

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

Wellington Village Hall
12300 Forest Hill Blvd
Wellington, FL 33414

Tuesday, August 14, 2018
7:00 p.m.

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, August 14, 2018, commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

Council Members present: Anne Gerwig, Mayor; Michael Drahos, Vice Mayor; John T. McGovern, Councilman; Michael J. Napoleone, Councilman; and Tanya Siskind, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Chevelle D. Nubin, Village Clerk.

1. **CALL TO ORDER** - Mayor Gerwig called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** – Mayor Gerwig led the Pledge of Allegiance.
3. **INVOCATION** - Minister Geraldo Vieira, The Pentecostals of the Palm Beaches (Wellington Branch), delivered the invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield indicated staff recommended approval of the Agenda as amended:

1. Move Consent item 6B, 1) Authorization to Award a Contract for the Renewal, Replacement and Expansion of the Water Treatment Plant; and 2) Approval of Resolution No. R2018-33 to Allocate the Required Funding to Complete the Project, to the Regular Agenda as item 8C.

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

5. **PRESENTATIONS AND PROCLAMATIONS**

Mr. Schofield indicated there were no presentations or proclamations.

6. CONSENT AGENDA

- A. 18-2239** MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF JUNE 12, 2018 AND JULY 10, 2018
- B. 17-1613** ~~1) AUTHORIZATION TO AWARD A CONTRACT FOR THE RENEWAL, REPLACEMENT AND EXPANSION OF THE WATER TREATMENT PLANT; AND 2) APPROVAL OF RESOLUTION NO. R2018-33 TO ALLOCATE THE REQUIRED FUNDING TO COMPLETE THE PROJECT (MOVED TO THE REGULAR AGENDA AS ITEM 8C.)~~
- C. 18-1914** 1) AUTHORIZATION TO UTILIZE AN EXISTING PUBLIC WORKS ANNUAL CONTRACT TO RESTORE THE CANAL BANK LOCATED AT PUMP STATION 3; AND 2) APPROVAL OF RESOLUTION NO. R2018-40 AMENDING THE FISCAL YEAR 2017-2018 CAPITAL FUND BUDGET, FOR U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE GRANT FUNDS AWARDED FOR PUMP STATION 3 CAPITAL PROJECT; AND PROVIDING AN EFFECTIVE DATE
- D. 18-2237** AUTHORIZATION TO AWARD WORK AUTHORIZATION NO. 2 TO PROVIDE ENGINEERING AND ARCHITECTURAL SERVICES FOR GREENBRIAR PARK
- E. 18-2246** AUTHORIZATION TO NEGOTIATE A CONSTRUCTION MANAGER AT RISK (CMAR) CONTRACT FOR THE CONSTRUCTION OF GREENBRIAR PARK
- F. 18-1817** AUTHORIZATION TO NEGOTIATE A CONTRACT FOR THE CONSTRUCTION OF THE WATER TREATMENT PLANT WAREHOUSE, GENERATOR STORAGE, FIELD SERVICES BUILDING MODIFICATIONS AND MISCELLANEOUS SITE IMPROVEMENTS PROJECT
- G. 18-2245** 1) AUTHORIZATION TO AWARD A CONTRACT FOR THE PURCHASE, DELIVERY, INSTALLATION, MAINTENANCE, WARRANTY AND HOSTING OF AN AUTOMATED LICENSE PLATE READER SYSTEM; AND 2) APPROVAL OF RESOLUTION NO. R2018-34, AMENDING THE GOVERNMENTAL CAPITAL BUDGET FOR FISCAL YEAR 2017/2018, BY COMMITTING MONIES FROM PRIOR YEAR LAW ENFORCEMENT TRUST FUNDS (LETF) TO CAPITAL EXPENSE, FOR THE PURCHASE OF AN AUTOMATED LICENSE PLATE READER SYSTEM; AND PROVIDING AN EFFECTIVE DATE.
- H. 18-2253** RESOLUTION NO. AC2018-04 (AUTHORIZATION AND APPROVAL OF QUITCLAIM DEED BETWEEN THE ACME IMPROVEMENT DISTRICT AND W & W EQUESTRIAN CLUB LLC)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT APPROVING A QUITCLAIM DEED BETWEEN ACME IMPROVEMENT DISTRICT AND W & W EQUESTRIAN CLUB LLC FOR TRANSFER OF THE WATER MANAGEMENT TRACTS KNOWN AS TRACTS L1 THROUGH L5 OF THE WINDING TRAILS PLAT RECORDED IN PLAT BOOK 125, PAGES 56 THROUGH 69; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield indicated no comment cards were received from the public.

Mr. Schofield stated staff recommended approval of the Consent Agenda as amended.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (5-0), to approve the Consent Agenda as amended.

7. PUBLIC HEARINGS

A. 18-2232 RESOLUTIONS ADOPTING THE BUDGETS AND ASSESSMENT RATES FOR THE ACME IMPROVEMENT DISTRICT, WELLINGTON SOLID WASTE COLLECTION AND SADDLE TRAIL PARK NEIGHBORHOOD IMPROVEMENT DISTRICT; AND RESOLUTIONS ADOPTING THE BUDGETS FOR THE LAKE WELLINGTON PROFESSIONAL CENTRE AND THE WATER AND WASTEWATER UTILITY.

I. RESOLUTION NO. AC2018-02: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE DISTRICT BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN; LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE DISTRICT AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF THE DISTRICT FOR CERTIFICATION OF THE DISTRICT'S NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

II. RESOLUTION NO. AC2018-03: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE WATER AND WASTEWATER UTILITY BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; AND PROVIDING AN EFFECTIVE DATE.

III. RESOLUTION NO. R2018-37: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE SOLID WASTE COLLECTION PROGRAM BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AND LEVYING THE NON-AD VALOREM ASSESSMENTS FOR SOLID WASTE COLLECTION AND DISPOSAL WITHIN THE JURISDICTIONAL BOUNDARIES OF WELLINGTON; PROVIDING FOR RATES AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON TO CERTIFY THE SOLID WASTE COLLECTION NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

IV. RESOLUTION NO. R2018-38: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE LAKE WELLINGTON PROFESSIONAL CENTRE BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; AND PROVIDING AN EFFECTIVE DATE.

V. RESOLUTION NO. R2018-39: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE SADDLE TRAIL PARK NEIGHBORHOOD IMPROVEMENT DISTRICT NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN; LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE AREA AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON FOR CERTIFICATION OF THE AREA'S NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. Ms. Nubin read each of the five resolutions by title.

Ms. Quickel stated there are five resolutions adopting the budgets and rates for fiscal year 2019 for Acme, Solid Waste, Utilities, Lake Wellington Professional Centre, and Saddle Trail for Council's consideration. She indicated Wellington's budget process starts with the five fundamentals and consideration of their goals.

Ms. Quickel stated the non-ad valorem rates proposed for FY 2018-19 include:

- An Acme assessment rate of \$230 per unit, which has not changed;
- A Solid Waste assessment that remains at \$135 per unit for curbside and \$100 per unit for container with no change recommended;
- Water and Wastewater proposed rates that include a 3.5% annual indexing, which is an increase of approximately \$2.18 per month on an average bill;
- The Saddle Trail South Improvement rate of at \$1,720.54 per acre, which is in its third year of a fifteen year debt assessment.

Ms. Quickel indicated the fiscal year 2019 budget for all funds for the Village show revenues of \$94 million and expenditures of \$97.3 million. She said approximately \$3.3 million in reserves is being used to balance the total budget.

Ms. Quickel stated for the Acme and Enterprise budgets, which Council is considering tonight, include revenues of \$31.6 million and expenditures of \$35.3 million. She said approximately \$3.9 million in reserves is being used to balance these budgets.

