

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

**Wellington Village Hall
12300 Forest Hill Blvd.
Wellington, Florida 33414**

**Tuesday, April 22, 2014
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, April 22, 2014 commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

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

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

- 1. CALL TO ORDER** – Mayor Margolis called the meeting to order at 7:00 p.m.
- 2. PLEDGE OF ALLEGIANCE** – Mr. Wilson led the Pledge of Allegiance.
- 3. INVOCATION** – Deacon Al Payne, St. Therese de Lisieux Catholic Church, Wellington, delivered the Invocation.
- 4. APPROVAL OF AGENDA**

Mr. Schofield presented the agenda recommending with the following change(s): 1) move Consent item 6B – Authorization to Award a Contract for the Construction of the Wellington Green Restroom and Storage Building to the Regular Agenda as item 8C.

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. 14-300 PERFORMANCE BY JESSICA PEREIRA, GRAND PRIZE WINNER OF THE WELLINGTON IDOL 2014 COMPETITION**

Mr. Schofield introduced Jessica Pereira. Ms. Pereira performed for Council and the public. Council congratulated her on winning the 2014 Wellington Idol Competition.

- B. 14-281 PRESENTATION OF 2014 BIOSOLIDS AWARDS BY FLORIDA WATER ENVIRONMENT ASSOCIATION (“FWEA”) TO VILLAGE OF WELLINGTON WATER RECLAMATION FACILITY FOR 1ST PLACE WINNER OF THE TECHNOLOGY INNOVATION AND DEVELOPMENT PROJECTS BIOSOLIDS AWARD**

Mr. Schofield introduced the item.

Mr. Riebe explained the Village updated the Wastewater Treatment Plant three years ago and installed facilities to process sludge or biosolids into a marketable product. He explained the Village sells the biosolids as a readily usable fertilizer for public use. He said it is the highest grade; class AA, of sludge or biosolid that can be produced. He indicated they have been successfully running the facility online for several years. He mentioned Bryan Gayoso and his operators at the plant, Glenn Burr, Andy Ballard and Dave Cipriani, do a great service by processing the waste produced in Wellington. Mr. Riebe stated Wellington was presented the Biosolids Award for 2014 by the Florida Water Environment Association (FWEA), a state-wide association for the water and wastewater industry.

Councilwoman Gerwig asked how this product was labeled or marketed if someone wanted to buy it. Mr. Riebe explained the product did not have a name, but they could trademark it as Wellorganite or some other name. He said the demand was very high, as they have sold all they have produced.

Vice Mayor Greene asked what the Village generated in revenue by selling this product. Mr. Riebe indicated the revenue was roughly \$35,000 per year, but prior to selling it, they were paying approximately \$200,000 a year to get rid of it. He said, most importantly, they will be able to dispose of the material for the foreseeable future because of its high quality grade. He stated the product they were producing before was very difficult to get rid of. He noted they created a net income or revenue stream and also collectively positioned Wellington for the future.

Council congratulated Mr. Riebe and his team on being the first place winner of the Technology Innovation and Development Projects Award.

6. CONSENT AGENDA

- A. 13-0419 AUTHORIZATION TO UTILIZE SOUTHEAST FLORIDA COOPERATIVE CONTRACT FOR THE SUPPLY AND DELIVERY OF SODIUM HYDROXIDE**
- B. 14-168 ~~AUTHORIZATION TO AWARD A CONTRACT FOR THE CONSTRUCTION OF THE WELLINGTON GREEN PARK RESTROOM AND STORAGE BUILDING~~-(Moved to Regular Agenda as item 8C.)**

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

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) to open Public Comments.

There being no public comments, a motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) to close Public Comments.

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

7. PUBLIC HEARINGS

- A. 14-294 ACME IMPROVEMENT DISTRICT RESOLUTION NO. AC2014-02 (2010**

ACME IMPROVEMENT DISTRICT WATER CONTROL PLAN FIRST AMENDMENT - AUTHORIZATION TO MOVE FORWARD WITH STATUTORY APPROVAL PROCESS).

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT DECLARING ITS INTENT TO PROCEED WITH THE STATUTORY PROCESS FOR APPROVAL OF AN AMENDMENT TO THE DISTRICT'S WATER CONTROL PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Riebe indicated he provided each Council member with an updated list of comments staff received regarding the Water Control Plan. He stated that, to date, they had not received any written objections; however, they did receive an e-mail from Mr. Hallenbeck, which was attached to the list which staff responded to.

Mr. Riebe explained the resolution only affected the residents of Wellington who owned property within the Acme Improvement District, and was not applicable to residents living in the communities east of State Road 7, i.e., Olympia, Buena Vida and VillageWalk. He said residents living in the Pine Tree Water Control District and west of Flying Cow Road were also not affected by this resolution. He indicated the resolution declared the intent of the Acme Improvement District Board to move forward with the statutory process for the proposed amendments to the Water Control Plan. He stated it directed the District Engineer to prepare an amendment to the Engineer's Report, identify any property to be taken, assess benefits and damages, estimate the cost of construction associated with the proposed amendment, and file the completed Engineer's Report in the Secretary's office. He noted the guiding principles were located in Chapter 298 of the Florida Statutes.

Mr. Riebe indicated they were at #5 in the process, as items #1 through #4 had been completed. He stated some additional items needed to take place but most important was the Public Hearing for the Engineer's Report tentatively set for July 8, 2014.

Mr. Riebe showed an overview of the Wellington system. He stated the Acme Improvement District was generally comprised of Basin A (pink area) and Basin B (yellow area). He noted there were four pump stations to the very north or top part of the slide and those were the only facilities discharged to the regional system or C-51 canal. For metric data, he indicated the total area was about 19,500 acres and the entire system was under the jurisdiction of the South Florida Water Management District. He explained they have a permit to discharge a certain quantity of water into the regional system, which is equivalent to 1.07" per day across the whole district or about 1,600 acre feet per day or 570 million gallons per day. Mr. Riebe stated all storm water must be pumped from the system and the pumping capacity of the four pumping stations was roughly 895 cubic feet per second, which is about 402,000 gallons a minute.

He indicated the Acme Improvement District Storm Water Management System was designed to store a three day, hundred year storm event given the fact they also discharge at the rates shown. He stated the hundred year flood elevation is 16.5 feet NGVD, the minimum floor elevation in Basin A is 17.5 feet and Basin B is 17 feet, and the minimum road elevation specified in their Land Development Regulations is 16 feet NGVD. He showed Council a simplified basin schematic and explained the system in the Acme Improvement District was essentially a big retention basin. He said Basin B was on the very southern boundary of the District and the C-51 canal was on the north end. He stated if it rains more than they can discharge, they have to store water and the water builds up in the retention

area comparing it to a bathtub or sink. He indicated once it rains the water flows north from the southern portion of Basin B, all the way to the four pump stations located along the northern boundary or the C-51 canal.

Mr. Riebe presented an updated proposed FEMA floodplain map and indicated staff had been successful in providing FEMA additional information. He stated FEMA accepted their Lidar data, as their survey data and modeling data has been submitted. He said the Village received e-mails and written correspondence indicating FEMA will use staff's data to create new maps. He stated they saw the first version this time last year and they made great strides in depicting what actually happens in Wellington.

Councilwoman Gerwig asked if FEMA had accepted the proposed floodplain map. Mr. Riebe stated FEMA had accepted it. He indicated FEMA was still in the process of creating the maps, but the Village was able to submit survey data and modeling data that will be incorporated when the final map is developed. He thought the final map would be pretty close, as the proposed map was a depiction of what the final map would like based on the new data.

Mr. Riebe stated the blue shaded areas were inundated during the hundred year flood event. He said many areas in Palm Beach Point or the southern part of Wellington and some of the undeveloped or more rural areas were under water. He indicated all houses and structures were typically required to be elevated above a hundred year event. He mentioned they could see the low spots in the roads where canals crossed underneath the roads. He thought this helped support the improvements they were proposing.

Mr. Riebe reviewed the issues the Village experienced during severe rainfall events. He indicated Tropical Storm Isaac occurred between August 26 and August 28, 2012. He stated the storm flooded roadways, as several were impassable, and flooded low lying land; however, they received no reports of structures, buildings or land being damaged by the flood, so the system worked. He said schools and businesses were closed for approximately one day. Mr. Riebe indicated staff captured a lot of data during the storm. He stated the actual rainfall was about 14.6" (which exceeded the three day, hundred year rain event), and the maximum flood stage observed was 16.9 feet. He also presented the average flood stage durations for Basin A and Basin B. He noted their predictive model projected data indicated an actual hundred year storm of about 13" per day and a flood stage of 16.5 feet. He thought the model nearly predicted what they actually observed. He stated for Basin B, the predictive model durations were much less or to a degree that was significant. He said they had difficulties operating Pump Station #8 during the storm, which is used to move water from Basin B into Basin A, because of localized flooding issues when the pumps were turned on. Mr. Riebe indicated they had a short-circuiting of floodwater from Basin A into Section 24 to control structure #40. He stated they had pumps caveating and cycling on and off, so they were addressing those issues. He mentioned they also had a tough time lowering the water elevation throughout the system prior to the storm. He said it was important to lower the elevation of the water because it helps to pull water out of the soil column, which is a huge reservoir for storing water.

