

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Tuesday, October 14, 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 opened the meeting at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Margolis led the Pledge of Allegiance.

3. INVOCATION

Pastor Emily Denmark McGee, St. Peter's United Methodist Church, delivered the Invocation.

4. APPROVAL OF AGENDA

Mr. Schofield presented the agenda recommending approval as presented.

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

5. PRESENTATIONS AND PROCLAMATIONS

- A. [14-807](#) PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA DECLARING OCTOBER 24, 2014 AS "WORLD POLIO DAY" IN THE VILLAGE OF WELLINGTON

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

Dr. Juan Ortega and members of the Wellington Rotary were present to accept the Proclamation.

Councilmembers thanked the Rotarians for their work in eradicating polio.

PUBLIC COMMENTS

At this time, Council announced that they would take public comments from members of the public who did not want to wait to the end of the meeting to speak.

1. Victoria McCullough. Ms. McCullough asked Council to consider renaming 40th Street "Gracida Way" after polo great Carlos Gracida who had passed away.

Council consensus was to direct staff to take the measures necessary to rename 40th Street to "Gracida Way."

Mr Schofield said that staff would proceed and would readdress those properties on 40th Street.

6. CONSENT AGENDA

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

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

- A. [14-806](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF AUGUST 26, 2014
- This item was approved on Consent.
- B. [14-725](#) RESOLUTION NO. R2014-61 (REFINANCING OF THE VILLAGE'S PUBLIC SERVICE TAX REVENUE REFUNDING BOND)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL PROVIDING FOR THE ISSUANCE OF THE VILLAGE OF WELLINGTON'S (VILLAGE'S) PUBLIC SERVICE TAX REVENUE REFUNDING BOND, SERIES 2014 IN ORDER TO REFINANCE THE OUTSTANDING PRINCIPAL OF THE VILLAGE'S PUBLIC SERVICE TAX REVENUE REFUNDING BONDS, SERIES 2005; APPROVING THE PRINCIPAL AMOUNT, INTEREST RATE, MATURITY DATE, REDEMPTION PROVISIONS AND OTHER DETAILS OF SAID BOND; AWARDED THE SALE OF THE BOND TO REGIONS BANK; FINDING NECESSITY FOR A NEGOTIATED SALE OF SUCH BOND; AUTHORIZING THE PREPAYMENT OF THE VILLAGE'S PUBLIC SERVICE TAX REVENUE REFUNDING BONDS, SERIES 2005; DESIGNATING THE PAYING AGENT AND REGISTRAR FOR SAID BOND; CONTAINING CERTAIN AUTHORIZATIONS AND OTHER PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.
- This item was approved on Consent.
- C. [14-411](#) APPROVAL OF INFORMATION TECHNOLOGY (IT) ANNUAL PURCHASING, LICENSING, MAINTENANCE AND SUPPORT AGREEMENTS
- This item was approved on Consent.
- D. [14-701](#) RESOLUTION NO. R2014-54 (AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR THE PROVISION OF INMATE LABOR FOR MAINTENANCE OF THE WELLINGTON ENVIRONMENTAL PRESERVE AT THE MARJORY STONEMAN DOUGLAS EVERGLADES HABITAT)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MANAGER OR DESIGNEE TO EXECUTE THE CONTRACT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS TO PROVIDE FOR THE USE OF INMATE LABOR IN WORK PROGRAMS WITHIN THE WELLINGTON ENVIRONMENTAL PRESERVE AT THE MARJORY

STONEMAN DOUGLAS EVERGLADES HABITAT; AND PROVIDING AN EFFECTIVE DATE.

This item was approved on Consent.

- E. [14-714](#) AUTHORIZATION TO INSTALL FENCE AND HEDGE AS PART OF YARMOUTH DEFENSIVE MEASURES PROJECT

This item was approved on Consent.

- F. [14-735](#) AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF HIGH MAST LIGHTS ALONG THE SR7 CORRIDOR

This item was approved on Consent.

- G. [14-733](#) RESOLUTION NO. R2014-59 (INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY TO PROVIDE TRANSPORTATION (PARATRANSIT) SERVICES)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY TO PROVIDE TRANSPORTATION SERVICES FROM OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2015; AND PROVIDING AN EFFECTIVE DATE.

This item was approved on Consent.