Ms. Quickel stated the proposed Enterprise budget changes for 2019 include a decrease of a little over \$10 million in Utility capital projects. She said the two major projects this year are the water and wastewater plants, which are budgeted. She indicated the Enterprise assets show a small decrease of \$68,000. She said Utility operations and technology include an increase of \$198,000, primarily for radio towers and electrical upgrades and repairs. She stated the Solid Waste contract is increased by approximately \$95,000, which includes the 2% contract increase.

Ms. Quickel stated their capital projects include ongoing programs of almost \$3 million, one-time projects of almost \$5 million, and Utility capital projects of a little over \$8 million for a total preliminary capital project budget of almost \$16 million.

Ms. Quickel stated, in the Utility Fund, the Utility revenues are budgeted at \$21.4 million. She said this is an increase of a little over \$1 million, which is primarily due to the 3.5% annual indexing included in the rate increase. She said the Utility expenditures are budgeted at \$24 million, reflecting the almost \$10 million decrease from the change in capital projects. She noted there was no change in the staffing within the Utility Fund.

Ms. Quickel stated Utility capital outlay includes capital projects of \$8.2 million as well as new and replacement equipment. She said the largest piece of equipment included in this budget is replacement of the vacuum truck. She indicated the new equipment includes shop & lab tools, vacuum trailer, ground radar, inspection camera and utility service truck.

Ms. Quickel stated the Solid Waste revenues are budgeted at \$3.4 million, which a small increase of \$58,610. She said the expenditures for Solid Waste are budgeted at \$4.1 million. She stated approximately \$770,153 in reserves is being used to balance the Solid Waste budget. She noted the 2% contract increase is included.

For the Lake Wellington Professional Centre, Ms. Quickel stated the proposed budget for revenues is at \$760,000, which is a small increase of \$22,200. She said the Professional Centre expenditures are almost the same at \$569,827, which is a slight decrease of \$2,000.

Ms. Quickel stated the revenues are budgeted at \$6 million for Acme. She said the expenditures for Acme are budgeted at \$6.6 million, which is a small decrease of \$181,000. She noted there was no change in the staffing within Acme.

Ms. Quickel stated for the sample Utility and Tax bills, the primary change is in water and wastewater, which will include the average increase of \$2.18 per month resulting from the 3.5% annual indexing. She said for the ad valorem portion of the bill, which will be considered further during the Council meetings in September, there is an average increase of \$37.00 per year.

Ms. Quickel indicated that the Budget Calendar shows the next meetings will be September 11, 2018 and September 25, 2018, where Council will consider the ad valorem portion of the budget.

Mayor Gerwig noted that the Capital Budget is not in front of Council tonight, as Ms. Quickel was reviewing it as part of the entire budget.

Mayor Gerwig asked if rightsizing the commercial containers affected the Solid Waste budget. Ms. Quickel stated staff has not calculated an increase, as they will see how it goes forward and look at the actual numbers.

Public Hearing

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

Vice Mayor Drahos stated the water and wastewater increase was based upon the Rate Utility Study. He asked if Ms. Quickel could provide an overview and explain why it is pertinent to this

decision. Ms. Quickel stated last year they included a 2.5% annual indexing and that has changed to 3.5% based on the rate study. She said the rates will be explained further when they discuss the next agenda item.

Mr. Schofield stated one thing they talked about in setting these rates was the use of reserves. He clarified they were not using operating reserves. He explained the Village tries to keep a 29%-30% reserve every year. He said this is not that. He stated the money they are spending in the utilities and what they do with the rate studies is so they are set up to pay for projects in cash. He said one item in the budget is a \$17 million expansion and retrofit of the water treatment plant. He stated the money they are spending for that is there. He said one reason they are pulling money out of the Solid Waste reserves is because those reserves are simply too high. He stated they are using those reserves to offset those costs and bring the reserves down to where they really need to be. He said it is not their goal to have excessive reserves.

Mayor Gerwig stated the reserves Council is being presented with tonight are dedicated reserves that are being used to balance this budget. Mr. Schofield stated they are dedicated and project specific savings. He said it is money the Village set aside specifically to do these projects. He stated part of the reason they were able to lower the budget by \$13 million this year, and not really change the income, is because the projects funded last year were funded out of savings. He said it is not that the Village is using reserves because they cannot pay for things. He stated the Village is using reserves because it was designed so they could, as much as possible, do pay-as-they-go.

Councilman McGovern asked what year they were in for the Acme special assessment. Ms. Quickel stated that assessment was increased to \$230 from \$200. She said this is the fifth year with the \$30 increase. She stated the assessment was approved for ten years. Mayor Gerwig noted the Acme assessment was the same as last year.

Vice Mayor Drahos indicated one public comment card was received.

1. Stuart Hack, 10280 Trianon Place, Wellington. Mr. Hack stated, on behalf of the Wellington Chamber of Commerce, they are respectfully requesting a public forum to discuss the Lake Wellington redevelopment initiative. He indicated the question posed on the budget survey did not include the fact that 140+ physical and virtual businesses will be displaced or eliminated. He stated the Chamber of Commerce hopes to have the opportunity to review the latest specifications.

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

A motion was made by Councilman Napoleone, seconded by Vice Mayor Drahos, and unanimously passed (5-0) to approve Resolution No. AC2018-02 as presented.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve Resolution No. AC2018-03 as presented.

A motion was made by Councilman Napoleone, seconded by Vice Mayor Drahos, and unanimously passed (5-0) to approve Resolution No. R2018-37 as presented.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve Resolution No. R2018-38 as presented.

A motion was made by Councilman Napoleone, seconded by Councilman McGovern, and unanimously passed (5-0) to approve Resolution No. R2018-39 as presented.

Mayor Gerwig asked about the amount for Saddle Trail. Ms. Quickel stated that the amount adjusts some every year according to the debt schedule. Mr. Schofield indicated the rate remains constant over time, but it will change a few dollars here and there. Mayor Gerwig said it is substantively the same and only affects those people living in that portion of Saddle Trail.

B. 18-2216 RESOLUTION NO. R2018-35 (UTILITY RATE STUDY)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ESTABLISHING RATES, FEES AND CHARGES WHICH THE VILLAGE MAY ASSESS ITS CUSTOMERS FOR POTABLE WATER AND WASTEWATER SERVICE AND RELATED MISCELLANEOUS UTILITY SERVICES; THE MANNER IN WHICH THOSE AMOUNTS MAY BE ASSESSED AND AUTOMATICALLY ADJUSTED; THE MANNER AND AMOUNTS IN WHICH CUSTOMER DEPOSITS MAY BE ASSESSED FOR SUCH SERVICES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. Ms. Nubin read the resolution by title.

Ms. LaRocque, Utility Director, stated the Utility recently completed a rate study which examined the rates, fees and charges levied by the Village to its water and wastewater utility customers. She said this rate study was conducted by an independent third party. She indicated Mr. Scott Harder with Environmental Resource Group was in the audience. She stated Mr. Rob Ori with Public Resource Management Group could not be there tonight. She said Mr. Nathan Nason of Nason Yeager was also there to help with the legal aspects of the rate study.

Ms. LaRocque stated the objectives of the rate recommendations are based on a five year planning period. She said they reflect full cost recovery principles, promote continued conservation of water resources, maintain a strong fiscal position through stable revenues and provide a cash funding for capital projects to the extent practical.

Ms. LaRocque noted, as required by state statute, all existing customers were notified by mail of the public meeting tonight.

Ms. LaRocque stated the study resulted in eight main recommendations:

- 1) Provide for automatic yearly indexing of all user fees and charges, except for capacity fees, at the greater of 3.5% or the U.S. Consumer Price Index for water and sewer maintenance. She stated automatic indexing does not mean they will not see this through the normal budget process. She said it means it does not require a specific rate hearing.
- 2) Maintain the existing rate structure.
- 3) Merge Commercial, Irrigation, and Government customer classes into a single commercial class for streamlining.
- 4) Eliminate the existing commercial two-tier potable water usage charge and replace it with a one-tier usage charge.

