

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

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

**Tuesday, August 9, 2016
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, August 9, 2016, commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

Council Members present: Anne Gerwig, Mayor; John T. McGovern, Vice Mayor; Michael Drahos, Councilman; Michael Napoleone, Councilman; and Tanya Siskind, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Esq., Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Rachel R. Callovi, Clerk.

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

Mr. Schofield indicated staff recommended approval of the Agenda as amended:

Move Consent item 6J (Authorization to Execute a Change Order with Pirtle Construction, Inc. for Requested Modifications to the Community Center Project Including Exterior Modifications, Interior Modifications and Structural Repair to the Gazebo/Observation Deck to Unforeseen Conditions) to the Regular Agenda as item 8A.

Ms. Cohen indicated Mr. Alexander Domb requested via e-mail that item 6I (Award a Contract for the Construction of Improvements for the Blue Cypress Subdivision and Resolution No. R2016-52 for Budget Amendment #2016-041) be pulled from Consent. She did not believe there was any reason to pull the item, but it was up to Council. She explained litigation is pending, but the injunction was denied and the court clearly felt that money damages could be compensated if it turns out the bond was not properly called. She stated Council would need to take public comment, whether it stays on Consent or it is moved to the Regular Agenda. She said any comments would be limited to three minutes unless Council allowed for additional time.

Councilman Drahos stated he would pull item 6I from Consent. Mr. Schofield indicated the item would be moved to the Regular Agenda as item 8B.

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

5. PRESENTATIONS AND PROCLAMATIONS

A. 16-0300 PRESENTATION OF THE PALM BEACH COUNTY SHERIFF'S OFFICE DISTRICT 8 WELLINGTON SEMI-ANNUAL REPORT

Mr. Schofield introduced the item.

Captain Rolando Silva introduced himself as well as the members of their District 8 Team. He noted this is the 20th year that the Sheriff's Office has been providing law enforcement services to the Village.

Captain Silva reviewed the Semi-Annual Report for Wellington, for the period January 2016 to June 30, 2016. He stated the good news is that crime is down in the Village. He said crimes against persons is down to 232 from 240 and crimes against property is down to 666 from 888 compared to last year. He indicated shoplifting is down 30%, theft in general is down almost 50%, burglaries to vehicles is down 40%, and burglaries to residents is down. He stated embezzlement and fraud have increased, and they are working on those cases. He said there was a reduction in crimes against the State, but non-crime traffic related incidents have increased, such as vehicle stops, crashes, and other types of non-crime incidents.

Captain Silva indicated traffic stops have and will continue to average 1,000 a month. He explained instead of writing expensive citations, they are dealing with people on an individual basis and providing written or verbal warnings when appropriate. He stated they wanted to educate the residents and get them to comply with the traffic laws without being overly punitive with the citations. He noted 321 citations were issued during the first six months of the year by the PBSO traffic division, which is not part of District 8.

Captain Silva stated the deputies in the Village were mainly dealing with juvenile problems. He shared a case that occurred at Sweet Wood Way in Tree Tops. He stated a disturbed 14-year-old broke a windshield of a resident's car, and Deputy Delia was able to identify the juvenile as well as connect him to a residential burglary. He indicated Deputy Delia has worked with and knows all the juvenile players in the Village. Captain Silva noted he has assigned Deputy Delia to mentor Deputy Gonzalez in this regard.

Captain Silva showed Council a video of individuals who came into the Village from Broward County to burglarize a home on Pinewood East, just off Southern Blvd and Forest Hill. He stated Wellington was being targeted because of its affluent reputation. He said Detective Read, with her expertise, tenacity and excellent police work, was able to make a case. He explained they followed these individuals for six weeks, as they ended up committing another burglary. He stated they were all arrested and facing prosecution.

Captain Silva stated his team was trying to get the traffic crashes down to an acceptable level. He said the young kids driving through the Village on motor bikes and terrorizing the neighborhoods has been problematic. He indicated, whether they intend to or not, these kids are disrupting a lot of people, including the horse community. He explained PBSO has brought in a helicopter, so they are under surveillance unbeknownst to them. He said the kids take off when the deputies try to stop them. He indicated that is a felony, so they are arrested for fleeing and eluding and go to jail. He said their bikes are confiscated and they have seized seven motorcycles

thus far. He hoped this community of kids will get the message to not go around in the neighborhoods of Wellington wreaking havoc.

Captain Silva stated they continue to partner with the community where they can. He said they participated in the Wheels of Wellington project where they distributed bicycle helmets to the kids to get them compliant and ready for the school year.

Captain Silva indicated the next time they meet, he will review their Law Enforcement Service Plan (LESP), which is their blueprint for going forward. He stated he will also present the Uniform Crime Report, which will show the overall numbers with respect to crime.

Mayor Gerwig asked how the Village was doing with its number of car crashes. Captain Silva stated Wellington averaged about 1,900 crashes in 2015, which is up from 1,600 in 2011. He said that was due to the growth in population from 2011 to 2015, and it was not inconsistent to have an increase of about 300. He indicated most of the crashes were taking place on the main thoroughfares, i.e., Forest Hill, 441. He said the surface streets will start to get busier as the season starts, so his deputies will target those areas for traffic enforcement in order to minimize the crashes.

Councilman Napoleone asked about car thefts and recovery. Captain Silva explained his team partners with the South Florida Task Force when there is a vehicle theft in the Village. He said they were doing a good job and he will report on this the next time they meet. He noted forty cars were stolen in this six month period, which is the same as last year.

