

MINUTES

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

**Tuesday, April 8, 2014
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, April 8, 2014 commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

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

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

1. **CALL TO ORDER** – Mayor Margolis called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** – The captains of the Wellington Baton Twirlers led the Pledge of Allegiance.
3. **INVOCATION** – Mr. Ken Adams delivered the Invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield presented the agenda recommending approval noting the following change(s): 1) add Resolution No. R2014-24 (Special Use Permit for the Temporary Use of Stabling, Equestrian Village) to the Regular Agenda as item 9B.

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

5. APPOINTMENT OF VICE MAYOR

A motion was made by Councilman Willhite, seconded by Mayor Margolis, appointing Councilman Greene to serve as their next Vice Mayor.

Vice Mayor Coates stated the history and custom of Council was to appoint the senior member who had not yet served as Vice Mayor. He did not understand why they would depart from the custom and practice of this body going forward. He felt it set a bad precedent, and took what should have been a fairly non-controversial appointment of a ceremonial title, and injected politics, acrimony and further division. He strongly suggested Council not depart from their custom and practice. He indicated he could not support the motion.

Although it is ceremonial, Councilman Willhite said it is a title and a position held with high regard as it will serve in the absence of the Mayor. He indicated that Council had previously deviated from this practice when Councilman Miles was not appointed Vice Mayor. He said it was a Council decision and a Council option.

Councilwoman Gerwig noted she was the people's choice, as she was re-elected with 63% of the vote. She agreed the appointment was highly ceremonial and it would be proper to appoint her as Vice Mayor.

A motion was made by Councilman Willhite, seconded by Mayor Margolis, and passed (3-2), with Vice Mayor Coates and Councilwoman Gerwig dissenting, to appoint Councilman Greene as Vice Mayor.

From this point forward, Councilman Greene will be recognized as Vice Mayor Greene in this document.

6. PRESENTATIONS AND PROCLAMATIONS

A. PROCLAMATION RECOGNIZING WELLINGTON BATON TWIRLERS FOR THEIR ACHIEVEMENTS AT TWIRL MANIA IN ORLANDO

Mr. Schofield introduced the item and Ms. Rodriguez read the proclamation. Council congratulated the Wellington Baton Twirlers on their achievements.

7. CONSENT AGENDA

- A. 14-279 MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF FEBRUARY 25, 2014 AND MARCH 11, 2014**
- B. 13-0333 AUTHORIZATION TO UTILIZE A CITY OF FLORENCE, SOUTH CAROLINA CONTRACT FOR THE PURCHASE OF WHEELED TRASH CONTAINERS**
- C. 14-282 AUTHORIZATION TO UTILIZE AN EXISTING STATE OF FLORIDA IT CONTRACT AS A BASIS FOR PRICING FOR THE LEASE OF IT NETWORK INFRASTRUCTURE EQUIPMENT**
- D. 14-273 RESOLUTION NO. R2014-23 (INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY TO LEASE FUEL DISPENSING EQUIPMENT): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A FUEL CONTROL EQUIPMENT AGREEMENT WITH PALM BEACH COUNTY; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Schofield presented the Consent Agenda recommending approval.

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

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

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

8. PUBLIC HEARINGS

- A. 14-205 **ORDINANCE NO. 2014-11 (CODE OF ORDINANCE CHAPTER 2): AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL; AMENDING WELLINGTON CODE OF ORDINANCE CHAPTER 2, "ADMINISTRATION", ARTICLE IV, "CODE ENFORCEMENT", DIVISION 1 "GENERALLY" AND DIVISION 2, "SUPPLEMENTAL CODE THROUGH CITATIONS", TO REFLECT REVISIONS OF VIOLATIONS; TO REINSTATE OMITTED CODE SECTIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

Mr. Koch indicated Ordinance No. 2014-11 was an update to Chapter 2, the Wellington Code of Ordinances that regulates code enforcement. He stated it was primarily a housekeeping update to the code sections within the citation code. He reviewed the changes being made that were not included in Council's packet: 1) Page 105: the attorney suggested updating Section 201(b)3 to make it more in line with the Village rather than the general term that is there now. He said that would be in the second reading; 2) Code Section 2-199(b): removing Wellington's super priority clause in relation to the Florida Supreme Court's decision overruling municipalities' super priority clauses; 3) Page 105: updating the notice section of the code to reflect current Florida Statute 162 that regulates code enforcement, as there were some minor tweaks from the Legislature.

