

## **MINUTES**

### **REGULAR MEETING OF THE WELLINGTON COUNCIL Wellington Village Hall 12300 Forest Hill Blvd. Wellington, Florida 33414**

**Tuesday, March 25, 2014  
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, March 25, 2014 commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

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

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** – Mayor Margolis led the Pledge of Allegiance.
3. **INVOCATION** – Rabbi Norman Klein, Temple Beth Torah, Wellington, delivered the Invocation.
4. **OATH OF OFFICE**

#### **A. COUNCIL SEAT #2 – ANNE GERWIG**

Ms. Rodriguez administered the Oath of Office to Anne Gerwig.

#### **B. COUNCIL SEAT #3 – HOWARD K. COATES, JR.**

Ms. Rodriguez administered the Oath of Office to Howard K. Coates, Jr.

#### **5. APPROVAL OF AGENDA**

Mr. Schofield recommended approval of the Agenda as presented.

**A motion was made by Councilwoman Gerwig, seconded by Vice Mayor Coates, and unanimously passed (5-0), approving the Agenda as presented.**

6. **PRESENTATIONS AND PROCLAMATIONS - NONE**
7. **CONSENT AGENDA**

#### **A. 14-246 MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF JANUARY 28, 2014 AND FEBRUARY 11, 2014 AND THE MINUTES OF**

- THE JANUARY 28, 2014 ANNUAL LANDOWNERS MEETING OF THE ACME IMPROVEMENT DISTRICT
- B. 13-0403 AUTHORIZATION TO AWARD A CONTRACT FOR THE SUPPLY AND DELIVERY OF LED LIGHTING FIXTURES
  - C. 14-143 AUTHORIZATION TO UTILIZE A CITY OF BOCA RATON CONTRACT AS A BASIS FOR PRICING FOR BANKING SERVICES TO THE VILLAGE OF WELLINGTON
  - D. 14-223 RESOLUTION NO. R2014-18 (AMENDMENT #1 TO THE AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR THE PROVISION OF INMATE LABOR FOR MAINTENANCE OF THE WELLINGTON ENVIRONMENTAL PRESERVE AT THE MARJORY
  - E. 14-229 RESOLUTION NO. R2014-19 AND BUDGET AMENDMENT #2014-022 (CDBG ADA COMPLIANCE RETROFIT PROGRAM)  
A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE BUDGET FOR FISCAL YEAR 2014 BY INCREASING REVENUE AND EXPENSE IN THE CAPITAL FUND TO COVER APPROVED CDBG PROJECT EXPENSES THROUGH SEPTEMBER 30, 2013; AND PROVIDING AN EFFECTIVE DATE.
  - F. 14-239 RESOLUTION NO. R2014-21 (NEIGHBORHOOD STABILIZATION GRANT PROGRAM AMENDMENT NO. 007)  
A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AMENDMENT NO. 007 TO THE AGREEMENT WITH PALM BEACH COUNTY FOR THE PURPOSE OF RECEIVING A GRANT UNDER THE PROVISIONS OF THE NEIGHBORHOOD STABILIZATION GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the Consent Agenda recommending approval.

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

1. Bart Novack, 15670, Cedar Grove Lane, Wellington. Mr. Novack thought the Village should stay with a local bank and not contract with a bank in Boca Raton.

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

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

## **8. PUBLIC HEARINGS**

- A. 13-0398 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 A 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 he and Ms. Andrea Troutman, with Pinder Troutman Consulting, were there to present Council the proposed changes to the Village's Traffic Performance Standards (TPS). He said the primary goal was to make the code more Wellington oriented in their Land Development Regulations. Their modifications were based on changes to industry standards, changes in the Florida Statutes regarding proportionate share, and changes to the Palm Beach County Traffic Performance Standards and Department of Transportation (DOT) level of service volumes.

Ms. Troutman explained Article 15 was updated for four basic reasons: 1) many industry standards had been changed and were not reflected in their ordinance; 2) Article 15 often referenced Palm Beach County and unincorporated lands, which do not apply to Wellington; 3) the definitions included in Article 15 were moved to Article 3, where all definitions for the Code will be located; and 4) they wanted to create some Wellington specific standards.

She indicated updates to the latest industry standards removed outdated analysis requirements. Any reference in the ordinance to daily traffic volumes was eliminated, as the industry standard is to address traffic on a peak hour directional basis. Regarding pass-by trips, several tables within the ordinance were updated to standards established by the Institute of Transportation Engineers.

Ms. Troutman mentioned DOT updated the level of service volumes in their manual as they do analyses throughout the State to determine the capacity on different types of roadways, and staff was proposing to use those service volumes in the ordinance for the Village.

She noted, with the removal of any County reference, Article 15 would now be stand-alone Traffic Performance Standards. She indicated any new development would have to meet both the County standards and Wellington standards. She stated they were also removing specific Chapters not related to Wellington, including the coastal residential exception area, affordable housing exception, appeals process and constrained facilities. In addition, they were eliminating the definitions from Article 15 and only the definitions applicable to the updated Article 15 were being moved to Article 3.

Ms. Troutman indicated the Wellington specific standards addressed Council's issue with the AM and PM peak hour and provided Wellington the ability to request analyses of additional hours. She stated it could be a weekend analysis or a different time during the weekday, but it would now depend on Wellington to request this information for specific projects that may have different impacts.

She explained when there is a concurrency system, the Florida Statutes require them to have a proportionate share program, so they have added that Chapter into the Article. Ms. Troutman stated it established a method whereby the impacts of development on transportation facilities can be mitigated by a developer paying a proportionate share towards a required improvement. She indicated they provided a specific map showing the exact roadways needing analyzed in Wellington, as people were often confused with the different maps in the Comprehensive Plan.

Ms. Troutman stated, when this Ordinance was presented to the Planning, Zoning and Adjustment Board (PZAB), they also requested changes that made it more restrictive. She explained, when a

project comes through with a traffic study, the Palm Beach County standard is to look at a two mile radius if the project generates 500 trips. The Planning Board decided to eliminate that radius, so the project now has to show where it is significant anywhere in Wellington and address that facility. She said this was consistent with Martin County and Indian River County, as they address the actual impacts and do not use an established radius.

Ms. Troutman mentioned a bottleneck/intersection concern was raised at the PZAB Meeting, as intersections are an issue in Wellington as opposed to roadway lengths. She stated they tried to address that issue by two methods: 1) Requiring additional intersection analyses if a roadway is getting close to capacity; and 2) Requiring a more detailed analysis rather than a simplified analysis of just looking at the volumes. She said they needed to look at the signal timing and the phasing for a more detailed and more accurate analysis of the intersection's capacity.

Ms. Troutman indicated they also completed a truck factor sensitivity analysis and new tables were provided to Council. She said, when they ran the DOT's models, they found the capacity of the roadway was affected when the truck or heavy vehicle factors were greater than 10%. She stated the tables now specify the capacity should be decreased if the facility has 10% truck traffic.

in regards to the bottleneck/intersection section, Vice Mayor Coates stated he has noticed the Traffic Performance Standards (TPS) were not black and white. He thought the standards could tell Council whether a particular project complied with the TPS or not. He believed, when they talked about requiring additional intersection analyses and detailed signal capacity analyses, it would be an area not typically seen in evaluating whether it complied with the TPS or not. Ms. Troutman indicated it was not as clear as the County's critical movement analysis, but the County also required this signalized analysis for any intersections on State Road 80 and on the Beeline, so it was the same signal analysis.

