

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Tuesday, August 26, 2014

7:00 PM

Village Hall

Village Council

*Bob Margolis, Mayor
John Greene, Vice Mayor
Matt Willhite, Councilman
Howard K. Coates Jr., Councilman
Anne Gerwig, Councilwoman*

1. CALL TO ORDER

Mayor Margolis called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Margolis led the Pledge of Allegiance.

3. INVOCATION

Pastor Larry Mayer, LifeChurch, Wellington delivered the Invocation.

4. APPROVAL OF AGENDA

Mr. Schofield presented the agenda recommending approval with the following changes: (1) Move item 5C (Sole Source Contract for the Purchase of Badger Waer Meters and Components to the Regular Agenda. At this time, Mayor Margolis said that he had received answers to his questions so it could stay on the Consent Agenda.

Councilman Willhite requested that item 5E Resolution No. R2014-48 Wellington Charter School Plat be moved to the Regular Agenda.

Councilman Willhite also asked for consensus to allow the public to speak at two times during the meeting under Public Comments in the event the meeting should run late. There was Council consensus to do this.

Mr. Schofield noted that the last change was to add item 8B; and add Authorization to replace existing drainage culvert at Palm Beach Polo and C-7 Canal to the Regular Agenda.

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. [14-608](#)**

PROCLAMATION PROCLAIMING THE MONTH OF AUGUST AS "FIREFIGHTERS APPRECIATION MONTH" IN THE VILLAGE OF WELLINGTON

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the Proclamation title.

Ms. Kaitlin Harris, Muscular Dystrophy Association, recognized the firefighters for the money that they have raised for the Muscular Dystrophy association. Battalion Chief Arena thanked the Association for their support and said that the firefighters would be out that weekend collecting money for the cause.

At this time, the Council went outside to take a photo with the new fire truck. Chief Arena noted that this was a new piece of apparatus that would be housed at Station 20 on Greenview Shores.

6. CONSENT AGENDA

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

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

- A. [14-625](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF JUNE 24, 2014
This item was approved on Consent.
- B. [14-614](#) RESOLUTION NO. R2014-50 (ANNUAL LISTING OF PROCLAMATIONS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE MAYOR TO EXECUTE CERTAIN PROCLAMATIONS FOR FISCAL YEAR 2014/2015; AND PROVIDING AN EFFECTIVE DATE.
This item was approved on Consent.
- C. [14-215](#) AUTHORIZATION TO AWARD A SOLE SOURCE CONTRACT FOR THE PURCHASE OF BADGER WATER METERS AND COMPONENTS
This item was approved on Consent.
- D. [14-409](#) AUTHORIZATION OF DISPOSITION OF SURPLUS TANGIBLE PERSONAL PROPERTY
This item was approved on Consent.
- F. [14-212](#) AUTHORIZATION TO RENEW AN EXISTING AGREEMENT WITH PUBLIC FINANCIAL MANAGEMENT, INC. (PFM) TO PROVIDE THE VILLAGE WITH INVESTMENT MANAGEMENT SERVICES
This item was approved on Consent.

PUBLIC FORUM

Mr. Mark Hilton requested to have a workshop with the Watch Group Captains, the Director of Community Services and Mr. Schofield in the next 30 to 45 days. Mr. Schofield stated that his assistant, Linda White, would work on scheduling the meeting.

A card was submitted by a resident requesting that the Village have Saturday hours for those citizens who work during the week.

7. PUBLIC HEARINGS

A. [14-574](#) 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 AND SPECIAL MASTER; ADDING REFERENCES TO SPECIAL MAGISTRATE; 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 agenda item. Ms. Rodriguez read the ordinance by title.

Mr Tim Stillings presented the staff report and outlined the changes to the Ordinance. This was the second reading.

There were no public comments.

A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) approving Ordinance No 2014-23 on Second Reading as presented.

[14-591](#) RESOLUTION NO. R2014-48 (WELLINGTON CHARTER SCHOOL PLAT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE WELLINGTON CHARTER SCHOOL PLAT FOR A 8.0483 ACRE PARCEL LYING IN SECTION 19, TOWNSHIP 44 SOUTH, RANGE 42 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF TRACT 7, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 28 FEET THEREOF, LYING IN SECTION 19, TOWNSHIP 44 SOUTH, RANGE 42 EAST.