Councilman Willhite referred to Section 2-199(b) where it states "Village code enforcement liens shall remain liens and then go onto the super priority." He understood the super priority but asked if the Village would still have the ability to issue some form of lien. Ms. Cohen stated the Village has liens, but they were not super priority. For example, if the Village is named as a defendant as a result of code enforcement liens on property that goes through foreclosure, those liens will be foreclosed out and the Village will lose those liens. She noted that the liens could remain if a resolution is worked out with the bank and the foreclosure action is dismissed.

Councilman Willhite asked if they could leave line 42 and part of line 43 and still show it as a lien, just not a super priority lien. Ms. Cohen indicated nothing there changed their ability to impose a lien, as that sentence really related to the co-equal status with a tax lien or a state lien. She was comfortable with the Village's ability to lien properties even with the removal of this particular language.

Mr. Schofield indicated line 22 stated "a certified copy of the order imposing the fine may be recorded in the public records and thereafter shall constitute a lien against the land." He said this was put in to make it a super priority after having foreclosure issues in 2006, and they were just taking it back out; however, the lien language was in the first sentence of the paragraph.

Mr. Koch stated another revision was creating a Class V in the citation section. He said they were bringing the citation table in line with the ordinance, which the statute required them to do in order to issue citations. He indicated on page 107, the citation ordinance already called for a maximum fine of \$500 and they were just updating the table, from \$250 to \$500, to match the ordinance.

Vice Mayor Greene asked about Class V and the penalty for repeat violators, as no timetable was established for repeat violations. He asked if defining language could be added because with the seasonal businesses it could take 6-7 months to determine if something has been complied with and

the violation may no longer be ongoing. He thought the process favored those who looked at it as a cost of doing business because there was no strength to the Village's position. He suggested the language stated if a violation reoccurred within a twelve month period, it would be deemed a repeat violation. Mr. Koch indicated no verbiage in the statute set a limit. He explained a five year cease and desist was placed on all orders, so it is considered a repeat violation if they come in violation within five years of the original order.

Vice Mayor Greene thought it was more of an enforcement issue, as they have not gone after the people who ignore the rules and regulations of the Village, so they continue to get away with it. Ms. Cohen understood there was no limitation, so one would be considered a repeat violator if they repeated the violation within that timeframe, but if they placed a limit of one year, it would actually weaken it as opposed to strengthen it.

Ms. Cohen thought Vice Mayor Greene was talking about enforcement. She stated they had discussed ways to strengthen their enforcement and they were still planning to move forward with that. She said they have taken a more proactive position with respect to properties having numerous violations or having very high fines. She recommended against adding language that would actually make the ordinance weaker than it is. Vice Mayor Greene did not want to weaken it. If there was a language in place to keep them strong, they needed to step up the enforcement side and bring those not compliant to compliance.

Councilwoman Gerwig indicated a repeat violator had already been to the Magistrate and told not to do it again for five years. She stated yesterday it was mentioned that many things were at the discretion of the code enforcement officer, but a repeat violator was not one of them. Mr. Koch said that was correct.