- 5) Adopt a 5.6% increase in combined water and wastewater capacity charges.
- 6) Adopt a monthly fire line capacity charge and base facility fees.
- 7) Adopt new miscellaneous charges, meter installation charges and customer deposits.
- 8) Maintain 25% surcharge for Outside Village customers.

Ms. LaRocque stated, if approved, all new rates will become effective on October 1, 2018, with the exception of the new capacity fees which will become effective in December 2018. She said this is due to statutory requirements.

Mayor Gerwig stated the Village is supplying water and sewer to the new development. Ms. LaRocque said the Village is their utility purveyor. Mayor Gerwig asked if these developments have already paid their capacity charges. Ms. LaRocque stated the Village received \$1.4 million in capacity fees for the first set of apartments for that project. She said that money will be set aside to pay for capacity improvements to the facilities.

Mayor Gerwig asked what percent of the project that covered. Ms. LaRocque stated that was for a little over 300 apartment units and the project is currently scheduled for over 1,000 units. She said the Village will see significant capacity fees from the overall master plan for this development. She indicated all of those fees will be put toward future expansion projects.

Mr. Schofield stated, since the project is outside the Village, they will pay 25% more than the actual rates. He said if a bill to a Wellington resident is \$100, it will be \$125 to those outside the Village.

Vice Mayor Drahos asked why the new development was using Village water. Ms. LaRocque stated they are located in the formal Village of Wellington utility service area. She said in many cases the utility service area is not necessarily the same as the municipal service area, which happens to be the case in this situation. She indicated most of the time that happens through negotiation.

Mr. Schofield explained their services were set up in the late 1970's and Wellington did not exist at that point. He said the Village service area is basically west of State Road 7 west and south of State Road 80.

Ms. LaRocque stated another good example is that Olympia is in the Village's municipality, but the Palm Beach County water utility serves them. She said that was a negotiation. Mayor Gerwig stated it was the same for Village Walk and anything east of State Road 7.

Mayor Gerwig stated she wanted to make sure they were capturing what was necessary and required for the expanded utilities. Ms. LaRocque indicated they were capturing everything. She stated the developer is paying for some large extensions to their force mains and water mains now, and that will be turned over to the Village through a bill of sale. She said not only does the developer pay capacity fees, but it also make improvements to the infrastructure. She stated it benefits the developer and the Utility.

Mr. Schofield indicated it is a requirement of their comprehensive plan that the Village not pay the costs of new development. He stated it is important that the residents know that while the

Village is providing services to the new development, the developer is paying for the capacity charges the Village had to fund upfront to bring in the water and sewer lines and the lift stations. He said it is not being paid by a Wellington rate payer.

Councilman McGovern asked about the trend in regards to Village utility rates versus those of other similarly situated communities. Ms. LaRocque stated the Village of Wellington is flat out in the middle compared to other comparable municipalities in their general area. She said it is difficult to do an apples to apples comparison on utility rates, because Jupiter, for example, can spread its costs over a larger customer base. She stated Village rates are very competitive with Jupiter, but Jupiter does not provide sewer. She said Encon provides sewer for Jupiter and Encon is much more expensive than what the Village charges for wastewater. She stated it is a little misleading, but the Village is very comparable.

Councilman McGovern asked about utility rates and other communities and whether they increased or decreased over time in comparison to Wellington. Ms. LaRocque stated she could not give them specifics for each utility, but she could talk nationwide. She said since 2001, the cost index for the actual cost to provide utility services has gone up about 87% nationwide. She stated the Village of Wellington rates have gone up 35%, as they have been extremely cautious.

Councilwoman Siskind asked Ms. LaRocque to speak to the Village not doing the annual indexing. Ms. LaRocque believed that Mr. Schofield had said that during the recession there was a conscious decision to maintain rates.

Mr. Schofield stated when the Village did the rate study in 2008-2009, the annual indexing was set at 2.5%. He indicated the Village has not charged the annual indexing rate in more years than they have charged it. He said because they have not done the automatic indexing since 2009, the Utility income is about \$2.1 million lower than it would be had they done all of the indexing. He stated their basic utility income is a touch over \$20 million. He said staff is recommending an annual indexing of 3.5% and that has changed from the existing 2.5%. He stated this is something the Council has to approve every year. He said the only real difference is that it does not require a rate study hearing. He stated staff still has to justify it to Council and Council still has to formally adopt it. He said the rates do not go up automatically without Council approval.

Mayor Gerwig asked why Jupiter has so many more service points than the Village, when Wellington is significantly larger in population. Ms. LaRocque stated the whole southern half of Wellington is not connected to the Utility and a lot of developed neighborhoods in Wellington do not have either sewer or water service. She said it really does not have anything to do with population.

Mayor Gerwig asked if there was a commercial imbalance or if Jupiter had more commercial than the Village. Ms. LaRocque stated Jupiter is really single family and multifamily. She said they do have more commercial, but all of their single family properties are connected to the Utility. She stated a significant portion of the Village is still not connected.

Public Hearing

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

There being no public comment, a motion was made by Councilman Napoleone, seconded by

Vice Mayor Drahos and unanimously passed (5-0) to close the Public Hearing.

A motion was made by Vice Mayor Drahos, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve Resolution No. R2018-35 (Utility Rate Study) as presented.

C. 18-2252 RESOLUTION NO. R2018-43 (COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FISCAL YEAR 2018/2019 ANNUAL ACTION PLAN)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND ADOPTING A FISCAL YEAR 2018/2019 ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO PROVIDE THE PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item.

Ms. Edwards stated the U.S. Department of Housing and Urban Development determined that Wellington is an entitlement community. She said the Village is entitled to federal funds for areas in the Village that have low to moderate income families and individuals. She stated as a part of that entitlement, the Village must produce an annual action plan every year to showcase the activities the Village will be participating in to spend those funds. She indicated the Village was awarded \$268,938 for the 2018/2019 fiscal year. She stated Village activities will include the Housing Rehabilitation Program, Summer Youth Employment Program or SWAG, and Senior Transportation and Rides Program.

Ms. Edwards showed Council a short video on the Community Development Block Grant (CDBG) program and how it has helped some of their residents in need.

Mayor Gerwig stated the Village's population, which is over 50,000 people, triggers the entitlement. Ms. Edwards indicated the funds have to be used for persons who are 80% or below the area median income.

Ms. Edwards stated in this current year, twenty-six (26) homes have been completed or underway. She said ten (10) homes have been completed, four (4) homes have been issued P.O.'s for jobs to be underway, and nine (9) homes have contracts pending. She stated with the twenty-six (26) homes currently underway, there is a waiting list for the fiscal year 2018-2019 funds.

Ms. Edwards stated a majority of the residents in need are seniors. She said everyone is pleased to be able to get the repairs and very happy when they are finished. She stated these residents want to stay in Wellington and this is a way for the Village to ensure they have a great quality of life.

Mayor Gerwig asked about the grant funds after five years. Ms. Edwards explained it is a five year lien on the resident's property and that loan goes away after five years. She said the residents have to remain in the home and be homeowners, as they cannot rent out the home for those five years. She stated if the residents leave within that time period, that portion is

prorated about 20% per year and any funds are subject to come back to the Village.

Mayor Gerwig stated if someone were to do the improvements and then sell the property, the Village would not be out the money. She said the money would come back to the Village and be used again for the same kind of program. Ms. Edwards stated it would become program income into the grant and the Village would have to turn around and use it for the same activity.

Vice Mayor Drahos asked how the projects are prioritized. Ms. Edwards stated it is first-come, first served. She said this public hearing is to inform the public about these activities, so they can comment on them. She stated the information is published on the Village website and advertised in the newspaper.

Councilman Napoleone asked about the length of the waiting list. Ms. Edwards stated there were five or six people on the waiting list.

