

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Tuesday, October 13, 2015

7:00 PM

Village Hall

Village Council

*Bob Margolis, Mayor
John Greene, Vice Mayor
Matt Willhite, Councilman
Anne Gerwig, Councilwoman
John T. McGovern, Councilman*

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Students from Elbridge Gale Elementary School led the Pledge of Allegiance.

3. INVOCATION

Melissa Boix, Relief Society Second Counselor, Wellington Ward, The Church of Jesus Christ of Latter-day Saints, delivered the Invocation.

4. APPROVAL OF AGENDA

Mr. Schofield presented the agenda recommending approval as amended: 1) Postpone Presentations and Proclamations item 5B, Presentation by Lizabeth Olszewski on Behalf of Horses Healing Hearts, until the next Council Meeting; and 2) Remove Regular Agenda item 8D, Discussion of Village Manager's Contract, as this item has been withdrawn from the Agenda.

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

5. PRESENTATIONS AND PROCLAMATIONS**A. [15-522](#) PRESENTATION BY SENATOR JOSEPH ABRUZZO ON THE 2015 LEGISLATIVE SESSION**

Mr. Schofield presented the item.

Shreya Kuntawala, presented a legislative update on Senator Abruzzo's behalf as he was unable to attend the meeting.

B. [15-668](#) PRESENTATION BY LIZABETH OLSZEWSKI ON BEHALF OF HORSES HEALING HEARTS

This item was postponed to the next meeting.

C. [15-715](#) PRESENTATION BY NOAH NORWITCH OF DONATION TO VILLAGE OF WELLINGTON PARKS AND RECREATION DEPARTMENT NOAH NORWITCH SCHOLARSHIP

Mr. Schofield introduced the Agenda item.

Noah Norwitch introduced himself and gave background on his donations. He presented a check to the Village in the amount of \$3,020 on behalf of his family and friends who participated in his fundraiser for his birthday. The money would be used to help those kids who could not afford to participate in youth sports.

Council expressed how proud they were of him for his incredible efforts to

help others and thanked him for his generosity.

D. [15-738](#) FY 2016 KEELY SPINELLI GRANT AWARDS

Mr. Schofield introduced the agenda item.

Mr. Poag presented the staff report. Dr. Shoemaker, Area Superintendent and Ms. Marcia Andrews, Wellington's representative, addressed Council expressing their appreciation to the Village for these grants.

Council presented the checks to the representatives of each school.

6. CONSENT AGENDA

Mr. Schofield presented the agenda recommending approval as presented.

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

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

At this time, Mayor Margolis provided an opportunity for the public to speak. He stated they would have another opportunity at the end of the Council Meeting. He said no comment cards were received.

A. [15-658](#) AUTHORIZATION TO: 1) AWARD A CONTRACT FOR THE PURCHASE AND DELIVERY OF BROADCASTING/CONTROL ROOM EQUIPMENT; AND 2) UTILIZE AN EXISTING PALM BEACH COUNTY CONTRACT AS A BASIS FOR PRICING FOR THE INSTALLATION OF THE EQUIPMENT

This item was approved on Consent.

B. [15-484](#) RESOLUTION NO. R2015-57 (AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR THE PROVISION OF INMATE LABOR FOR MAINTENANCE OF THE WELLINGTON ENVIRONMENTAL PRESERVE AT THE MARJORY STONEMAN DOUGLAS EVERGLADES HABITAT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MANAGER OR DESIGNEE TO EXECUTE THE CONTRACT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS TO PROVIDE FOR THE USE OF INMATE LABOR IN WORK PROGRAMS WITHIN THE WELLINGTON ENVIRONMENTAL PRESERVE AT THE MARJORY STONEMAN DOUGLAS EVERGLADES HABITAT; AND PROVIDING AN EFFECTIVE DATE.

This item was approved on Consent.

C. [15-729](#) RESOLUTION NO. R2015-76 (WELLINGTON SENIORS CLUB AGREEMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A CONTRACT FOR SENIOR CITIZENS SERVICES BETWEEN WELLINGTON AND THE WELLINGTON SENIORS CLUB, INC.; AND PROVIDING AN EFFECTIVE DATE.

This item was approved on Consent.

- D. [15-376](#) AUTHORIZATION TO NEGOTIATE CONTRACTS FOR WATER AND WASTEWATER TREATMENT ENGINEERING AS WELL AS WATER DISTRIBUTION, WASTEWATER COLLECTION AND PAVING, GRADING AND DRAINAGE ENGINEERING, AND RELATED CONSULTING SERVICES

This item was approved on Consent.