7. PUBLIC HEARINGS

- A. [14-691](#) ORDINANCE NO. 2014-29 (COMMERCIAL VEHICLES APPROVING AMENDMENTS TO CHAPTER 62, ARTICLE I, SECTION 62-9 OF THE CODE OF ORDINANCES; ALLOWING LIMITED ADDITIONAL EXCEPTIONS TO THE PROHIBITIONS ON THE PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTIES).

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 62, ARTICLE I, SECTIONS 62-9.c.(1)(ii) and 62-9.c.(2)(i) OF THE WELLINGTON CODE OF ORDINANCES PERMITTING EXCEPTIONS FOR COMMERCIAL VEHICLE PARKING ON MULTI-FAMILY RESIDENTIAL PROPERTY WITH CERTAIN LIMITATIONS; 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. Basehart presented the staff report.

Public Hearing

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

1. Mr. Bart Novack. Mr. Novack spoke in opposition to the ordinance.

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

A motion was made by Councilman Willhite, seconded by Councilman Coates, and passed (4-1) with Councilwoman Gerwig dissenting, denying the approval of Ordinance No. 2014-29 as presented.

Based on Council's discussion, Mr. Schofield understood the direction to staff to be that they will come back to Council with an ordinance amending the amount of time that commercial vehicles can be parked when they are actually doing work and that staff will look for some place where parking can be provided for those commercial vehicles either on public or private property.

Councilwoman Gerwig asked if there was a reference in the Village's code to having service vehicles on a property while they were working on something. Mr. Basehart said that the code does allow construction vehicles. Mr. Koch added that the code does not speak to service vehicles. Mr. Schofield said that staff would bring back a separate amendment on that.

8. REGULAR AGENDA

- A. [14-726](#) RESOLUTION NO. R2014-58 (EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2014 LOCAL SOLICITATION FUND ACCEPTANCE AND RELATED BUDGET AMENDMENT 2015-002)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) FUNDS AND RELATED BUDGET AMENDMENT #2015-002; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Schofield said that this was a formula grant based on population. The Village would be receiving \$10,427 and the money is programmed to put in additional security cameras at Scott's Place and the Amphitheater. He announced that the Village was required to provide the opportunity for the public to comment.

Mayor Margolis opened the floor to the public. There were no members of the public present who indicated they wanted to speak on this item.

A motion was made by Councilwoman Gerwig, seconded by Councilman

Coates, and unanimously passed (5-0) approving Resolution No. R2014-58 as presented.

B. [14-689](#)

**DIRECTION ON THE ACQUISITION OF THE WANDERERS
EXECUTIVE GOLF COURSE LOCATED WITHIN THE PLATTED
SUBDIVISIONS OF LAKEFIELD SOUTH 2A AND 2B**

Mr. Schofield introduced the agenda item. Mr. O'Dell presented the staff report.

Public Comments

1. Wade Byrd. Mr. Byrd, Attorney for the Wanderer's Club, did not speak but his card indicated he was available to address any questions.
2. Robin Hummel-Johnson. Ms. Hummel-Johnson spoke in support of the Village's purchase of the property.
3. Linda Elie. Ms. Elie spoke in support of the Village's purchase of the property, and supported including equestrian trails.
4. Bart Novack. Mr. Novack spoke in opposition to the Village's purchase of the property.
5. Bobby Munden. Mr. Munden posed several questions to the Council regarding the perimeter of the property and the acreage of the lakes. He then raised the following issues for the Council to consider: whether there was a demand for a park in that area, the appraisal as a golf course was accurate and current price was too high, the one acre the Village is giving back is the most desirable and should be the same price as other less desirable acres, and using the property as a putting green and paying maintenance to the Club.

Mr. Schofield recommended the following motion based on Council's discussion: resume negotiations to come up with final and best price as \$28,311 is too high (2) bring back information including: (1) develop the cost to restore the property to a usable condition in its current configuration; (2) estimate annual maintenance costs for "as is where is" condition; (3) evaluate the potential uses for the property within the context of the existing parks system; (4) present it to the appropriate boards and committees and (5) develop a passive park master plan that can be implemented in stages beginning in the fiscal year 2016 budget without impacting Village Reserves.

Vice Mayor Greene asked how long it would take to bring this back. Mr. Schofield said that they would try to bring it back by the 2nd meeting in November.

Mayor Margolis asked if they could add to the recommended motion to provide an estimate to move lake(s) because there had been some discussions about moving some property around. Mr. Schofield indicated that would be included in the planning directive.

