

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

Wellington Village Hall
12300 Forest Hill Blvd
Wellington, FL 33414

Tuesday, November 7, 2023
7:00 p.m.

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, November 7, 2023, commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

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

Advisors to the Council: Jim Barnes, Manager; Laurie Cohen, Village Attorney; Tanya Quickel, Deputy Village Manager; Ed De La Vega, Assistant Village Manager; and Chevelle D. Addie, Village Clerk.

1. **CALL TO ORDER** – Mayor Gerwig called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** – Wellington High School Student Government Association led the Pledge of Allegiance.
3. **INVOCATION** – Deacon Pete Del Valle, St. Therese de Lisieux Catholic Church, delivered the invocation.

4. **APPROVAL OF AGENDA**

Mr. Barnes indicated staff recommended approval of the Agenda as amended.

1) Postpone Regular Agenda Item 8A, Discussion on Letter of Interest/Best and Final Offer for Wellington Green Park and Authorization to Execute A Purchase and Sale Agreement for Wellington Green Park, to a date certain of December 5, 2023.

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

5. **PRESENTATIONS AND PROCLAMATION**

There were no Presentations and Proclamations.

6. **CONSENT AGENDA**

- A. **23-6181** MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF OCTOBER 10, 2023

- B. **23-6012** AUTHORIZATION TO RENEW AN EXISTING CONTRACT WITH STERLING WATER TECHNOLOGIES, LLC FOR THE SUPPLY AND DELIVERY OF LIQUID DISPERSION POLYMER

- C. **23-6058** AUTHORIZATION TO 1) AWARD A CONTRACT FOR THE WATER TREATMENT PLANT (WTP) CHEMICAL SYSTEM IMPROVEMENTS PROJECT - PHASE II AND 2) EXECUTE A TASK ORDER FOR CONSTRUCTION PHASE SERVICES FOR THE WATER TREATMENT PLANT (WTP) CHEMICAL SYSTEM IMPROVEMENTS PROJECT - PHASE II

- D. **23-6059** AUTHORIZATION TO UTILIZE A SOUTHEAST FLORIDA COOPERATIVE CONTRACT FOR THE PURCHASE AND DELIVERY OF QUICKLIME

- E. **23-6165** AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT, AS A BASIS FOR PRICING, FOR FY 2024 PATHWAY AND SIDEWALK PROJECTS

- F. **23-6170** AUTHORIZATION TO UTILIZE VARIOUS CONTRACTS FOR THE DEMOLITION OF LAKE WELLINGTON PROFESSIONAL CENTER

- G. **23-6196** RESOLUTION NO. AC2023-06 (FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) MITIGATION BUREAU HMGP PROGRAM)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING THE AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) MITIGATION BUREAU FOR THE PURPOSE OF RECEIVING A GRANT UNDER PROVISIONS OF THE HAZARD MITIGATION GRANT PROGRAM FOR THE VILLAGE OF WELLINGTON PUMP STATION #2 STORMWATER SYSTEM, DRAINAGE-WIND RETROFIT-GENERATOR PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Barnes stated there were no comment cards on the Consent Agenda.

Mr. Barnes indicated staff recommended approval of the Consent Agenda as presented.

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

7. PUBLIC HEARINGS

- A. **23-6163** ORDINANCE NO. 2023-13 (VACATION RENTALS ZONING TEXT AMENDMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, MODIFYING ARTICLE 6 OF THE LAND DEVELOPMENT REGULATIONS RELATED TO VACATION RENTALS BY AMENDING VACATION RENTALS IN TABLE 6.2-1: USE REGULATIONS SCHEDULE AS A SPECIAL USE; AMENDING SEC.6.2.2.A BY AMENDING SUPPLEMENTARY REGULATIONS FOR VACATION RENTALS; CREATING SUSPENSION AND REVOCATION

PROVISIONS, AND ESTABLISHING A SPECIAL USE PERMIT REQUIREMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Barnes introduced the item.

Ms. Addie read the Ordinance by title.

Mr. Stillings stated this is for a Zoning Text Amendment to the Land Development Regulations, provided an overview and discussed vacation rentals in regards to business tax receipts. He stated there have been recent issues. Mr. Stillings discussed the proposed amendment.

Mayor Gerwig inquired about the \$600 fee.

Mr. Stillings stated it is the standard special use permit fee.

Vice Mayor Napoleone asked if the citations can be issued by Code enforcement or the Palm Beach Sheriff's Office (PBSO).

Councilwoman Siskind inquired about the difference between seasonal and vacation rentals.

The Village Council asked questions regarding revocation of a special use permit.

Mr. Stillings responded to Council's questions.