- E. [15-705](#) RESOLUTION NO. R2015-77 (PALM BEACH COUNTY SHERIFF'S OFFICE DISTRICT 8 WELLINGTON REQUEST FOR USE OF LAW ENFORCEMENT TRUST FUNDS (LETF) FOR THE PURCHASE OF ANTI-THEFT STOP TAGS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE PUBLIC SAFETY SUB-FUND BUDGET FOR FISCAL YEAR 2015/2016 BY COMMITTING MONIES FROM PRIOR YEAR REVENUES TO OPERATING EXPENSE FOR THE PURCHASE OF ANTI-THEFT STOP TAGS; AND PROVIDING AN EFFECTIVE DATE.

This item was approved on Consent.

7. PUBLIC HEARINGS

- A. [15-681](#) RESOLUTION NO. R2015-61 (GLOBAL DRESSAGE COMPLEX, AKA EQUESTRIAN VILLAGE PERMIT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A SEASONAL EQUESTRIAN USE PERMIT FOR THE GLOBAL DRESSAGE COMPLEX, AKA EQUESTRIAN VILLAGE, AT 13466 SOUTH SHORE BOULEVARD FOR AN EQUESTRIAN SHOW USE FROM NOVEMBER 1, 2015 TO APRIL 30, 2016; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Basehart presented the staff report.

Since this was a quasi-judicial hearing, Ms. Cohen swore in those individuals who indicated they would be speaking on the item.

Council then disclosed their ex-parte communications.

Mr. Dan Rosenbaum and Mr. Michael Sexton presented this item on behalf of the applicant.

Public Hearing

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

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

A motion was made by Councilman Willhite to approve Resolution No. R2015-61 (Global Dressage Complex, AKA Equestrian Village Permit) with the agreed compromise on the VIP tent and number of attendees, and with the maximum onsite of 342 stalls utilizing the current tent, thus not allowing the 36 additional stalls in a different location. The stalls have to be located where the applicant agreed as per their site plan.

Councilman McGovern asked if the motion included the January 5th to March 31st timeframe. Councilman Willhite indicated that was for the increase in stalls, as those were compromises agreed upon.

Mayor Margolis stated there was a motion on the floor, but the motion was not seconded and it failed.

A motion was made by Vice Mayor Greene to approve the special use permit, Resolution No. R2015-61 (Global Dressage Complex, AKA Equestrian Village Permit), with all of the same conditions that were approved last year, 2,000 spectators, 292 stalls, and 885 total parking spaces, with the same uses and intensity as last year.

Councilman Willhite asked for clarification. Vice Mayor Greene stated his motion was basically what was approved last year, with no additional stalls. He thought the original application had a request for 2,000 spectators and maximum attendance was 1,300 last year, so he did not think that was an issue. He said no improvements were made. He clarified 2,000 spectators, 292 stalls, 1,725 seats. He wanted to add the VIP seats to the motion, as he thought part of the application was to have a VIP area. So of that 2,000, if there is a way to have a temporary tent with 11,840 square feet. Mr. Basehart clarified the capacity or number of attendees approved last year was 1,735. He said the request was for 2,000.

Vice Mayor Greene amended his motion to total number of seats at 1,735, within that total they could move some of those seats inside a VIP tent of 11,840 square feet, same number of stalls, same parking.

At this time, Councilman Willhite seconded the motion. Council voted and the motion failed (1-4) due to a lack of a majority, with Councilwoman Gerwig, Mayor Margolis, Councilman Willhite and Councilman McGovern dissenting.

A motion was made by Councilwoman Gerwig and seconded by Councilman Willhite to approve Resolution No. R2015-61 (Global Dressage Complex, AKA

Equestrian Village Permit).

At this point, Councilwoman Gerwig withdrew her motion.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and failed (2-3), with Councilwoman Gerwig, Mayor Margolis and Councilman McGovern dissenting, to approve Resolution No. R2015-61 (Global Dressage Complex, AKA Equestrian Village Permit).

A motion was made by Councilman McGovern, seconded by Councilwoman Gerwig, and passed (3-2) with Vice Mayor Greene and Councilman Willhite dissenting, to approve Resolution No. R2015-61 (Global Dressage Complex, AKA Equestrian Village Permit) with the 86 additional stalls from January 5th to March 31st, with the caveat that the horses kept in those increased stalls be for onsite events only, and allow the VIP tent to go up to 435 with a maximum of 1,500 at the overall event site.