Vice Mayor Coates asked if there would be, in terms of intersection analysis and signal capacity, guidelines and metrics for Council to look at or consider to determine whether there are issues or not. Ms. Troutman was not sure if that would come to the Council level. She explained with the phasing for signal timing there are certain guidelines to follow as to how much yellow time or red time can be given to each movement, so it is basically black and white.

Vice Mayor Coates wanted to remove the politics from this and have a defined metric that everyone had to satisfy without discretion. He asked if this analysis would move them closer to or further that. Ms. Troutman thought it would still be an engineering decision, not a political decision, as far as how an intersection is analyzed.

Councilwoman Gerwig asked if they would be required to meet the County standards and the Village's standards. Ms. Troutman stated they would be required to meet both.

### Public Hearing

A motion was made by Councilwoman Gerwig, seconded by Vice Mayor Coates, and unanimously passed (5-0) to open Public Hearing.

1. Carol Coleman, 14224 Stroller Way, Wellington. Ms. Coleman thought the traffic studies presented did not reflect the innate nature of the issues in Wellington's Equestrian Overlay Zoning District (EOZD) and additional studies needed to be done. She said the discussions at the PZAB Meeting in December regarding the AM and PM peak hour studies and the truck traffic analyses, were not presented to Council.

2. Bart Novack, 15670 Cedar Grove Lane, Wellington. Mr. Novack asked that trucks and vans be defined.

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

Vice Mayor Coates asked if any of the proposed changes would adversely impact private property owner's rights. Ms. Troutman indicated the changes would not impact someone with an approved development order; however, they would have to address the new standards if they wanted to increase their development. Mr. Stillings noted these changes would not affect any project that was presently in process.

Vice Mayor Coates thought they were taking away property rights and wanted the impact on the change from five years to three years explained to him. Ms. Troutman stated the ordinance had different identifications for vested traffic. She indicated the Wellington PUD was considered one type of vesting, as it was an approved PUD prior to 1987 and before traffic performance standards were even addressed. She said that approval would not go away and it would not be affected by the five year to three year timeframe. She explained the types of vesting with the change from five years to three years was for an existing development or an existing use that has been unoccupied for five years, as they would no longer get credit for that use, but if it has only been unoccupied for three years, they would get credit.

Vice Mayor Coates believed the County's general rule was five years. He asked if the other municipalities within Palm Beach and Martin Counties adhered to the three year or five year rule. Ms. Troutman thought they followed the five year rule, but she would verify that for him.

Vice Mayor Coates asked what the advantages were to them as a Council in requiring three years versus five years. Ms. Troutman stated it was a recommendation from the PZAB. She thought they were trying to incentivize people to move forward quicker and not leave their uses vacant for five years.

Councilwoman Gerwig stated her impression from the PZAB meeting was that it was an incentive to redevelop, but most of the older parts of Wellington were in the PUD. Ms. Troutman agreed, as any redevelopment within the PUD would not have the three to five year cap as far as its use. She said if a townhome in the PUD was redeveloped into a single family home, it would still get credit as a townhome.

Vice Mayor Coates stated his concern was going through years of economic cycles again where property values decline, commercial activity subsides, and properties become vacant. He thought if they were unable to redevelop or sell a property with these vested rights after three years, their property value might be destroyed in the worst time of the market by decreasing the vesting period from five to three years. He wanted to hear staff's thinking on this because the unintended consequences of changes like this concerned him. Mr. Stillings indicated they tried to express that to the PZAB board members, but they felt three years was sufficient and made the recommendation.

Councilwoman Gerwig asked if the PZAB understood the difference between inside and outside the PUD or if it was discussed in the meeting. Ms. Troutman did not think the difference between the two types of vesting was discussed at the meeting.

Vice Mayor Coates asked Ms. Troutman to address Ms. Coleman's concern about the standards not adequately addressing the uniqueness of the EOZD. He assumed it was discussed at the PZAB, but

he did not know if staff had further follow-up. Ms. Troutman indicated Ms. Coleman mentioned the DOT volumes were weekday volumes, but they were not. She explained they were service volumes to determine the capacity of a roadway. She said they were not addressing weekday, weekend or anything, as they were just saying this facility could carry this many cars in one hour in one direction. She stated they were proposing to adopt the service volume to compare it with either weekend traffic or weekday traffic, as they would count weekday traffic and compare it to that service volume. She indicated that service volume was not specific to Wellington, because it is based upon standards and studies done throughout the State. They would have to perform a number of studies on every single roadway in order to come up with specific Wellington standards; however, she did not think the values would change dramatically. She stated they brought up the truck factor, analyzed it, and showed the sensitivity for it, but she did not think the cost benefit of doing studies to make it more Wellington specific was there.

Vice Mayor Coates thought this would allow Council to see the specific impact a particular project or activity would have, not just to the AM and PM peak times, but on weekends or holidays. Ms. Troutman agreed. She said it would determine the specific impacts of a project coming in for that project's peak hour, if it is not during the typical AM and PM peak hour.

Vice Mayor Coates acknowledged the AM and PM peak hour did not always provide enough information; however, once they start looking at data other than the AM and PM peak numbers, he wondered what would be the metric by which Council would make a decision as to whether a certain level of activity on the weekend or a holiday complied or not with the standard. Ms. Troutman admitted a project's traffic generation during other time periods was not as easy as pulling out the DOT manual and getting the AM and PM peak hour. She stated the manual provided the peak hour of the generator, which was the peak hour of the site as opposed to the peak hour of the road. She said they could also do counts at similar facilities at a certain time of day or do an operational type of analysis based on how many trucks were coming in to show how a project would operate.

Vice Mayor Coates stated Ms. Troutman was their consultant who many times had given Council her opinion as to whether something complied. He asked how she would deal with focusing on holiday or weekend impacts in responding to questions if something complied with their standards or not. Ms. Troutman indicated it would be an engineering judgment, as there were standards they could use to come up with the peak impacts. She reiterated it would not be as easy and straightforward as the AM and PM peak hour.

Councilwoman Gerwig asked about the actual percentage of trucks. Ms. Troutman stated it was about 5% on South Shore. Councilwoman Gerwig asked if South Shore was the main pass-through for trucks. Ms. Troutman stated South Shore was raised at the PZAB Meeting.

Councilwoman Gerwig indicated it was more than 2.5 times as many as originally encountered. She asked if they adjusted the standards now for 5%. Ms. Troutman said they looked at it. She explained in the South Shore example, the capacity from DOT was 840 trips in one direction in the peak hour. She stated, when they changed it to 5%, it reduced the trips to 806, but when they put in 10%, it reduced the trips to 756 and they thought it had a bigger impact, so they picked 10% as the truck factor or heavy vehicle threshold and changed that in their tables. She clarified a heavy vehicle was anything above a pickup truck with more than four wheels on the road and that definition had been added to Article 3.

Councilwoman Gerwig asked if they doubled the actual truck count in the Traffic Performance Standards for the Village. Ms. Troutman said that was correct. She indicated if a facility has a 10%

truck factor, they should use the lower service volume. She stated they could put in 5%, 7.5% or whatever they wanted, but the analyses did not impact the service volume until the 10% level.