Councilman Coates stated a while back Mr. Koch was seeking to increase the fines to the statutory maximum, but Council rejected his request. Councilman Coates wanted to make sure this was not a backdoor increase because he was not in favor of an increase at this point. He asked Mr. Koch if Wellington's ordinance providing for \$500 was a discretionary \$500, or if it was fixed when the statute kicked in. He also asked if this was discretionary at either the Magistrate level or the Code Enforcement Officer level. Mr. Koch stated Wellington's ordinance basically mirrored the statute, as it was a maximum of up to \$500 for repeat violations. Councilman Coates thought it sounded discretionary if it was a maximum. He asked if the change requested in section 2-230 took something that was discretionary up to a maximum of \$500 and now made it a mandatory \$500 fine based on the fine schedule. Mr. Koch believed the fine schedule in the citation portion is what needed to be cited. He did not believe the table was discretionary when it came to writing citations.

Councilman Coates said Council members were talking about all the people looking at these things as a cost of doing business and flouting their code. He questioned what the real extent of the problem was. He knew of one or two, but he never had the impression of it being a real problem throughout their community. He thought this change was directed at one or two individuals within the community noting that he would have a problem with an ordinance that was specifically tailored to a small group. Mr. Koch believed they had 35 repeat violators since 2011 and about 15 repeat violators FY to date. He indicated they issued an average of 7,000 violations a year. He thought they had a 98% compliance rate overall, but that did not include anyone with a current lien.

Councilman Coates asked if the 15 repeat violators from this year were separate individuals. Mr. Koch did not have that information with him, but stated he could get it for him. He did not think they were multiple violators.

Councilman Coates asked if part of the reason for this change was to increase their enforcement abilities regarding certain individuals or certain companies within the Village. Mr. Koch indicated it was just another tool for them to use, as there were instances where a code officer may have to issue a citation.

Councilman Coates said when Mr. Koch comes before him requesting a change like this; he would like to know two things: 1) is there a real problem; and 2) who is the problem which he as not hearing. He wanted to know who the problem was, so he could put this ordinance request into context. Mr. Koch did not believe there was any one individual. He said they have repeat violators, but the citation code is not used very often. He stated they issued citations primarily for water drought situations, which is about a handful every year.

Mayor Margolis presented a scenario where he put up a temporary tent without going through the proper procedures, was cited by code enforcement, and went before the Special Magistrate and paid a fine because he did not think it would get approved as it was a nonconforming structure. He said next year comes around and he put up a tent again, and the same thing happened year after year. He asked if that was a repeat violator. Mr. Koch agreed it would be a repeat violator and they would be subject up to a maximum of \$500 per day.

Mayor Margolis indicated the fine is applied when the new tent is put up and does not go back to last year because a lot of it is statutorily regulated; however, he asked if someone is deemed a repeat violator even though they continue to do it, as they know that often happens in the equestrian community during the equestrian season. Mr. Koch stated the one difference in a repeat violator status is the Village is not required to give them time to comply, and they go straight to a hearing.

Councilwoman Gerwig asked if Mr. Koch felt there was any reason not to give a \$500 penalty or if he could see it being less as a repeat violation, as he just said it should be the maximum. Mr. Koch stated in the case of a citation, by statute and ordinance they have to issue a warning first, so they have already had their warning. Councilwoman Gerwig thought they had already seen the magistrate for a repeat violation. Mr. Koch indicated that was not true with the citation process, as the citation process goes through circuit court. He said if they appeal the citation, it goes in front of a Circuit judge; however, the five year cease and desist is still enforced.

Councilwoman Gerwig asked if the \$500 fine was per day. Mr. Koch indicated it was per violation, so it would be \$500 per citation.

As an example, Councilwoman Gerwig stated she has five acres in the equestrian preserve area, has an agricultural exemption on her property and puts up a tent without a permit. She asked what Mr. Schofield thought about that. Mr. Schofield stated if they applied for an agricultural exemption under Florida Statute 604.50, they would be exempt from municipal regulation. Councilwoman Gerwig understood she could put up her tent without a permit as long as she had an agricultural exemption. Mr. Schofield stated if she was agriculturally exempt and did the paperwork, she would be exempt from the non-residential farm building, but it was not an exclusive exemption. Councilwoman Gerwig stated she was not dwelling in her tent, so it would be exempt. Mr. Schofield agreed, assuming she had the exemption.