Mr. Riebe stated they observed a number of places around Wellington where floodwaters were flowing over the roads. He said the low areas were actually serving as spillways, as water was flowing like a river from one side of the road to the other. He presented several pictures taken from around Wellington and stated the aerial photographs were the best as they showed the flooding in the south area. Mr. Riebe indicated the dark blue line was a culvert. He stated when it starts to rain the water builds up and starts to flow through the culvert from one side to the other. He said they could actually see the water start to store in the soil column, which was super important. Because if the rain builds up, water starts to flow across the road even if it is going through the culvert.

He explained the proposed amendment improvements were designed to address observed shortcomings and improve overall performance of the system during severe rainfall events, primarily conveyance. He said the improvements would be prioritized based upon benefit to the system, which was to improve life safety during severe rainfall events and help equalize floodwater. He clarified the proposed improvements would not significantly impact flood stages or flood stage durations due to the fact the area like was a bathtub and only so much water could be discharged. He stated the improvements would also optimize the existing system. Mr. Riebe noted in order to make a significant impact on durations or flood stages, additional storage or additional discharge capacity to the regional system would be required. He indicated the improvements would be constructed over a period of several years to eliminate the need to borrow money and would be done at a pace tolerable to absorb current resources, manpower, finances, etc., and not place undue burden on the taxpayers.

Mr. Riebe showed Council a list of all the projects, which had been previously reviewed. He stated they were prioritized and could be changed as they moved through the Engineer's Report. He said the projects largely addressed conveyance issues and culvert crossings. He presented a map depicting the general areas to receive the improvements.

Councilwoman Gerwig questioned what Mr. Riebe meant when he stated this would not solve their duration, as she thought moving the water should help their duration. Mr. Riebe indicated it would help but not by days or weeks. He stated the duration would be several hours. He noted Tropical Storm Isaac's rainfall event actually exceeded the hundred year storm and the system.

Councilwoman Gerwig asked Mr. Riebe to explain a hundred year storm. Mr. Riebe stated a hundred year storm is a rainfall or storm event that has a 1% probability of occurring in a given year which means it could occur never in a year or it could occur three or four times in a year. He said twenty-five years storms have a 4% chance and a ten year storm has a 10% chance of occurring in a given year. He indicated Tropical Storm Isaac exceeded a hundred year storm.

Vice Mayor Greene asked if the flood maps Mr. Riebe had shown were significantly revised based on the two significant storms in the last couple of years. Mr. Riebe stated they used Tropical Storm Isaac to actually calibrate the Village's model. He said Isaac caused a lot of inconvenience and agony, but it provided staff with a lot of data and gave them the ability to capture data electronically with their new SCADA system. He indicated they were able to feed the data into the model, and the model was actually better calibrated now.

Vice Mayor Greene thought an assessment of \$100 was better than the cost of the flood insurance premium. Mr. Riebe agreed. He indicated it also addressed some issues that occurred in the system. Mr. Riebe stated there were places like Forest Hill Blvd, Big Blue virtually every main road where it is difficult for the traffic to navigate through during heavy rains because there are low spots in the roads. He explained some roadways originally built in Wellington were at 14.8 to 15 feet, which is below the minimum road elevation of 16 feet.

Vice Mayor Greene asked when FEMA would be issuing its final report on the floodplains. Mr. Riebe anticipated seeing maps over the next three months. He stated many people in the County have been working hard to provide FEMA the correct information on how the system actually works.

Councilman Coates asked if the FEMA maps related to the potential premiums for flood insurance, as he thought this amendment was a step to increase the assessment for the Acme Improvement District so they could undergo projects deemed appropriate for the community. Mr. Riebe indicated they were there tonight to get approval from the Acme Board.

Councilman Coates wanted to clarify they were not saving on their flood insurance premiums by approving this. Mr. Riebe stated much effort has gone into the Water Control Plan with the engineering and modeling data as well as the amendments. He said the fact they had an event in excess of a hundred year storm was a watershed moment for them because they captured a lot of usable data for calibration. Councilman Coates supported the amendment, but he did not want to suggest by increasing the assessments for Acme it would result in a decrease in flood insurance premiums. Mr. Riebe agreed.

Mr. Schofield explained part of the process was how FEMA evaluated flood maps. He stated the original FEMA maps were based on old data, as they did not include any improvements done by Wellington from 2002 onward. He indicated the Village could get credit for mitigation, which were the engineering study and the steps to let the Village undertake these projects. He stated they were not going to see much change in the flood stage, but they would see a change in duration. He said the projects included raising Forest Hill Blvd and South Shore Blvd, providing additional storage in the canals, and changing culvert sizes to equalize the water. He stated they would also be doing improvements to the Pump Station #8 canal because it was starting to wash out the bank next to the water storage tank. He said all of the projects were related, and this was one step towards a series of projects in mitigation. He mentioned FEMA did not want to fund improvements to Forest Hill Blvd, because the Village allowed the residents to continue to use the road during Isaac and that did not meet the federal criteria for improvements. He noted South Shore was under water by two feet at one point, and it is the principal access to the Equestrian Community.

Mr. Schofield agreed the amendment to the Water Control Plan was not going to impact the flood insurance rates. He stated staff thought this was important because some proposed insurance premiums on the west coast were \$20,000 and \$25,000 a year. He said his flood insurance premium was \$600, and under the current rate structure it could go to \$2,000. He stated these improvements would change the Lidar data, the modeling and the actual data the Village provides. He indicated their flood insurance rates would increase, but they would not increase to \$20,000 and \$30,000 like other communities.

Vice Mayor Greene stated he was trying to determine if what Mr. Riebe submitted to FEMA would have an impact. He thought the improvements would have a positive impact whether insurance premiums were increased significantly or not. Mr. Riebe agreed.

Councilman Coates understood the Village was able to demonstrate data was incorrect based on existing improvements put in place over the past decade that led to the revision of the FEMA maps and not what they would be doing in the decade to come. Mr. Riebe stated that was correct.

Mayor Margolis indicated residents in Olympia and Buena Vida were not on the Village's water system, so they were not involved in the Water Control Plan. Mr. Riebe explained that those residents were in the Lake Worth Drainage District. Mayor Margolis noted Rustic Ranches and Pine Tree were also not in the Water Control Plan. Mr. Riebe stated that was correct.

Mayor Margolis wanted the residents to understand that FEMA was a federal program directed by the federal government. Mr. Schofield stated FEMA's flood insurance program was \$48 billion in debt, and to solve their debt problem they increase their premiums. He said a majority of the flood insurance policies are in Florida, with a significant number written in Palm Beach County. He explained Florida did not generally receive paid claims, as claims were paid to places with more news impacting events, i.e., levies in New Orleans.

Mayor Margolis thought the Village was back to normal within two days after Isaac. He remembered the weather forecast predicted 6" to 8" of rainfall. Mr. Schofield stated they were anticipating a 6" rainfall event that turned into over a hundred year storm, and there were spots with 4" or 5" more in the localized areas.

Mayor Margolis said there was some misinformation saying the Village was not prepared and they had not opened the canals which was not the case. Mr. Schofield indicated staff started pumping several days before the storm in anticipation of the 6" of rainfall. He stated the system was down and they had made space in Section 24. He said when the roads started to go under water in significant stretches in Basin B they opened up Pump Station #2 and pumped into the conservation area. He mentioned the Water Management District was initially reluctant but cooperated and was a good partner during the event.

Councilwoman Gerwig stated she had standing water on her property for seven days noting she was not in a flood zone on any FEMA map. She questioned if they were addressing any local drainage issues with this plan. She said residents have told her their neighbor is blocking the drainage. She asked how they were addressing individual circumstances. Mr. Riebe suggested that residents call the Village. Councilwoman Gerwig asked what staff was doing for those people who have already called with problems like this. Mr. Riebe stated those issues are reviewed on case-by-case basis to determine what actually happened and are not included in this amendment.

Councilwoman Gerwig asked about the bad spot on Forest Hill Blvd by the Baptist Church, as they had made several drainage changes there. Mr. Riebe stated the improvements to Forest Hill Blvd were never designed to solve that problem. He explained it was more mill and overlay, a beautification project, with some minor storm drainage improvements. He said it was a \$5 million project to correct Forest Hill Blvd and make the improvements.

Councilwoman Gerwig questioned the purpose of project #4. Mr. Riebe stated in that particular location and two others, they were going to install a larger culvert, raise the road, and put some additional inlets in the swale area to get water off the road. He said this will allow the water to flow through the culvert and keep it from flowing over the road. He indicated the roadway will be a little higher, so they will not have that low area where water collects and people have difficulty getting through.

