANDERERS EXECUTIVE GOLF COURSE – 18 HOLE PAR 3 COURSE**

Mr. Schofield introduced the agenda item. He announced that staff was seeking direction on this item, and that it would be presented by Mr. O'Dell.

Mr. Mike O'Dell explained that the project is within a platted golf course within Lakefield South in the Landings Planned Unit Development (PUD). The property is specifically located around Lakefield South 2A and 2B residences which consists of 200 platted residential units and has a land use category of "E". Lakefield South 2A has a residential acreage of 28.62, road tracks of 9.5 acres; lakes

and canals are another 43 acres and the total golf course within this platted area is 67.23 acres for a total gross acreage of 148 acres. Mr. O'Dell said that the golf course that is currently in play represents a total of approximately 28 or 29 acres of land which is part of the existing Par 72 golf course that is operated by the Wanderers Club. There is a course that has been out of play for a number of years which is about 38.5 acres in size which is a Par 3 Executive Course which is what was being discussed. Mr. O'Dell pointed out that four appraisals were done on the property, three of which were paid for by the Village with the fourth paid for by the Wanderers Club. He referred to the Anderson & Carr and John R. Underwood appraisals which proposed the highest and best use as a civic or commercial development as equestrian facilities or a commercial or residential development. Mr. O'Dell said that he had pointed out earlier that both properties lie within a Planned Unit Development which would require a Comprehensive Land Use Amendment if the property were to be redeveloped in any way other than a golf course or recreational facility. He noted that a master plan modification would also be required in order to bring it into compliance. In addition, if the property became some form of equestrian use, it would have to be annexed into the Equestrian Overlay Zoning District or Equestrian Preserve Area. Mr. O'Dell pointed out that Callaway Price and SF Holden evaluated the property as a golf course or as a passive public/private use which is the Village's intended use for the property if they proceed with this purchase.

Councilman Willhite referred to the map that had been provided to Council noting that it appeared that there was a house that was not included, and it looked like a canal was an easy cut-off. He thought the cut-off was different from what was being shown on the screen as opposed to the map. Mr. O'Dell explained that the map that was given to Council that day was a concept that staff developed where they would be re-routing the drainage systems to provide the residential areas with the buffer from the park area using the water to provide that security. Mr. Schofield added that concept had been developed some time ago as the Village had been looking at this property for a while, and thought Council had previously seen this. Councilman Willhite indicated that he wanted there to be a separation from the surrounding gated communities to ensure their security.

Councilman Greene asked what the cost was for re-routing the canal. Mr. O'Dell said that he did not have the cost as they had not yet gone that far. He explained that under the Surface Water Permit they presently had, they would have to equal that size volume of the lake area so they simply looked at how they could create that.

Mayor Margolis said that at the Agenda Review they had some discussion about what Mr. O'Dell's director to the appraisers was as he believed they went beyond that direction. Mr. O'Dell explained that he had discussions and debates over this with the appraisers and explained that they were charged with providing the highest and best use. Mayor Margolis referred to the appraisal that was paid for by the Wanderers Club. He said that they took into account ACLFs, nursing homes and other things. Mr. O'Dell said that those were developments that would be required to go through a change process that he had outlined. Mayor Margolis said that the property was only approved right now for a golf course or a park. Mr. O'Dell responded affirmatively. Mayor Margolis said that would be more in line with the Callaway & Price appraisal as the Wanderer's Club appraisal took into account some things that may or may not come onto the property. Mr. O'Dell explained that the Wanderers Club proposal came back as a passive/park area as the highest and best use for the property; however, they did look at other properties that were like in development. Mayor Margolis said he was trying to understand the \$500,000 difference in the appraised value if both were looking at open space. Mr. O'Dell believed that Callaway & Price focused solely on golf courses whereas the SF Holden appraisal went beyond that and into other areas.

Mayor Margolis said it was his understanding that the Village could only use the 38.35 acres if they purchased the property. Mr. O'Dell said that was correct noting that the lake areas within the golf



course are owned by the Village of Wellington.