Vice Mayor Greene stated this ordinance was not driven by him, as it was brought to Council a year ago and they never voted on it. He thought it was kicked back because there were a lot of unanswered questions and more work to be done on refining their code policy. He wanted everyone to know it was not about targeting any individual but about protecting everyone who was doing it the right way. He indicated businesses and homeowners pay the application fee, play by the rules and do

it the right way, and it was frustrating when their neighbor or business down the street does not do it the right way and without consequence. He said the message that those people have repeatedly sent to the community was that it was cheaper to not follow the rules. He wanted to do whatever it took to hold those who were not playing by the rules accountable. Vice Mayor Greene did not think this ordinance was enough, but he would live with it as they could always come back and revisit it.

Councilwoman Gerwig indicated they did not talk about this issue a year ago, as they had discussed \$5,000 fines for the first time. She understood they were just changing it to come into compliance with state law regarding their super priority lien and to make the table match the existing fine. Mr. Koch agreed, stating this was primarily a housekeeping update.

Mr. Schofield indicated, line 22 on page 107 of 129, the text of the code said all violations of the Code of Ordinances shall be considered a civil infraction with a maximum civil penalty not to exceed \$500. He stated they were not changing that. They were only changing the table as it referenced Notices by Citation to make those issues going to the court system have the same maximum daily fine as those subject to Special Magistrate review. He said it was not a guaranteed maximum, as it is up to \$500. So the Special Magistrate does not always apply a \$500 fine, and occasionally they only apply \$25 or \$100.

Public Hearing

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

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

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Ordinance No. 2014-11 (Code Of Ordinance Chapter 2) as amended on First Reading.

B. 14-268 ORDINANCE NO. 2014-01 (UPDATED TRAVEL AND TRAINING REIMBURSEMENT POLICY)

AN ORDINANCE OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA AMENDING CHAPTER 2 "ADMINISTRATION" DIVISION 3 "REIMBURSEMENT FOR TRAVEL AND TRAINING" OF THE CODE OF ORDINANCES OF THE VILLAGE OF WELLINGTON; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Schofield explained there was an error in what had previously been presented and what was in the Code of Ordinances. The correction to the ordinance made it consistent with the Code.

Public Hearing

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

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

A motion was made by Vice Mayor Greene, seconded by Councilman Willhite, and unanimously passed (5-0) to approve Ordinance No. 2014-01 (Updated Travel and Training Reimbursement Policy) as presented on First Reading.

9. REGULAR AGENDA

A. 14-274 RESOLUTION NO. R2014-25 (REQUEST FOR MONETARY SUPPORT FROM THE WESTERN COMMUNITIES COUNCIL TO ADVANCE SUPPORT OF THE SR7 EXTENSION PROJECT THROUGH THE HIRING OF A LOBBYIST)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING MONETARY SUPPORT FOR THE WESTERN COMMUNITIES COUNCIL TO ADVANCE SUPPORT OF THE SR7 EXTENSION PROJECT THROUGH THE HIRING OF A LOBBYIST; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. He indicated he and Councilman Coates were members of the Western Communities Council (WCC). He explained the WCC had retained a lobbyist, Lewis, Longman & Walker, to support the extension of State Road 7 from its current terminus to Northlake Blvd. He stated the WCC was asking members to contribute \$10,000. He said Council had already approved \$5,000, so this would be an additional \$5,000. He mentioned Royal Palm Beach and Indian Trails had already made similar commitments. Mr. Schofield noted the importance of the State Road 7 project and staff was recommending support.

Councilwoman Gerwig thought it was an important issue for the Village, as it was not only a quality of life of issue but a safety issue for their residents. She felt the amount, and possibly even more, was worthy of their support.