Mr. Schofield thought it was important that all residents and even staff understand there are different amounts of rainfall they protect things from. He said shopping center parking lots are designed to not flood from a three year, one hour storm, which is a 33% chance in any given year that the parking lot will not flood with 3" of rainfall. He stated when the roads in Wellington were originally permitted in 1973 they were supposed to be set above a five year, one hour storm, which is a little over 3.5" or 4". He said they were never designed to be above a major storm, and they were certainly never designed to be above a hundred year storm. He explained the South Florida Water Management District back in the 70's, when the Wellington PUD was permitted, expected every roadway to be under water to some extent between one and five days during a hundred-year storm. He said, from a personal point of view, there was a lot of roadway flooding during Isaac. He thought there was a lot less than what the design called for and the water was gone quicker than they had expected, but Isaac should have left them under water for about five days. He stated it was some of the upfront effort and upfront pumping as well as the work done over the last decade that allowed the water to be moved. He said if they had not been able to pump into Section 24, flooding would have been far worse. Mr. Schofield noted they would never recommend elevating roads above the hundred year floodplain because it did not make economic sense.

Councilwoman Gerwig asked if Forest Hill Blvd would be raised. Mr. Schofield indicated Forest Hill would be raised at its very lowest points for a twenty-five year storm. Mr. Riebe stated they were going to raise the elevation to 17 feet, which was similar to the elevation on Wellington Trace. He said the intent was to get the water off the main roadway in Wellington, raise the low spots, and improve and enlarge the culvert. He noted they had to raise the roadway to put the culvert underneath.

Ms. Cohen introduced Council to Mr. Ken Edwards with the law firm of Caldwell Pacetti. She stated Mr. Edwards had worked with staff on the amendment for the Water Control Plan and was there if they had any questions.

In addition to working on the flood plain, Councilman Willhite pointed out that the Village took on a large task of cleaning every culvert and pipe in the Village. He stated they put a camera down and pressure cleaned the culverts as well as identified the location of each one. Councilman Willhite indicated the Village was also cleaning the vegetation that built up over the years along the canal banks to allow the water to flow from one place to another. He said they move so much water in the Village which requires clean canals and good water flow in order to move water uphill from Basin B to Basin A.

Councilman Willhite stated West Palm Beach did not have swales, as they had curb and gutter. He said they could put a lot of water into those gutters, but the Village based their water storage on swales. He indicated two years they started with a minimal \$50,000 a year swale maintenance program to cut and re-grade every swale. He stated if the swale or grass builds up higher than the road it will have nowhere to go. He thought at the rate they were now doing it, it would take a hundred years because they have only gotten to the major roadways and not the neighborhoods. He stated there were a lot of swales in the Village and it sounded like a huge undertaking. Councilman Willhite said the swales were major places to store water and they helped move water to the culvert pipes, because there is not a culvert drain or manhole on every corner. He thought the swale maintenance program needed to be done at a quicker rate to help move water on daily basis let alone a hundred year storm.

Councilman Willhite indicated these were a couple of the ongoing projects, but they could always improve. He said this was an aspect of starting to improve some areas over a long period of time. He thought twelve years sounded like a long time, but it was a \$30 or \$35 million project they were endeavoring. He believed it was a step forward in trying to address some issues that would only get worse as the population grew and started utilizing the roads. He was sure they would need to change or reorder some projects. He appreciated Mr. Riebe and staff for working on it.

Public Hearing

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

1. Carlos Arellano, 13304 Indian Mound Road, Wellington. Mr. Arellano stated he lived in Basin B and was opposed to increasing the taxes on their properties. He also questioned why the Village was charging Basin A 1 point per unit and Basin B 2.5 points per unit, as he did not think it was fair.

Mr. Schofield explained the assessment was per acre or part thereof, so a single family in Basin A was charged the same amount as one acre in Basin B.

2. James Rieskamp, 1426 The 12th Fairway, Wellington. Mr. Rieskamp asked if the community could be notified to keep their swales cleaned out and to ask they ask people passing by to keep from pushing water up into the yards and garages when it floods. He also stated he walked the length of the 12th Fairway to Forest Hill Blvd and noticed the spacing of the drains was off, which could inhibit the water from getting down into the system.
3. Gil Hallenbeck, 13821 53rd Road, S., Wellington. Mr. Hallenbeck was against a 50% tax increase in one year. He said Council was spending \$12 million of taxpayer money to build a tennis facility that nobody wanted or asked for.

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

Councilwoman Gerwig asked if this was the first time Council was looking at this amendment. Mr. Riebe stated Council was reviewing the Water Control Plan and directing the District Engineer to prepare the Engineer's Report. He said staff would prepare the report and file it with the Board of Secretary in early June. He indicated there would be another public notification process and another public hearing July 8th, when they will have the detailed cost information and the Board will actually determine the assessment.

Councilwoman Gerwig asked if the assessment was set separately from the TRIM rate. Mr. Riebe stated it was separate. Mr. Schofield indicated they were required to set the assessment rates for the Acme Improvement District prior to the adoption of the final millage rate for the budget, although it did play into that amount.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Acme Improvidment District Resolution No. AC2014-02 as presented.

- B. 14-284 ORDINANCE NO. 2014-04 (TRAFFIC PERFORMANCE STANDARDS): AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE LAND DEVELOPMENT REGULATIONS, ARTICLE 15, TRAFFIC PERFORMANCE STANDARDS, A ZONING TEXT AMENDMENT TO UPDATE THE ARTICLE TO THE LATEST INDUSTRY STANDARDS AND PRACTICES, REMOVE REFERENCES TO PALM BEACH COUNTY AND UNINCORPORATED LANDS REGULATIONS NOT APPLICABLE TO WELLINGTON, AND ESTABLISH WELLINGTON SPECIFIC STANDARDS; AMENDING ARTICLE 3, CHAPTER 2 DEFINITIONS, A ZONING TEXT AMENDMENT TO RELOCATE TRAFFIC PERFORMANCE DEFINITIONS FROM ARTICLE 15; PROVIDING FOR PURPOSE AND INTENT; PROVIDING CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

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

Mr. Stillings stated this was the second reading of the changes to Article 15 under the Traffic Performance Standards. For the record, he indicated five minor changes were made since the first reading and could be found on pages 224, 233, 234, 244 and 258 of the package. He said the changes incorporated the table distributed to Council at the first reading as well as a few minor changes they discussed and cleaned up in the Ordinance.

Public Hearing

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

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

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Ordinance No. 2014-04 on Second Reading as presented.

8. REGULAR AGENDA

A. 14-293 AUTHORIZATION FOR VILLAGE STAFF TO INITIATE THE ENGINEERING DESIGN PROCUREMENT PROCESS FOR THE PROPOSED SADDLE TRAIL PARK (SOUTH) PAVING AND WATER MAIN PROJECT

Mr. Schofield introduced the item.

Mr. Riebe presented the Saddle Trail Park project to Council. He also provided Council with water usage and revenue as requested. He said there was plenty of capacity at the plant and with the system to handle any proposed improvements.

Mr. Riebe stated the Resolution request in front of Council considers and accepts the results from the formal polling process and authorized staff to begin the process of procuring engineering design services for the proposed improvement project, which will take 75 to 90 days. He noted the results of the engineering procurement selection process will be presented to Council for consideration and award. He indicated this project has been very public, as they were following the Guiding Principles, State Statutes and their Code of Ordinances as part of the process. He stated they were at step #4.

Mr. Riebe explained the project involved a grassroots group of residents in Saddle Trail Park who blanketed their neighborhood with a preliminary petition and collected more than the two-thirds required to move forward. He stated Council accepted the petition and staff did a formal polling by sending ballots to each resident or property owner in the area. He said they conducted a neighborhood meeting and answered questions about the process and proposed conceptual improvements. He indicated Council was now considering the results of the formal polling or balloting process and then giving staff direction on whether or not to move forward. He noted item #5 showed more public meetings, more public hearings, more neighborhood meetings, etc., as they moved forward.

He stated Council received a copy of the ballot before it was sent out. He said the ballot included the legal description for the lots and an affidavit the legal owner or authorized company representative had to sign. Mr. Riebe indicated all of the ballots were notarized. He stated they provided as much information as they could for full disclosure, including their best guess of the total project cost of \$6 million; however, if they issue bonds for the work or borrow money, the cost could be up to \$10 million with interest included over a twenty year period. He said they also provided a conceptual typical cross-section, the cost estimate, and a table showing each property, each property owner, the acreage, and a pro forma cost estimate of what it would cost each property owner.