Mr. Schofield announced that the applicant's agent, Mr. Marty Perry, had made a request for Council to move the hearing of the Wellington Plat item up in the agenda as he had to leave for another public hearing. There was Council consensus to move this item up in the agenda.

At this time, Mr. Schofield introduced the agenda item. Ms. Rodriguez read the resolution by title.

Councilman Willhite advised Mr. Perry that he had two concerns: (1) there has been traffic backing up going into and out of the school; and (2) Council understood that the mast arm light would be put in place and be operational in August; however, Mr. Riebe had advised them that it most likely would not be

in until maybe November. He asked Mr. Perry to convey to the schools the concerns about the traffic backing up at the school and; and (2) do whatever he could to try and get the mast arm in place as soon as possible working in conjunction with staff.

Mr. Perry said that he had been working with Mr. Riebe on the getting the COs and approvals by the School board and had not been involved with this, but he would personally get involved to see that these concerns are addressed.

Councilman Willhite also asked Mr. Perry to convey to his client that they ensure that the access road to Palomino is accessible and usable. Mr. Perry indicated that he would also take care of that.

A motion was made by Councilwoman Gerwig, seconded by Councilman Coates, and unanimously passed (5-0) approving Resolution No. R2014-48 for the Wellington Charter School Plat as presented.

B. [14-575](#)

ORDINANCE NO. 2014-22 (COMPREHENSIVE PLAN AMENDMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE WELLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP (PETITION NUMBER 2013-61 CPA 2) BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM COMMERCIAL RECREATION TO RESIDENTIAL "E" FOR CERTAIN PROPERTY KNOWN AS PARCEL "V" OF THE LANDINGS AT WELLINGTON PUD, TOTALING 0.26 ACRE, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE SOUTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF BINKS FOREST DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Stillings presented the staff report. Ms. Jennifer Vail, Land Design South and agent for the applicant, spoke on behalf of the applicant highlighting the project.

Members of the public from the Binks community spoke regarding this project and raised concerns regarding: (1) master plan; (2) they wanted input into the project; (3) the length of time the project would be completed; (4) issue with landscaping; (5) dangers on that roadway; and that the area should remain a preserve.

A motion was made by Councilwoman Gerwig, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving Ordinance No. 2014-22 as presented with the reconfiguration of the preserve area and that no entitlements are added.

C. [14-576](#)

RESOLUTION NO. R2014-35 (EQUESTRIAN VILLAGE SITE PLAN)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING THE SITE PLAN FOR PETITION 2014-029 SP1, TRACT 30C-2 OF THE WELLINGTON PLANNED UNIT DEVELOPMENT (PUD), ALSO KNOWN AS EQUESTRIAN VILLAGE, LOCATED ON THE NORTH SIDE OF PIERSON ROAD AND EAST SIDE OF SOUTH SHORE BOULEVARD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the resolution by title. Mr. Stillings presented the staff report and addressed Council questions.

Mr. Dan Rosenbaum and Mr. Michael Sexton spoke on behalf of the applicant.

Members of the public spoke on this item raising concerns about there not being a circulation plan; the screening from unpleasant views and noise, and parking. A resident supported Mr. Bellissimo and the equestrians and dollars he will bring to area.

A motion was made by Councilman Coates, seconded by Councilwoman Gerwig, and unanimously passed (5-0) approving Resolution No. R2014-35 subject to the following:

(1)The Circulation Plan that Mr. Sexton presented is to be attached as part of the approval.

(2)Remove Condition #2 dealing with the solid opaque fence which means that the fence will be a requirement.

(3)Eliminate Condition #6 relating to grassed parking in its entirety. It should be substituted with the alternative language presented by Mr. Sexton in his presented to which the Village Engineer indicated he could work with.

"Grass parking shall be permitted in areas as shown on the final site plan. If at any time the Village determines that the grassed parking area does not meet the standards of Section 7.2.3.J. of the Wellington Land Development Regulations, the Planning Director shall require restoration of the grassed surface or the paving of the grassed area for parking. If paving is required, a land development permit must be obtained."

(4)Remove Condition #8 requiring paving all parking spaces along the south edge of the property subject to the following: that there is a one (1) year period of evaluating the efficacy of the grassed parking spaces and whether they could be adequately maintained. If in the Village Engineer's determination, he believes another option should be pursued, such as paving those spaces, then a recommendation should be made and brought back to Council after a period of one year.