Councilman Willhite concurred. He did not believe the SR7 extension would contaminate the City of West Palm Beach's water supply as some had argued. He thought it would have endless benefits to the Village of Wellington and Royal Palm Beach, because it would help with traffic, attract more businesses, and help in times of emergency for people to get north. He believed it would be inappropriate for someone to dictate what happens in the western community. He was in total support of this issue and appreciated the Western Communities Council for prioritizing it. Councilman Willhite agreed \$10,000 was nothing for the Village when other municipalities were spending hundreds of thousands of dollars to fight it.

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

1. Ken Adams, (no address given), Wellington. Mr. Adams talked about his familiarity with this project and property over the past 40 years. He explained the road does not and never belonged to Ibis. He thought the extension would help people when evacuating for a hurricane or getting a fire truck to a family. He hoped Council would do everything in their power to extend State Road 7.
2. Bart Novack, 15670 Cedar Grove Lane, Wellington. Mr. Novack asked how the extension of State Road 7 would affect the future development of thousands of homes in that area and if it would create more development. He was not opposed to it being used as an evacuation route.

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

Councilman Willhite explained the restriction placed on the land was a 120 foot easement along that corridor, with a proposed 40 feet on the western side. So 80 feet would still separate the road from the closest body of water with a swale and berm in the middle of it. He said when they talk about this being a significant sized road, it is already there, they do not have to acquire land and it has been previously routed. He thought they were fighting some political aspect trying to impact the western communities, which was why he is so supportive of it.

A motion was made by Councilman Willhite, seconded by Councilman Coates, and unanimously passed (5-0) to approve Resolution No. R2014-25 (Request for Monetary Support From the Western Communities Council to Advance Support of the SR7 Extension Project Through the Hiring of a Lobbyist) as presented.

B. 14-287 RESOLUTION NO. R2014-24 (EQUESTRIAN VILLAGE SPU)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A SPECIAL PERMIT FOR WELLINGTON CLASSIC DRESSAGE FOR USE OF THE TEMPORARY STABLING TENT LOCATED AT EQUESTRIAN VILLAGE FOR SEVEN (7) DAYS IN OCTOBER 2014; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item and read the Resolution by title. He indicated Mr. Stillings would make the presentation.

Mr. Stillings explained this was a special permit for a temporary tent because the Equestrian Village had a condition in its compatibility determination approval for the commercial equestrian arena limiting the tent to the period between January and March. He said the request was for a four day event in October and the tent would be up for no more than seven days. He stated the tent would be in the same location as the tent that was approved on the site plan for Equestrian Village and would have the same number of stalls. He indicated the applicant, Mrs. O'Sullivan, was there to answer any questions related to the event. Mr. Stillings noted the number of horses competing exceeded the number of stalls in the permanent barns and they needed to stable the competing horses on site. He stated the two permanent barns had 96 stalls each for a total of 192, and the temporary barn had 160 stalls. He said they anticipated 320 and 30 of the stalls were reserved for the riding school, which is why there is a shortage. He indicated the applicant was requesting Council approval, so they could then go to the Dressage Federation and ask for their permission to use this venue.

Councilman Coates asked how early the tent could be put up on the property under the Special Use Permit. Mr. Stillings stated the applicant could request a one month extension, but December 1st would be the earliest it could be put up. Councilman Coates said there was also a provision that stated the applicant could start putting up the tent 30 days prior to use. He asked if that meant the applicant could ask for an administrative extension from January 1st back to December 1st for use, which would then give them the ability to start putting up the tent on November 1st. He said he was raising the issue because of the expense to tear the tent down at the end of October and then put it back up at the beginning of November potentially. Mr. Stillings agreed that was what the condition said, but they had not yet been asked to consider that. He said the Village would need some justification to approve a one month extension as well as a month in advance to erect the tent.