Mr. Riebe explained preliminary cost estimates just for the construction were about \$5 million, but with the capacity fees to connect to the water system and plumbing fees to connect to the private property

it increases to \$6 million. He stated the total raw cost per lot averaged about \$61,000. He indicated the residents could pay for it in one lump sum, once it was constructed, as that was provided for in the Statutes; however, if they elected to pay on an annual basis over a period of time using the twenty year pro forma analysis, it would be a total cost of around \$95,000. He said the average bill or annual assessment would be \$4,700 to \$4,800 per year.

Mr. Riebe showed Council a copy of the plat for the area of Saddle Trail Park being discussed. He stated there were 105 platted lots and each lot received one vote as part of the process. He said they received 80 ballots in support or 76.2%, 9 ballots not in support, and 16 ballots were never returned or were nonresponsive. He mentioned, as part of the process, it was fully disclosed their ballot would be considered an automatic no vote if they did not return it. He stated they really wanted to gauge the level of interest to make sure a majority of the people were on board. He said there were 67 property owners in that area based upon the Palm Beach County Property Tax Appraisers records, so roughly 71.6% of the property owners supported the initiative and 28.4% did not. He noted there were some simple metrics from the Palm Beach County Property Tax Appraiser's office where the average ownership was about six years for those who were in support.

He also showed Council the preliminary polling results for informational purposes and indicated there were not many changes. He mentioned they had gone through the pros and cons, and there were benefits to doing this project, but for every action there is a reaction. He stated there had been several issues raised by some residents in the area who were opposed to the project.

Councilman Willhite wanted to clarify it would be a \$60,000 to \$90,000 savings if a resident paid for it prior to the amortization of a twenty year period. He liked the idea of assessing it on a per acre basis versus the frontage basis as it did not benefit the utilization of water. He indicated the information Council had been provided with stated 82 potential service connections, but there were 105 lots. Mr. Riebe explained several lots had been unified and actual structures crossed over the platted lot lines, which is legal. He stated there were 82 properties or separate lots that could be owned by the same person, but they were either vacant or had no structure on them. He said the pro forma was a conservative worst case scenario or a best case in terms of revenue.

Councilman Willhite indicated the average monthly consumption could be less than a regular house, because they would still have the ability to use their wells for irrigation and washing horse stalls. Mr. Riebe agreed. He said they could not use potable water to irrigate, so they would need to have a well on site for irrigation.

Councilman Willhite stated they were talking about a 60 foot easement and not just a roadway. He said they were going to cut back 60 feet, put the road in, put the trail in, and have swales. He thought in some areas it looked like 30 or 40 feet. Mr. Riebe stated that was correct. He indicated the existing rights-of-way were 60 feet and dedicated to Wellington, so they were public rights-of-way and property owner did not own to the middle of the road. He said there were some existing trees and landscaping within those rights-of-way that would be removed.

Councilman Willhite thought this was a huge endeavor and it caused more concern because it put the cost and burden on the residents. He said Council had to worry about the public safety aspects, while looking at the long term Acme Improvement District improvements. He indicated any project self-initiated by a neighborhood has always required 66% support from the residents. He stated the cost of pulling bonds would not be borne by the Village but by the residents in the area. He knew 23.8% do not support it or did not respond, but 76% was an overwhelming number because he thought statutorily they only needed 50%. He felt for the 23.8%, but this was not something the Village was initiating or pushing forward. He said they would be just allowing the residents in that area to move

forward with the project, as this was brought to Council as a petition drive. He stated they were following the procedures, and he had asked staff to procedurally streamline a few things to make it easier should another petition come forward. He indicated he felt comfortable with this because the Village was not evoking the cost on the residents as it was being driven by the neighborhood. He thought the burden was on Council to allow the neighborhood to move forward with their proposed improvements.

Councilwoman Gerwig understood they were using per lot and not per acre or frontage for the assessment fee. Mr. Riebe stated it was not yet determined explaining that it was presented per acre, but Council needed to determine if they wanted to apportion the assessment on acreage, lot or frontage. Councilwoman Gerwig asked when that decision had to be made. Mr. Riebe indicated they had time before that decision had to be made. He said they needed to provide some information to each property owner so they had an understanding of the potential cost. Councilwoman Gerwig understood the residents were informed based on their acreage how much it would cost them personally, so bigger lots had a greater burden. Mr. Riebe stated that was correct.

Vice Mayor Greene thought from an equestrian standpoint they were concerned about the footing and asked if the horse crossings were going to be a different surface. Mr. Riebe explained they typically scarify the asphalt of the horse crossings with a great deal of success, as it roughens the surface to give the hooves more traction. He said some details were yet to be determined and some neighborhood meetings would be conducted to vet solutions such as speed control, traffic calming and crossings, etc.

Vice Mayor Greene asked if anyone was opposed to any major issues. Mr. Riebe indicated cost was a great concern, as some folks did not want the additional assessment or expense. He stated some folks who have lived in Saddle Trail for a long time moved in when it was a rural, gentleman's ranch area, and they like it that way. He said there were concerns about the bridle trails and if people would actually use them. He said there were also concerns about the paved roadways and crossing them.

Vice Mayor Greene asked if they ran an analysis for return on investment for this project considering water softeners, people having to maintain and treat their properties, the quality of the water by making these changes, how it would be impacted, what the return is and how long it would take. Mr. Riebe stated it was not done for this particular project, but it was done for Paddock. He said he could provide that analysis and information to Council. Vice Mayor Greene thought it would be more for the residents' benefit.

Councilwoman Gerwig understood once city water was provided the residents were required to use it but not beyond the residence, as they could use potable water from a well. Mr. Riebe indicated the residents had to connect, get a meter set, and receive a base monthly charge; however, they could elect to use the water, as the Village could not force anyone to use it.

Councilwoman Gerwig questioned why the people in Sugar Pond were not allowed to use their well water for bathing when they thought the water was burning their skin. Mr. Riebe stated they had to connect so the Village could send them a monthly bill. Councilwoman Gerwig asked if those homes could have disconnected. Mr. Riebe reiterated that they had to connect to the system whether they chose to use the water or not. Councilwoman Gerwig wanted some clarification before the next meeting, because it was confusing. She also wanted to make sure they were protected on the legalities of this.

Public Comments

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) to open Public Comments.

1. Richard Schechter, 2249 Appaloosa Trail, Wellington. Mr. Schechter stated they desperately needed the public water and the separation of the road from the horses, and he was enormously in favor of it. He thought his own property value would go up 25%, which would exceed the small cost to do this.
2. Linda Elie, 2040 Galloway Trail, Wellington. Ms. Elie commented on the issues she sees as a year around resident. She thought paving the roads would be a dangerous situation for the horses and speeding traffic. She noted the Equestrian Preserve Committee (EPC) was not given the opportunity to provide any recommendations.
3. Diane Bostwick, 14129 Equestrian Way, Wellington. Ms. Bostwick did not understand why this project was not made public sooner, as there had been no chance to work issues through as a community. She spoke of the dangers of an asphalt road and of the horses not having a bridle trail. She thought these things needed to be looked at and examined before moving forward.
4. Michael Whitlow, 2070 Appaloosa Trail, Wellington. Mr. Whitlow read from their "Bill of Rights" of the Equestrian Preserve, as he felt the way this was being presented and the paving of roads was in violation of those rights. He thought this needed to be better thought out because they would be endangering the equestrian lifestyle if they moved ahead with this project.
5. Cynthia Gardner, 13268 Polo Club Road, Wellington. Ms. Gardner stated she had yet to hear any questions or inquiries about the negative ramifications this project would have on the Equestrian Preserve. She has been in favor of having city water in Saddle Trail, but she could not support paving the roadways.
6. Margaret Newman-Biggs, 14858 Equestrian Way, Wellington. Ms. Newman-Biggs thought this was a terrible thing to do. She stated it was being done by the people who owned most of the land in their neighborhood, as they had more votes. She indicated there was no Saddle Trail north and south, as it was all one plat. She told them to poll the people on the north side of Greenbrier. She thought providing water to Saddle Trail would be a better compromise.
7. Kelly Sachs, 14289 Equestrian Way, Wellington. Ms. Sachs stated she supported the project, because her kids are sick all of the time due to the dust. She was excited to have the roads paved, traffic calming devices, and not having dust on her car. She said it would also be nice to have fire hydrants and city water in the neighborhood.
8. Marrell Jerkins, 14274 Laurel Trail, Wellington. Mr. Jerkins stated the people on the north side were against each other. His reason for speaking was to say Saddle Trail is one park, as they used to have an HOA. He believed no one needed to pave or build anything until everyone had a chance to provide input. He indicated \$60,000 per lot for his four lots was not easy to swallow. He mentioned he had been begging for water for years and he hated to see the paved roads go, but they had to have a majority. He thought the dust problem was blown out of proportion. He said there was nothing wrong with gated communities, but they need to know if they are going that way because some people believe agricultural means rural and their properties are zoned agricultural/residential.
9. Robert Gierkink, 2361 Appaloosa Trail, Wellington. Mr. Gierkink stated motorized vehicles and horses should not be on the same street. He said the fact there was no water near their house or barn, the Fire Department could do no more than stand on the curb. He asked Council to support this project because it would be a big safety improvement for their neighborhood.