Mr. Barnes discussed charges regarding vacation rentals. He stated the Village will rely on PBSO.

Councilman Drahos asked if the revocation is an administrative action.

Mr. Stillings responded affirmatively.

Councilman McGovern asked that underage drinking be added to this.

Vice Mayor Napoleone questioned some language in reference to revocation.

There was discussion between Council and staff regarding violations.

Mr. Stillings discussed recommendations.

Ms. Cohen referenced a section regarding revocations.

The Planning, Zoning and Adjustment Board (PZAB) recommended approval (5-1) during their September 18, 2023 meeting.

Mayor Gerwig inquired about the reason that Mr. Herman dissented.

Ms. Cohen and Mr. Barnes responded to Mayor Gerwig's question.

Public Hearing

A motion was made by Vice Mayor Napoleone, seconded by Councilman McGovern, and unanimously passed (5-0) to open the public hearing.

There being no public comments, a motion was made by Vice Mayor Napoleone, seconded by Councilwoman Siskind, and unanimously passed (5-0) to close the public hearing.

A motion was made by Vice Mayor Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0) to approve Ordinance No. 2023-13 (Vacation Rentals Zoning Text Amendment) as amended on first reading.

B. 23-6146 ORDINANCE NO. 2023-14 (MULTIPLE USE PLANNED DEVELOPMENT ZONING TEXT AMENDMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING WELLINGTON'S LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT (PETITION 2023-0002-ZTA) TO MODIFY THE STANDARDS FOR MULTIPLE USE PLANNED DEVELOPMENT (MUPD) ZONING DISTRICT IN ARTICLE 6, SECTION 6.5.6, TO INCLUDE CONSERVATION AS A PERMITTED USE TYPE, AND TO AMEND THE MAXIMUM PERCENTAGE ALLOWED FOR A SINGLE USE WITHIN A MUPD, AS MORE SPECIFICALLY CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Barnes introduced the item.

Ms. Addie read the Ordinance by title.

Mr. Stillings stated this is a privately initiated Zoning Text Amendment to the Land Development Regulations. The applicant is Lotis Wellington 2 LLC and the agent is Insite Studio, Inc. Mr. Stillings explained the request.

Council inquired about the list of use types.

Mr. Stillings referenced the list of uses. He discussed the proposed LDR changes and the recommendations. The Planning, Zoning and Adjustment Board (PZAB) recommended approval during their September 28, 2023 meeting.

Mr. Brian Terry, Agent/Insite Studio, Inc. was present on behalf of the applicant to answer any questions from Council and conducted a presentation. He briefly referenced Lotis 1 that was processed under the previous code. He discussed the factors relative to the evaluation process. Mr. Terry discussed the minimum and maximum land use allocations and referenced Section 6.5.6 of the LDRs in terms of the code revision.

Councilman Drahos inquired about the use.

Councilman McGovern stated nothing has been done regarding Lotis 1 and spoke about the 2020 approval.

Mr. Terry responded to Village Council's questions.

James S. Gielda, Co-Founder & Chief Development Officer, with Lotis Group provided history regarding the acquisition of the property and project.

Ms. Cohen provided clarification regarding Phase 1. She stated the amendment is being sought for Phase 2. However, they would have to do a master plan and amendment for it to apply to Phase 1.

Mayor Gerwig stated she likes the idea of flexibility in regards to the public benefit.

Councilwoman Siskind concurred regarding the public benefit.

Mr. Stillings discussed what would be coming to Council in December.

There was brief discussion regarding Lotis 1.

Public Hearing

A motion was made by Vice Mayor Napoleone, seconded by Councilman McGovern, and unanimously passed (5-0) to open the public hearing.

There being no public comments, a motion was made by Councilwoman Siskind, seconded by Vice Mayor Napoleone, and unanimously passed (5-0) to close the public hearing.

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve Ordinance No. 2023-14 (Multiple Use Planned Development Zoning Text Amendment) as presented on first reading.