Councilwoman Siskind asked if the work was being done by someone the homeowner chooses or if there was a process. Ms. Edwards stated her department works with the Purchasing Department and they have a procurement process. She said HUD requires that they do three bids and the lowest responsive bidder is awarded.

Ms. Edwards indicated the CDBG grant covered Village administration costs.

Councilman McGovern stated the people on the waiting list now will be able to apply for the next allotment of funds. Ms. Edwards explained the Village will not actually get the funds on October 1, 2018, as it usually takes three or four months, so they anticipate receiving the funds around January 2019.

Mayor Gerwig indicated there are other services in the community besides CDBG, as the Village partners with great charities. She said if someone has an overwhelming need, the Village is able to set them up with local charities and help out in that regard.

Ms. Edwards indicated this Council approved a Great Neighborhoods Grant, which is very similar to CDBG and has a house rehabilitation program as well. She stated the Great Neighborhoods Grant requires a dollar-for-dollar match by the homeowner.

Mayor Gerwig stated the Community Services Department does much more than just administer CDBG. She said she likes to talk about this department because they make the good stuff happen. She stated the Council appreciates what this department brings and how they work together.

Ms. Edwards thanked Communications for the video and Jim Fackrell for administering the grant program for the Village.

Mr. De La Vega stated Mr. Fackrell has done a wonderful job. He said for the Village to get a total of thirty-nine (39) homes, twenty-six (26) with CDBG and thirteen (13) with the Great Neighborhoods Grant, in one year is phenomenal.

Mayor Gerwig stated Mr. Fackrell was a great hire. She said when a lot of cities become entitled, they are not ready to administer CDBG. She stated Mr. Fackrell came at the right time and was very instrumental in making sure the Village did not lose any grants. She said if they do not use them, they lose them. She thanked Mr. Fackrell.

Public Hearing

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

There being no public comment, a motion was made by Councilman Napoleone, seconded by Councilman McGovern and unanimously passed (5-0) to close the Public Hearing.

A motion was made by Vice Mayor Drahos, seconded by Councilman Napoleone, and unanimously passed (5-0) to approve Resolution No. R2018-43 (Community Development Block Grant Program Fiscal Year 2018/2019 Annual Action Plan) as presented.

8. REGULAR AGENDA

- A. 17-1611 AUTHORIZATION TO NEGOTIATE A CONTRACT TO PROVIDE ARCHITECTURAL DESIGN SERVICES FOR THE WATER TREATMENT PLANT WAREHOUSE, GENERATOR STORAGE, FIELD SERVICES BUILDING MODIFICATIONS, AND MISCELLANEOUS SITE IMPROVEMENTS PROJECT**

Mr. Schofield introduced the item.

Mayor Gerwig stated the firm she works for and owns one share of stock in also has contracts with two of the subcontractors that Colome & Associates is using on this project. She said none of her firm's contracts have anything to do with this project, but the county's ethics code indicates she needs to recuse herself. She stated the two firms she has a conflict with are Tierra South Florida and Mock, Roos & Associates.

Ms. LaRocque stated this is an authorization to negotiate a contract to provide architectural design services for the water treatment plant warehouse, generator storage and field services building. She said Colome & Associates was selected by the Consultants' Competitive Negotiations Act by committee. She stated the project is located at the water treatment plant off Wellington Trace adjacent to the Boys and Girls Club. She said the project includes the following major components:

- 1) Construction of a new portable generator storage facility;
- 2) Construction of a new warehouse that will provide inventory space for the entire utility;
- 3) Repurposing the existing field service building to meet current and future space planning needs.
- 4) Ingress and egress improvements;
- 5) Site security improvements;

Ms. LaRocque stated all of these improvements will extend the life cycle of the assets as well as improve operational efficiency and reliability.

Ms. LaRocque indicated the project will be completed using the Construction Manager at Risk (CMAR) delivery method. She stated the CMAR delivery method has several benefits to the Village of Wellington, including a higher level of cost control and risk limitation. She said all savings will accrue and go to the Village at the end of the project. She stated Colome & Associates is highly capable and qualified to do this project and has a lot of experience with

CMAR type projects.

Councilman Napoleone stated this is a companion item to what Council just approved on consent, which authorized the negotiation of a contract to construct it. He said they had to pull the design out, so the Council could discuss it without Mayor Gerwig being present.

Mr. Schofield explained the Village will bring the designer and the contractor on board at the same time, so they are done together and the constructability analysis is done. He said this way the Village generally gets projects that are designed better, have fewer problems during construction, have fewer change orders and have a better collaborative process. He stated they are less likely to have errors and it speeds up the process. He said if they do the typical design, bid, build, those RFP processes can add four to six months to a construction project. He stated with bringing on the designer and the contractor at the same time, the project is completed more quickly, costs are better controlled and the savings come back to the Village.

Councilwoman Siskind stated it was discussed yesterday that this project was partially due to growth. Ms. LaRocque said this project will allow for space planning for the build out of the utility.

Councilman McGovern stated this is all part of a larger process of redoing and modernizing the utility, water plant, and wastewater plant, which they will be talking about for a while. Ms. LaRocque indicated, when they are done with the water plant, the wastewater plant and this project, the Village will be set for a long period of time.

A motion was made by Councilman Napoleone, seconded by Councilman McGovern, and unanimously passed (4-0), with Mayor Gerwig recused, to approve the Authorization to Negotiate a Contract to Provide Architectural Design Services for the Water Treatment Plant Warehouse, Generator Storage, Field Services Building Modifications, and Miscellaneous Site Improvements Project as presented.

At this point, Mayor Gerwig returned to the Chambers.

B. 18-2243 RESOLUTION NO. R2018-42 (EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2017 LOCAL SOLICITATION FUND ACCEPTANCE AND RELATED BUDGET AMENDMENT #2018-065)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) FUNDS AND RELATED BUDGET AMENDMENT #2018-065; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. Ms. Nubin read the Resolution by title.

Ms. Quickel stated this grant is part of the Justice Assistance Grant (JAG) program, which is a formula program. She said based on the 2017 allocations listing, the Village was allocated \$7,654 for 2018. She stated, traditionally, the Village has used these funds for additional security cameras. She indicated it is a requirement that the Village provide an opportunity for public comment and Council approval, which is why staff is before Council tonight.

Mayor Gerwig stated Council had to vote on this and that they had discussed it.

Councilman McGovern stated they are always excited to get grant money.

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

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve Resolution No. R2018-42 Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation Fund Acceptance and Related Budget Amendment #2018-065) as presented.

- C. 17-1613** 1) AUTHORIZATION TO AWARD A CONTRACT FOR THE RENEWAL, REPLACEMENT AND EXPANSION OF THE WATER TREATMENT PLANT; AND 2) APPROVAL OF RESOLUTION NO. R2018-33 TO ALLOCATE THE REQUIRED FUNDING TO COMPLETE THE PROJECT

Mr. Schofield introduced the item. He stated this was a sealed bid project and the recommended award is to Weiss Construction for \$17,005,300. He said they were the lowest responsible, responsive bidder and about \$500,000 lower than the other two bidders.

Mr. Schofield indicated the two components of this item are the award of the contract and a budget issue. He stated the original cost estimate was about \$13.5-\$14 million, as they were coming out of the recession. He said they need to move \$3.5 million into the project, as the engineer's cost estimate when they went to bid on this was \$17 million. He stated the budget transfer is out of money that is in the utilities. He said the Village is not having to borrow money or take it away from another project. He stated the money is there and can be moved.

Ms. LaRocque stated this project includes major renewal and replacement along with capacity expansion to the utility's water plant, which is located on Wellington Trace adjacent to the Boys & Girls Club. She said the project includes the following major components:

- 1) Complete renewal and replacement of reverse osmosis plant #1, which is approximately 30 years old and can produce 4.5 million gallons of water a day.
- 2) 0.9 MGD expansion to the reverse osmosis plant #2.
- 3) Replacement of ten high service pumps that have exceeded their useful life.
- 4) Complete reconditioning of the existing high service pump building and process control laboratory.
- 5) Construction of a new water treatment plant control room.
- 6) Generator fuel system improvements.
- 7) Improvements to chemical systems.
- 8) Miscellaneous yard piping, electrical and instrumentation improvements.