Vice Mayor Greene read the following cards into the record:

1. Kim Travis, 14370 Laurel Trail, Wellington. Ms. Travis wrote in support of this project. She noted many drivers drove faster on dirt roads than in paved residential communities.
2. Brad Biggs, 14858 Equestrian Way, Wellington. Mr. Biggs was not present at the meeting but sent in a letter to Mayor Margolis and Council members, which was made part of the record.

There being no further public comments, a motion was made by Vice Mayor Greene, seconded by Councilman Willhite, and unanimously passed (5-0) to close Public Comments.

Councilman Willhite stated Mr. Riebe talked about a 60 foot cross-section. He wondered if someone could ride their horse in the swale next to the road, as they proposed putting a swale and a 12 to 15 foot bridle trail on the other side. He asked if there would be a fence between the bridle trail and the swale area. Mr. Riebe indicated current bridle trails ranged from 10 to 15 feet wide and horses could be ridden in the swale area. He stated some opined that a fence would be a detriment and others thought it would provide a protective barrier. He said they would sort through these issues other details as they moved through the engineering process. He noted the 60 foot right-of-way would accommodate the improvements to a typical section with a fence, bridle trails and swales.

Councilman Willhite thought they were getting ahead of the project, as it would go through the whole process and end up at the Equestrian Preserve Committee. Mr. Riebe stated it would go through the process as directed by Council. Councilman Willhite indicated this project had been discussed as it was resident driven, not Council or staff driven. He thought it was neighbors having differing opinions and wondered how they were to decide whose opinion was more valuable.

Councilman Willhite thought it was a safety concern for people to utilize the roadways instead of their private residences or the current bridle paths to warm up their horses. He understood the reason they provided bridle trails was to keep the horses away from the vehicles. He said it was concerning to think that was a better solution than trying to separate them.

Councilman Willhite indicated traffic calming devices had pros and cons, as they could slow traffic down but could potentially cause the vehicles to make a noise that would be detrimental to the horse and the rider. He thought if they were 10 feet into the swale or in the 12 to 15 foot bridle path, they would be probably 11 feet away from a car going over a calming device. Councilman Willhite did not know if it was better for the car to make a noise or to go over a hump, but as this goes through the process these were the issues staff had to be cognizant of.

Councilman Willhite stated 76.2% of the Saddle Trail residents wanted this project. He thought they would find out through the process and time if it was beneficial. He said all Council was considering tonight was to accept the ballots and give staff direction to start the process. Mr. Riebe stated that was correct.

Councilwoman Gerwig understood that people bought in this neighborhood with the intention of it staying the same; however, the Village standard has been two-thirds and she falls back on that for these types of improvements. She also understood not dividing Saddle Trail into north and south, but this has been presented to her as an acceptable solution. She wanted to make sure they did this fairly because this solution has not been offered to other neighborhoods desiring improvements. She stated they were not forced to ride their horses through the roadways in Saddle Trail, as there was a perimeter bridle path they could follow. She said she would fall to what the residents want and the overwhelmingly support; however, the process was not complete. She thought they needed to look at

not having bridle paths in the road rights-of way at all, but again it is up to the people who own the property as it is their choice.

Vice Mayor Greene hoped anyone who had a position or an opinion one way or the other would at least respect the process. He indicated no decision was being made other than to move forward in the process. He said there would be plenty of opportunities for those who brought up many valid points in terms of horse safety and the impact on the neighborhoods, whether they were on the north or south side. He would make sure staff accepted anyone's input and allowed them to be a part of the discussions. He stated the Equestrian Preserve Committee would vet this properly. He said many good comments and feedback were made, and a lot needed to be considered, but this was driven by the residents and not by government. Vice Mayor Greene thought the market would dictate if people who rented the barns no longer felt it was a suitable environment and would choose to go someplace else. He hoped, if the residents were renting or doing business in the Village, they were being responsible and had their Business Tax Receipt (BTR).

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Authorization for Village Staff to Initiate the Engineering Design Procurement Process for the Proposed Saddle Trail Park (South) Paving and Water Main Project.

At this point, Mayor Margolis indicated Council would be taking a five minute break.

B. 14-263 RESOLUTION NO. R2014-22 (SPECIAL USE PERMIT FOR TAP HOUSE WELLINGTON, LLC D/B/A WORLD OF BEER): A RESOLUTION OF ELLINGTON, FLORIDA'S COUNCIL APPROVING A SPECIAL USE PERMIT FOR TAP HOUSE WELLINGTON LLC, D/B/A WORLD OF BEER, UTILIZING OUTDOOR AMPLIFIED MUSIC TO BE HELD AT 2465 STATE ROAD 7, SUITE #100; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Stillings explained this request was for a special permit for a block party on Saturday, May 10th, at the World of Beer for the "War on Cancer" charity event. He stated it was before Council tonight because they were proposing amplified music and operating after 12:00 am. He said from noon to midnight they will have music, and between midnight and 2:00 a.m. the event will close and cleanup. They anticipated 300 to 400 people would attend throughout the day. He indicated the request had been reviewed by the Palm Beach County Sheriff's Office, Fire Rescue and Public Works. He stated staff recommended approval.

Public Comments

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

There being no public comments, a motion was made by Vice Mayor Greene, seconded by Councilman Willhite, and unanimously passed (5-0) to close Public Comments.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Resolution No. R2014-22 as presented.

C. 14-168 AUTHORIZATION TO AWARD A CONTRACT FOR THE CONSTRUCTION OF THE WELLINGTON GREEN PARK RESTROOM AND STORAGE BUILDING

Mr. Schofield introduced the item.

Councilman Coates stated his primary concern for requesting this be moved to the Regular Agenda was the bid was approximately \$137,767 higher than the currently approved or original budget of \$100,000. He thought this was a recurring issue. He explained Council used the estimates given to them to render their decisions to move forward or not. He said it was not \$137,000 over; it was 100% over what they originally estimated the budget to be. He questioned how they could be that far off. Mr. Barnes said looking at the description and the staff report for the item, there were some areas that caused the overage from the estimate to the actual bid numbers: 1) including a \$40,000 contingency for the project; 2) underestimating the cost of required utility improvements based on where they had to place the building on the actual site; 3) increasing construction costs from when they originally estimated the project two years ago.

Councilman Coates thought there was an issue every time inflation was raised. He said what he was hearing from staff did not agree with what he was hearing from the financial world, as deflation could potentially be the problem. Mr. Barnes stated it was not just inflation but the actual cost of construction. He explained what they were seeing and hearing from contractors, noting they sat in a room that day with architects and contractors for the WCC, was that the subcontractors are increasing their pricing for labor and materials. He did not know how that related to the outside market with regards to inflation and the economy, but perhaps there was so much work that people could raise their prices accordingly. Councilman Coates stated they were not going to convince him there had been a 100% increase in inflation that resulted in this kind of inaccuracy.

Councilwoman Gerwig mentioned from her personal experience, it was deflation as there were less people offering these services and competing for jobs because companies have closed. She said in her business that was the primary reason for the rise in cost.

Mr. Riebe stated there were several factors in construction. He explained when he was part of the District, they were doing so much work and a lot was being built. He stated every single week they would see estimates come in for the same project with 5-7% increases just to keep up with the escalation. He said when things are booming, costs rise. When the economy went south, they overestimated construction when everything came in very cheap because contractors did not have any work. He stated they were now on this wave of playing catch up when it comes to cost. He said they made their estimates when they were still in the 2009-2010 costing analysis. He knew this did not explain everything, but they did their best with the information they had.

Councilman Coates questioned how the cost estimates were vetted by staff. He said he was having a growing lack of confidence in the estimates given to Council to base their decisions because examples were repeatedly radically off base from what the marketplace was demanding. He believed if Council knew what the marketplace was demanding when they reached certain points their decisions would perhaps be different.

Mr. Riebe stated they used Means, a construction cost database, and the FDOT database for estimates, as they tried to use the best information available. He wanted Council to understand that inflation was not the lion share of the cost impacts to this particular job but a piece of it. He indicated the real cost increase was due to a change in scope as well as where they had to site the bathrooms.

and utility work. He said when they first contemplated the project the park was being utilized much less, and they thought the bathroom could have one stall each side.

Councilman Coates questioned why the scope was increased. Mr. Riebe stated they went from one ADA stall in each men's and women's facility to three stalls in each. Councilman Coates asked who authorized the increase in scope. Mr. Riebe stated it was from a design standpoint, as it was designed in-house. He said staff met with the parks and end users.