B. [15-687](#)

RESOLUTION NO. R2015-60 (VILLAGE GREEN CONDITIONAL USE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A CONDITIONAL USE FOR PETITION NUMBER 15-044 (2015-019CU4) TO ALLOW MEDICAL OFFICE WITHIN RETAIL BUILDINGS A, B, C AND E FOR CERTAIN PROPERTY KNOWN AS VILLAGE GREEN CENTER, TOTALING 15.89 ACRES, MORE OR LESS, LOCATED WEST OF STATE ROAD 7, SOUTH OF ROYALE BOULEVARD AND NORTH OF STRIBLING ROAD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Basehart presented the staff report.

Since this was a quasi-judicial hearing, Ms. Cohen swore in those individuals who indicated they would be speaking on the item.

Council then disclosed their ex-parte communications.

Public Hearing

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

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

A motion was made by Councilwoman Gerwig, seconded by Councilman McGovern, and unanimously passed (5-0) to approve Resolution No. R2015-60 as presented.

Mr. Basehart stated staff would review the history of the office building and send out an AT.

C. [15-696](#)

RESOLUTION NO. R2015-72 (LEGACY SHOPPES, LLC VACATION / ABANDONMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, VACATING A 223 SQUARE FEET PORTION OF THE 12 FOOT WIDE WATER AND SEWER EASEMENT LOCATED AT THE SOUTH BOUNDARY OF LOT 1 OF ANTHONY GROVES PLAZA REPLAT (165 SOUTH STATE ROAD 7); AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Riebe presented the staff report.

Mayor Margolis indicated no public comment cards were received.

A motion was made by Vice Mayor Greene, seconded by Councilman McGovern, and unanimously passed (5-0) to approve Resolution No. R2015-72 as presented.

D. [15-719](#)

ORDINANCE NO. 2015-11 (CIVIL RIGHTS)

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING CHAPTER 1 OF THE VILLAGE'S CODE OF ORDINANCES ENTITLED "GENERAL PROVISIONS", BY CREATING SECTION 1-13, TO BE ENTITLED "CIVIL RIGHTS", PROVIDING FOR NON-DISCRIMINATION WITHIN THE VILLAGE OF WELLINGTON AND ALL OTHER ACTIVITIES PROMOTED OR SPONSORED BY THE VILLAGE OF WELLINGTON; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Ms. Cohen stated this was the second reading of the Civil Rights ordinance which had not changed since the first reading.

At this point, Mayor Margolis asked about the last item, as it was a public hearing. Ms. Cohen agreed it was under Public Hearings and he was not reading it incorrectly. She suggested Council open it up for public comment.

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

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

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

Vice Mayor Greene repeated his motion, it was seconded by Councilwoman Gerwig, and unanimously passed (5-0) to approve Resolution No. R2015-72 (Legacy Shoppes, LLC Vacation/Abandonment).

Ms. Cohen returned to discussing the Civil Rights Ordinance. She said it was for Council's consideration.

Public Hearing

A motion was made by Vice Mayor Greene, seconded by Councilwoman Gerwig, and unanimously passed (5-0) to open public hearing.

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

A motion was made by Councilman McGovern, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Ordinance No. 2015-11 as presented.

8. REGULAR AGENDA

A. [15-743](#) AUTHORIZATION TO NEGOTIATE FOR THE PURCHASE OF 14022 VERONICA COURT

Mr. Schofield introduced the agenda item.

Mr. Poag presented the staff report.

A motion was made by Councilwoman Gerwig, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve the Authorization to Negotiate for the Purchase of 14022 Veronica Court in the dollar range presented.

B. [15-740](#) WELLINGTON GREEN MARKET LETTERS OF INTEREST (LOI)

Mr. Schofield introduced the agenda item.

Mr. De La Vega and Mr. DeLaney presented to Council.

A motion was made by Councilwoman Gerwig, seconded by Councilman McGovern, and unanimously passed (5-0) to direct staff to negotiate and select the vendor.

At this point, a motion was made by Councilman Willhite, seconded by Mayor Margolis, and passed (3-2), with Councilwoman Gerwig and Vice Mayor Greene dissenting, to extend the meeting past 11:00 PM.