C. 23-6109 ORDINANCE NO. 2023-15 (CHANGES TO CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS OF WELLINGTON CODE OF ORDINANCES)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL RELATING TO BUILDING CODES AND THE ADOPTION OF THE FLORIDA BUILDING CODE 8th EDITION (2023) AS REQUIRED BY STATE STATUTE; ADOPTING A LOCAL ADMINISTRATION SECTION AS PROVIDED FOR IN THE STATE BUILDING CODE BASED UPON THE BUILDING CODE ADVISORY BOARD OF PALM BEACH COUNTY MODEL AND BUILDING OFFICIALS ASSOCIATION OF FLORIDA MODEL; AMENDING SEC. 5-1 REGARDING THE ADOPTION OF THE GROUP OF CODES KNOWN AS FLORIDA BUILDING CODE 8th EDITION (2023), INCLUDING THE: BUILDING, RESIDENTIAL, EXISTING BUILDING, ACCESSIBILITY, MECHANICAL, PLUMBING, FUEL GAS, ENERGY, NATIONAL ELECTRICAL CODE, THE FLORIDA FIRE PREVENTION CODE AS AMENDED BY PALM BEACH COUNTY, INTERNATIONAL PROPERTY MAINTENANCE CODE; REPEALING AND READOPTING SEC. 5-2, WELLINGTON BUILDING CODE ADMINISTRATIVE CODE, IN ITS ENTIRETY; AMENDING SEC. 5-3 AMENDMENTS TO THE FLORIDA BUILDING CODE TO REFERENCE THE CHANGED SECTION REFERENCES OF THE STATE BUILDING CODE AND ADOPTING WINDSPEED MAPS; PROVIDING FOR CODIFICATION; PROVIDING AN ADOPTION DATE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Barnes introduced the item.

Ms. Addie read the Ordinance by title.

Mr. Tomasik explained to the Council that the ordinance is adopted every three years. He said Wellington is up to date within the state and this will go into effect on December 31, 2023. He stated municipal codes are required to comply with this new code by January 2024. He indicated most of the changes are legislative changes and Florida adopts the building code every three years and multiple organizations are involved. Mr. Tomasik highlighted the impacts of the changes.

Council asked questions regarding the changes.

Mr. Tomasik provided answers to Council's questions.

Public Hearing

A motion was made by Councilman McGovern, seconded by Councilman Drahos, and unanimously passed (5-0) to open the public hearing.

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

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve Ordinance No. 2023-15 (Changes to Chapter 18 Buildings and Building Regulations of the Wellington Code of Ordinances) on first reading.

8. REGULAR AGENDA

- A. 23-6184** DIRECTION ON LETTER OF INTEREST/BEST AND FINAL OFFER FOR WELLINGTON GREEN PARK AND AUTHORIZATION TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR WELLINGTON GREEN PARK

This item was postponed to a date certain of December 5, 2023.

9. PUBLIC FORUM

Public Comment:

1. Dylan Cucceraldo spoke regarding Wellington Green Park.
2. Howell Long spoke regarding Wellington Green Park.

10. ATTORNEY'S REPORT

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

- Ms. Cohen stated she is looking for direction regarding the Corepoint Properties. She stated she placed a memo on the Council's desks and discussed the delinquent tax certificates on the properties.

Mayor Gerwig discussed the location of the properties.

Ms. Cohen referenced the Corepoint Deed.

There was Council consensus to move forward on the properties.

Mayor Gerwig asked if there is any way to acquire this type of information.

Councilman McGovern suggested that the Village ask the property appraiser or tax collector about vacant Wellington lands.

Ms. Cohen stated the Village does receive an extensive list.

Mr. Barnes referenced the process regarding tax deeds.

11. MANAGER'S REPORT

MR. BARNES: Mr. Barnes presented the following report:

- The Next Council Meetings will be held on November 14th, 15th, and 16th (tentative) at 6:00 p.m.
- Wellington will open the Housing Rehabilitation Grant Portal on Wednesday, November 15, 2023 at 9:00 a.m. and the portal will close on Wednesday, December 20, 2023 at 5:00 p.m. This is only for the CDBG and SHIP programs.
- Mr. Barnes discussed the Veterans' Day program and activities.

12. COUNCIL REPORTS

VICE MAYOR NAPOLEONE: Vice Mayor Napoleone presented the following report:

- Vice Mayor Napoleone waived comment.

COUNCILMAN DRAHOS: Councilman Drahos presented the following report:

- Councilman Drahos waived comment.

COUNCILMAN MCGOVERN: Councilman McGovern presented the following report:

- Councilman McGovern thanked Community Services for the great Civics 101 program. He thanked PBSO for the tribute to service at Palm Beach Central and the Charlotte Hans Tournament.

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

- Councilwoman Siskind waived comment.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- Mayor Gerwig recognized Ms. Addie, Village Clerk, for the Palm Beach County League of Cities Public Records presentation that she conducted and thanked her for representing the Village well.
- Mayor Gerwig stated she enjoyed the Wellington Chamber of Commerce Divot Dash Community 5K and thanked the National Polo Center for hosting the event.
- Mayor Gerwig stated the Boys and Girls Club Gala was very nice.

13. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned at approximately 8:28 P.M.

Approved:

Anne Gerwig, Mayor

Chevelle D. Addie, Village Clerk