Ms. Cohen asked if there had been any intention of a closing date if Council approves the purchase. Mr. Schofield said staff would prepare the purchase and sale contract and at that point, Council could then execute it or not, and they could proceed straight to closing. Ms. Cohen asked if Mr. Schofield was anticipating closing prior to the end of the year. Mr. Schofield responded affirmatively.

Vice Mayor Greene did not think there was a sense of urgency to close by the

end of the year noting that with the Professional Center it was a tax consequence. Mr. Schofield thought that the Wanderer's Club had the same issue.

A motion was made by Councilman Coates directing staff to: resume negotiations to come up with final and best price as \$28,311 is too high (2) bring back information including: (1) develop the cost to restore the property to a usable condition in its current configuration; (2) estimate annual maintenance costs for "as is where is" condition; (3) evaluate the potential uses for the property within the context of the existing parks system; (4) present it to the appropriate boards and committees and (5) develop a passive park master plan that can be implemented in stages beginning in the fiscal year 2016 budget without impacting Village Reserves.

Vice Mayor Greene wanted it to be time certain that they have a best and final number back by the end of November.

Councilman Coates said that he was fine with adding that to his motion. At this point, Councilman Willhite seconded the motion.

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

9. PUBLIC FORUM

No Comments.

10. ATTORNEY'S REPORT

Ms. Cohen presented the following report:

1. The Charter Review Task Force meeting was changed from Wednesday, October 15th to Thursday, October 30th at 4:00 p.m. because several members had a conflict.

Councilman Willhite thought that there was the potential that any recommendation that the Task Force discussed that did not have conflicting ideas would be brought to Council for discussion rather waiting until the end of their work. In response, Ms. Cohen said that the Task Force did not feel that piecemealing their recommendations was appropriate because as they made additional changes it might affect earlier discussions and changes. She said that their intent was to give Council all of their recommended revisions at one time. Councilman Coates felt that multiple meetings would need to be scheduled to discuss their recommendations.

11. MANAGER'S REPORTS

Mr. Schofield presented the following report:

1. The next Regular Council meeting was scheduled for Tuesday, October 28, 2014 at 7:00 p.m. in the Council Chambers.
2. Council will hold a Workshop on Wednesday, October 15th at 1:00 p.m. to discuss Safe Neighborhoods and Community Services.
3. The Wellington Green Market returns on Saturday, October 18th.
4. Wellington's Fall Festival will take place on Saturday, October 18th at Village Park beginning at 6:00 p.m.
- 5 The Annual Horse Country 10 Miler and Sebastian's 5K Walk/Run will take

place on Sunday, October 19th beginning and ending at Tiger Shark Cove.

6. He announced that both he and Mr. Barnes would be out of town on Thursday, and Mr. Riebe would be acting in his stead.

12. COUNCIL REPORTS

Councilwoman Gerwig presented the following report:

1. She encouraged everyone to get their Flu Shot.
2. She announced that she was participating with other Village staff in the "Making Strides for Cancer" walk on Saturday, October 18, 2014.
3. She would be participating in "Read Across America" next Tuesday at 5:00 p.m. and would be reading "Bunny Cakes" at Scott's Place, and invited everyone to attend. Stuffed bunnies will be given out to the first 36 attendees, and then after that plastic bunnies will be distributed. She noted that this was the Village's participation in the Literacy Coalition project.

Vice Mayor Greene: No Report

Councilman Willhite presented the following report:

1. He wanted there to be more discussion on the hedge/fence issue. Mr. Schofield explained that when staff went through and looked at the major thoroughfares, there were 191 cases identified. They are sending out the next set of 30 notices which would put them at 90 violations. He said that the intention was to work through the 191 cases. Mr. Schofield said that Council did need to make some decisions on height and things like that. He asked Councilman Willhite if there was a timeframe he wanted to see that come back noting that staff was ready to come back at any point. Councilman Willhite said that he wanted to see it brought back no later than November.
2. Councilman Willhite wanted staff to create a new name for the "transitional" neighborhoods.
3. He met the previous week with the Executive Director of the MPO who was looking at potential grant funding where \$17 million in 2020 would be allocated for local projects within communities. Councilman Willhite said that he was interested in some enhancements for the Village's bicycle lanes, and hoped to at least apply to bring outside funds into Wellington to help the residents. He said that he has asked Mr. Schofield to start looking at where they could do some projects.
4. Councilman Willhite noted that male breast cancer is on the rise, and voiced his appreciation that recognition is now being given that this is not only a female disease, but men are affected as well.
5. He then referenced the golf carts at Binks Forest that were shown in the Weekly Issues. Although many people do not like them, he felt that sometimes it is easier utilizing a golf cart to get around noting the use by equestrians in the Equestrian area. He said that the Village has spent an enormous amount of money getting the cars not to park on the swales, i.e., Wellington Elementary, and thought they needed to recognize the use of golf carts. Councilman Willhite said that he would continue to advocate for their use whether it includes license, registration and the like because the Village should recognize them and allow people to use multiple forms of transportation.