Councilman Coates indicated Council authorized the construction of this based on a budget of \$100,000 and now staff tells them it is twice as much because they increased the scope from one stall on each side to three. He wanted to know how they went from something very simple to three times the capacity and over twice as much as originally budgeted. He said he has been very concerned about the disconnections between the estimates provided to Council versus the actuals. He also wanted to know how the authorization for the scope came about. Mr. Riebe stated they were really cost sensitive in engineering when putting cost estimates together, as he never wanted to be the low bidder. He indicated there were changes in scope and need because use of the park has increased since they contemplated the bathrooms. He said the maintenance to lifecycle cost with existing park restrooms was a huge issue due to some materials that were used. He thought they could use better materials to save money on maintenance.

Councilman Coates stated Council was agreeable to putting something simple there because of its current use; however, they have not had their visioning session yet and he was concerned about doubling an investment beyond what was originally contemplated when they did not know the long-term use of the property. Councilman Coates asked if staff had any similar concerns. Mr. Riebe indicated staff was not trying to hide anything and ultimately it was the scope of work from a staff perspective. He said they worked with the folks who actually maintained the facilities to determine the needs of the end user and this was the facility they thought they needed.

Councilman Coates stated the audit last year recommended ways to do things better in the Financial Department and raised certain issues. He felt based on the cost estimates Council was getting, staff needed to question if they were doing their best. He said it was not just this project, as the Community Center and Tennis Courts were substantially above what was contemplated and there were other examples. He thought it was happening enough that they had to look internally and ask staff if they were giving Council the most reliable information to make decisions. He stated he could not help but have concerns when they have a \$30 million, ten year project in capital improvements, as in three years they would find out it has increased to \$45 or \$60 million. Mr. Riebe stated that would not happen. Mr. Barnes indicated it was easier to go over by a lot on small projects and not as easy on larger ones.

Councilman Willhite stated page 108 talked about approving a contract in the amount of \$208,000 and the contractor award was \$237,000. Mr. Barnes explained they elected to reduce the allowance from \$40,000 to just under \$10,000 since Mr. Riebe's staff had more time to detail the design and utility improvements, so the 5% allowance brought it down to \$208,000. Councilman Willhite confirmed the award for this would ultimately be \$208,000. Mr. Barnes indicated that was correct. Mr. Riebe stated staff was recommending a contract value of \$208,000. Councilman Willhite questioned the budget. Mr. Barnes said they were still over budget by 100%. Mr. Riebe noted they were troubled by this and did not like missing the mark.

Councilman Coates stated he was going to make a motion to table this item until after their visioning session in early May. He said if they were going to make this kind of an investment in the project and property, he wanted to have consensus among Council as to how they were going to use that

property. He indicated it may stay the same as it is, but they could at least have the discussion as part of their visioning.

Public Comments

A motion was made by Vice Mayor Greene, seconded by Councilman Willhite, and unanimously passed (5-0) to open Public Comments.

There being no public comments, a motion was made by Vice Mayor Greene, seconded by Councilman Coates, and unanimously passed (5-0) to close Public Comments.

Vice Mayor Greene thought there was an obvious need for a restroom facility on this site because it was used quite a bit by Parks & Recreation. He asked what else this site could be used for and how the restroom facility would fit in. He wondered if a decision was made in three to five years, if the structure would be torn down or if it could be built to accommodate some other use at that site.

Mr. Barnes stated he could not predict what kind of uses could go there; however, any kind of athletic fields, tennis and the like could always accommodate a freestanding restroom building. He said if they looked at larger campus type uses, such as performing arts, the need for freestanding support facilities ends up being less or nonexistent, but he thought a large facility that incorporated adjacent property or parking could use a support building in the parking lot.

Vice Mayor Greene indicated the site discussed has increased from its original use to tripling the capacity of the facilities. Mr. Barnes stated they originally contemplated one stall each on the men's and women's side, which was strictly a staff recommendation when the designers asked what the use required. He explained if they went forward with the original estimate, the wear and tear on that type of facility would be exorbitant based on the use of the site. So they would be maintaining it more and it would not wear well as far as use, which is why they recommended a standard restroom with a capacity for three stalls on each side.

Vice Mayor Greene asked what type of volume this was engineered to accommodate in terms of numbers. Mr. Barnes stated this was a typical sized park restroom that generally covered four to six fields at any facility, like the quad at Olympia Park and the multipurpose fields at Village Park.

Vice Mayor Greene asked if they had the kind of usage on this site as Olympia. Mr. Barnes stated Olympia was an exception because of the high level of concentrated use on Saturday and Sunday as well as strictly evenings. On the other hand, this site had extended use all day and in the evenings during daylight savings time, whether it be from unmanaged organized open play, organized managed practice by some leagues, including Lacrosse, flag football, and WCFL overflow. He said it also had been utilized on occasion by the Wellington Soccer Club for tournament play.

Vice Mayor Greene thought if Council tabled this item until after their visioning session in May, they would not see it before June at the earliest. He asked what kind of impact that would have on the schedule moving forward and what costs were associated with maintaining the facilities they had. Mr. Barnes stated they are not looking at a lot of costs in the short term. He said they would have to check how soon they could bring it back assuming Council decided to eventually move forward with it. He said they would also have to check the contract to see how long the bidder was required to keep his cost. Mr. Schofield indicated the bid was good for 120 days. He further indicated the visioning session would be in early May and this item could be back before Council at the last meeting in May.

Vice Mayor Greene asked if Parks & Recreation expressed any interest in using this site as a permanent facility for other activities or overflow if there was not enough capacity at Village Park or other sports complexes. Mr. Barnes stated at this point they were not requesting or requiring that it be a permanent managed scheduled facility; however, they were seeing a need to accommodate organized activities at this location rather than just having it for open play 100% of the time.

Vice Mayor Greene asked if the need was with Village programs or through outside contract programs. Mr. Barnes stated it was Village programs through sports providers such as WCFL and Wellington soccer.

Councilman Willhite stated he heard people were being pushed off the regular fields and sent to the open area to play catch, so he envisioned the site was being utilized a lot. He thought if they were going to tell people to use this site, and it is an area the Village maintains, they needed to provide a bathroom facility. He was happy to table the discussion of the item as the cost was concerning. He mentioned they had talked about adding lighting there which would make it somewhat of a permanent facility for open play. Councilman Willhite wondered what the cost was for the prefabricated bathroom facilities at Section 24 and if they would be feasible here. Mr. Barnes did not recommend the Section 24 facilities for this site because of the capacity requirements. Councilman Willhite thought they would eventually need to make some improvements if they were going to continue with the same use or not plan for a permanent structure in the future.

Councilwoman Gerwig stated if this had been proposed as the original two stalls and the scope not increased without their input, they would not be having this discussion. She was under the impression these fields were for open play on a first come, first serve basis and asked if that was the case. Mr. Barnes indicated that was the case unless they had a program requiring additional field in which case, they have a sign saying it is reserved.

Councilwoman Gerwig mentioned she was on this Council when they dedicated this park for just open play and asked when they changed to programming it. Mr. Barnes thought they started programming it a couple of years ago. Councilwoman Gerwig indicated that was never brought to Council, which was fine as staff did many things that did not need require her input; however, this changed the entire process and how Council looked at what they are doing. She supported tabling the item to see what their long term goals and recreations needs were for this property.

Councilman Willhite did not believe going from two to six stalls or three on each side doubled the cost although he thought the timeframe did not help them. He also understood the economy as he was currently dealing with contractors.

Mr. Barnes thought the pre-engineered unit that was craned on site for Section 24 was the basis of the pricing estimate they developed for this site, which was three years ago. Mr. Riebe agreed that was it. He believed they paid about \$85,000, but they actually increased it to \$100,000 to give them some room.

A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) to table this item until after their Council visioning session in early May.

9. PUBLIC FORUM

1. Peter Robinson, 517 29th Street, West Palm Beach. Mr. Robinson spoke on the Wellington Green Market and thanked the Village for the location and their support. He mentioned they had the most local growers and incubated a few local businesses. He said the market had a so-so year, as the patron counts were down to 400 from 1,200 the first year. He also thanked Bruce Delaney for his support and stated they were going to meet to make a plan for next year.

Vice Mayor Greene stated he had been going to the Green Market since it started and thought it was fantastic. He indicated Mr. Robinson spoke of the incubator experiences of young companies and asked if there were any significant success stories. Mr. Robinson noted a lady in the artisan area of the market was now making glass plates the Anthropology stores.

Councilwoman Gerwig asked how the Village could help promote the Green Market. Mr. Robinson stated he has spent more money on marketing than ever. He thought it was about planning for Saturday versus driving by and stopping for vegetables and wondering how they were going to keep vegetables in the car. He said they lost their mid-week signage and it would be great if they could get that back in some format that met the code.

Councilwoman Gerwig suggested using the outdoor television, as they could control the feed to it and it was of good quality. Mr. Robinson thought the signage support would be really beneficial.