Councilwoman Gerwig asked what time of year South Shore was studied. Ms. Troutman indicated they did a count on Wednesday, January 22<sup>nd</sup>, and Saturday, January 25<sup>th</sup>.

Councilwoman Gerwig understood peak hour was just certain times of the day, but Ms. Troutman was now suggesting peak hour was whenever peak hour is on that roadway. Ms. Troutman explained the typical peak hour of the roadway or highest volume occurred between 6:00 am and 9:00 am and between 4:00 pm and 7:00 pm, so they typically addressed those time periods. However, they were now suggesting a third time period could be requested by Wellington. She said it could be noon or a Saturday if they feel that time is peak or more critical for a specific project. She indicated that project would have to look at the roadway at noon, add their traffic to it, and show it still met the level of service standards.

Councilwoman Gerwig asked if any roads in Wellington were not currently meeting their performance standards. Ms. Troutman stated they were doing a comprehensive look at the roadways right now and none of the roadway lengths they finished analyzing showed deficiencies. She indicated South Shore was at level of service E, but that was the adopted standard in the EOZD.

Councilwoman Gerwig asked her to explain the meaning of level of service E, because people had questions about traffic backing up. She thought if they were telling people it met the standard, they should understand the standard. Ms. Troutman showed a graphic of how level of service, traffic volume and speed all related. She said as the traffic volume increases, the level of service goes from A to F, but the speed does not change until the D and E range. So most jurisdictions have adopted level of service D as their standard, because that is the point where the speed starts to decrease. She stated that was the level of service standard for all of Wellington, except the EOZD. She indicated the EOZD had level of service E to prevent unnecessary widening of roadways, because wider roadways are not required where there are horses.

Councilman Willhite stated Council discussed the relief of a specific boundary or radius for testing. He thought taking the distance out and showing the impact to all Village roadways was beneficial, because a regional draw, such as a mall, would affect all traffic performance standards throughout the Village. He somewhat agreed with changing the vesting from five years to three years, as he hoped it would encourage people to get vacancies occupied quicker. He stated the Mobile station sat vacant, was an eyesore and created problems before Dunkin' Donuts rejuvenated the area. He did not know if they could set a specific standard or timeframe, but it was a recommendation from PZAB.

Councilman Willhite liked that their definition of truck size was not a tractor-trailer. He said they were concerned about all trucks coming through the Village, delivery trucks or significant sized horse trailers, because the weight of those vehicles was on their roadways.

Regarding the 10% truck factor, Councilman Willhite wanted it explained as to why 2% meant there was less traffic than at 5% and 10% for the number of trips. Ms. Troutman indicated DOT's manual has a default truck percentage and that service volume was established for a two lane divided road. She stated South Shore was at 840 trips per hour in one direction; however, if the truck factor was increased, which means more vehicles with slower acceleration, that roadway would no longer have 840 vehicles moving through in one hour. She said it was reduced down to 806 when they ran the models.

Councilman Willhite asked if the decrease was due to increased traffic on the roadway, and if the size and speed did not allow more trips. Ms. Troutman stated the level of service volume would decrease, because the roadway would no longer be able to carry that much traffic through. She said with more trucks going slower, they would not be able to reach the speed needed to achieve level of service E, so the carrying capacity of the road is reduced with more trucks.

As had been suggested the previous day, Councilman Willhite stated they went from 2% to 10%. He asked if she would have an issue if they went to 7%. Ms. Troutman said she would not have an issue with 7%; however, she felt when the truck factor reached that 10% level it really showed a difference in the carrying capacity of the roadway, but Council could set it at any level. Councilman Willhite thought 5% was 3% greater than what they had, so they did not need to go as high as 10%. Ms. Troutman agreed they did not need to, but she felt 10% was a more accurate impact on the service volume although a 5% truck factor also had an impact on the service volume, just not as extensive.

Councilman Willhite stated they were going from a 2% to 5% truck factor, and his concern was doubling that and going as high as 10%. Ms. Troutman indicated 5% was presently on South Shore. She said the difference between 2% and 5% was not significant enough to change the service volumes for all roadways, as it changed it from 840 to 806 trips; however, with a 10% truck factor, it significantly impacted the service volume bringing it down to 756 trips, which was why she set the threshold at 10%.

Councilman Willhite stated they have included AM, PM, nights and weekends in the peak hours. He asked if Council could request a traffic study for a significant event around a holiday. Ms. Troutman indicated the ordinance currently states a third hour can be requested anytime Wellington deems an hour needs to be analyzed. She presumed they could ask for December 25<sup>th</sup> if they wanted to, but she was not sure that would be appropriate.

Councilman Greene said the County standards only identified morning and afternoon peak times, and Wellington's traffic issues are not necessarily 7:00 am to 9:00 am and 4:00 pm to 6:00 pm, as many events and activities take place later in the day or on weekends. He asked if this ordinance would be coupled with the previous standard or if Council was adopting an entirely new standard that would factor in the AM or PM peak traffic and then add the additional impact of a particular event. Ms. Troutman explained they would add the additional impact. She stated they would analyze the third peak hour requested by Wellington by getting counts for that time period and add the impact for that time of day. She clarified when she said all roadways were operating at level of service standards, she was talking about the standard AM and PM peak hours.

Councilman Greene thought significant traffic issues needed to be addressed, and they needed to come up with solutions and understand how the roadways are impacted. He stated the equestrian preserve roadways were not intended to handle the types of volume they are faced with from time to time. He asked how much was being factored into the new standards considering what they have currently and how the roadways were designed to handle traffic. Ms. Troutman thought by adding the standard they would have to address the peak hour concern for a specific event. She said they would have to go out and determine the volume on the road during that peak timeframe and then add their traffic at that period, rather than just addressing the AM and PM peak hours.

Councilman Greene asked if it was the applicant's responsibility to come back and say their studies indicate they will be in compliance with the new standards being adopted. Ms. Troutman indicated the Village would have to request them to analyze that time period; however, they would not ask an office building to address a Saturday because its impact would be the AM and PM peak hours. She said the special uses could have different peaking periods.



Councilman Greene was not concerned about a single use, a special event over a weekend, or a one or two day event, but when it becomes a permanent project or something that permanently changes the landscape inside the EOZD or commercial area, he questioned how they would address any counts that do not match or are highly underestimated. Ms. Troutman stated that issue would be addressed in a condition of approval. She said if their analysis was done based upon a certain number of people attending, the condition would be their attendance maximum for that event.

Councilman Greene asked why Council received different information from what might be provided to PZAB and the other committees. He assumed, if a staff recommendation to Council was based on a PZAB decision, they were all evaluating the same information, but he was finding that was not the case. Mr. Schofield explained previous Councils have wanted PZAB's standards and most often that is what Council gets; however, very occasionally, staff will document if they have a significant disagreement. He said if Council gets additional information than PZAB, it is usually because of what came out of the PZAB meeting. He indicated it was very unlikely the application originally submitted by the applicant would be exactly the same when it gets to Council, because it has been through a variety of review processes and thus changed during that timeframe.

Councilman Greene stated he was not disputing the application itself had changed, as he understood the evolution of information as it went through the committees and boards, the staff recommendation and DRC, but he was seeing more evidence that recommendations coming from PZAB were based on information quite different than what was put before Council. He said he could show Mr. Schofield some hard evidence, because it was concerning. Mr. Schofield indicated he would like to see it.