Councilwoman Gerwig asked if 30 days prior would be December 1st. Councilman Coates indicated the use in the approval was from January to March, but a 30 day extension request where it could be

administratively approved would push the use back to December 1st. He stated that tied in with the provision that said the applicant could start putting the tent up 30 days prior to use, so the tent could be erected November 1st.

Councilman Coates understood the cost of deconstructing the tent was from \$25,000 to \$40,000. He said they were only talking about 15 or 20 days and the tent would not be used, so he did not see the need to tear it down. He asked if staff looked at that issue. Mr. Stillings stated they looked at it, but they did not receive a request to have the tent put up sooner. Councilman Coates indicated it would be up before January 1st because that would be the first day of use. Mr. Stillings stated they expected the tent would be erected in mid-December, so barring a request that is how they viewed this application. Councilman Coates asked, without a request for an extension and just going by history, if the applicant could actually start putting the tent up and be in full compliance with the approvals as of December 1st. Mr. Stillings said they could.

Councilwoman Gerwig asked if this would preclude another entity from asking for that additional consideration by approving this or were they going to instruct them to take it down. Mr. Stillings stated as a part of this request the applicant would take the tent down by October 22nd. Councilwoman Gerwig thought they could amend it if it was requested, as she agreed it would be senseless to tear it down; however, she did not want to hold up this Special Use Permit for that purpose.

Councilman Coates reiterated that he believed under the current approvals, the applicant could start putting up the tent without an extension as of December 1st and that potentially could be pushed back to November 1st if they requested an extension and it was administratively approved; however, he understood no request for an extension had been made. He noted the applicant would save \$40,000 if the Village allowed the tent to stay on the property and not be used for approximately 35 days. Councilman Coates stated the current teardown date was October 22nd, so it would be 38 or 39 days.

Councilman Willhite thought the owner was leasing the property, so it would be two separate people. He said this Special Use Permit was just requesting a timeframe change, and the owner was not requesting it. He thought it would work if the applicant had coordinated it, but they were not asking for an extension at this point. He did not know if it would impact or slow down this Special Use Permit, or if the owner would want the tent to stay up.

Councilman Willhite indicated page 5 of the application listed the owner as Michael Stone. He asked if Michael Stone was the owner of the property. Mr. Stillings thought he was a registered agent who signed for the owner. Councilman Willhite stated it was noted there, and noted that Council has previously requested that when people are representing someone else they either note it or indicate they have a Power of Attorney. Ms. Cohen thought they should get the Power of Attorney or other document to support this. Councilman Willhite indicated this was to protect the Lessee, so they know they are dealing with the proper owner. Ms. Cohen said they would look at it and ask for additional documentation if need be.

Vice Mayor Greene asked the applicant to speak on this issue. The applicant, Noreen O'Sullivan, 14457 Draft Horse Lane, indicated Mr. Stone signed on behalf of Equestrian Sport Productions. She stated he was unclear when he signed the application, so he submitted a list of the owners. Mayor Margolis believed Ms. Cohen needed documentation saying Mr. Stone had been given a Power of Attorney. Ms. O'Sullivan indicated Mr. Stone was the President of Equestrian Sports Production and not the owner of the property.

Councilman Willhite was agreeable to the tent for this period of time, but if it was going to be more permanent or if they were going to consider leaving the tent up the entire time, additional shielding

would be needed between the tent and the eastern area. So if the tent was going to stay there and become useful December 1st, it would be on the owner to start putting that in place.

Councilwoman Gerwig did not think they were considering that at this point. She understood Councilman Coates brought it up and the applicant did not request it.

Councilman Coates thought it would be a waste of \$40,000 if they were required to tear it down. Ms. O'Sullivan indicated they could have split the cost, but if it has to come down they will each have to pay that same cost twice. She said Councilman Coates brought up this point, as they had not even thought about it, but it would be much more economical to do it this way.