Vice Mayor Greene asked what the Village had paid for the appraisals they requested. Mr. O'Dell said that the total cost for the three appraisals was something less than \$12,000. Vice Mayor Greene expressed his frustration that the Village was seeking appraisals based on its current use which was not done by either Anderson & Carr or John R. Underwood. He questioned who gave the direction to the appraisal companies and if the Village had provided clear direction to them since their appraisal didn't take into consideration the current use of the land. In response, Mr. O'Dell said that he had provided the direction along with the plats, the plan that was being presented to Council as a proposed use, informed them that the course has been out of play, and is surplus land to the Wanderers Club. He noted that they were further informed that the Village's intent was to purchase this property as a park and utilize it as such. Mr. O'Dell further noted that he did have discussions with both gentlemen that they were appraising the property based on how it could be proposed as a use; but failed to even account for the sentiments and dollars associated with those uses. He said that the Anderson & Carr's thinking was that there were four ten acre equestrian lots here which he questioned.

Vice Mayor Greene wanted it to be clear that it was not his intention to have an appraisal done that potentially increases the value of the property. It was also not his intention to support this acquisition so that they could change land use and create a higher value of land to potentially sell off and develop. He said that his only interest in acquiring this land would be to preserve it as some type of park, i.e., passive or an equestrian element. Vice Mayor Greene felt that Anderson & Carr and John R. Underwood did the Village a disservice and they should either request a refund or request they present a proper appraisal based on the direction they were given.

Councilwoman Gerwig said that Mr. O'Dell was showing the property as 40.35 acres; however, he previously indicated it was 38.35 acres and she questioned the difference. In response, Mr. O'Dell said that a survey was provided by the Wanderers Club and the area in the northwest corner which is part of the golf course area was included in that. The total piece, not including the eastern portion is 40.35 acres. Mr. O'Dell said that part of what was being requested by staff was approval to move forward with negotiations. He noted that the golf course was looking to maintain the northwestern portion where they have their practice area as well as another small area. He said that the exact acreage number was yet to be defined,

Councilwoman Gerwig asked the amount of taxes that were currently being paid on the property. Mr. O'Dell did not have that information. Councilwoman Gerwig requested the tax information be provided to her at some point.

Councilman Willhite asked if the plan before Council that had been prepared by Mr. O'Dell was what had been given to the appraisers. Mr. O'Dell responded affirmatively, Councilman Willhite said that he had a problem with Mr. O'Dell taking the plan, expending money on the two companies doing appraisals; yet what the two companies addressed had not been proposed on Mr. O'Dell's plan. He suggested that they go back to the two companies and request an updated appraisal on what was actually available. He said that once the Village has those appraisals in hand, they can bring them back to Council along with the one that the Village already has so that they can provide direction regarding negotiating with the owner. Councilman Willhite suggested that they could also find two other companies to do the appraisals. He indicated that he was fine moving forward on this, but he felt they needed to have more accurate appraisals.

Mr. Schofield said that if you go to any appraisal company their standard practice is to appraise for the highest and best use. He suggested that they ask reputable appraisal companies to provide an

opinion of value based on the projected use.

Councilman Willhite asked Mr. Schofield if he could identify any golf courses that were rezoned and turned into another use. Mr. Schofield said that had not occurred in Wellington; however, it has been done by Palm Beach County. He noted that across the country, the most common conversion of golf course land is residential. He further noted that golf courses are failing at an alarming rate. Mr. Schofield reiterated that they have an appraisal done based on the intended use since there were some things that the appraisers did not take into account. He explained that when they appraise it as an equestrian value they did not take several things into account: (1) it is not in the Equestrian Overlay Zoning District; (2) that it would require a Comprehensive Land change; and (3) based on the configuration of the land, there was no way they could get a barn, house and all of the other things on the property as well as meet the separation requirements. He said that it would not be his recommendation that they would use those companies again for the appraisal since they failed to take those things into account.