Councilman Drahos thanked Captain Silva for the best police force in South Florida. He stated he had tremendous respect for them and the job they do. Councilman Drahos asked about the Wellington Mall and the addition of a luxury movie theater and how it will change the dynamics of the population, particularly late at night. He asked if PBSO had been in contact with the representatives of the mall and if they had an approach as to how they were going to combat any issues. Captain Silva stated they have been in contact on a regular basis and he just met with the General Manager, Mr. Marc Strich the previous day. He said they talked about the theater, walked through it, and discussed the plan for the upcoming season. He indicated they were adjusting the schedules of the officers and they were going to put a Sky Cop, a vehicle with an eye on it, in the parking lot. He said they anticipated the theater to open sometime in November. He mentioned they will be meeting with the management of the theater itself to see what kind of extra security can be put in place. Councilman Drahos asked that Council be kept in the loop. He said if there is something Council can do to make the deputies' jobs easier, they certainly want to know.

Vice Mayor McGovern thanked Captain Silva for his work and that of his department. He congratulated them on the low crime in Wellington. He asked if most of the crimes were being committed by people outside of Wellington. Captain Silva explained robberies are defined as taking property from a person with the threat of violence or force. He said that number was up to eleven for January through June 2016, which is high compared to four last year during that same time period. He indicated, in those eleven cases, the crimes were of juveniles taking phones from other juveniles. He said technically it is a robbery, but a stranger is not coming from elsewhere to attack a victim in the Village. He stated typically they know each other and they are juveniles from within the Village, although a couple of crimes were committed by individuals from outside Wellington.

Vice Mayor McGovern asked about burglaries and car burglaries by people outside the area. Captain Silva stated he highlighted one case in particular, but those tend to be people coming from outside the Village. Vice Mayor McGovern asked if the deputies were interacting with other communities to stop that from happening. Captain Silva mentioned he and Detective Read will be attending a Regional Intelligence Meeting called LEX (Law Enforcement Exchange). He said the detectives and the intelligence community come together to exchange information and partner together on trying to solve these crimes.

Vice Mayor McGovern asked about the traffic crashes. He said there was a significant uptick in June to 141 crashes, as they hovered around 110 the previous five months. Captain Silva stated he had no attribution for those crashes, as he had not done a complete analysis on where those crashes occurred during that one month. He mentioned page four of the booklet depicted a map that indicated where most of the service calls came from. He believed most of those calls were for the traffic crashes happening on the streets.

Vice Mayor McGovern asked Captain Silva to notify Council if he sees this trend continuing into July and August. Captain Silva stated they would do a closer analysis on where the crashes are taking place, so they could redirect their resources to ameliorate those statistics.

Vice Mayor McGovern stated page 14 shows the citations issued in June were down significantly to 983, and asked if there was any correlation there. Captain Silva stated he could not say if there was any correlation, but it certainly begged the question. He said the citations will increase as the season starts and the school year begins.

Councilwoman Siskind thanked Captain Silva for his service.

Mayor Gerwig asked what could be done about the kids not wearing their bicycle helmets on the way to school. Captain Silva stated the crossing guards remind the kids going to the elementary and middle schools about wearing helmets. He said the School Traffic Safety Unit is out there as well, and they will cite the kids who are not wearing helmets after continued warnings.

Mayor Gerwig thanked Captain Silva for doing a great job and being responsive to issues. She asked if his deputies could be present near the Dunkin' Donuts and the construction site on Forest Hill Blvd to slow everyone down, especially with the school year starting.

Captain Silva explained they have a crash rate of 3.2 crashes per 100 residents. He said as the population continues to increase, his deputies will try to keep the crash rate down or below it. He stated many things contribute to crashes, as people are busy and driving while distracted. He indicated they have a couple of motor units, and they might be getting two commercial motor vehicle deputies with the next budget. He stated their primary focus will be the illegal waste dumping in season and traffic enforcement in the off season to help mitigate the issues with traffic crashes.

Mayor Gerwig thought their biggest problem has been at sports venues, where it is obvious people leave their purses in the car. Captain Silva stated out of all of the auto burglaries they get, 50% are unlocked cars. He said sometimes people get complacent because it is so beautiful and nice to live here, but crimes do happen in Wellington especially crimes of opportunity, as the kids typically go around checking the car doors.

Captain Silva acknowledged, on behalf of the District 8 team, that Wellington could have their own police department at any given time. He said if they chose to do that, it would be one of the

most coveted departments to work for. He stated that was due to the people who work for the Village and its staff as well as the resources and facilities provided by the Village to support law enforcement. He noted even the little things, like the Top Cop Award, mean a lot and they really appreciate it. He said they do not take any of it for granted.

Mayor Gerwig thanked Captain Silva and his deputies for wearing the uniform, taking the risks and putting their lives on the line to do their jobs.

B. 16-0334 RESOLUTION NO. R2016-57 (CULTURAL AFFAIRS GRANT AWARD) FLORIDA DEPARTMENT OF STATE DIVISION OF CULTURAL AFFAIRS GRANT AWARD (CSFA 45.014) FOR GRANT 17.9.200.548 FOR THE PROJECT "WELLINGTON COMMUNITY CENTER" IN THE AMOUNT OF \$500,000, AND; RESOLUTION NO. R2016-58 (BUDGET AMENDMENT TO ALLOCATE THE GRANT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF STATE DIVISION OF CULTURAL AFFAIRS FOR THE PURPOSE OF RECEIVING A GRANT UNDER PROVISIONS OF THE CULTURAL FACILITIES PROGRAM FOR THE WELLINGTON COMMUNITY CENTER PROJECT; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. R2016-58 (FLORIDA DEPARTMENT OF STATE CULTURAL AFFAIRS GRANT FUNDS BUDGET AMENDMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE FISCAL YEAR 2015-2016 CAPITAL FUND BUDGET FOR FLORIDA DEPARTMENT OF STATE DIVISION OF CULTURAL AFFAIRS GRANT FUNDS AWARDED FOR DEVELOPMENT OF THE WELLINGTON COMMUNITY CENTER; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item.