(5)Remove Condition #10 requiring the construction of a roadway section to accommodate a future left turn lane from Pierson Road into the site.

(6)Revise the site plan to reflect the changed conditions.

8. REGULAR AGENDA

A. [14-613](#)

RESOLUTION NO. R2014-49 (REGULAR COUNCIL MEETING SCHEDULE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING A SCHEDULE FOR REGULAR COUNCIL MEETINGS

FOR 2014/2015; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Due to the conflict with the Regular Council meeting scheduled for September 22, 2015 with the Yom Kippur holiday, the Council Meeting was changed to Wednesday, September 23, 2015.

A motion was made by Vice Mayor Greene, seconded by Councilman Coates, and unanimously passed (5-0) approving Resolution No. R2014-49 with one amendment: change the September 22, 2015 meeting to Wednesday, September 23, 2015.

Note: Late in the meeting a motion was made to change that meeting to Thursday, September 24, 2015.

B. [14-638](#)

PALM BEACH POLO C-7 CANAL REPLACEMENT OF EXISTING CULVERTS

Mr. Schofield introduced the agenda item. Mr. Barnes presented the staff report.

A motion was made by Councilman Willhite, seconded by Councilman Coates and unanimously passed (4-0) authorization the replacement of the existing drainage culvert at Palm Beach Polo and C-7 Canal, at an estimated cost of \$147,600 (includes 20% contingency).. Councilwoman Gerwig was out of the room at the time of voting.

10. ATTORNEY'S REPORT

Ms. Cohen presented the following report:

•She announced that the Village had received an offer from Waste Management to extend the deadline for exercising the renewal until October 30, 2014. She said that would provide the Village with additional time to negotiate after which time they would be bring it back for Council to decide if they wanted to approve the renewal. She said that Council would have to vote if they wanted to accept that which would modify the contract to extend the time for exercising the renewal by the one month period.

Mr. Barnes supported the request from Waste Management for the extension because it would afford them the opportunity to prepare the research necessary to come back with the best negotiated proposal. He noted that Waste Management had not yet received the transmittal so staff has not received any formal revision or offer from them.

Council raised concerns about modifying the contract. Ms Cohen explained that staff obtained input from the IG's office and their was opinion that as long as they don't have any material deviations other than potentially the price that it would considered an acceptable renewal under the provisions of the contract. She said that any material deviations, which she considered to be any changes in the scope or increase in price, would result in the Village having to rebid the contract.

A motion was made by Councilwoman Gerwig , seconded by Councilman Coates, which failed 2-3 with Mayor Margolis, Vice Mayor Greene and Councilman Willhite dissenting, to approve the extension that was requested.

Ms. Cohen said that the contract remains the same and the exercise of the renewal has to be by September 30th. Mr. Barnes indicated that staff would be back to Council on September 9th.

•Ms. Cohen said that Ms. Margolis had communicated that Wednesday would not work requesting that it be postponed until Thursday, September 24.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) to change the September 2015 meeting from September 22nd to September 24th.

11. MANAGER'S REPORTS

Mr. Schofield presented the following report

•The next Regular Council meeting is scheduled for Tuesday, September 9, 2014 at 7:00 p.m. here in the Council Chambers.

Village offices will be closed on Monday, September 1st for the Labor Day holiday.

•The Village will have the annual remembrance ceremony on September 11th at 6:00 p.m. at the Patriot's Memorial.

•The Annual Jeff Annas Run will take place on September 13, 2014 starting at 7:30 a.m. at the Amphitheater.

•He indicated that he had spoken to each Council member individually advising them that the Village has the opportunity to refinance their outstanding utility bonds at a lower interest rate which would save the Village about \$150,000. He said that the cost to do this will be about \$15,000. He asked for Council consensus to retain the Bond Counsel to start that process.

Council consensus was to approve refinancing the utility bonds and to authorize Mr. Mr. Schofield to retain Bond Counsel to start the process.

12. COUNCIL REPORTS

Councilwoman Gerwig presented the following report:

•She thanked the Village for sending her to the League of Cities Conference which she found to be very informative.

Vice Mayor Green presented the following report:

•He wished everyone a happy and safe Labor Day.