C. [15-758](#) BALLOT QUESTIONS AMENDING THE VILLAGE CHARTER

Mr. Schofield introduced the agenda item.

Council discussed the ballot questions presented.

Public Comments

1. Tatiana Yaques, 819 Cindy Circle Lane, Wellington. Ms. Yaques voiced her concern about the new question being proposed by Councilman Willhite because it affected the Equestrian Preserve Area and the permitted uses on her property.

Council then submitted ballots voting for the charter amendments they wanted to present to the voters.

(See the results under the Attorney's Report)

D. [15-778](#) DISCUSSION OF VILLAGE MANAGER'S CONTRACT

This item was withdrawn.

9. PUBLIC FORUM

None

10. ATTORNEY'S REPORT

Ms. Cohen presented the following report:

- She stated she has met with the attorney representing Southern States Land & Timber (SSLT), as they had an opportunity to request an administrative hearing on the Village's deep well injection permit but decided not to seek it. However, SSLT would still like to negotiate a settlement of the mineral rights underlying Village or Acme owned property. She indicated the Village was in the process of trying to map out the particular properties SSLT would have an interest in. Council discussed this. Ms. Cohen addressed questions relating to residential property, the Village and Acme being noticed, her meeting with SSLT to discuss this; and whether other municipalities had faced similar circumstances;

- Ms. Cohen reported she provided Council with a weekly update on the items the Legal Department is working on. She said Council should feel free to contact the department if they have any questions.

Councilman Willhite was concerned, as Ms. Cohen only has two employees. He asked her to bring it back to Council if the report becomes too cumbersome to produce on a weekly basis.

Ms. Cohen stated she typically sends out memos to keep Council informed, plus she meets with them frequently. She mentioned the Legal Department was implementing a new software program called City Law to track all the different items they are working on in any given day or week. She thought that would help with that process, but it would certainly reduce their burden to provide the report less frequently. Councilman Willhite stated he made the motion about six years ago to do a monthly report. He asked if Council would support starting with a monthly report and just adding Ms. Cohen's report to Mr. Riede's report. He said if they get another attorney and their new software, maybe then they could provide it weekly.

Mayor Margolis stated he asked for a report because he thought her contract said she had to provide regular reports to Council. He said he wanted to make sure that was not an issue. He indicated monthly reports were fine for him.

Ms. Cohen stated Mr. Riede's reports focus primarily on the status of pending litigation. She said her report lists the different projects and items they have worked on during the week. She indicated she would send her report together with Mr. Riede's to Council.

•Ms. Cohen stated they have finally agreed to a form of an easement for the property owned by Solar Sports Systems, and that she was just waiting for the survey to confirm the legal descriptions and ensure the stakes were properly placed. She said there were concerns about liability issues, but they were able to work through them.

At this point, Ms. Cohen reviewed the results of the ballot questions voted on by Council.

Question #1: Shall the Charter be amended to allow Council compensation to be increased by a majority vote? Failed 2-3.

Question #2: Shall vacancies in the office of Councilmembers be filled the same way as the Mayor? Passed 3-2.

Ms. Cohen noted they were not bound by these results, as she was going to bring Council the Ordinances and they will have an opportunity to vote at that time. Councilman Willhite asked if the questions that fail are going on the ballot. Ms. Cohen stated she was not going to bring back an Ordinance for the questions that fail.

Question #3: Shall the Charter be amended to allow notice of special meetings pursuant to State law? Failed 2-3.

Question #4: Shall the Charter be amended to include a provision protecting the Equestrian Preserve Area? Passed 3-2.

Question #5: Shall the Charter require winning candidates to receive more than 50% of the vote? Failed 2-3.

Question #6: Shall the Canvassing Board be composed of a County Commissioner, Judge, and Village Clerk? Passed 4-1.

Question #7: Shall commercial transient lodging be prohibited in the Equestrian Preserve Area? Passed 4-1.

Ms. Cohen indicated all questions that passed would be brought back to Council in the form of an Ordinance.

Mayor Margolis noted the total number of Charter Review questions coming back to Council would be four.

• Ms. Cohen indicated the upcoming election not only has Municipal issues, but County, State and Federal as well. She said in looking at the Division of Elections' opinions, speaking with an attorney for the Division of Elections, and reviewing materials from the Supervisor of Elections, the opinions are that the Charter provision that makes the Village Canvassing Board the certifying body would prevail when it is just a Municipal election. However; when there are County, State or Federal items, the State Statute will trump the Village

Charter and make the County Supervisor the Canvassing Board for all items on the ballot. She indicated she had two opinions that state that exact point and, in their discussion, the attorney for the Division of Elections also confirmed it.