Councilman Greene was glad they were able to tighten up this ordinance for their unique needs in the Village of Wellington. He asked if this would give more control to fewer people. Mr. Schofield stated this ordinance would not give more control to fewer people, as the same people and committees would be reviewing the applications. He indicated it adopts some standards Council has repeatedly expressed interest in over the last several years: provide better traffic control, provide larger impact radiuses, and provide an analysis on weekends and off-day periods that current rules do not allow. He stated they were talking about the major equestrian venues, which do not happen between 6:00 am to 9:00 am or 4:00 pm to 7:00 pm, Monday through Friday, as they tended to happen around 10:00 pm on Fridays or on Saturdays and Sundays. He mentioned they did a traffic impact analysis in a previous meeting and the radius of impact was two miles. He explained there was an intersection 2.4 miles away with a significant impact, but staff could not look at it because of the current rules. He said this would remove that restriction and expand the radius to where they would have to look at an intersection 2.5 miles away if the level of significant impact is 1%. Mr. Schofield indicated Council was very adamant about being able to look at impacts beyond the actual impacts. He noted the ordinance did not change who reviewed the application or how they reviewed it, but it did tighten the standards.

Councilman Greene thought the surety bond requirement was scratched from Article 15, but he did not see it in Article 3. He asked if the surety bond requirement was still present in the new standard or if it had been changed in any way. Mr. Stillings stated it should be in the proportionate share provision, as it was not removed. He said an applicant would need to pay their proportionate share of a required improvement; however, if they are responsible for the full improvement, because they are the reason for the need, then they would provide a surety bond for that improvement.

Councilman Greene indicated Southern Blvd and other roads leading to new developments north of the Village would have increased activity, so they would have to work closely to address and monitor the traffic. Mr. Stillings indicated Ms. Troutman was in the process of doing Village-wide counts of all

roadways to give them a baseline when evaluating any future development or traffic changes in the community. Mayor Margolis thought there was a potential for 18,000 homes just north and west of the Village.

Mayor Margolis asked what would happen if there was a failure of level of service on a particular road. Ms. Troutman stated several options could be used to reduce the intensity of the project and make the failure go away. She said they could do a more operational analysis of the link that looks at the signal timing and spacing, compare the service volume, look at how the roadway operates at the right speeds even if it exceeds their service volume, and propose an improvement.

Mayor Margolis asked if there was anything the Village could do when the approval process is for 900 trips a day, but they find 1,200 trips a day are actually taking place. He thought in certain areas or for certain events more people are attending and causing bottlenecks. He did not know if this ordinance would alleviate those concerns. Ms. Troutman stated the Village was doing an analysis of all its roadways and intersections. She said, without development coming forward, they could still identify what intersections need capital improvements. Mr. Stillings noted, in a recent example in Equestrian Village, they conditioned a project to have analyses done a year later to gauge the impact and see how it related to prior analyses.

Mayor Margolis indicated this was the first reading of the ordinance, so it would be coming back and Council would have more opportunities to ask questions.

Vice Mayor Coates knew existing projects were protected and were not impacted by this ordinance, but he was concerned some projects existing in the community, such as polo, dressage, or the show grounds, might not have survived if they were evaluated by today's more restrictive standards. He questioned how the Horse Park proposal for K-Park would have been impacted by these new standards had it gone forward. He thought there would be a negative impact on projects brought to this community for consideration. Ms. Troutman stated the negative impact would be on the intensity. If the intensity was too great to accommodate the existing infrastructure, the project would have to reduce its intensity. She said these new standards would still require them to analyze the intersection of Stribling and State Road 7 as well as the intersection of Stribling and Fairlane Farms, but now they were specifically showing it on a map so there would be no argument when having to analyze those intersections. She indicated these standards would probably make them address further along Pierson Road and the intersection at Stribling and Forest Hill, but she did not think that was insurmountable.

Vice Mayor Coates thought the events with spectators would have periods when the roads would be backed up and there would have to be some flexibility when dealing with the traffic performance standards. Ms. Troutman stated there was a standard for the facility, but there was also an operational analysis of the site to look at their driveways and accesses to determine if they need a Sheriff to get the people in and out faster. She noted the site operational issues were addressed separately.

With respect to the existing uses, Vice Mayor Coates questioned when people were going to or leaving polo or the show grounds, if they had determined when their peak usage occurred or if the traffic performance standards were not being met. Ms. Troutman stated they were presently doing counts on Saturdays for the intersections of Pierson and South Shore, Pierson and 120<sup>th</sup>, and Fairlane Farms and Stribling, and the two intersections on Lake Worth at South Shore and 120<sup>th</sup>. She said she had not received any data yet to analyze, but they also had roadway link counts on Saturday.

Vice Mayor Coates asked if she was saying they did not know. Ms. Troutman said she did not have the analysis done. She stated the analysis submitted by the applicant showed it met the standards based on the counts and the peak event. She indicated they also had a camera monitoring the intersection.

Mr. Schofield explained the change in the Traffic Performance Standards (TPS) would not make the projects any more or less difficult to approve. He thought they could have some impact in the EOZD because it was specifically limited to two lane roadways. With projects like Equestrian Village, the roadways that existed on the day of approval failed to meet the TPS. He said when a project fails to meet TPS, they are provided an opportunity to mitigate. In fact, the Village's Comprehensive Plan required it. He indicated the Comprehensive Plan states if the developer is going to create an impact on a roadway or any facility, the developer then has to do the necessary facility improvements to meet the level of service. He stated they were required to build turn lanes in the Equestrian Village, so the roadways would continue to meet their level of service E. He said every turn lane as part of that construction was required in order for that facility to meet the TPS, so the roadway service would not fall below level E. He stated the fact they were changing the standards and removing a radius of impact was an impact on the roadway. He said that meant they would be doing more mitigation, as the developer would be mitigating for impacts caused by the project they were building, but the Village's Comprehensive Plan required that any way. He thought they would get a better look at the impacts without being artificially constrained by a concentric circle. He believed it would not make it more or less difficult to approve, it would just potentially expand the area for mitigating impacts the facilities cause.

Mr. Schofield mentioned a question earlier about a traffic analysis indicating 900 trips would be generated, but 1,100 trips were generated. He said in that case the Village would have to deal with it, because it was approved and it would go into the capital plan over time. He stated it happened occasionally and becomes a problem in the EOZD, because they can add turn lanes but not travel lanes. He indicated South Shore is a two lane roadway and most roads in the EOZD are shell rock, because of the Comprehensive Plan. He said those roads would not get improved absent some major changes to the Comprehensive Plan, and he did not envision that happening anytime soon.