Councilman Willhite did not like the TV idea. He suggested relocating the Green Market to Village Park on Saturday mornings, because everyone is already there for baseball games and they would not have to rely on the people passing by on Forest Hill Blvd. He said they were competing for business at two different places. He stated the Village puts a huge investment in Parks & Recreation, but yet the Village is asking everyone to support the Green Market and local businesses. He thought if a child was playing on the field, the parents could walk over to the Green Market to pick up vegetables, and then they could go home at the same time.

Vice Mayor Greene agreed it was a good idea since there was a captive audience at the park. Councilman Willhite thought Parks & Recreation could talk to Mr. Robinson about season 4, as it was something to consider.

10. ATTORNEY'S REPORT

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

- Ms. Cohen indicated she had no report.

11. MANAGER'S REPORT & UPDATES

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

- The next regular Wellington Council Meeting is scheduled for Tuesday, May 13, 2014, at 7:00 p.m. in the Council Chambers.
- The Great American Cleanup will be held Saturday, April 26, 2014, from 10:00 a.m. to 1:00 p.m. Additional information is on the Wellington website.
- Wellington will be celebrating Earth Day and Arbor Day on Sunday, April 27, 2014, from 4:00 p.m. to 7:00 p.m. at the amphitheater.

12. COUNCIL REPORTS

COUNCILWOMAN GERWIG: Councilwoman Gerwig presented the following report:

- She asked if they could discuss the Aero Club Ordinance as she understood a Council member asked to have it stalled for discussion; however, they never had any such discussion to take such action. She said she was asking because they can only discuss this when they are together and one Council member could not stall an issue.

Mr. Schofield stated based on where they were in the Public Hearing process and their ultimate goals, the ordinance was not scheduled to go to PZAB until next month. He recommended it be withdrawn from the process so they could look at the elements concerning the people, which is to make sure there are no commercial FBO's. He stated they really did not need to do this as it was Aero Club specific, but it was an ordinance to say that any commercial use in a residentially zoned district would require, at a minimum, conditional approval by Council. Mr. Schofield stated if Council wanted him to do something different than what he explained, they needed to advise him.

Vice Mayor Greene suggested they not move forward with the ordinance that was proposed and written. Mayor Margolis agreed.

Mr. Schofield thanked Councilwoman Gerwig for bringing this issue up. Councilwoman Gerwig said she wanted to make sure it was discussed openly and everyone understood where it was in the process. Mr. Schofield explained it was now withdrawn from the process and Council would see something dealing with commercial uses in residential zoning districts at a later date.

- Councilwoman Gerwig questioned if equestrian agricultural exempt properties were required to get Business Tax Receipts (BTR's).

Mr. Schofield thought the answer was yes because the nonresidential farm building itself was exempt from the municipal fee or ordinance, not the use. Councilwoman Gerwig asked if the use was still something the Village could monitor and require. Mr. Schofield stated he and Ms. Cohen did not have a chance to go through it in detail, but that was his general sense. He said the bigger question was how to determine if it is any kind of business. Ms. Cohen asked for clarification. Councilwoman Gerwig stated she was questioning if the Village was able to tell someone who has eight stalls in Saddle Trail, and an agricultural exemption, to get a BTR to rent out their stalls. Ms. Cohen asked if the agricultural exemption was from the property appraiser or the application to be considered a farm building. Councilwoman Gerwig indicated it was a barn or farm structure. Ms. Cohen stated they would have to look at that. Councilwoman Gerwig wanted to make sure it was clear, so people knew what they had to do and the Village was not doing something it was not able to do.

- Councilwoman Gerwig stated she met with Mr. McGlone, the gentleman from the rental community, and he had an interesting perspective on the rental situation. She believed Mr. McGlone was interested in helping them and encouraged everyone to talk to him. She thought some ideas could be driven from the people who were experiencing it, as he is a landlord and lives there.
- She thanked and praised Jessica Pereira for wonderful performance.
- Councilwoman Gerwig stated she attended a nice event at the amphitheater Saturday night; however, a large percentage of the sitting space was blocked by the equipment tent. She believed they could construct a small building in the back with a ramp for approximately \$50,000. She asked for authorization to have discussions on designs and ideas before asking for cost estimates, so Council could tell staff what they wanted. She thought elevating the sound and

lighting equipment would suffice. She knew some wanted a popcorn stand underneath, but she did not think that was as important as usable sitting space.

Councilman Willhite asked for clarification. Councilwoman Gerwig explained there is underground conduit for equipment that comes up out of the ground where the tent is in the middle of the sitting area or green grass area at the amphitheater. She said they could extend the conduit so the sound and lighting equipment could be operated from the very back, which would provide more sitting space. Councilman Willhite asked what Councilwoman Gerwig meant by elevating it. Councilwoman Gerwig explained she was suggesting six feet above the ground with a ramp, because they needed to see as well as run the lights and equipment from the very back. Councilman Willhite then questioned the popcorn stand. Councilwoman Gerwig indicated people thought it would be nice to have a permanent vendor, but she was not necessarily suggesting that as she wanted to get the equipment out of the way for more usable space. Mayor Margolis agreed.

- Councilwoman Gerwig noted the sound quality at the amphitheater was much better.

Vice Mayor Greene felt the sound system at Village Park needed to be fixed.

VICE MAYOR GREENE: Vice Mayor Greene presented the following report:

- He indicated he had no report.

COUNCILMAN WILLHITE: Councilman Willhite presented the following report:

- He wanted to know the status of the sound system at Village Park and when it would come back to Council.
- He mentioned there were two TV's at Village Park and only the one on the east side worked.
- Councilman Willhite raised concern about the color palette used in Planning & Zoning and Permitting for residential and businesses in the Village of Wellington. He stated they have a 1980's color palette hanging up on the wall, yet residents can go to the Architectural Review Board (ARB) for \$75 and get a waiver. He pointed out that they have many different colors throughout the Village that are not added to the color palette. He asked what the process was for updating the color palette to be more consistent with what was currently in the Village.

Mr. Schofield indicated amended color palettes were brought back to the ARB several times over the last ten years and they seemed perfectly willing to approve colors off the palette, but they never agreed on a Village-wide color palette. He stated certain subdivisions like Olympia have a more modern color palette. He said staff would be happy to take an amended color palette back to the ARB and through the process. However, the holdup has always been ARB's like for traditional colors for the core of Wellington, but they were perfectly willing to approve color palettes for the new subdivisions. He thought staff would like to see a more modern color palette as well.

Councilman Willhite understood their thought process, but thought some of the colors were no longer being used. He reiterated that he thought the color palette needed to be updated to be more consistent with what they were approving and what was in the Village. He understood Olympia had their own color scheme, but he wondered how they could say no to the rest of the Village when Olympia is in the Village. He thought this was something to seriously look at and bring back to Council. Mr. Schofield indicated the color palettes were ready to go.

- Councilman Willhite indicated they had three sitting members of a potential Charter Review Committee process, which is a quorum. He wanted them to schedule a meeting with the three members to get the process going.

Mr. Schofield stated Ms. Rodriguez has been working on it. He said Council has seen some memos come through on this, as they were moving forward with the process.

- Councilman Willhite asked if they were putting water in Big Blue Preserve. Mr. Schofield stated they pump water into Big Blue more than occasionally, as there was a different regulation schedule. He said years ago they went to the South Florida Water Management District to amend the regulation schedule because the original schedule required the water to be held at 16 feet. He explained if they ran that pump 24 hours per day at full speed they still could not get it to 16 feet, so there is an amended water control schedule. He stated it is pumped in the summer when it is wet and not pumped in the winter when it is supposed to dry out. He said he would provide Council with the regulation schedule. Councilman Willhite mentioned he was hearing they were barely pumping water in there and that it was underutilized.
- Councilman Willhite wanted Council to discuss the subject of and take a serious look at golf carts in the Village of Wellington during their Visioning Meeting. He said this has been an issue since he has been here; however, things have changed. He did not believe they should have different rules for different people or different roads. He thought some State standards had changed. He thought they should consider making the Village of Wellington a golf cart community with regulations. He felt golf carts were underutilized in the entire Village.

Mr. Schofield stated golf carts would be a part of their Visioning Meeting. He said Council should have their books before the end of the week.

COUNCILMAN COATES: Councilman Coates presented the following report:

- Councilman Coates referred to a previous discussion where Councilman Willhite mentioned discussing a potential overpass at Forest Hill and 441 at the Metropolitan Planning Organization (MPO) Meeting he attended. He asked that a presentation be made to Council with notice to the people in Buena Vida and Olympia since there was a lot of misinformation out there.