Councilman Coates believed the appraisals from Anderson & Carr and John R. Underwood to be completely useless, and was bothered by the fact that the Village had to pay for them. He pointed out that the appraisals from Callaway & Price and SF Holden used the highest and best use, they were consistent with the existing zoning in place while the others went in another direction. He felt that if those companies can't provide something that was more up-to-date based on what the actual permitted use is there at this time, the Village should find a way not to pay them for their work. Councilman Coates concurred with Vice Mayor Greene in that he supports the acquisition of the property only on the premise of acquiring it as a park or some type of facility similar to the concept being proposed by Mr. O'Dell. He stressed that he had no desire nor did he believe it was the desire of anyone on Council to bank the land for future investment and then sell it off for commercial profit. Councilman Willhite added that he was also only looking at this for open land and was not looking to put houses there. He wanted to provide security to the residents of those surrounding gated communities by completely separating them. He said that he was anxious to move forward on this, but felt that Council needed to have accurate data before them.

Mayor Margolis asked Mr. Schofield what the yearly maintenance on this property would be. Mr. Schofield said that they would have to rehabilitate the irrigation system, and they were looking in the neighborhood of \$70,000 per year for basic maintenance of what it currently is.

Mayor Margolis asked Mr. O'Dell what the total number of acres that were for sale. Mr. O'Dell explained that it would be somewhere between 38 and 40 acres of land. Mayor Margolis asked if that included the lakes. Mr. O'Dell responded that it did not include them. Mayor Margolis asked about the cost per acre. Mr. O'Dell noted that it would be \$17,348.00 per acre. Mayor Margolis said that it was his understanding that there was a small portion that they were holding back. Mr. O'Dell said that has been an ongoing discussing and it has been ranging between 2.5 to 5 acres. He explained that they were looking for some club expansions and they may need additional parking, and were looking to keep the existing putting green. Mayor Margolis recalled that in 2004/2005, the Club wanted to trade off 14 acres of the executive golf course. He said that the Village Engineer did not support that because the Village needed land to store debris in the event of a hurricane.

### Public Comments

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

Prior to the public comments, Mr. Schofield indicated that he had the information previously requested

by Councilwoman Gerwig regarding the taxable value. He explained that they pay \$1,082 paid in Ad Valorem taxes to the Village, and \$13,800 in Acme Assessments which a total Ad Valorem Tax of \$9,612. The other \$8,200 goes to someplace other than to Wellington.

1. Mr. Wade Byrd, Mr. Byrd said that he was speaking on behalf of the Wanderer's Club. He noted that he had asked for the appraisal from SF Holden based on the fact that the property would be used as a park. He said that they were not looking for highest and best use as they would never do that to this particular area. He said that he did not know if the appraisal particularly addressed it being a passive park, but they would like to see it as a passive park be it walking or equestrian. Mr. Byrd pointed out that the property is a Par 3 golf course; however, it hasn't been used as such for six or seven years, and has been mostly used as a walking trail. Mr. Byrd said that they were probably looking to sell approximately 38 acres, keeping two acres because they want to keep their practice area; however, they were flexible in allowing the Village to keep 40 acres. He said that they were not looking for a \$5 million price tag, but only what was appraised by SF Holden.
2. Bart Novack, 15670 Cedar Grove Lane, Wellington. Mr. Novack questioned why the Village would purchase land, put a park, disturb a neighborhood, and create congestion when the Village already has 68 acres that is supposed to be used for a park that the Village is looking to sell. He felt they should build the piece that the Village currently own.

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

**A motion was made by Vice Mayor Greene, seconded by Councilman Coates authorizing staff to begin negotiations with the Wanderers Club to potentially acquire the 18 hole Par 3 golf course.**

Councilman Willhite questioned if the Village was going to ask the companies for a more realistic appraisal. In response, Mr. Schofield suggested that the Village not go back to those companies that were unresponsive to the staff's direction, and that they seek an opinion of value from someone else based on the anticipated use. He felt that the argument with Anderson & Carr and John R. Underwood would be counter-productive, and he preferred going to someone who understood what the Village was looking for. Councilman Willhite said that his understanding was that the Village required three appraisals.

Vice Mayor Greene said that he would ask staff to talk to those companies about recovering any of the fees that they were paid by the Village for the appraisals as they did not deliver what they were requested to do,

Ms. Cohen said that they could also include that the Village gets the third appraisal and will then negotiate after that. Mr. Schofield said that in terms of complying with the Village's policy, which he said he would check as well as obtain an outside opinion, was that they have the three appraisals and they have the ability to discard one. He said that they only have to have a good reason for not looking at the value. He said that on both of those appraisals there are a *litany* of reasons including that they never checked what the underlying land uses were or the configuration of the land. He said that the values of the land are off because of that. Ms. Cohen pointed out that the Village had a similar issue with the Professional Center noting that they had at least one, maybe two appraisals that were off base.