**A motion was made by Councilman Willhite, seconded by Councilman Greene, and unanimously passed (5-0) to approve Ordinance No. 2014-04 (Traffic Performance Standards) as presented on First Reading.**

## **9. REGULAR AGENDA**

### **A. 14-182 RESOLUTION NO. R2014-14 (SPECIAL USE PERMIT FOR THE 5TH ANNUAL GPL POLO EVENT)**

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A SPECIAL USE PERMIT FOR THE 5TH ANNUAL GPL POLO EVENT UTILIZING OUTDOOR AMPLIFIED MUSIC TO BE HELD AT 13444 SOUTHFIELDS ROAD; AND PROVIDING AN EFFECTIVE DATE.**

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

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

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

**A motion was made by Councilman Greene, seconded by Councilman Willhite, and unanimously passed (5-0) to approve Resolution No. R2014-14 (Special Use Permit for the 5th Annual GPL Polo Event) as presented.**

**B. 14-191 PRESENTATION OF AUDIT RESULTS FOR THE FISCAL YEAR ENDED  
SEPTEMBER 30, 2013**

Mr. Schofield introduced the item.

Mr. Tony Grau with Grau & Associates introduced himself as the audit partner with Raquel McIntosh, the audit manager. He thanked Council, Mr. Schofield and Ms. Quickel. He stated the audit went very well, as they had constant communication between management. He indicated most issues from the prior year were resolved. He noted Ms. McIntosh would provide more detail on the findings.

Ms. McIntosh started with the Independent Auditor's report on Page 1. She indicated under the paragraph "Opinions" they had an unmodified opinion for the financial statements ended September 30, 2013, which just meant it was a clean opinion. She stated right under the opinion was an "Emphasis of Matter," because the Village adopted some governmental accounting standards during the year that changed the look of the financial statements and certain language within it. She said the emphasis was not an issue; they just wanted to mention the statements would look different than the prior year.

On the Governmental Balance Sheet on Page 18, she indicated the total fund balance for the governmental activities of the Village were \$59.08 million of which their General Fund contributed almost \$32 million. She stated the General Fund had an unassigned fund balance of \$16.3 million. She noted the audit report is as of September 30, 2013 and subsequent to that time there was a building purchase which would have reduced that amount by the purchase price of the building.

Mayor Margolis asked if the reserves she claimed were at 45% were now down to 30%, which is what Council typically like to have. Ms. McIntosh agreed, as 25% to 29% was unassigned.

Ms. McIntosh said their Income Statement for their governmental activities could be found on pages 22 and 23. She indicated their fund balance decreased approximately \$4 million and the majority of that was due to capital improvement projects done during the year. However, their general fund increased by approximately \$3.8 million, so that offset some of the decrease from capital projects.

On pages 48 and 49, she pointed out the Village had very little debt at \$6.4 million as of September 30, 2013. She said for their governmental activities they only had \$6.4 million in outstanding bonds and they already paid off the one bond in the enterprise fund.

She indicated under the Compliance Section, they could see their internal control over financial reporting and compliance report. She stated they had no material weaknesses or significant deficiencies in the current year.

Ms. McIntosh mentioned page 105 was their report to management where they reported any findings. She said there were no material weaknesses or significant deficiencies, just compliance findings they found throughout the audit.

Councilwoman Gerwig asked if the utility billing issue from last year had been corrected. Ms. McIntosh stated staff started keeping copies of the actual registers. Councilwoman Gerwig asked if they were retaining more information and if anything was missing for last year or this year. She understood they did not lose any money, they just were not able to recreate that one month billing and now they can do that anytime. Ms. McIntosh agreed, as they had a copy of the actual bill done on that date.

Councilwoman Gerwig asked for Ms. McIntosh's explanation of the FRS designation issue being overturned last year, considering it was a material deficiency at one point and talked down to being not as significant. She thought it was a significant concern for Ms. McIntosh and asked why it happened. Ms. McIntosh indicated the FRS issue was not a finding; it was just a disclosure in the notes to their financial statements. She said the problem was the timing of when staff notified them of the issue.

Councilwoman Gerwig asked Ms. McIntosh if she had an explanation for why she felt a debt was not reported and brought out in a public meeting. She indicated the Village no longer had that debt. She stated this was an issue for the people who received letters saying they were going to participate in the FRS and also received letters saying that money disappeared. She was under the impression Ms. McIntosh did not analyze the situation and was just saying they did not like being informed of the debt at the end of the audit. Ms. McIntosh agreed. Councilwoman Gerwig recalled Ms. McIntosh representing she analyzed it, as she agreed with the State and staff was wrong. Mr. Grau explained the issue was they were told there was potential unrecorded liability as of the balance sheet date related to the FRS and the Village owing money to the FRS. He indicated they did not look at how the amount was calculated, as they were told about it at the very end of the audit. He stated if they had enough time, they would have tried to determine if it was correct or not. However, the Village would have had to figure out whether the liability existed or not through FRS. He explained when something happens subsequent to the balance sheet date, whether it impacts the balance sheet or not or they are not sure if it is a liability or not, it is called a contingency, which means it is a potential liability. So based on facts known as of that date, they signed the report disclosing there may be a potential for a liability. He said if they had more information or were able to analyze it or staff said it was definitely a liability, they would have recommended it be recorded as a liability. He said that did not mean the liability may not be reversed because that happens all the time as well. They know the liability was not recorded as of September 30, 2013; however, if it was recorded during 2014 it was reversed again because it never ended up being a liability. He stated they never said they agreed with the amount. They just knew there was a situation that created a potential contingency, and they are required to disclose contingencies.

Councilwoman Gerwig asked if this issue was brought to them by Village staff. Mr. Grau stated it was.

Councilman Greene thanked Mr. Grau and his firm, as they have demonstrated great resilience in coming back from a more difficult audit a year ago. He also thanked staff for a more cooperative working relationship. He said he was looking forward to at least another year with Grau & Associates.

Councilman Greene asked Mr. Grau how the Village's financials compared to other municipalities. He credited Mr. Schofield and staff for their low debt and managing their finances so well. Mr. Grau indicated the financial condition of the Village was excellent, as it had very little debt and owed very little money. He indicated the Village also had adequate fund balance. He said they did not have to be an accountant to know the Village was doing well financially.

Councilman Greene stated Council was criticized on a couple of significant projects, and he was sure some of that discussion would take place. He thought what separated the Village from other municipalities was how they plan and budget their capital improvement projects, while maintaining or exceeding the minimal limits of their reserves. He hoped the residents, whether they liked Council's decisions or not, understood Council was mindful of their money.

Councilman Greene stated he was concerned about the increase in Public Safety from \$8.1 million to \$11.8 million, but it was explained to him that was the contract for law enforcement services, which now has been coupled with code enforcement and building permitting.

Councilman Greene asked if the \$1 million dollar gift from the acquisition of the Professional Center went into the General Fund. Ms. McIntosh indicated that was not included in this audit. Mr. Schofield noted it was put into the General Fund.

Councilman Willhite liked hearing that staff and the auditors had a better working relationship this year because it should not be hard for the auditors to get the information they need when it is public record and the Village is an open government.

Councilman Willhite was initially surprised by the 40% in reserves, but he was glad they were able to ascertain the Wellington Professional Center and keep their reserves between 29% and 30% as directed by Council.

Councilman Willhite believed there was a problem with the balance sheet because of the timeframe when some information was presented. He also thought there was a problem with recreating a bill. He said staff identified the problem and was now doing something different to create, replicate and document bills. He thought they addressed three or four significant problems and now the auditors have come up with a few more. He said that was the purpose of the audit, to identify problems that need to be fixed.