Ms. Quickel indicated the Village has received a check in the amount of \$500,000 to represent the Cultural Affairs grant award. She stated this was the second grant received as part of the community center grant applications, which brings the total to \$700,000. She said staff is applying for grants all the time in the hopes of obtaining more funds for the Village.

Ms. Quickel explained this grant was part of the building application and had to be tied to cultural activities related to the building. She said the application was submitted in 2015 and it went through the legislative appropriation process last year with a number of other grants. She stated she and Mr. DeLaney went to Jacksonville to provide information about the application and it was successfully included in the group of award recommendations. She indicated the previous grant was for the boardwalk and outside facilities around the lake.

Council thanked and congratulated staff on doing great job in submitting the grant application and securing the funds.

Ms. Quickel indicated a motion was needed to adopt the Resolution and Budget Amendment to appropriate the funds.

A motion was made Vice Mayor McGovern, seconded by Councilman Drahos, and unanimously passed (5-0) to approve Resolution No. R2016-57 (Cultural Affairs Grant Award) and the budget amendment as presented.

6. CONSENT AGENDA

- A. 16-0307** MINUTES OF THE REGULAR WELLINGTON VILLAGE COUNCIL MEETINGS OF JUNE 28, 2016 AND JULY 12, 2016
- B. 15-1011** AUTHORIZATION TO ENTER INTO A SOLE SOURCE AGREEMENT FOR THE PURCHASE, DELIVERY AND SERVICE OF FLYGT PUMPS
- C. 15-1016** AUTHORIZATION TO CONTINUE UTILIZING CONTRACTS TO PROVIDE ATHLETIC TEAM OFFICIATING SERVICES
- D. 15-1017** AUTHORIZATION TO RENEW EXISTING CONTRACTS TO PROVIDE LANDSCAPE MAINTENANCE SERVICES FOR: 1) PRIMARY ROADWAYS, RUSTIC RANCHES, EQUESTRIAN TRAILS, CANAL BANKS, SLOPES AND FINGERS; 2) SECONDARY ROADWAYS; 3) VILLAGE OWNED FACILITIES; AND 4) NEIGHBORHOOD AND COMMUNITY PARKS VILLAGE-WIDE
- E. 15-1018** AUTHORIZATION TO RENEW AN EXISTING CONTRACT WITH PALM BEACH AGGREGATES, LLC FOR THE SUPPLY AND DELIVERY OF ROAD BASE AND DRAIN ROCK
- F. 15-1021** AUTHORIZATION TO CONTINUE UTILIZING REVENUE GENERATING CONTRACTS FOR CHEER AND DANCE, SWIMMING, TUMBLE TOTS, TAEKWONDO AND WELLINGTON SOCCER
- G. 16-0216** AUTHORIZATION TO UTILIZE A SCHOOL DISTRICT OF OSCEOLA COUNTY CONTRACT FOR THE PURCHASE, DELIVERY AND INSTALLATION OF FARMINGTON PARK PLAYGROUND EQUIPMENT AND SURFACING
- H. 16-0288** AUTHORIZATION TO ENTER INTO CONTRACT NEGOTIATIONS FOR ENTERPRISE RESOURCE PLANNING (ERP) CONSULTING SERVICES
- I. 16-0339** ~~AWARD A CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS FOR THE BLUE CYPRESS SUBDIVISION AND RESOLUTION NO. R2016-52 FOR BUDGET AMENDMENT #2016-041~~
~~RESOLUTION NO. R2016-52: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE GENERAL FUND BUDGET FOR FISCAL YEAR 2015-2016 BY ALLOCATING CONSTRUCTION SURETY BOND PROCEEDS TO COMPLETE THE BLUE CYPRESS SUBDIVISION IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE. (MOVED TO REGULAR AGENDA AS ITEM 8B)~~
- J. 16-0278** ~~AUTHORIZATION TO EXECUTE A CHANGE ORDER WITH PIRTLE CONSTRUCTION, INC. FOR REQUESTED MODIFICATIONS TO THE COMMUNITY CENTER PROJECT INCLUDING EXTERIOR MODIFICATIONS, INTERIOR MODIFICATIONS AND STRUCTURAL REPAIR TO THE GAZEBO/OBSERVATION DECK DUE TO UNFORESEEN CONDITIONS (MOVED TO REGULAR AGENDA AS ITEM 8A)~~
- K. 16-0275** RESOLUTION NO. R2016-45 (14365 ROLLING ROCK PLACE VACATION / ABANDONMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, VACATING
A 12-FOOT WIDE UTILITY EASEMENT, APPROXIMATELY 268 LINEAR
FEET, LOCATED BETWEEN THE UNIFIED PROPERTIES OF LOTS 3
AND 4, BLOCK 60, SADDLE TRAIL PARK OF WELLINGTON (14365
ROLLING ROCK PLACE); AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield stated staff recommended approval of the Consent Agenda as amended. He indicated no comment cards were received from the public on the Consent Agenda.

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

Mayor Gerwig indicated two comment cards were received from the public to speak on non-agenda items.