Mayor Margolis asked about the attorney for the Supervisor of Elections. Ms. Cohen stated she was just researching it this week and has not had a chance to talk with her attorney yet. However, she could not imagine them taking a different position, since two Division of Elections' opinions were on point.

Councilman McGovern questioned what they said, since this was going to be the Presidential Preference Primary among other issues and County elections. In response, Ms. Cohen explained they said it is the County Canvassing Board that canvasses all ballots, including municipal ballots. She said if it was just a municipal election and it was a completely standalone election than the Village Canvassing Board would be the canvassing body.

Councilman McGovern asked if the Village Canvassing Board would have no standing whatsoever. Ms. Cohen stated that was correct. Councilwoman Gerwig asked if that was true for logics, accuracy and the postelection audit. Ms. Cohen stated she did not know the answer to that yet, as this just came up. She did know the Canvassing Board would not necessarily be the Village Canvassing Board for purposes of certification of the election results for this particular election. Councilman McGovern asked if the Board was comprised of the Supervisor, County Commissioner and Judge. Ms. Cohen stated that would be the certifying body.

Mayor Margolis indicated that was one of the questions they were proposing to the voters. Ms. Cohen stated that Charter amendment would prevail if it was a standalone municipal election. But in any election where they also have County, State or Federal questions, the State Statute that designates the Canvassing Board for the County would actually be the certifying body.

11. MANAGER'S REPORTS

Mr. Schofield presented the following report:

- The next Regular Council meeting will be held on Tuesday, October 27, 2015 at 7:00 p.m. in the Council Chambers.
- The Wellington Homecoming Parade is scheduled for Friday, October 16th. Starting at 5:00 PM, sections of Greenview Shores Blvd from Binks Forest Drive to Wellington High School will be closed.
- Bracelets are still on sale for the Annual Wellington Fall Festival taking place on Saturday, October 17th.
- The Wellington's Runners Club is hosting its Annual Wellington Horse Country 10 Miler on Sunday, October 18th.
- Wellington's 13th Annual Howl at the Moon event will be held at the Greenbriar Dog Park on Saturday, October 24th.
- Community Services is hosting a Trunk or Treat at the Wellington Community High School on Saturday, October 24th.
- He encouraged all residents to visit the Village website for more information on these events.

12. COUNCIL REPORTS

Councilwoman Gerwig presented the following report:

- She acknowledged the Keely Spinelli grants, and was proud they were able to

do that in Mrs. Spinelli's name. Councilwoman Gerwig stated Ms. Spinelli was an extraordinary woman, had high standards and was very compassionate. She said working with her made everyone that much better at what they did. She stated she wanted to acknowledge her personally, as she was a huge loss to the community.

- She thought Council enjoyed the Civics 101 Class, as it was an interesting group of very attentive young adults. She appreciated that they were able to make this happen again for the third year.
- She was not sure if she would make it to the Fall Festival, because her son would be performing in the production of Dr. Jekyll and Mr. Hyde which opened Friday night. She said everyone 13 and up is invited, as it is an adult only show. She indicated it was showing this weekend and next weekend on Friday and Saturday nights. She stated more information was available at tkafinearts.net.

Vice Mayor Greene had no report.

Councilman Willhite presented the following report:

- He appreciated the Fall Festival, as his kids were looking forward to the Haunted House.
- He was excited about giving out the education funds and to see how inspirational the principals and teachers are to the young children of their community.
- He stated he spoke with Mr. Schofield about his contract. He indicated he needed to rewrite some things and then give it back to Mr. Schofield for more discussion. He stated they would then send the contract back to Council for comments or suggestions. He thought, if they had anything they wanted him to address, they could go through Ms. Cohen's office without it being a Sunshine violation.

Councilman McGovern presented the following report:

- He thanked the Education Committee for their work on the Keely Spinelli grants.
- He thought the Civics 101 program held for the Palm Beach Central High School students was very informational for the students as well as Council. He stated the students' questions were very detailed and thought provoking. He was disappointed the Wellington High School students were not participating in the program. He suggested staff reach out to Wellington High school to get their involvement as well.
- He was looking forward to seeing everyone at the Fall Festival.

Mayor Margolis had no report.

13. ADJOURNMENT

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