Councilman Willhite stated they again looked at and discussed many of the local urban interchanges/intersections at last Thursday's meeting MPO meeting, such as Crestwood/Forest Hill and Southern Blvd. He stated he raised concern because he wondered how they could put an urban interchange there and funnel it into four lanes. He indicated they were going to look at more improvements to that intersection and others, as it was in their long range plan to see what was needed for growth. He mentioned he also raised concern about putting off funding for the design and widening of Southern Blvd from Crestwood to Lion Country Safari Road, as they moved it from 2014 to 2017 but were trying to fund it all up front. He said his question was could they do the work up front, so in 2017 there would be no problems with acquiring land and property to widen Southern Blvd. He indicated only one other representative, Mayor Wilson from Belle Glade, was there from the western communities, so they spent most of the meeting discussing projects that impacted West Palm Beach, Riviera, Lake Worth, and Lake Park. In addition, Councilman Willhite said he tried to raise awareness at the MPO meeting regarding the inland port on U.S. 27 by South Bay. He said the Panama Canal was being drastically widened for supertankers to carry huge cargo ships. He explained Miami's thought process was to bring the super cargo tankers into the Port of Palm Beach and truck the cargo up U.S. 27. He stated they would like the Port of Palm Beach and Port Everglades to utilize the inland port as a central hub to move the cargo to different places. He indicated this would create numerous jobs in a very depressed area. Councilman Willhite mentioned many trucks would utilize Southern Blvd from the Port of Palm Beach, which would impact Wellington even though the hub would be outside the boundaries. He said he brings up the interchanges because they have shifted thinking. He asked the MPO to let the municipality provide input on the

Forest Hill flyover as well as on Forest Hill and Southern. He stated he would ask them for any information. He knew the MPO director would be glad to give Council a presentation if requested.

- Councilman Coates addressed a memo Council had received from Ms. Cohen this week on Robert's Rules of Order. He thought it crystalized some uncertainties they should not have in regard to their procedures. He wanted to clarify some statements made in the memo that have not been the practice of this Council and would not be going forward.

Councilman Coates' first point related to whether a motion required a second. He believed Ms. Cohen concluded a small board could be conducted on an informal basis and not require a motion. He understood the history of this Council has been that no motion gets discussion without it being seconded, and he did not want this memo to create a precedent or determination that any Council member can make a motion, and then demand discussion of that motion even in the absence of a second. He thought if Robert's Rules of Order permitted a council or board of this size to have one council member make a motion and then demand discussion, then their policy needed to be that they depart from Robert's Rules of Order on that specific point and require any motion necessitating debate be seconded so they do not waste everyone's time.

Ms. Cohen agreed with Councilman Willhite. She indicated Robert's Rules also states, if they are not following the small board rules but following the rules designed for big assemblies, when there is no second, once debate begins and once a vote is taken, the failure to get a second is really a moot point. She stated they could include a direction or policy in their Council procedures indicating they require a motion be seconded for debate. Councilman Coates thought they should never have to debate the meaning of their procedures, because they should know what they are and they should be followed. Ms. Cohen stated they could decide to not follow the small board rules.

Councilman Coates' second question related to public comments. He said the history of this Council has been to permit public comment on every issue brought forward for determination. He thought it needed to be clear that all items on their agenda are opened for comment if the public wanted to respond.

Ms. Cohen indicated historically there had not been public comment for the appointment of Vice Mayor. Councilman Coates noted that was before the process changed. Ms. Cohen also indicated there had not historically been public comment on the Consent Agenda. So as a practice, since the amendment to the statute, she believed Mayor Margolis has been asking for public comment; however, she looks at what the law requires, and it really requires that there be an opportunity to be heard. She said the procedures provide for anyone who wants to be heard to fill out a comment card, so their procedures technically meet the requirements of the law. She stated Council could choose to exceed that by asking for additional public comment, as she thought they frequently did.

Councilman Coates disagreed because he said when they changed they erred on the side of when they had to make a decision and opened up public comment prior to that decision being made. He thought they should not get caught up in whether they had done it right or wrong. His view was that they open public comment for any decision point Council has to make. He believed their procedures should not be vague about this issue and wanted it clarified that it is part of their procedure.

Councilman Coates' last point addressed the parliamentarian. He indicated Ms. Cohen's last point talked about the parliamentarian and he needed clarification.

Ms. Cohen indicated she was the parliamentarian under their Council procedures. She stated she looked at all of these issues carefully. She even spoke at length with Michael Gelfand, a member of

the National Association of Parliamentarians, and they both reached the same conclusion. She stated the parliamentarian is an advisor to the Chair, even in the Council procedures, but under Robert's Rules, the parliamentarian sits next to the Chair because they are to quietly call any error in procedure to the attention of the Chair. She said the parliamentarian will address a procedural issue asked by the rest of the board, but their primary role is to advise the Chair.

Councilman Coates was not sure he agreed with Ms. Cohen's final comment in the memo: "Because the procedure used by the Council is not incorrect, there was no need to bring any issue to the attention of Mayor Margolis." However, he said Council was not experts on Robert's Rules of Order and they relied on Ms. Cohen. So if she thinks there is a remote possibility something has not been done properly, she should let them know in real time so they can address it right then and not deal with it in less satisfactory ways later on.

Ms. Cohen indicated she and Ms. Rogers enrolled in a Robert's Rules course because it is difficult to know all the rules. She said they were doing their best to educate themselves, so if there is a procedural issue they are in a position to recognize it and call it to their attention.

Councilwoman Gerwig asked Councilman Coates to read the nominating procedure from Ms. Cohen's memo into the record. Councilman Coates thought that was where the parliamentarian came in. Councilwoman Gerwig questioned whose responsibility it was when they did not follow Robert's Rules for nomination. Ms. Cohen said she concluded they did not depart from Robert's Rules. Councilwoman Gerwig asked if they opened the floor for nominations or called for nominations from the audience as indicated in Robert's Rules. She thought that seemed strange because the audience could not nominate the Vice Mayor, as they were not on the board. She stated the way it is written seemed very unusual, but it certainly was not adhered to in any way. Ms. Cohen indicated Robert's Rules states a nomination is just a motion to appoint a specific person to a position.

Councilman Coates stated he has been through two or three Vice Mayor motions over the years and Council has never opened the floor for nominations. He thought that was fine as long as they had a policy stating they were not going to open the floor for nominations, especially if Robert's Rules required them to do so.

Ms. Cohen indicated Section/Rule 46 of Robert's Rules dealing with nominations and elections states: "A nomination is, in effect, a proposal to fill the blank in an assumed motion that (name of candidate) be elected to the specified position." In other words, the nomination is itself a motion. Councilwoman Gerwig did not agree that is what it said. Ms. Cohen stated she specifically discussed that with Mr. Gelfand and his conclusion was the same, it is really just a motion.

Councilwoman Gerwig asked Ms. Cohen to continue reading because it said the floor is open for nominations until they close the floor for nominations. She said she had no desire to have this discussion unless they were talking about a proper procedure. She thought if procedures controlled Council, they should do it right or agree they did not do it right and decide how to do it right in the future or whose job it is to point it out.

Ms. Cohen opined Council was not required to adhere to that process as it has never been done and a motion is as effective as a nomination. She understood Councilwoman Gerwig disagreed, but that was the way she read it. Councilwoman Gerwig said she did not disagree but Ms. Cohen's text disagreed.

Councilman Coates mentioned they had received an education in Robert's Rules over the last six months. He recalled Councilman Willhite making a motion dealing with an equestrian compatibility

determination, and there was no such thing as a motion for a rehearing under Robert's Rules. He thought they brought it back to Council to deal with the issue and then decided not to change anything. He said he was not trying to unnecessarily raise debate. He just wanted to ensure their procedures were clear going forward and to use this as an instructive piece so they would know their process and procedure and none of them could be criticized for not having complied with the process.

Ms. Cohen indicated many municipalities, not just in Florida but nationally, use more simplified rules rather than Robert's Rules, which were designed for large assemblies. She noted there were publications that only dealt with local governments. In fact, she believed she previously mentioned Fleming Bell, a gentleman at the University of North Carolina, School of Government, who produces a little booklet. She thought Council could address or eliminate the rules when looking at the Charter revisions, and then by Council procedures choose what rules they wanted to adhere to.

Councilwoman Gerwig asked how they would know what was ruling if they did not have it in their Charter. Ms. Cohen stated if they had a resolution or an ordinance rather than adopting a particular set of rules, then that would be their governing rules.

Councilman Coates asked Ms. Cohen to bring back before Council suggestions to the issues he raised tonight. He said the rest of Council may agree or disagree, but they could at least discuss and refine their policies on some of these points.

- Councilman Coates stated that he had also met with Mr. McGlone. He said he was impressed with this landlord who wanted to be proactive to protect his community and property. He said Mr. McGlone raised many issues; however, he was not sure if some of his solutions were legally viable. He thought staff should reach out to him and advise him whether the things he talked about were even feasible.

Mr. Schofield indicated he had met with Mr. McGlone on several occasions and staff had met with him as well. He believed some of his proposals had merit. He said staff would synopsise it and Council would see it in their Visioning Meeting.

MAYOR MARGOLIS: Mayor Margolis presented the following report:

- He stated he had no report.

13. ADJOURNMENT

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

Approved:

Bob Margolis, Mayor

Awilda Rodriguez, Clerk