Councilman Willhite presented the following report:

•He noted that the Village had done a hedge on Greenbriar from Greenview Shores to Yarmouth; however, it was not continued. He said that there has been some concern to have that continued.

Mr. Schofield indicated that there is another piece of fencing in that area that they want to do first which is along Greenview Shores from Greenbriar along the back of the multifamilies to the first intersection, and then the other area will get worked into the budget next.

•He said that the hedges along the major thoroughfares has been a topic of discussion for a long time. He said that he didn't know where staff was in evaluating that going forward, and he wanted to see an analysis of what staff found and what the plan is. Mr. Schofield said that staff had completed the major thoroughfare inspections. He noted that there are 191 homes along the thoroughfares that have a fence or hedge violation which range from very minor to very major. Mr. Schofield said that staff was working on a proposal

for a grant program to help with that. He said that Council would be receiving an AT probably in the next day or so on that. Mr. Schofield said that he and Mr. Fleury will review that with Council.

- Councilman Willhite noted that the Jeff Annas Run is a great event for the Village of Wellington noting that it has increased over years. There are approximately 1,300 runners already registered.

- Mr. John Napolitano will be the speaker at the 9/11 Remembrance whose son lost his life in the 9/11 tragedy.

- Councilman Willhite asked if Public Works could find out why the ATT box at Greenbriar and Greenview Shores was not being changed out.

- He said that he talked to Ms. Cohen about the Council procedures, particularly having the ability to change the start time of the meetings to 6:00 p.m. Ms. Cohen said that Council could do that.

- He said that he wanted to disband the Wellington Community Foundation because he felt it was dysfunctional. Ms. Cohen recommended that Council have it become a private organization to run it noting that there had been some discussion with an individual who would be interested in assuming that function. She said that rather than letting those dollars go to waste, it would be a good service to keep it going. Councilman Willhite said that his intention was to donate those funds and disband the corporation, but he was not looking for an outside party to run it because Council would lose control of the funds. He said that things have changed since the organization was originally created. Councilwoman Gerwig thought the funds could be used towards the outstanding debt the Village has for the Patriot Memorial or Scotts Place. Ms. Cohen said that there needs to be an annual meeting of the Foundation and then at that meeting if they want to disband, then that would be the time to make that decision. Councilman Willhite thought at that meeting they would set up a criteria to distribute those funds and then when it is clear, they either have another meeting to disband or give direction where Ms. Cohen would send in the appropriate paperwork. A meeting of the Wellington Community Foundation would be scheduled for September 23, 2014 to further discuss this.

Councilman Coates presented the following report:

- He met with a potential buyer of Wellington Parc that day regarding a modification to their plans for the property which would include changing the Comp Plan and Land Use Designation from Office to Office/Retail. He said that the representative indicated that staff had indicated they were in favor of the change.

Councilman Coates said he did not know if the representative was correct in his statement, but he felt that staff needs to be careful what they tell applicant regarding items that are inherently policy-driven and policy-decided by Council. Councilman Willhite said that he met with that representative as well and that possibly stemmed from input made by Mr. Riebe.

Mr. Schofield said that he understood Councilman Coates concern, but explained that staff tries very hard not to intrude into policy. He said that they will make recommendations on policy, but when it comes to things such as Comprehensive Plan Amendments, staff will give their professional opinion based on the Code. He said that he was not aware of a conversation that staff where they would approve retail especially since studies along that Corridor have indicated that retail is not needed.

Mr. Riebe said that applicants come in and talk to them, but staff advises that it

has to go to Council. He said that staff was not trying to dissuade or persuade them, but that it may or may not work. He said that staff understands their place.

Mayor Margolis presented the following report:

- He wished his wife a Happy Anniversary.
- He wished everyone a Happy Labor Day.

PUBLIC FORUM

At this time, Ms. Cohen said that there was some confusion about whether or not there was public comment at the end of the meeting. She said that Mr. Rosenbaum would like to speak.

Mr. Dan Rosenbaum asked for clarification in the motion because he needed to know if it was the Council's position that the Equestrian Village facility could not be used until all of the required improvements are constructed. He felt that there was some ambiguity about the motion. He believed that there was a special use permit for one event, but there are other matters that are planned and events that are ongoing with respect to the end of the year. He said that Equestrian Village had been operating on the basis that it would be permitted to continue with planned events. Mr. Rosenbaum said that if the interpretation of Condition #11 was that the facility couldn't be used, it would be in conflict with the Compatibility Determination which is in effect. He said that would be a deviation from the Code which does not permit changes to Development Orders during the site plan review so he needed that clarified.