1. Jaidyn Brody, 1862 Barnstable Road, Wellington. Ms. Brody spoke on her cause, The Leukemia & Lymphoma Society (LLS). She announced her second Putting Fore Patients charity mini golf tournament, which will be held on September 17, 2016, at 11:00 AM at Adventure Mini Golf in Lake Worth. She said tickets are available for \$15.00 and sponsorships start at \$100.00. She indicated she reached her original goal of \$15,000 and she is now trying to reach a new goal of \$20,000 by the end of September. She hoped everyone would attend her event to raise funds for LLS.

Mayor Gerwig indicated she would not be able to attend this event but asked her fellow Council members to attend if they are available.

2. Eric Flaig, 1127 Lake Breeze Drive, Wellington. Mr. Flaig spoke about the noise from the Amphitheater on Thursday and Saturday evenings that he can hear it at his house located at the north end of Lake Wellington. He noticed a new sound system was being proposed for the Amphitheater in the upcoming Capital budget. He suggested staff look at changing the design and mounting the speakers lower to the ground, so they could entertain the people at the amphitheater and not the residents who live 1½ miles away.

7. PUBLIC HEARINGS

- A. 16-0333** RESOLUTIONS ADOPTING THE BUDGETS AND ASSESSMENT RATES FOR THE ACME IMPROVEMENT DISTRICT, WELLINGTON SOLID WASTE COLLECTION AND SADDLE TRAIL PARK SOUTH NEIGHBORHOOD AREA; AND RESOLUTIONS ADOPTING THE BUDGETS FOR THE LAKE WELLINGTON PROFESSIONAL CENTRE AND THE WATER AND WASTEWATER UTILITY.

I. RESOLUTION NO. AC2016-03: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE DISTRICT BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN; LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE DISTRICT AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF THE DISTRICT FOR CERTIFICATION OF THE DISTRICT'S NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE

DATE.

II. RESOLUTION NO. AC2016-04: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE WATER AND WASTEWATER UTILITY BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017; AND PROVIDING AN EFFECTIVE DATE.

III. RESOLUTION NO. R2016-54: A RESOLUTION OF THE COUNCIL OF WELLINGTON, FLORIDA ADOPTING THE SOLID WASTE COLLECTION PROGRAM BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AND LEVYING THE NON-AD VALOREM ASSESSMENTS FOR SOLID WASTE COLLECTION AND DISPOSAL WITHIN THE JURISDICTIONAL BOUNDARIES OF WELLINGTON; PROVIDING FOR RATES AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON TO CERTIFY THE SOLID WASTE COLLECTION NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

IV. RESOLUTION NO. R2016-55: A RESOLUTION OF THE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA COUNCIL ADOPTING THE LAKE WELLINGTON PROFESSIONAL CENTRE BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017; AND PROVIDING AN EFFECTIVE DATE.

V. RESOLUTION NO. R2016-56: A RESOLUTION OF THE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ADOPTING THE SADDLE TRAIL SOUTH NEIGHBORHOOD IMPROVEMENT AREA NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN; LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE AREA AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON FOR CERTIFICATION OF THE AREAS NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item.

Ms. Quickel indicated Council was to consider these five resolutions to adopt the budgets and the rates for FY 2017 for Acme, Water and Wastewater Utilities, Solid Waste, Lake Wellington Professional Center, and Saddle Trail. She also reviewed the proposed budget for FY 2017.

Ms. Quickel stated the proposed budget for all funds is \$89.5 million, which is \$4 million higher than the current year budget of \$85.5 million. She said this includes the three special revenue funds for Acme, the Building Department, and Gas Tax Road Maintenance operations as well as the four proprietary or enterprise funds, which are Water and Wastewater, Solid Waste, the Professional Center, and Debt Service.

She indicated the large increase in the General Fund for \$2.5 million was primarily due to the new positions for building maintenance as part of the new Community Center; the five day work week; the 2% increase in the PBSO contract, plus two new deputies; and moving the neighborhood parks out of Acme and back into the General Fund. She said the other big increase of \$1.9 million

in Water and Wastewater is primarily due to increased major maintenance, new positions, and the replacement of the Peaceful Waters boardwalk.

She stated in adopting the non-ad valorem assessments and budgets for Acme, there is no change proposed from the current year. She said it is to remain at \$230 per unit, with a total budget of \$6.9 million. She indicated there was no rate change proposed for Water and Wastewater as well, which has a \$19.5 million budget. For the Solid Waste assessment, a decrease of \$5.00 each was proposed for curbside and for container, and that budget is a \$3.9 million budget. She stated for the Lake Wellington Professional Center, the total budget proposed is \$763,000. She noted the Saddle Trail assessment of \$1,779 per acre is new this year.

Ms. Quickel explained the Lake Wellington Professional Center has a primary source of revenue from the monthly lease payments for rental office space. She stated it has its own fund, which is self-funded. The monies earned and the expenditures stay within the fund. She indicated Saddle Trail is a new project that went through several years of Council review and approval for Public Works projects to improve the roads as well as install water and wastewater utilities in that area. She stated the project is currently under construction and assessed only to the residents in that area. She said this is the first time it will appear on their tax notice.

Ms. Quickel stated the budget overview for Acme is for a \$6.9 million proposed budget, which is a decrease from the current year. She said this is primarily due to moving 25 neighborhood parks (including Hawthorne, which is being completed in the upcoming year's budget) back to the General Fund. She indicated, as discussed before, the use of their reserves dictates that they: 1) change the assessment; 2) move the services; or 3) reduce the level of services. She stated they cover 68 miles of public equestrian trails, handle 89 miles of canals and operate eight pump stations.