Ms. LaRocque stated all of these improvements will extend the life cycle of the assets as well as improve operational efficiency and reliability. She said the two bids received were within 3% of each other, which indicates they were very competitive. She stated the project will be funded from on-hand utility reserves and capacity fees. She said the budget last year was updated to \$17 million and was previously \$13.5 million.

Ms. LaRocque stated the project has a substantial completion date of 670 days and a final completion of 730 days. She said it is not necessarily a complex construction project, but it is very complex as it relates to operations. She stated they will have to take RO plant #1

completely out of service. She said it takes a lot of coordination to make sure there are no interruptions, so the Village can continue to provide water to its customers at all times. She stated staff is very excited about moving this project forward and they are hopeful that Council will agree to do so.

Mayor Gerwig stated when she toured the facility, Ms. LaRocque explained what they were working on. She said it was nice to see it for themselves what they are headed into and why. She stated she appreciated the time Ms. LaRocque spent with Council on the tour.

Vice Mayor Drahos thought it was important for the residents to know that each Council member went on a tour with Ms. LaRocque and her staff. He said Ms. LaRocque showed them the old pipes that needed to be replaced. Ms. LaRocque stated the pipes have reached their useful life.

Vice Mayor Drahos stated it has been a very comprehensive review and thorough analysis. He said he was quite proud of this. He stated although this Council is signing the check, many Councils before them, as well as leadership on staff, had the vision to save and be responsible. He said that has put the Village in a position to use existing money to keep their utility system up-to-date and even take it into the future. He stated this was a great day for Wellington.

Councilman Napoleone stated most of the time people take it for granted that their water is going to come in and it is going to leave. He said it is a very expensive, complicated and important process to make sure it works all the time every day. He stated the money that has been saved, has been put to good use, has been well spent and has been well managed. Ms. LaRocque said it was public health and safety.

Councilman McGovern stated the quality of Wellington water is very high. Ms. LaRocque said reverse osmosis treatment is currently the highest level of treatment that can be implemented in water technology.

Councilman McGovern stated the Village is going to take a portion of the plant down to construct the new portions, while never interrupting service during that process at any point in time. Ms. LaRocque said that was their goal.

Councilwoman Siskind thanked Ms. LaRocque and her staff for being proactive with things like this. She stated the Village does not have emergency situations and they talked at great length about how the Utility is moving into a time of reinvestment. She said it is aging so they want to be very proactive here and they have done a great job. Ms. LaRocque stated it has been a big team effort.

Ms. LaRocque noted that staff will be getting with Council on an appropriate date for groundbreaking.

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve: 1) Authorization to Award a Contract for the Renewal, Replacement and Expansion of the Water Treatment Plant; and 2) Approval of Resolution No. R2018-33 to Allocate the Required Funding to Complete the Project as presented.

9. PUBLIC FORUM

Mr. Schofield indicated one public comment card was received.

1. Andy Hermida, 13644 Yarmouth Court, Wellington. Mr. Hermida stated he was the president of the HOA for his complex. He said a park is going to be built and it will take away one of the access roads to their neighborhood. He stated the park will be located between Carlton and Yarmouth. He said it was a proposed park, but the neighborhood received flyers on it yesterday.

Mayor Gerwig stated the Council has not voted on this. She asked if the flyer was advertising for public comment.

Mr. Hermida indicated the flyer states "there is going to be a new neighborhood park constructed on Folkestone Circle." He said this wording got his residents going and they told him to come to the Council Meeting and speak. He explained the residents are upset, because the transparency is not as good as the last time this came to the Council.

Mr. Hermida stated his complex is the outlier. He said they have their own dumpster and do not put out canisters and leave them out all week. He stated they actively use the funds for the one-to-one grants. He said they redid the driveway last year and updated the lighting once the Village changed to LED lighting.

Mayor Gerwig stated the Village puts items in the budget for discussion, but the Council has not voted to build the park.

Mr. Schofield indicated the Village will be doing a neighborhood meeting next Thursday evening. He said staff will be out there to talk to all of the neighbors, as they want input from the neighborhood.

Mayor Gerwig stated the residents were questioning the wording. She said it should say "input from the community" and not that the Village is giving them something and here it is.

Mr. Schofield stated the intention was to have a community meeting. He said neighborhood advocates are knocking on every door in the neighborhood this week and telling people they are there. He stated they want the residents to come and provide input. He said no project the Village has ever done has had 100% support. He stated he is not going to predict how everyone votes, but generally Council does not give people what they do not want.

Mayor Gerwig thought Council had discussed the same location and the same kind of concept three years ago.

Mr. Barnes clarified that the sentence right after the wording in question states "the proposed park." He said the intention was for it to mean proposed park. He indicated an informational meeting will be held on August 23, 2018.

Councilman McGovern asked if the informational meeting was on the flyer. Mr. Barnes stated the flyer was advertising the meeting.

Mr. Hermida stated the meeting will be onsite. Mayor Gerwig said it will be held at the location on that street. She stated the Village is attempting to solve some problems with speeding through neighborhoods. She said they are not looking to shove a solution into a neighborhood that does not want it. She stated the Village needs cooperation and they want to work with the neighborhood.

Mayor Gerwig asked if Council could attend the meeting. Ms. Cohen stated Council could attend the meeting, but they could not discuss together how they are likely to vote or what their thoughts are with respect to that meeting. She said if Council attends, they should attend with the intent to just listen to the presentation and to what the community residents are saying.

Councilman McGovern stated the Council members will be there to have individual discussions with the residents. He said having it onsite was very important to them.

Mr. Hermida stated he came here on behalf of the residents, because they came home from work, got these flyers and started calling him. He said he told them he would find out what is going on. Mayor Gerwig stated the Village wanted to work with them.

Mr. Hermida stated he understood there was a problem in their area and in the multi-home area. He said his complex can only do the best it can. He stated the HOA would be willing to work with the Village on anything. He said he can only run his own area. He stated he would be willing to discuss any solutions the Village has with his neighbors.

Vice Mayor Drahos stated he might not be able to make it to the neighborhood meeting on August 23, 2018.

Mayor Gerwig indicated Council's contact information was on the Village website. She said Mr. Hermida could contact any of them, even after the neighborhood meeting, if he wanted to let them know his thoughts.

Mayor Gerwig stated notes will be taken at the meeting. Mr. Barnes said several staff members will be there to present all of the options as far as the layout and the playground. He indicated staff has also been in regular contact with the entire community through their walks and talks. He said they try to keep in contact and keep the pulse of the neighborhood on a regular basis.

Mayor Gerwig thanked Mr. Hermida for coming in and bringing this to Council's attention. She said more people probably felt that same way he did.

A. 18-2249 PUBLIC FORUM REQUEST – A PRESENTATION BY MARY SUE JACOBS, REGARDING A PADDOCK PARK CODE ENFORCEMENT ISSUE

Mr. Schofield introduced the item.

Mary Sue Jacobs, 14785 Hay Market Court, Wellington (Paddock Park I), introduced herself. She stated she was there to represent the majority of the residents in Paddock Park I, as they asked her to come and speak to Council. She indicated they tried to get about 150 comment cards the other day, so they would not bombard the Council and keep them there until 2:00 AM, but staff would only give them 20 cards. She said she copied the comments and attached them to the comment cards, so the Council would have them. Mr. Schofield indicated the comment cards will be made a permanent part of the record.