Councilman Willhite asked how Mr. Poag functioned as an internal auditor if he just answered to Mr. Schofield. He asked if Mr. Poag was identifying problems throughout the year and giving them to Mr. Schofield or to the auditors. Mr. Schofield explained that Mr. Poag had absolute freedom to look at any department or issue without reservation. He indicated he has identified some operational issues that have been corrected. On a daily basis, he checks on items or processes related to the external auditors and digs into any problems. He explained Mr. Poag answered to him and was independent of any department head; however, he did not control what Mr. Poag looks into because he knows what he has to do and does it. He said Mr. Poag had been in Utilities, Public Works, Safe Neighborhoods, Building, and at the moment he was looking at their Law Enforcement contract. He indicated employees could go to him directly with issues and they have. He stated they have seen a significant benefit to having someone who does not have a vested interest in saying "they have always done it that way." He said they have seen changes in the purchasing policy and in employment practices and policies, because Mr. Poag audits with an eye towards operational issues. He thought the Village was too small for an Audit Committee, but they could have a conversation with Mr. Poag as to whether he thought a committee was needed. Mr. Schofield believed Mr. Poag has provided enormous benefit.

Councilman Willhite asked if Mr. Poag reported to Mr. Schofield when a resident, employee or council member asked him to look into an issue. Mr. Schofield stated that depended on the issue, and it was Mr. Poag's decision about when to report it. He said more often than not he receives the results as opposed to when an issue is in progress. He thought it would defeat the purpose if Mr. Poag had to get it approved. He indicated the department heads were directed to answer Mr. Poag's questions

first and then complain if need be. Mr. Schofield stated he has not overturned a single decision, he has not asked Mr. Poag to change how he investigates, and he has not interfered with what he does. He said Mr. Poag was very aware of the internal audit function, and his position was broader than that as he looked at operational and personnel issues as well as financial issues. He encouraged Councilman Willhite to have a discussion with Mr. Poag.

Vice Mayor Coates was concerned about what he just heard, because the Village had a specific form of government and only two people reported to Council, Ms. Cohen and Mr. Schofield. He said Council was basically precluded from having direct contact with staff, so Mr. Poag had to report to Mr. Schofield. He thought to suggest anything otherwise would be a violation of their Council Manager structure of government. He did not want Mr. Schofield to be hesitant in saying the internal auditor reported to him because he was accountable for him. He said he took solace in Mr. Schofield having control over their internal auditor. He thought it was fine Mr. Poag had the freedom to do his work, but he did not want it suggested that he was not being supervised or controlled in any respect. He also did not want it suggested that Mr. Poag was being controlled by anyone on Council because that would be in violation of their Charter in his opinion.

Mr. Schofield agreed, as he did not mean to say he did not oversee Mr. Poag's work in a general way. However, the Charter says Council may not give instruction to individual staff members, but they are available to them for information. He said Council may ask staff questions or inquire of them, but Council cannot provide employees direction.

Vice Mayor Coates thought Mr. Schofield indicated Councilman Willhite could give direction to Mr. Poag, and he did not think that was proper. Mr. Schofield explained Mr. Poag will take an inquiry and determine if he should look into it or refer it to the department head. If Council asks Mr. Poag a question, it may result in a line of inquiry or not, and he may report it to the Village Manager or not, but the same process would happen with any of the department heads. Mr. Schofield did not have an issue with Council speaking to department heads and encouraged them to do so. His instruction to department heads is to answer Council's questions to the best of their ability. If it is something they think the Village Manager should know or the rest of Council should know he expects the department heads to tell him. He stated he had the same expectation of Mr. Poag, unless he is investigating a potential problem in which case, he expected him to initiate the inquiry, complete the inquiry and then report it to him because Mr. Poag has no ability to make a correction. He said he can make a recommendation, but the Village Manager decides whether to authorize the correction.

Mr. Schofield stated he has asked Mr. Poag to initiate several inquiries in the months he has been here; however, most inquiries were coming from the departments and employees themselves. He was not aware of any direct inquiries from Council. He said Council receives a lot of AT's from him indicating a Council person has asked for something, as it is his practice and policy to give them all the same information. He indicated Mr. Poag was held to the same standard. He stated he would not tell Mr. Poag how to conduct an investigation or even what to investigate except, he specifically told Mr. Poag to look into an employee based complaint about the impropriety of another employee. He indicated he received a report on everything Mr. Poag investigates. He said he shares some of the inquiries and some do not go any further than the report or the department head to fix them. Mr. Schofield believed he supervised Mr. Poag, but he does not tell him how to do his job every day.

Mayor Margolis thanked the auditors. He said he appreciated the management letter. He hoped this year went smoother for them, as he heard staff was very transparent. He knew they were not perfect, and they would move forward with their recommendations. Mayor Margolis complimented Mr. Grau and his staff for undertaking this endeavor.

Mayor Margolis said the 45% in reserves was a red flag for him, but they used some of it to pay for the Wellington Professional Center, as the reserves were typically kept between 24% and 29%. He said they had different reserve balances with the hurricane relief fund and a contingency if their medical premiums go up. He knows that is part of the total process. He noted the million dollar gift they received was in next year's budget.

Councilwoman Gerwig indicated the Village won an award last year for the transparency of their audit report, and asked if they anticipated winning that award again this year. Ms. McIntosh thought the Village would win the award again this year. She indicated the certificate for last year was in the front part of their coffer.

Mr. Schofield agreed it was a different working relationship this year. He said he met with Mr. Grau early in the year and with Ms. McIntosh throughout the year. He stated the relationship was much more operational in how they were doing some processes and what they could do to make them better. He thought staff had implemented all of their recommendations. He indicated they were not able to clean up the utility billing issue completely, but it was not significant. He stated staff wanted to thank the auditors as well. He noted Ms. Quickel and Ms. Boersma did most of the work.

Ms. McIntosh thanked Ms. Boersma in the Finance Department for her help and providing them with the information they needed.

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

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

**A motion was made by Councilman Greene, seconded by Vice Mayor Coates, and unanimously passed (5-0) to approve the Presentation of Audit Results for the Fiscal Year Ended September 30, 2013.**

- C. 14-248 A. AUTHORIZATION TO AWARD A CONTRACT TO PIRTLE CONSTRUCTION, INC. FOR THE PLANNING, DESIGN AND CONSTRUCTION OF THE WELLINGTON COMMUNITY CENTER AND TENNIS FACILITY AND APPROVAL OF RESOLUTION NO. R2014-17 AND BUDGET AMENDMENT #2014-020**

**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE BUDGET FOR FISCAL YEAR 2014 BY TRANSFERRING MONIES FROM THE GENERAL FUND RESERVES TO GOVERNMENTAL CAPITAL PROJECTS EXPENSE AND INSURANCE RESERVES FOR THE CONSTRUCTION OF THE WELLINGTON COMMUNITY CENTER LOCATED AT 12150 FOREST HILL BOULEVARD; AND PROVIDING AN EFFECTIVE DATE.**

- B. APPROVAL OF AGREEMENT WITH ALEXIS KNIGHT ARCHITECTS, INC. (DESIGN CRITERIA PROFESSIONAL) FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE CONSTRUCTION OF THE WELLINGTON COMMUNITY CENTER AND TENNIS FACILITY**

Mr. Schofield introduced this item.