Ms. Quickel showed Council historical information for the Acme revenues. She stated for the last three years the rate has been \$230, and the additional \$30 brings in approximately \$740,000 a year for capital improvements dedicated to Acme projects. She said the generation of almost \$6 million is from 25,997 units. She noted there was a slight change in the units, as that is analyzed every year. She indicated the largest portion is the non-ad valorem assessments. She stated there is no charge for services outside the area, which is Wycliffe. She said a fee is paid through an Interlocal Agreement, and then there is some revenue from a lease as well.

For expenditures, she indicated \$4.7 million is primarily for mosquito and pest control over 32 square miles in Acme; the maintenance of 68 miles of public equestrian trails; the preserve maintenance at the Wellington Environmental Preserve, Birkdale Preserve, and Big Blue Preserve; and surface water management for 89 miles of canals and eight operating pump stations. She stated they also had non-departmental personnel costs for workers' compensation and merit & wage increases. She indicated the total proposed expenditure budget is \$7.4 million.

Ms. Quickel stated the Enterprise Funds total budget is \$23.7 million. She said the Water and Wastewater operating budget is \$12.4 million, Solid Waste is \$3.6 million, and Lake Wellington Professional Center is almost \$700,000. She noted capital projects of almost \$5 million are primarily in Water and Wastewater. She stated there are also transfers in debt service of \$2.4 million for indirect costs to the General Fund and that debt service is interest on utility deposits only.

Ms. Quickel showed Council the rate history for Water and Wastewater as well as Solid Waste to show what has been charged since 2008. She stated the recent decreases in the Solid Waste is

attributed to the successful rebid of the contract in 2015.

Ms. Quickel stated the Enterprise revenues are very stable from year to year for Water and Wastewater, Solid Waste, Lake Wellington Professional Center, and the Debt Service Fund. She said they totaled approximately \$23.5 million, which is a slight increase over the current year of \$23.4 million. She explained some reserves are being used to balance this budget - \$689,000 for the Solid Waste Fund and \$60,000 for the Professional Center. She stated the total budget for Water and Wastewater is almost \$19 million for FY 2017. Ms. Quickel said this includes the biggest area for personnel increases, major maintenance increases, and replacement of the Peaceful Waters Boardwalk. She indicated 2.2 billion gallons of potable water are produced and 1.6 billion gallons of wastewater are treated annually. She stated they were replacing over three miles of water distribution piping as well as maintaining high water quality and wastewater service for over 20,000 customers. She said there are 53 full-time staff and 4,680 part-time hours, which is slightly up from FY 2016 with two additional positions.

She indicated the Solid Waste collection and recycling budget is slightly increased from \$3.8 million to \$3.9 million. She said they have over 21,000 customers and maintain a customer service satisfaction rate of 99%. She stated the renegotiated contract includes scholarships of \$2,500 per high school and \$4,500 for the middle school and two elementary schools. She noted they have collected over 1,200 trash bags of litter from the roadways with four full-time staff, and no changes are proposed for the current staffing.

She stated the Professional Center budget is \$763,000. She said they maintain an office occupancy rate of 96% and a virtual occupancy rate of 87%. She indicated replacement of the aging roof is in this budget at \$175,000. She stated there are three full-time staff and 1,040 part-time custodial hours which are shared with the Community Center.

Councilman Drahos asked about the \$60,000 being pulled from reserves to balance the budget for the Lake Wellington Professional Center. Ms. Quickel stated that amount was being pulled from the Professional Center reserves to cover the cost of replacing the roof. She explained the Professional Center has been owned by Wellington for three years and, during that time, the excessive revenue over expenditures has gone into reserves. She believed the reserves currently total \$210,000.

Mayor Gerwig understood the Village was not getting back the \$5 million it invested to purchase the Professional Center, but believed it is maintaining itself with the revenues it is bringing in. Ms. Quickel stated that was correct.

Councilwoman Siskind asked if a minimum reserve needed to be kept. Ms. Quickel stated there was no minimum reserve for the Lake Wellington Professional Center.

Ms. Quickel explained the Saddle Trail park assessment rate of \$1,779 per acre is to make the payment for the bond issue for the improvements. She said that included the total budget of \$4.4 million for the project. She indicated the assessments will be levied for fifteen years. She stated the owners who prepaid the assessment of \$1.2 million will not be assessed. She said the Debt Service budget will be adopted every September through this same process until the debt is repaid. She noted for those being assessed, the assessment will appear in the non-ad valorem section of the tax bill as a Saddle Trail debt assessment.

She showed Council a sample tax bill that indicates the estimated millage rates and assessments being charged by other taxing authorities throughout Palm Beach County. She stated they could

see what has changed and compare it to the 2015/2016 millage rate. She said the bottom line result is that the ad valorem had a total change of \$135. She indicated Wellington shows a \$5.00 change on an average \$300,000 homesteaded property. However, even though the millage rate is going down 100th of a mill, most people will still have an increase due to the increase in property values.

She stated the non-ad valorem section, which includes the resolutions Council is voting on tonight, contains the Solid Waste decrease of \$5.00, the Solid Waste collection decrease of \$20.00, and the Acme improvement rate of \$230 with no change. She said Saddle Trail is not included, because it will not be on everyone's tax bill.

Ms. Quickel indicated two meetings are scheduled to discuss the Capital Budget, September 13th and September 27th, which is when the first and second Public Hearings will be held.