Ms. Cohen said that if the intent was that the entire facility could not be used, then Council should express that which she believed they did, but was not certain. She said if the intent was that it could continue to be used for the limited purposes that it is presently being used for prior to the date, then they can express that. She thought that the motion was clear because it included the limitations that are included in the conditions.

Mr. Riebe explained that the intent was not to prohibit all activities. He said that the uses that are there now and the uses provided in the approved Special Use Permit has been sanctioned by the Council. He said that there are certain required improvements for any development that have to be constructed in order for there to be beneficial use of the subdivision, house, etc. He said that the infrastructure improvements need to be put in place before they have beneficial use of the compatibility determination as using it as a commercial equestrian arena on a permanent basis. He said that was consistent with every development that is done and has been done in Wellington for years.

Mr. Schofield said that there are uses by right that don't require the compatibility determination to allow, i.e., stabling, schooling which are uses by right. He believed they can safely say those are acceptable. He said that Mr. Riebe was correct that the activities that are dependent on the infrastructure being in place like the overflow parking and those types of things won't start until after the completion date of this.

Mr. Rosenbaum said that there are events that are planned that have to be advertised ahead of time. He said that this condition was not in the compatibility determination, but was being imposed at site plan review which was inconsistent with the Code and was not an appropriate condition. He said that he asked for a reconsideration of that and to allow for the continuation of

the use of the facility. He reiterated that under the Village's code you can't change a Development Order at site plan review. He felt that changed the compatibility determination which allow uses to continue through construction.

Mr. Riebe said that was never the intent. He said that Council approves development orders all the time and they are effective on the date they are approved, but they don't get beneficial use of that development or site until the required improvements are done. He said that they weren't saying that the site can't be used or can't do special use permit types of things. He said if they want to come in and get a special use permit for things other than what they already have, it is up to the Council. He said that what they don't want to see is that there is a venue that is wide open and the improvements haven't been done.

Mr. Rosenbaum said that under the Compatibility Determination, they have until December 31 plus further dates out in time to do those improvements. He said that if this was literally interpreted, it would interfere and would be in express conflict with the CD which is the problem which was why he recommended that the motion be clarified to address that particular issue. He said they don't want to be in a situation where they have a conflict with the CD which is a development order and site plan review which creates a conflict in the development order.

Councilman Willhite said that the Village Engineer, Village Attorney and Village Manager are all saying that they can utilize everything they have rights to do and that are under special use permits. He felt that they made a motion that was clear.

Ms. Cohen thought that it was made clear that the uses that are currently being used for can continue, and there was no intent to stop the events that are planned. She said that they may actually have to come and get some sort of a special use permit for that, but it was not intended to prevent them from using the property. With respect to Section 5.6.2 of the Code, the conditions that can be imposed allow that the site plan has to comply with the code provisions. She believed the intent was that they have to get the improvements done before they can really use it on a permanent basis for the way in which they want to use it. She said if there are events that are planned, no one was looking to hamper them, but they may need to get a special use permit.

Councilwoman Gerwig didn't believe that they may have to get special use permits, but they will have to get them. Ms. Cohen said that was correct unless the improvements were made.

Councilman Coates said that he had no intention of stopping the applicant from doing what they are doing. He asked if there was anything that they would be precluded from doing. Mr. Rosenbaum said that his understanding was that there are shows that are already planned in the interim period to the end of the year on reliance of the CD. He said that the earliest date that he believed exists in the CD or the land development permit for construction of improvements is the end of the year.

Mr. Riebe said that there were additional conditions that as you move through the development order process that are added at the master plan, site plan and

the land development permitting phase depending on the circumstances. He reiterated that the intent was never to prohibit, but the intent was also not to have a lot of shows without having the necessary improvements. He said that wasn't in compliance with the code.

Mr. Rosenbaum said that he understood this and will have to work it out.

Councilman Coates said that he hoped they had had more discussion on this noting that this issue did not come up prior to his making the motion. Mr. Rosenbaum said that he believed there was some loss of clarification which was why he came back to address the issue.

13. ADJOURNMENT

NOTICE