Ms. Jacobs stated she came to talk to Council because the residents love Paddock Park I. She opined that it is one of the nicest neighborhoods in Wellington. She said it is one of the older neighborhoods in Wellington and, for many years, even before Wellington, it was one of the first areas to have horses. She stated they back up to the horse trails and many properties are from

1-2.5 acres. She said it is one of the few places in Wellington that is totally family oriented and has a lot of year around residents. She indicated she has been here for almost 30 years. She stated, originally, almost all of the horse people were in Paddock Park I, which is why it was called Paddock Park I. She said the streets are named after horses.

Ms. Jacobs stated as the horseshow grew, people started going out into Paddock II and Saddle Trail, but the year around residents mostly stayed in Paddock Park I. She said a lot of people had horses and barns. She stated there seems to be some confusion in the last couple of years as to whether they can have horses or not. She said their deed restrictions allow them to have horses. She stated she was told by five different real estate attorneys that the Village cannot change a deed restriction unless they have a specific ordinance that addresses that particular deed restriction for that particular neighborhood.

Ms. Jacobs stated there has been no ordinance or official vote that has changed that deed restriction. She said if they asked the residents, they will tell them they do not know of anything that changed the rule.

Ms. Jacobs stated it seems that Code Enforcement has been giving confusing messages to everyone over the last couple of years. She said people are trying to sell their homes. She stated when the buyers come and want horses in their backyard, Code tells them they cannot have horses.

Ms. Jacobs stated she bought her daughter's house a couple of years ago. She said it had been a horse farm for over ten years, it was fenced and had a wooden barn on it, and it backed up to two horse trails. She stated when she called the Village of Wellington she was told that it was grandfathered in.

Ms. Jacobs stated the only thing the ordinance for the EOZD changed was, because the Equestrian Overlay Zoning District is not about horses but about barns, who can have barns and hangars, and what sizes they could be. She said they could not have any new barns and the old ones were all grandfathered in.

Ms. Jacobs stated, with that being said, nobody ever took away their right to have horses. She said she attended a lot of the meetings when the EOZD was devised. She stated she could bring witnesses for these things and who was at those meetings. She said she could bring paperwork and show hard fact proof for everything she is going to say to Council tonight.

Ms. Jacobs stated when she bought her daughter's property, 2.5 acres, they fixed it up as it was a foreclosure. She said after they purchased it and put up the fence, they were tagged weeks later and told they had to remove the horses, as they were illegal and the property owners would be fined for having them.

Ms. Jacobs stated for the last two years, she and her neighbors have been trying to go through the process and get a straight story on what is really going on in Paddock Park I. She said they have spoken multiple times with Code Enforcement. She stated they were first told the EOZD kept them from having horses, but nothing in the overlay talks about horses, just barns.

Ms. Jacobs stated they were then told that they could have horses during the day. She said they could ride horses on the trails, give riding lessons, do whatever they wanted during the day; however, they would have to move their horses at night, which makes no sense whatsoever.

Ms. Jacobs stated they understand they are not allowed to have horses, because Code feels every horse in Wellington should go to sleep at night in a barn. She said this is ludicrous, as there is no rule. She stated when they asked Code to produce the rule, they could not produce it. She said Code could only pull up the Palm Beach County rule, which she has included in the packets of information, as it specifically says all they have to do to have a horse is provide shelter, which is a hard top over something like a little pole barn or shed.

Ms. Jacobs stated she also included a letter from one of the best known veterinarians, in Wellington and Palm Beach County, from Palm Beach Equine, who has been here for forty years and knows the rules inside and out. She said his letter also tells them that there is no law, rule, veterinary code or anything else that says a horse must have a barn or stall to sleep in. She stated, in fact, most people who own horses will say that horses do not really like to sleep in a barn.

Ms. Jacobs stated, with that being said, when they created the EOZD and Paddock Park I did not go into it, it was specifically asked if that meant that people cannot have horses. She said they were all told at those meetings that they were grandfathered in and it would not take away their right to have a horse; that basically all it did was curtail the building of any new barns; and if they were not in the EOZD, they really did not qualify to have a barn.

Ms. Jacobs indicated more residents will speak to Council to support this. She said 131 residents wrote cards and more are coming in, as they did not have time to get them all tonight. She stated they did this with a bit of effort to show Council how serious they are and that they want their rights. She said they no longer want to be told they cannot have their rights.

Ms. Jacobs stated that Paddock Park I is one of the only neighborhoods left where normal people can afford a horse. She said they can have a backyard trail horse or their kid can have a 4-H project or they could get a rescue horse. She stated they were not asking to have commercial barns or big facilities. She said they cannot afford equestrian properties anymore. She stated a lot of the residents want to form a little horse club and have trail rides, and they want their kids to be able to have access to this. She stated some people just want to have a horse in their backyard, because they like horses.

Ms. Jacobs stated she went to great lengths to poll everyone in the neighborhood, as some were on vacation. She said they came up with a proposal that almost everyone seemed to like. She stated when she sent out the cards to get everyone's opinion, she did not get one negative response. She said maybe they will get a negative response, but they have not received one thus far. She stated some people who had been against it in the past, were now actually for it. She said this has really hurt these people and they feel Code Enforcement has severely hurt their property values.

Ms. Jacobs stated if the Village feels they need to go back into the EOZD to be able to have a legal barn, they can do that. However, right now the residents of Paddock feel that Code does not have a right to tell people they cannot have horses. She said there has never been anything to change their deed restrictions. She stated there was never an official vote, which is required, and there was never a specific ordinance.

Ms. Jacobs stated the residents of Paddock feel that right now they should be able to have their rights to have horses in their backyards. She said from there, if the Council feels or Code feels they want to meet with them or work a plan together, the residents of Paddock have made a proposal that they think is very reasonable. She stated, instead of having four horses per acre,

they could have two horses per acre and a small two-stall barn. She said it is with all of the setbacks, including the proper fly systems and the manure removal, so they are courteous to their neighbors.

Ms. Jacobs indicated most of the 2-2.5 acre farms back up to the horse trails and the easements. She said for most of them, half of their property is not usable for anything residential, even though they are paying resident taxes. She stated the FPL easement was always used for pasture before. She said they would like to have that right to have it for pasture and for their kids to be able to have a horse in their backyard.

Ms. Jacobs stated residents of Paddock Park I are appealing to Council to pay attention, as they need help. She said they want this to be addressed and they want their rights for their horses.

Mr. Schofield indicated a public comment card was received:

1. Rick LeAndro, 14757 Stirrup Lane, Wellington. Mr. LeAndro stated he has been a resident of Paddock Park I for eighteen years and a Wellington resident for twenty-eight years. He said he was in favor of everything Ms. Jacobs presented. He indicated he is a licensed real estate broker and his understanding was that they were always able to have horses in Paddock Park I, as he never knew their rights were taken away.

Two members of the audience wished to speak at this time:

2. Jerry Lagato, 1335 Essex Drive, Wellington. Mr. Lagato stated he came to listen to what was being said about the water and the water plant. He said he appreciated all of the scientific information about reverse osmosis. He stated he was greatly disappointed in the decision to put fluoride in their water. He said he has done a lot of research and he has found nothing beneficial to any human or animal by taking fluoride orally. He stated the best that could happen is fluorosis, where your teeth change color. He said there are recommended amounts, but he cannot find where they came from. He stated he has found a lot of literature where people have gotten very ill, cancer and sick from these chemicals. He said the chemicals creating this fluoride are generally bi-products from other chemical processes making pesticides, which do not belong in their water. He said he has a son with autism, so he is very careful with what he drinks. He explained he buys water from Nestle, after researching the company, which is what his family and animals drink. He said this gets expensive, as he cannot use the wonderful water coming from Wellington's plant. He stated the worst part is that it is absorbed through the skin, so not only are they drinking it, but they are bathing and swimming in it. He said they are getting an enormous amount of fluoride and it is not healthy. He stated he would like this to be reconsidered.