Vice Mayor Coates asked if a determination was made as to whether the budget item could be separated from the contract approval item. Ms. Cohen stated the item could potentially be separated, but it would not remove the conflict Councilwoman Gerwig had with agenda item. She indicated Councilwoman Gerwig was not permitted to vote on the funding of a contract that could inure to the special benefit of herself or her family.

Councilwoman Gerwig clarified there was no special benefit to herself or her family, as they were not working on this project in any way. She said she was recusing herself from this agenda item as she has every other time it has come up, because of a working relationship with the architect on other projects, not this project.

Vice Mayor Coates asked if it was deemed a conflict by the Commission on Ethics. Ms. Cohen stated Ms. Rogers, their Ethics Officer, reviewed the Palm Beach County and State ethics requirements, and there could be a benefit there. She said Councilwoman Gerwig was required to recuse herself because of the relationship.

Councilwoman Gerwig left the Chambers at this time.

Mr. Barnes indicated the item before Council had different parts to it, but they all related to the consideration and award of the contract to Pirtle Construction to design-build the community center and tennis facility project. He stated the separate items included the Pirtle contract, the budget amendment necessary for that contract, and some additional work to complete the scope required statutorily by the project as well as from an interest of compliance with a statute, but also risk avoidance and minimization. Mayor Margolis asked if the additional work was in reference to the architect. Mr. Barnes stated that was correct, as the architect would be Alexis Knight for construction administration services.

Councilman Willhite asked if Mr. Schofield was looking for two or three votes. Mr. Schofield indicated Council could vote once. He said they separated the item so Council could see each of three components: the Pirtle contract, the budget transfer, and the contract for administration services. Mayor Margolis confirmed they were hearing it as one item.

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

1. Bart Novack, 15670 Cedar Grove Lane, Wellington. Mr. Novack believed this issue should have been voted on by the people. He did not want them to move the tennis courts or use the 15 acres that could be used for the seniors. He also felt they should not be funding or encouraging a private business on taxpayer dollars.
2. Alexander Domb, 10633 Versailles Blvd, Wellington. Mr. Domb indicated he was the Chairman of the Government Affairs Committee for the Wellington Chamber of Commerce. He said they have been on record before, and he wanted to be on record for this final vote. He stated they opposed moving the tennis facility out of the Town Center because it would be bad for the businesses in the area.
3. Bruce Tumin, 752 Lake Wellington Drive, Wellington. Mr. Tumin stated he is a licensed engineer and always concerned about design-build projects. He asked if the architect would be signing off on all the approval and construction plans or if it would be the Building Department. He suggested putting a dock on the lake, so those living on the lake would not have to drive to the facilities.

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

Councilman Greene thanked Mr. Barnes and his staff for negotiating a reasonable price of \$12.5 million. He asked if it was significantly less to have the Village cover some of the insurance. Mr. Barnes stated it was beneficial. He explained Mr. Pirtle passed his direct cost savings to the Village for builder's risk insurance, and they received a quote of about \$36,000 based on limits specified by the Village. He indicated they could not get the entire project quoted since it had not started yet and the Village did not normally get builder's risk insurance for other projects, so the insurance is only for the tennis facility since it is within a one year horizon.

Councilman Greene asked Mr. Barnes to briefly review the modified version from the previous version. Mr. Barnes referred Council to Exhibit A in their packet. He said he could show them slides of the modified portion, but a large portion of the modified slides in the 11 x 17 attachments of their agenda package were not being considered because they actually went back to the original proposal. He indicated the "before" floor plans for the first and second floors reflected the original size of the proposed building, and they could ignore the attachments that say "after" because they were not employing them right now. He said the "before" elevations would also apply, as they would not have the reduction in the massing of the building or the popup caps around the building.

Mr. Barnes stated for the tennis center, they have to look at the "after" slides. He indicated the tennis facility was originally proposed for 23 courts, but the program and RFP required 21 courts. He said they were staying with 21 courts and allowing for future expansion by taking out the center court area, based on input from their current tennis professional and others in the business. He indicated in typical municipal facilities the center court gets the least amount of play and is the last to get booked, because the court is larger and the balls have to be chased around.

Mr. Barnes stated through some value analysis by the design-build team, they found some redundancy in costing for the court drainage that was included in the site drainage, so some savings were realized. He indicated they had originally looked at reducing the cost by reducing the second story viewing enclosure and open air deck, but they have elected to maintain a limited open air deck and enclose a conditioned space on the second floor. He noted they changed the elevation to reduce the extended portico at the front entry of the building, but they would still have an entry feature. He told Council not to pay attention to the deck modifications or the reduction in enclosed space on the second floor, because they were not pursuing those at this point.

Councilman Greene questioned the access to the upper deck. Mr. Barnes indicated there would be an elevator and stairs.

Councilman Greene asked if there would be a concession stand. Mr. Barnes stated at this point it was conditioned viewing space only with the ability to expand it to a snack bar area, viewing and concession area or seating, but the key was it will be conditioned and have the appropriate electrical and mechanical for future expansion.

Mr. Barnes indicated those were most of the changes. He said Council would be able to look at this as the starting point, given it is a design-build contract outright. He stated they would have a chance to verify and refine the program as necessary as well as provide input and comment on the design, which would take the project from the current schematic design phase to the design development and construction documents phase.

Councilman Greene asked how quickly the project would begin if it was approved that night. Mr. Barnes did not want to speak for Mr. Pirtle, but they have two years from approval of the contract to complete the project. He thought the Notice to Proceed would happen within a week or two. He said they would like to start the program refinement meetings with the individual Council members and then start the final meetings with staff to get the design development finalized and move into construction documents. He indicated tennis was proposed to go first, given the timing requirements imposed on all teams to not commence any major work outside the community center that would impact tennis until it was completely relocated. He said that would govern how fast they could go with the rest of the project. He thought turning dirt was probably close to a year for the tennis center project, as the overall project was proposed at 19 months by Pirtle and they would be moving forward in 6-8 months. He noted there would be staggered substantial completion dates for the entire project, and they would have project updates scheduled for Council and staff on a regular basis.

Councilman Greene was happy this item came before Council following the audit discussion. He thought it was important to look ahead and understand the growing needs, amenities and programs that would fit the Village into the future. He said some Council members had received strong criticism for fiscal mismanagement, but he hoped anyone concerned about how much this was costing understood Council has done this with great planning and awareness of where the Village stands financially and what kind of impact it would have on the community. He was sorry for those who felt they were making a mistake by moving the tennis facility. He hoped when the project was done, they would appreciate a first class facility for generations of Wellingtonians to enjoy. He said he would support this item, as he liked the new plans and the original plans. He was glad they were able to manage it in a fiscally responsible way.

Vice Mayor Coates believed it was a fiscally irresponsible project in that it was not responsive to the desires or needs of the community. He said he had well stated this in previous meetings, and indicated he would not be supporting the motion.