Councilman Coates presented the following report:

1. He concurred with Councilman Willhite that the Village needed to come up with a better name than "transitional neighborhoods". He felt that they should just be called by the name of their neighborhoods. He thought that not labeling those neighborhoods would help to improve them.

2. He felt that senior housing has been something that was discussed; however, nothing substantive has ever been presented to Council as to what type of senior project is a viable project for the Village to support and meet the needs of allowing the Village's seniors to continue to reside in the community. He thought it could be controversial, but one of the areas he wanted to look at was the 10 acres by the Mall. He wanted that property included in the discussion of any evaluation that staff may have in terms of presenting viable options for senior housing. He asked Mr. Schofield to commit resources so that staff can focus on this issue and provide their opinion as to the best approach.

3. Regarding commercial parking, Councilman Coates wanted staff to bring it back as quickly as possible because he believed there is a problem in the community in terms of the needs of the people that need a place to park their vehicle.

With regard to the senior housing, Councilman Willhite noted that he and Mayor Margolis had previously voted against the EAR being transmitted to Tallahassee until some language was included that they should look for some aspect of senior housing. He said that they talk about doing something regarding senior housing, but no viable options ever come forward. He felt that they should seriously begin to look at it.

Mayor Margolis said that they have been talking about senior housing for a long time. He said that when the Village did the survey, the issue came back that people did not want that. He said that the move now was for seniors to age in place. He wanted to get some feedback from some of their seniors about that. In addition to considering a location for a senior retirement community, he also wanted Council to expand their discussions to include initiatives that would allow seniors to stay in their homes because many do not want to move into a senior community. He concurred that Council needs to discuss the senior housing situation and look to see what their seniors really want.

Mayor Margolis presented the following report:

1. He thanked Vice Mayor Greene and everyone for their participation in the groundbreaking for the tennis facility as he was out of town and could not attend.
2. With regard to the golf carts, he asked if they were allowed in the EOZD.

Mr. Schofield said that Council has had the golf cart discussion a number of times most recently during the Visioning Workshop. He said that the direction from staff was that they comply with the State statute which says that golf carts are not allowed on public roads or pathways unless specific engineering studies are done to allow for them which have not been done by the Village. Mr. Schofield said that what they have been seeing and what he believed they will transition to is something that is permitted under the State statute which is low speed vehicles and minitrucks. He noted that those vehicles can be operated on any road with a posted speed limit of 35 mph or less unless the Village enforces an ordinance prohibiting them. They must be driven by a licensed driver who is 16 years old or older. He further explained that most golf carts can be readily converted to a low speed vehicle which requires headlights, tail lights, blinkers, seat belts, horns and they have to be registered with the State.

Councilman Willhite felt that it would mean crossing any roadway. Mr. Schofield said that they can cross roadways at designated crossings. He said that most of them are associated with golf carts while others are associated with equestrian pathways. He said they can't be used on a sidewalk, but can be used on other pathways. Councilman Willhite thought that staff was given direction to begin moving forward with something. Mr. Schofield said that staff was given direction to look at a pathway system. He said that Council will be seeing the proposal to go out and get the multiuse pathway system done in the urban part of the Village which will provide for doing connectivity between the schools and the major events. He said that they are looking for expanding pathways along Greenview Shores, Big Blue Trace and doing things that make those pathways accessible for golf carts and multiple vehicles. Mr. Schofield said that he would have Mr. O'Dell put together an Administrative Transmittal within the next day or so on the status of that.

With regard to the picture of the golf carts presented in the Weekly issues, Councilman Willhite pointed out that the golf carts were not parked on the pathway or blocking anyone and were parked on the swales and grass.

Mayor Margolis said he had been told that the issue with the photograph was it was a safety issue with some of the kids walking to school who were almost hit by those golf carts traveling on the sidewalk.

13. ADJOURNMENT

NOTICE