Councilman Drahos asked if Council still had the flexibility to make changes later, regardless of whether or not they adopt these resolutions today. Mr. Schofield explained Council was adopting the actual assessments and setting the actual rates. He said they could be changed, but they would be changed by budget amendment from this point forward. He stated it was not like setting the TRIM rate where the rate can only go down if changed.

Vice Mayor McGovern asked about the \$689,000 being pulled from reserves for the Solid Waste Fund. Ms. Quickel explained the Village has excess reserves in the Solid Waste Fund with the renegotiation of the Solid Waste contract, so they are using them to offset the rates being charged annually. She stated it is its own fund within itself.

Mayor Gerwig indicated no public comment cards were received on this item.

Councilman Napoleone stated staff did an excellent job in putting this information together for Council. Ms. Quickel said Ms. Wadleigh and her staff as well as the departments did an incredible job, so it was a team effort.

Ms. Callovi read each Resolution by title.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (5-0) to adopt Resolution No. AC2016-03 as presented.

A motion was made by Councilwoman Siskind, seconded by Vice Mayor McGovern, and unanimously passed (5-0) to adopt Resolution No. AC2016-04 as presented.

A motion was made by Councilman Napoleone, seconded by Vice Mayor McGovern, and unanimously passed (5-0) to adopt Resolution No. R2016-54 as presented.

A motion was made by Vice Mayor McGovern, seconded by Councilman Napoleone, and unanimously passed (5-0) to adopt Resolution No. R2016-55 as presented.

A motion was made by Councilman Napoleone, seconded by Vice Mayor McGovern Siskind, and unanimously passed (5-0) to adopt Resolution No. R2016-56 as presented.

Mr. Schofield believed there was a question regarding the expense of the roof replacement for the Lake Wellington Professional Center. He stated Council will actually make that decision when they adopt the Capital Budget in September. Councilman Drahos indicated he voted to support

it, because he understood Council could make a budget amendment if they decided not to spend that money. For the record, Mayor Gerwig clarified that the Council vote for Resolution No. R2016-54 was unanimous, as she stated it incorrectly.

Councilman Drahos expressed that he wanted this Council to discuss the roof expense, as he understands they have the flexibility to make a change if need be. Ms. Quickel indicated this issue will also come back to Council when there is a contract.

8. REGULAR AGENDA

- A. 16-0278** AUTHORIZATION TO EXECUTE A CHANGE ORDER WITH PIRTLE CONSTRUCTION, INC. FOR REQUESTED MODIFICATIONS TO THE COMMUNITY CENTER PROJECT INCLUDING EXTERIOR MODIFICATIONS, INTERIOR MODIFICATIONS AND STRUCTURAL REPAIR TO THE GAZEBO/OBSERVATION DECK DUE TO UNFORESEEN CONDITIONS *(FORMERLY CONSENT ITEM 6J)*

Mr. Schofield introduced the item.

At this point, Mayor Gerwig stated, in an abundance of caution, she was going to recuse herself from this vote. She explained that she has a relationship with part of the design-build team, not the contractor. Mayor Gerwig then left the Council Chambers.

Mr. Schofield indicated three changes were embodied in this request:

- (1) Exterior modification not to exceed \$29,963.12. On the plans, the equipment yard with the chillers and mechanical equipment was designed to be rock, which is allowable by code. However, this request was to approve the change from rock to concrete, as it will extend the life of the equipment and pay for itself over the life of the equipment.
- (2) Interior modification not to exceed \$9,533.00. While the building was under construction, the doorway going into the staging room or green room across the hallway from the Grand Ballroom was not functional, so different doors were added to make it more functional.

Mr. Schofield noted the two items above had been completed.

- (3) Structural repair not to exceed \$18,000.00. When the gazebo was added to the original observation deck, it did not meet code. However, that was not apparent until after demolition started. Repairing the observation deck will allow it to be reconstructed, so that it is safe and in accordance with code.

Mr. Schofield stated the three items total \$58,376.12 and should be the closeout change order for the Community Center project. He indicated staff was recommending approval.

A motion was made by Councilman Drahos, seconded by Councilwoman Siskind, and unanimously passed (4-0) to approve agenda item 16-0278 as presented.

At this point, Mayor Gerwig re-entered the Council Chambers.

- B. 16-0339** AWARD A CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS FOR THE BLUE CYPRESS SUBDIVISION AND RESOLUTION NO. R2016-52 FOR BUDGET AMENDMENT #2016-041

RESOLUTION NO. R2016-52: A RESOLUTION OF WELLINGTON,
FLORIDA'S COUNCIL AMENDING THE GENERAL FUND BUDGET FOR
FISCAL YEAR 2015-2016 BY ALLOCATING CONSTRUCTION SURETY
BOND PROCEEDS TO COMPLETE THE BLUE CYPRESS SUBDIVISION
IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.
(FORMERLY CONSENT ITEM 6I)

Mr. Schofield introduced the item.

Vice Mayor McGovern indicated two public comment cards were received on this item.

1. Alexander Domb, 10633 Versailles Blvd, Wellington. Mr. Domb stated his office was located at 11199 Polo Club Road in Wellington. He indicated there is litigation between the Village of Wellington and his client, Palm Beach Polo Holdings, Inc. He stated the Village Attorney was present and this was a public forum. He said he was representing his client at this hearing, but he believed it was not an ex-parte communication. He indicated there were two issues:
 - a) Wrongful revocation of their Letter of Credit; and
 - b) Letting this particular contract under the terms and conditions set forth.