Vice Mayor Greene asked if \$40,000 was an accurate figure. Ms. O'Sullivan stated it was an accurate figure to put the tent up and tear it down. She indicated it would have to be paid twice if it is used for the event in October, tore down, and then put up again for the season. Otherwise, they could share the cost or prorate the days they were using it from their cost. She noted it was for the Wellington Classic Dressage and it was a for-profit event.

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

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

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Resolution No. R2014-24 (Equestrian Village SPU) as presented.

10. PUBLIC FORUM

1. Bart Novack, 15670 Cedar Grove Lane, Wellington. Mr. Novack wanted Council to do something about the missing documents that he read about in the paper. He questioned when the Village was going back to a five day work week and if it is a cost savings. He thought people in upper management should follow a Code of Conduct, as he had asked for someone to resign. He felt the Village had a lot of upper management, and they should look at reducing their overhead.

Mr. Schofield clarified Mr. Novack did not ask for his resignation, as he asked for the resignation of one of his directors.

Mayor Margolis asked Mr. Schofield to meet with Mr. Novack regarding the five day work week. Mr. Schofield stated that he would meet with him, as they do not normally answer those questions at this time. He mentioned that part of their budget process this year will be to transition back to the five day work week.

11. ATTORNEY'S REPORT

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

- Ms. Cohen indicated she had no report.

12. MANAGER'S REPORT & UPDATES

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

- The next regular Wellington Council Meeting is scheduled for Tuesday, April 22, 2014, at 7:00 p.m. in the Council Chambers.
- A request was received from the Council of Community Associates for the use of Wellington's Council Chambers for two candidate forums, one for the primaries and one for the general election. Council agreed to the use of the Council Chambers for the candidate forums.
- The Solid Waste Authority will be meeting tomorrow to consider a proposal to accept waste from outside Palm Beach County at a tipping fee of \$25.00 per ton while Palm Beach County residents pay \$42.00 per ton for the same service. Mr. Schofield was seeking authorization for him and Mayor Margolis to attend the Solid Waste Authority meeting and voice their objections to that proposal. Council provided that authorization.
- The Village is accepting applications for its high school summer intern program. Space is limited, so students are encouraged to apply. Those interested can contact Scott Campbell at 791-4105 or look on the Village website.

13. COUNCIL REPORTS

COUNCILWOMAN GERWIG: Councilwoman Gerwig presented the following report:

- She felt it was an affront to her personally as well as to women in general that she was not designated as the Vice Mayor especially since she has faithfully served the Village. Councilwoman Gerwig pointed out that she was re-elected with 63% of the vote, and although she might not be the Council's choice, she would be perfectly happy to be the people's choice. She felt that the action was a declaration of war, that it was not a smart move to not appoint her as Vice Mayor and believed it set a very bad precedent.
- She said she had a very nice evening Friday night at the Amphitheater noting that Joe Piconcelli had done a spectacular job with the high school musical preview. She announced that Palm Beach Central High School was presenting *Beauty and the Beast* this week at their auditorium and the King's Academy's production of *Phantom of the Opera* starts April 24th. She said Wellington High School was doing their musical this week or next. She encouraged everyone to get out and see some of their local talent.

COUNCILMAN COATES: Councilman Coates presented the following report:

- He thought that the customs and practices of this Council are important and haphazardly dispensing of them does a disservice to this community. He felt that such an action creates tension and acrimony where it normally need not occur. Councilman Coates made a commitment to Councilwoman Gerwig that two years from now they will still be Council, he will speak first to nominate her for Vice Mayor. He thought that Council should have stood on form and custom and appointed her as the Vice Mayor. He stated this was not an affront to Vice Mayor Greene at all as he was nominated by Councilman Willhite. Councilman Coates reiterated that their practices and procedures were important and he believed to dispense with custom because of political differences sets a bad precedent for this community. He hoped that they had gotten past what they had to deal with over the past two years, but he believed this action tells him that they may not be any further along to healing.