3. Tara Zimmerman, 14768 Stirrup Lane, Wellington. Ms. Zimmerman stated she was there with Ms. Jacobs' group. She said she has been a resident of Paddock Park I for over five years. She stated she would like the opportunity to have a backyard horse, if she chose to. She said her daughter is at the point where she can ride on her own and it would be quite a savings, as riding lessons are very expensive. She indicated a lot of people are selling/buying houses in the neighborhood and the new neighbors moving in are being told by the realtors or residents that they can put horses on their properties. She said there is a lot of misinformation. She stated they are not sure what the rules are or what is going on.

Vice Mayor Drahos asked if Council would get copies of all of the comment cards brought in by Ms. Jacobs. Mr. Schofield indicated staff will provide Council with the copies electronically. He

said he would also provide a memorandum going over most of the questions being asked here.

Councilman McGovern asked if that was in addition to Mr. Basehart's memo of August 10, 2018. Mr. Schofield stated he will provide Council with Mr. Basehart's memo as well as expand on it, because it did not have some of the specific ordinance dates, votes, etc.

Vice Mayor Drahos indicated this matter was currently in litigation. Mr. Schofield stated the items he will be giving Council will not adversely affect that. He said, as a staff, they just enforce the code. He explained when the EOZD was adopted in 2002, there was no restriction outside of the EOZD for stables. He said that came in 2003 after a problem in Saddle Trail. He indicated there was an ordinance in 2003 and the Council considered it again in 2009. He stated he will provide all of this detail to Council.

Mayor Gerwig indicated that she would like to read her e-mail to Mr. Schofield into the record. Mr. Schofield stated he did not have a problem with that.

Mayor Gerwig stated she e-mailed Mr. Schofield last night after receiving Mr. Basehart's memo on her desk. She indicated it said it was an e-mail, but Council did not receive it in an e-mail format, as it was a written document. She said it stated that it was an e-mail, which was kind of confusing to her.

Mayor Gerwig read her e-mail to Mr. Schofield into the record as follows:

Paul,

I feel the need to correct some of the statements that have been made by staff regarding the horses in Paddock Park. I have not made up my mind on what I think is best for the community, but the historical information that Mr. Basehart supplied does not match my personal experience.

We bought our lot in 2000 with the intention of building a home and the expectation of being able to have horses on our lot, along with my dream home. We were never notified of the pending EPA boundary or of the EOZD precluding us from having a horse or two on the property. I heard of it first from a neighbor in 2005 and was surprised that Wellington would have changed our property rights without notification. Our house was CO'd in 2002, so if a mailing had happened I should have received it.

Mayor Gerwig stated it turns out from Mr. Schofield's response that she thinks she CO'd her house the exact month that they created the EOZD.

The covenants and restrictions that we received when we bought the property notified us that we could not have pigs or peacocks, nuisance animals, but that horses, cows, and pickup trucks were allowed, which was great since I drove a Dodge Ram 4x4. There were horses throughout the subdivision, but not as many as there were when Paddock had dirt roads. Yes, I remember that, too. I am also fairly certain that the property that Ms. Jacobs owned had horses (plural) when her sons were young. When we rode bikes to school, we rode right past that property. That is clearly in contrast to Mr. Basehart's memo stating that it was apparent from the aerials that horses were not on the property historically.

At some point, possibly the 2009 timeframe that Mr. Basehart refers to, but I think it was earlier in 2007 or 2008, a resident went in to get a barn permit on his lot on Squire. His little girl had requested a pony so, as any perfect father would do, he attempted to comply. At that time, he was told that barns were not allowed on Paddock Park I. It seems that times had changed and people preferred larger homes and not to have stables onsite.

Mayor Gerwig stated she thought that was the true sense of the Village at that time at least.

So he pursued the questions with the Village Council. The Village Council at the time, I am sure Tom was the Mayor, but I am not entirely sure who else was serving at that exact time, went forward with the survey. They asked:

- 1) Horses everywhere in Paddock I?;*
- 2) Horses nowhere in Paddock I?; or*
- 3) Horses on lots that backup to bridle trails and are two acres or more?*

My recollection is that the vote was split at about 33% each. Without a clear majority, the Council dropped the issue. If my recollection is correct, 2/3 of the residents (which Mr. Schofield says it is not from his search of the records) wanted horses at least somewhere.

Times have changed and several of her neighbors have expressed an interest in revisiting the question. Several large lot properties have been on the market a very long time, especially those two acre pieces that backup to the powerlines.

Mayor Gerwig stated there is an easement that the property owner actually owns that they cannot use for anything and then the right-of-way that they back up to.

Others have been purchased expecting to be able to have horses, as it is called Paddock Park.

My sincere desire is to address the issue with the current residents and determine the will of the residents. I think we owe the residents an honest discussion and an honest narration. If residents were notified, please provide me that information. This record needs to be corrected or verified, and the public record of the vote should be readily available and provided to the Council.

Thank you, and I look forward to receiving your response.

Anne

Mayor Gerwig stated she received a response, which narrates the creation of the Comp Plan, the EPA, and the EOZD. She said she was wrong in her recollection, as a little less than half wanted horses nowhere at that time.

Mayor Gerwig read Mr. Schofield's response into the record as follows:

Anne,

When you built your home in 2000 the Equestrian Overlay Zoning District had not

been adopted. The EOZD was an outgrowth of a requirement in Wellington's original Comp Plan that zoning standards be adopted to implement the provision of the Equestrian Element of the Comp Plan.

The EPA was created when the Comp Plan was adopted on January 19, 1999, Ordinance No. 99-01. The Paddock Park I subdivision was not included in the EPA.

No individual notices were sent to homeowners for these public hearings because the Comp Plan applies to all properties in the Village. The hearings were advertised in the Palm Beach Post as required by law.

The Comp Plan was reviewed by both the Equestrian Preserve Committee and the Planning, Zoning & Adjustment Board prior to consideration by the Council. The Comp Plan, which required the adoption of the EOZD, was adopted in 1999. EOZD implementing the equestrian element of the Comp Plan was adopted in 2002. The EOZD was adopted into the Land Development Regulations (LDR) on August 27, 2002 and all of the property within the EPA was simultaneously rezoned to this new zoning classification. Since Paddock Park is not in the EPA, it was not rezoned EOZD.

Again, since this ordinance applied to a large area with many properties, the hearings were not individually noticed to homeowners. Rather, as required by law, the hearings were advertised in the newspaper.

Article VI, Section 6.4.4, 104 and 105 of the LDR was amended on September 9, 2003 to prohibit barns, stables, outside of the EOZD. Once again, this ordinance applies to all of Wellington outside the EOZD and, therefore, was not required to be individually noticed to the property owners. Like the items above, the hearings were advertised in the newspaper as required by Chapter 163 of Florida Statutes.

The covenants and restrictions adopted by individual property owner associations often conflict with local and state regulations. Local governments do not enforce POA documents. POA covenants do not supersede adopted local, state or federal regulations.

Mayor Gerwig stated this was not a POA.

While there is a fair argument that owners who purchased their property prior to September 9, 2003 may not know that stables are not permitted in Paddock I, no such presumption can be made for property acquired after that date. Any and all equestrian uses/structures that were in existence, and have remained so continually since September 9, 2003, are vested nonconforming uses and can continue unless and until the activity ceases for a period of six months or more.

The staff has no physical evidence that there was ever any equestrian use on lot 1, block 21, Paddock Park I prior to its acquisition by the current owner in August 2015. It is not the staff's position that no such use ever existed, only that they have found no supporting evidence of the use. Staff has reviewed aerial photographs of the property, going twenty years back, researched building

records both here in Wellington and at Palm Beach County, and can find no permits or applications for barns, stables or paddocks.

The statutory exemption for nonresidential farm buildings did not exist until 2002. In its initial decade, the exemption only applied to the Florida Building Code and not to site plan requirements.

Regardless, even if there was such an activity on the property in the past, we know that no such activity existed after the bank foreclosed on the previous owner in September of 2014. The bank owned the property for eleven months. Under the Village's code, legal nonconforming uses extinguish after they have been vacant for six months.