Mr. Domb explained this property and this matter was the result of one of only two in the history of Wellington attempts by the former regime to unapprove a project that had already been previously approved. He further explained:

- On March 6, 2012, land development permit 12-0266 was issued to Palm Beach Polo Holdings, Inc. for the construction of the improvements necessary for a new subdivision called Blue Cypress within Palm Beach Polo.
- In May 2012, Palm Beach Polo Holdings actually commenced the construction of the improvements and the infrastructure for that subdivision.
- On about June 28, 2012, the former Village Engineer commenced an investigation into whether or not the permit was properly issued, and subsequently sent a letter suspending all work on that project and started a 5.1.15 process.
- On July 12, 2012, Palm Beach Polo Holdings filed suit against the Village of Wellington for injunctive and declaratory relief.

Mr. Domb stated they entered into a settlement agreement. He said on page 4, paragraph 7, it talks about the time period in which to complete the improvements. He believed this paragraph controlled the deal between the parties. However, it does not indicate when it commences or ends, and as a result Palm Beach Polo Holdings' Letter of Credit was revoked by the Village Engineer unilaterally.

- On January 14, 2016, Mr. Domb sent a letter suggesting that Palm Beach Polo Holdings disagreed with the 33 month time period and that it did not expire on January 15, 2016. However, even if it did, they asked for a one year extension.
- On January 19, 2016, Mr. Riebe basically said that Mr. Domb was incorrect in his interpretation of the Settlement Agreement. Mr. Domb stated the Village Engineer was practicing law and told him what the Settlement Agreement said and that no additional time was authorized. However, paragraph 7 of the Settlement Agreement does not say that no additional time will be authorized.

Mr. Domb explained there were other issues:

- On January 20, 2016, Mr. Domb sent another response and asked for a Planning and Zoning interpretation.
- On January 20, 2016, Mr. Domb received an e-mail from Laurie Cohen, Village Attorney, indicating that he had no right to an interpretation, that she denied his interpretation, that 1.121 was not available to him, and the engineer was fully within his rights to call the bond.

Mr. Domb stated Palm Beach Polo Holdings has had no success in dealing with the fact that their Letter of Credit was revoked untimely and unnecessarily. He believed the Village had now put themselves in a position to have to build a road to nowhere. He said this was not really about building a 12 foot road, but about Neil Hirsch's property next door and providing access and utilities to his three lots.

He stated the contract the Village was about to let, contracts them to build a road with drainage. He said the budget shows the actual cost according to the engineer of \$79,000+, and with 10% it is \$87,000. However, the Village Engineer has taken \$167,000 of Palm Beach Polo Holdings' Letter of Credit to do this.

Mr. Domb indicated, looking at Simmons & White on page 8 of the cost estimate, it shows what is required to be done. He stated this estimate was to put in a water line, sewer line, road drainage, and other issues. He said this was not in the Village's contract that was about to be let.

He asked Council to look at the Grant of Easement that Palm Beach Polo Holdings was obligated to provide Chukker Holdings. Looking at page 2 of the Grant of Easement, it says "For the purposes hereof, utility service shall be deemed to include water, sewer, cable, telephone, drainage and access." He stated that was not what the Village is contracting to have happen. He said if the Village grants this contract, it will be requiring Palm Beach Polo Holdings to redo this road in order to put in what they were obligated to put in.

Mr. Domb asked the Council to either postpone this item, give Palm Beach Polo Holdings back their \$167,000, or grant them an extension and let them build the road they are supposed to build based on the bond that was untimely revoked.

2. Mike Nelson, 11199 Polo Club Road, Wellington. Mr. Nelson stated he was the President of Effective Solutions and he was there representing Palm Beach Polo Holdings as agent and consultant. He said he was the person most familiar with Blue Cypress and its history. He explained this was not about water and sewer, as it was about Neil Hirsch and Glenn Straub, both multimillionaires, fighting over the end of a polo field. He explained Neil Hirsch has been trying to buy Mr. Straub's half of the polo field for years, but a price has never been agreed upon. When Mr. Greene got on Council, Mr. Hirsch decided to use Mr. Greene as a liaison to work with Mr. Riebe to find something wrong to stop the project. Mr. Nelson stated they went back sixteen years and found an issue with an application that was signed, and claimed it was fraudulently made. He acknowledged their agent, Simmons & White, made a mistake, but the Village was able to stop the project.

Mr. Nelson explained they came up with a Settlement Agreement, as the fight was not over 67 lots but over 10 lots. He indicated in 1999, Mr. Hirsch did not want any houses backing up to his property, so he bought three lots from Mr. Straub. After several years the project was replatted for 67 single family homes and the fight continued. Mr. Hirsch stated he did not want 10 houses backed up against his property, so the Village had to find something wrong with the project. He said they went through litigation and finally agreed to let Planning and Zoning make the decision.

He noted Palm Beach Polo Holdings knew if they lost, they would have the right to go to Circuit Court and, if they lost in court, they would build the road.

Mr. Nelson stated Palm Beach Polo Holdings always understood it was 33 months from the date the litigation was determined. He asked what would happen if the litigation still was unresolved and sitting in an appeals court. He asked what if the Village forced them to build the road, and the Judge came back and said they did not have to build it. He stated that was what they were facing right now. He said what makes it worse was the three lots they are to bring utilities to do not exist anymore, as Mr. Hirsch built a big lake to have more drainage for his property. He also indicated there was no urgency, as there was no place to go. He said this was truly a road to nowhere.

Mr. Nelson stated he could not believe the Village Attorney, Village Manager, and Village Engineer missed the fact that it did not include the water and perhaps wastewater for \$134,000. He thought it would be in the best interest of everyone if Council stepped back, tabled this motion tonight, and let the property owners discuss this with someone responsible on Council.