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

- He thanked Councilman Willhite and Mayor Margolis for their support noting that he was surprised and flattered by the nomination. He did not believe that there was an attempt to start war or continuing a war that was started two elections ago. He also did not believe this was an affront to women. He found Councilwoman Gerwig's comments to be unprofessional, and

he was insulted by them. Vice Mayor Greene stated he looked forward to serving this community.

COUNCILMAN WILLHITE: Councilman Willhite presented the following report:

- He thanked staff for their hard work on the blue roof house. He thought it was a big step forward working on some of the problematic neighborhoods. He felt Council's decision to move forward sends a message to the landlords and banks that do not want to work with the Village as well as any individual that feels like Council is not interested in their community. Councilman Willhite indicated their attorney worked diligently at the courthouse and held the bank to their feet. He noted that waiting until the 11th hour to ask for an extension was too late considering all of the work that needed to be done. He appreciated that this action was happening.
- He requested that Mr. Schofield provide Council with the Landlord 441 information that he had previously requested.
- Councilman Willhite asked for an update from staff noting there has been a lot of work going on in the Palm Beach Point bridal trail area that goes over Section 24. He knew there were some concerns concerning the guardhouse. He was aware there was a meeting with the landowners of Grand Prix Village about continuing the bridal trail there. He stated he traveled that road yesterday and spoke of its poor condition. Councilman Willhite wanted to move forward on that aspect of their bridle trails system.
- He stated he had requested some documentation relating to some other discussion items they have had. He said in the reading them, he found that Council had made a motion for something to come back time certain which never happened. He questioned what happens when Council gives such direction and it doesn't occur. He asked if that was practice or policy. Ms. Cohen said if it did not come back to Council, they would certainly have the ability to request that it be brought back, but she would have to look in Robert's Rules and see if there is any rule that addresses that issue. She would provide that information to Council either by memo or at the next meeting.
- He asked if Lyons Road was the Village's responsibility or was it more of the County's. He said as he traveled down Lyons Road, he noticed that road south of Forest Hill is landscaped beautifully and he knows that is under a developer's agreement. He said that north of Forest Hill was just an ugly median; however, it is still in the boundaries of Wellington, and he felt it should be consistent with the appearance of Wellington that the rest of Lyons Road has. Mr. Schofield stated he would have to look into that. He was not certain Lyons Road north of Forest Hill is in the boundary. He stated that if Council wants a landscaping project there, they will put a line item for a capital project in the budget and Council can vote on it.
- Councilman Willhite noted that there was a differentiation in the speed limit on Stribling between 441 and Lyons noting that the speed limit changes multiple times there. He asked if there was a reason for that, and if Wellington controls the speed there. Mr. Schofield stated that Wellington controls the speed limit on Stribling. He said there is a small part that is located in the Equestrian Preserve, but he was not sure what the speed limit is. Councilman Willhite indicated the portion he was referring to was east of 441. Mr. Schofield stated east of 441, Stribling was a Village roadway, and it should be marked consistently with every other collector road.
- Councilman Willhite pointed out that they were still having issues with Comcast. He did not know if they had any control over it, but he was hoping that as the IT Director explained at the Agenda Review, he was trying to work things out. Mr. Schofield indicated they should have seen significant improvements in the Webcast. He stated they have no control over what Comcast does once it leaves the building, but there are some upgrades happening to the Webcast portion of it. He said he would have Mr. Silliman sit with him and go through them.

MAYOR MARGOLIS: Mayor Margolis presented the following report:

- He stated they were up in Tallahassee last week, and he believed their lobbyist was going to be giving them a presentation at the end of the legislative session. Mr. Schofield thought they were looking at May 13th. Mayor Margolis asked Mr. Schofield to give them a five minute update of what has transpired to date. He wanted the residents to understand the ramifications of some of those laws if in fact they get passed. Mr. Schofield indicated it would be on the next agenda.

14. ADJOURNMENT

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

Approved:

Bob Margolis, Mayor

Awilda Rodriguez, Clerk