The proposed amendments to the LDR to allow equestrian activity in all or part of Paddock I was considered by the Bowen Council in 2009.

Mayor Gerwig stated she was wrong, as Tom Wenham was not the Mayor.

There were three hearings: 2/10/09, 3/10/09 and final action on 4/14/09. At that time, staff recommended horses be allowed on a limited bases in Paddock I. On April 14, 2009 Council voted unanimously to reject the ordinance. However, the first motion was to reject staff's recommendation that lots of budding existing trails be allowed up to two stalls in a single stable. The Village Attorney recommended an alternate motion that expanded the denial to the entirety of the subdivision. The proposed ordinance would have limited equestrian use to only properties that were directly adjacent to equestrian canal pathways.

There was a survey done with about 138 responses, which represented about 55% of the homes in Paddock Park I. The results were as follows: allow stables throughout Paddock Park I – 33.3%; allow stables only along equestrian trails – 21%; do not allow stables anywhere in Paddock Park I – 45.7%.

The public in attendance and several Council people expressed concern over the inequity of allowing equestrian activity on only some lots, to the exclusion of others, and most expressed opposition to allowing it generally throughout the subdivision.

*Best regards,
Paul Schofield*

Mayor Gerwig stated everyone was up-to-date on everything that she and Mr. Schofield have in response to this issue.

Vice Mayor Drahos stated he wished he would have been copied on that e-mail, so that he would have had an opportunity to review it and give it some thought before today. He said when this was brought up in Agenda Review yesterday, he asked about Ms. Jacobs' goal and why she was bringing this before the Council. He stated he understands they want Council to hear this and be aware of what is going on. He reiterated there is pending litigation over this issue at the moment.

Ms. Cohen stated there is pending litigation and also a pending Code Enforcement case that

has been stayed until the conclusion of the pending cert petition.

Vice Mayor Drahos stated it sounds like there is a long history that predates today. He explained he has told his clients many times not to talk during pending litigation. He stated he was going to follow his own advice and not comment tonight. He said it was not lack of respect or appreciation for all of the residents who came out to present this. He stated he feels he needs to be more educated on the issue and understand all of the dynamics before commenting publicly and potentially compromising their pending litigation.

Councilwoman Siskind and Councilman Napoleone seconded Vice Mayor Drahos' comments.

Councilman McGovern stated this was discussed at Agenda Review yesterday. He said Vice Mayor Drahos' advice was well stated. He thought there was some concession on the part of Ms. Jacobs that there may not be an existing right at this point in time, but that this is something that Council should look into for the future. He stated Council is certainly willing to consider it, as that is their job. He said they will read all of the information that was brought in, see how the court case and code enforcement matters go, and, in due course, it potentially will make its way back to Council.

Mayor Gerwig stated that was her goal. She said she has mentioned several times to this Council that they should take the temperature of the neighborhood. She stated she understands the caution, but if the rest of the community is impacted negatively, they have a right to speak. She explained why she wrote the e-mail to Mr. Schofield and kind of argued with Mr. Basehart's narration. She said if they are devaluing a community for whatever reason - maybe they built large homes, there is not enough property left or maybe there is a good reason to change this - they owe the residents the discussion with the pending litigation portion of it carved out. She stated she is not suggesting the Village has done anything wrong and she was not suggesting that when she wrote the e-mail last night.

Councilman McGovern stated he did not think Council was doing anything. He thought Mayor Gerwig was saying they should look at something that a Council did in 2009, that a Council did in 2003, and that a Council did in 2002. He said they have it within their right to re-review those things anytime, any number of ways. He thought, as they discussed at Agenda Review yesterday, that they should be cautionary and not comment when there is litigation and a code enforcement case going on. He believed it was also the standing practice of this Council when they hear comment, as was delivered tonight, that they hear it, take it in, and do not have a lengthy discussion that evening.

Mayor Gerwig stated she did not send the e-mail to Council, because she did not want to be cautioned about some kind of Sunshine violation. She said if she were to send it to them, it would not be a Sunshine violation, but it could be if there was a response to it.

10. ATTORNEY'S REPORT

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

- She indicated she had no report.

11. MANAGER'S REPORT

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

- The next Regular Council Meeting will be held on Tuesday, August 28, 2018, at 7:00 p.m. in the Council Chambers.
- In observance of Rosh Hashanah holiday, the start time of the September 11, 2018 Council Meeting will be changed from 7:00 PM to 8:00 PM.

12. COUNCIL REPORTS

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

- Councilwoman Siskind stated she hopes everyone is having a smooth start to the school year. She said she knows traffic is tough right now, but once they get their routines down it will get better. She encouraged everyone to take it slow and be careful.

COUNCILMAN MCGOVERN: Councilman McGovern presented the following report:

- He agreed with Councilwoman Siskind's comments about being cautious at all Wellington schools, especially in the Big Blue area south of Wellington Elementary due to construction and children going back to school. He said there will be buses, more cars, people riding bikes and children walking to school.
- He mentioned, since it is the start of the school year, they should celebrate the "A" ratings of all Wellington schools based on their performance last year. He said it was a significant accomplishment for New Horizons Elementary School, Wellington Elementary School and Palm Beach Central High School, as they worked very diligently to raise their "B" ratings to "A".
- He noted that three very significant things happened tonight:

1) Reinvestment in the Water Treatment Plant, which ensures the water in the Village will be top of the line for the next two decades. He said they take this responsibility very seriously. He stated prior Councils have invested in this to ensure the Village has the money to make these investments. He thought this Council was committed to doing the same thing going forward, so twenty or thirty years from now the Village will have the money to do what is necessary as it applies to the drinking water in the Village.

He indicated the other two items were discussed extensively at Agenda Review yesterday and were passed on the Consent Agenda this evening:

2) He noted that Council authorized staff to negotiate a construction contract to begin the process of building Greenbriar Park. He said this Council has been very committed to ensuring that the Village has state-of-the-art parks and recreation facilities. He stated the need for additional fields and field complexes for many sports has come to their attention over time, but in particular for rugby and lacrosse.

3) He stated the Council has discussed over the last month or so the fact that they are going to use Law Enforcement Trust Funds to bring license plate readers to the Village to further increase safety. He said if people think they are going to come to the Village of Wellington to continue to participate in burglaries and check for unlocked cars, they should know the Village is doing everything they can to apprehend them and anyone who works with them.

He thought that everyone should be aware of these three items, as they will make the Village a better place.

VICE MAYOR DRAHOS: Vice Mayor Drahos presented the following report:

- He stated his colleagues did a great job of summarizing everything he was thinking of reporting.

COUNCILMAN NAPOLEONE: Councilman Napoleone presented the following report:

- Councilman Napoleone stated when he was dropping his son off at school, he noticed parents in the car line texting and driving. He encouraged everyone to wait until their child is dropped off and they are back in a parked place before texting.
- Councilman Napoleone welcomed Alison Bowen to the Village staff.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- Mayor Gerwig recognized the latest PGA win of Brooks Koepka who is from Wellington.
- Mayor Gerwig stated she attended "Legally Blonde," which the Wellington Dance Arts Conservatory that operates in Pierson Park put on at Wellington High School, along with Broadway stars. She said it was adorable, as the kids were so great and talented. She stated she appreciated the invitation from them.
- Mayor Gerwig stated she looks forward to celebrating 50 years of Home Rule this week. She said it is in the Florida Constitution and allows cities and municipalities to regulate themselves in ways that others states do not recognize in their constitution. She stated each county will be celebrating together and representing their own issues that Home Rule has worked for.

Ms. Cohen indicated that Vice Mayor Drahos has a birthday coming up and Council wished him a Happy Birthday.

13. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned at approximately 8:50 PM.

Approved:

Anne Gerwig, Mayor

Chevelle D. Nubin, Village Clerk