**A motion was made by Councilman Greene, seconded by Councilman Willhite, and passed (3-1), with Vice Mayor Coates dissenting, approving the Authorization to Award a Contract to Pirtle Construction, Inc. for the Planning, Design and Construction of the Wellington Community Center and Tennis Facility and Approval of Resolution No. R2014-17 and Budget Amendment #2014-020 as well as Approval of Agreement with Alexis Knight Architects, Inc. (Design Criteria Professional) for Construction Administration Services for the Construction of the Wellington Community Center and Tennis Facility.**

## **10. PUBLIC FORUM**

### **PUBLIC COMMENTS (3 MINUTES)**

1. Bart Novack, 15670 Cedar Grove Lane. He spoke of his frustration with not getting answers from the Village and could understand committees' frustration. He felt that the people should have more input and not a dictatorship by the Village. He credited prior Council for putting money in the reserves so that they could build the Wellington Community Center and Tennis Facility.
2. Bruce Tumin, 752 Lake Wellington Drive. He agreed that Dr. Radosevich had not used political correctness in her actions, but he supported her point about who should make policy.
3. Houston Meigs, 16433 Deerpath Lane. He spoke of their ability to question their leaders without fear of repercussion. Although he felt it was unacceptable to use the Nazis salute, he also felt it was unacceptable to use bullying and intimidation tactics by organizations.
4. Michael Whitlow, 2070 Appaloosa Trail. Mr. Whitlow identified himself as a member of the Equestrian Preserve Committee. He spoke about his recently building a house and the difficulties

that he experienced with Village staff. He felt that the people were always fighting against the government and that the staff was not working for the people. He said that the overwhelming feeling of the people is that the government is solely for themselves. Mr. Whitlow said that he understood Dr. Radosevich's frustration.

5. Alexander Domb, 10633 Versailles Blvd. Mr. Domb identified himself as the Government Affairs Chairman for the Wellington Chamber of Commerce. He pointed out that the Chamber had called for Dr. Radosevich's resignation from her position on the PZAB because of her actions at the meeting, particularly because of her treatment of a public employee which they found to be offensive and reprehensible. Although he felt that Dr. Radosevich is a smart woman, he felt there is animosity in the Village against employees fostered by certain Council members. He spoke about Dr. Radosevich's inappropriate treatment of employees that came before her on the Board.
6. Jack VanDell, Wellington Trace. He spoke about his being the first founder of the Wellington Chamber and how upset he was about how it has changed through the years, particularly its divisiveness. He did not feel the Chamber should have a Political Action Committee which has evolved into a hate match with people who have the best interest of the Village. He believed that the Chamber should support those people. He urged the residents to stand behind Council and support them.

At this point, Vice Mayor Coates questioned what Dr. Radosevich's current status was on the Planning Board as he heard several different stories. In response, Councilman Willhite said that she was his appointment and he had accepted her resignation. He said that he has already appointed Andrew Carduner to fill the seat on the Planning Board.

#### **PUBLIC FORUM (15 MINUTES)**

Dr. Marcia Radosevich, 5121 Las Palmas Avenue. Dr. Radosevich thanked Council for the opportunity to apologize to them as well as to the Wellington residents for her use of an offensive gesture at the March 5, 2014 Planning, Zoning & Adjustment Board meeting. Dr. Radosevich went on to explain that she is a third generation Nazi fighter and the impact the horror of World War II had on her given her family history. She then elaborated on her family members' involvement with the Nazis particularly her grandfather, uncle and what her mother and aunt witnessed. She said that she grew up with the emotional scars caused by that tyranny and how it shaped who she is. Dr. Radosevich said that her fear of tyranny was only equaled by her love for American democracy which saved her family. She said that she agreed to become a member of the Planning, Zoning & Adjustment Board because of her commitment to the democratic process and that she wanted to serve as a strong advocate for the residents. She then went on to explain what led up to her actions at the Planning Board meeting. She said that when she learned of the changes that were being proposed, she was shocked that instead of streamlining the process which she initially thought was the case, she found that the plan was to take the decisions from the Development Review Committee and consolidate it into the power of an individual. Dr. Radosevich spoke of her frustration with Mr. Stillings and his inability to answer her questions and that the truth of what was being planned only came out after 3 hours of discussions. She said at that point she lost her temper, patience and temporarily her power of thought, and it brought her back to her family history. She hoped that although her actions were inexcusable that perhaps her explanation would help people better understand what led to them. She also apologized to Council that the Chamber's Political Action Committee tried to make them responsible for her actions which she accepted as her own. She said that they also wanted to know who on Council had wanted her to remain. Dr. Radosevich said that it was the many residents who asked her to remain because they wanted a strong voice advocating for them against special interests group. She also spoke of the smear campaign that was launched against her so that good people are frightened to serve the public. She felt that when good people, even though flawed, join together they are stronger than evil. Dr. Radosevich urged the Council to take control, create a town government

that is responsible to the residents and taxpayers, and that they have staff that respects the public. She thanked everyone for their understanding and forgiveness particularly the Anti-Defamation League and the residents. She hoped that this could be put behind them and they can move ahead.

## **11. ATTORNEY'S REPORT**

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

- She reported that Wellington received a lawsuit that was filed by the Equestrian Village relative to the appeals taken by the Jacobs with respect to staff interpretation as it applied to Equestrian Village. Ms. Cohen said that Wellington accepted service of that complaint and will be preparing a response. She indicated that she would be calling an attorney/client session in the near future to update Council with respect to that litigation.

## **12. MANAGER'S REPORT**

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

- The next Regular Wellington Council meeting is scheduled for Tuesday, April 8, 2014, at 7:00 p.m. In the Council Chambers.
- The Florida League of Cities Legislative Action days will be held on April 1st and April 2nd in Tallahassee. He indicated that he and the Mayor would be attending as well as several other Council members.

## **13. COUNCIL REPORTS**

**COUNCILWOMAN GERWIG:** Councilwoman Gerwig presented the following report:

- With regard to the issue that arose at the Planning, Zoning & Adjustment Board meeting, Councilwoman Gerwig accepted the apology from Dr. Radosevich, but felt they need to treat the professional staff in a proper way. She expressed her understanding of the proposed change, and asked Mr. Schofield to recap the development review process and Ms. Cohen to respond to comments she made at the meeting.
- She reported that "A Touch of Broadway" will be presented on April 4th at the Amphitheatre.
- She asked if they could look at moving the public forum up in the meeting.

**VICE MAYOR COATES:** Vice Mayor Coates presented the following report:

- Vice Mayor Coates thanked Dr. Radosevich for her attendance at the meeting and for her comments
- Vice Mayor Coates thanked everyone for their support during the recent campaign. He encouraged Mr. Kurit and Ms. Lascola to stay involved with Wellington's committees.

**COUNCILMAN GREENE:** Councilman Greene presented the following report:

- He thanked Dr. Radosevich for having the courage to face adversity and relate a very heart-warming story.

**COUNCILMAN WILLHITE:** Councilman Willhite presented the following report:

- He requested that Mr. Schofield have the latest Idol winner attend a Council Meeting

- Councilman Willhite suggested that when they make legislative changes from the different committees that they are identified by different colors in order for council to distinguish the changes made by the various committees.
- Councilman Willhite requested that Mr. Schofield bring the Landlord 411 information back to Council for review.
- Councilman Willhite appreciated Dr. Radosevich's offering her resignation so that it would not cause any more divisiveness in the community.

**MAYOR MARGOLIS:** Mayor Margolis presented the following report

- Mayor Margolis thanked Dr. Radosevich for her apology. He spoke of Dr. Radosevich's presentation to Council which he felt was done with so much dignity.

#### **14. ADJOURNMENT**

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

**Approved:**

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**Bob Margolis, Mayor**

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**Awilda Rodriguez, Clerk**