Councilman Willhite said he was fine with this if Mr. Schofield was comfortable that the Village has received the three appraisals. He did point out that the appraisals were based on 40 acres, and

thought that they would negotiate based on that.

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

#### **B. 14-350 AUTHORIZATION TO NEGOTIATE WITH ARCADIS RMA**

Mr. Schofield introduced the agenda item.

Mayor Margolis said that this was moved from Consent because it was his understanding that it was Council's decision to have projects with a certain dollar amount placed on the Regular Agenda.

Mr. Riebe explained that Arcadis RMA has a continuing services contract specifically for design services for Water Treatment and Wastewater Treatment facilities. In this case, it is a budgeted and approved Capital Improvement project which is a renewal and replacement project for the Water Treatment Plan. He said that the value of the engineer services contract that was being proposed was \$677,000.00. The total project cost is estimated at \$9.9 million which includes all of the engineering and all of the permitting. Mr. Riebe explained that the project extends the useful life of the existing facilities, provides for additional efficiencies, better process control, allows the Village to better utilize their water resource, effectively increases the capacity by a half mgd, there is no rate increase required, designing and permitting will be done in May 2015 and construction will be completed around April 2017.

There were no public comments.

Mr. Schofield addressed a question from the Agenda Review regarding continuing contracts being evergreen. He noted that this contract has a specific three year timeframe with a one year extension. Mr. Riebe said that this project was listed in the CCNA RFP as one of the projects that would be done. He said that Arcadis RMA have done work in Wellington and was the original designers of the original plant.

**A motion was made by Councilwoman Gerwig, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving a task order.**

#### **10. PUBLIC FORUM**

Vice Mayor Green announced that Mr. Mark Hilton, 13940 Folkestone Circle, Wellington, had submitted a card that he wanted to speak; however, he had already left the meeting.

1. Bart Novack, 15670 Cedar Grove Lane. Mr. Novack addressed several issues: (1) K-Park should be publically bid and voted on by the people whether or not it should be sold; (2) K-Park should be utilized as a park as was the original intention (3) he wanted to know the status of the proposed ordinance regarding golf carts; (4) he heard that Binks Golf Course may be dissected with the selling of the club House which could result in 212 acres being available for purchase by the Village for open space; and (5) He spoke about his difficulty in connecting with Mr. Schofield over the telephone.

#### **11. ATTORNEY'S REPORT**

**MS. COHEN:** No Report.

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

- The next Regular Council meeting will be held on Tuesday, August 12, 2014 at 7:00 p.m. There

will be a Special Council Meeting held on July 22, 2014.

- Wellington residents may notice a chlorine taste in their water which was due to the Village doing their annual chlorine treatment.
- He announced that he would be on vacation the next week.

### **13. COUNCIL REPORTS**

**COUNCILWOMAN GERWIG:** Councilwoman Gerwig presented the following report:

- She thanked staff for putting on a great Fourth of July celebration.
- With regard to applications received for the Education Committee for the At-Large appointment vacancy, she noted that Ms. Ruthann Retterbush applied and asked Council if they would consider appointing her to that position. Councilman Willhite pointed out that Ms. Donna Baxter had also submitted her application. He noted that she has a position with a high school which is one of the positions which is lacking on that committee. Mayor Margolis said that he had not had a chance to review the applications, and requested that they postpone making that appointment at this time.

**VICE MAYOR GREENE:** No Report.

**COUNCILMAN COATES:** No Report.

**COUNCILMAN WILLHITE:** Councilman Willhite presented the following report:

- Councilman Willhite thanked staff for their work on the Fourth of July event.
- He thanked Mr. Poag for his work in his new position and the communications that they have been receiving.

**MAYOR MARGOLIS:** Mayor Margolis presented the following report:

- Mayor Margolis acknowledged and thanked staff for doing such a great job on the Fourth of July event.

### **13. ADJOURNMENT**

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

**Approved:**

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**Bob Margolis, Mayor**

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**Awilda Rodriguez, Clerk**