Mr. Schofield corrected a few points for the record. He stated Mr. Domb and Mr. Nelson were correct that the Wynn and Sons contract does not include water and sewer, except it includes the deep sanitary, which is why the cost is at \$130,000. He said the next paragraph talks about work and materials, not included as part of this proposed contract with Wynn and Sons and will be provided by other contractors and vendors, which total \$36,500. He indicated that was the water and sewer Mr. Riebe addressed when they spoke about it. He stated all of the required improvements for that bond will be constructed. He said, as they will recall, in order to deal with some of the costs, the Village would be buying materials and doing some of the oversight.

Ms. Cohen added that all of these arguments were raised at the emergency motion for temporary injunction. She said they had a full hearing on these issues, the court listened to the evidence, and the court denied the injunction. She stated although there is a case still pending, there has been no effort to move this case forward by the plaintiffs.

Mr. Nelson stated the injunction was an effort to stop the Village from taking their money. He said they did not lose the fact they were still fighting over the 33 months.

Mayor Gerwig thanked the speakers for their information. She stated there was a Settlement Agreement and they were involved in litigation. She said it was not a simple issue, but she felt Council has been fair to listen to all of the comments. She asked if Council had any further conversation.

Councilman Napoleone stated the Village Manager addressed his main concern as to whether the contract was to complete all of the work that was to be done. Mr. Schofield indicated the water and wastewater lines will be put in, but it is a separate contract from Wynn and Sons and it will include some work on the Village's part.

Vice Mayor McGovern asked if any litigation was pending in this matter, other than the temporary injunction. Ms. Cohen indicated there was none. She stated the 33 month issue was raised in the injunction action that is currently pending and it has moved forward since the denial of the temporary injunction. She also mentioned there was a Petition for Certiorari on the underlying site plan revocation that was considered by the court and the writ was denied.

Mayor Gerwig thought the 33 months was really the question at this point. Ms. Cohen stated that was Palm Beach Polo Holdings' contention, but staff believes it is clear.

Councilman Drahos stated the 33 months was brought up in the injunction hearing. Ms. Cohen explained in the Settlement Agreement, Palm Beach Polo Holdings had 33 months to construct the road and the improvements. She believed the 33 months ran from the decision by the Planning and Zoning Board. She said Palm Beach Polo Holdings was notified that the expiration was approaching and told they needed to build the road or the Village would call the Letter of Credit. Palm Beach Polo Holdings then filed the injunction to stop the Village from doing so. The court listened to the arguments regarding the 33 months and other arguments, and denied the temporary injunction. Ms. Cohen indicated the case is still pending, but if it is moved forward, she assumed it will be heard.

Mayor Gerwig asked what would happen if the Village did not build the road. Ms. Cohen stated the Village has an obligation, under the Settlement Agreement, to construct the road. She said they also have an obligation to the other party, Chucker Holdings, to construct the road.

Mayor Gerwig understood the Village was a party to this Settlement Agreement, which was why they are enforcing the 33 months. Ms. Cohen stated that was correct.

Vice Mayor McGovern stated the agreement was signed in August 2012. Ms. Cohen explained 24 months is normally allowed for the construction of improvements. She stated Letters of Credit are issued for one year and usually have a one year extension. She said the Land Development Permits (LDP) expire in 24 months, so there is never a need to have a Letter of Credit that exceeds that 24 month period. She stated the 33 months was contemplating the exhaustion of the appeal, if there was any, from the decision of PZAB regarding the misrepresentation.

Vice Mayor McGovern stated the language in paragraph 7 stated "representing 20 months ordinarily given, plus one twelve month extension." Ms. Cohen indicated it was usually 20 months with a 24 month Letter of Credit. She explained the LDPs expire in 24 months, but Palm Beach Polo Holdings was given 33 months to allow for the time that was needed in order to exhaust their appellate remedies if there was an adverse ruling by PZAB. She stated there was an adverse ruling and Palm Beach Polo Holdings filed the petition for cert, and the court denied the petition prior to the expiration of the 33 months. She said Palm Beach Polo Holdings was given notice in October 2014 and December 2015 that the time for building the road was approaching. When they did not build the road, the Village followed through and called the Letter of Credit.

Councilman Drahos asked if Wellington had anything to do with the design of the road. Mayor Gerwig recalled that the Village Engineer worked with the parties to come up with a way to provide access to those lots. Ms. Cohen stated a revised layout was part of the settlement, which she believed was attached as an exhibit to the Settlement Agreement. She said it was agreed to by all parties.

Mayor Gerwig understood the layout was not the best solution, but it met the engineering requirements of providing access and utility services to that area. Ms. Cohen indicated staff has communicated with the attorney for Chukker Holdings and they want the road built as it is currently laid out. Mr. Schofield stated that staff basically agreed that this was probably not the ideal solution for anybody noting he spoke with Chukker Holdings.

Regarding the 33 month requirement, Mr. Schofield stated the original resolution that approved that, R2013-27, is dated April 9, 2013, and 33 months is specifically called out in section 5. He

said it was staff's contention that the 33 months began with the date that resolution was signed and adopted.

Councilman Napoleone indicated Council had extensively discussed this, previously and tonight. He said they have heard from the opposition, and he believed all of the issues have been answered and resolved. He thought it was time to put this issue to bed in accordance with the terms of the agreement.

A motion was made by Councilman Napoleone to Award a Contract for the Construction of Improvements for the Blue Cypress Subdivision and Resolution No. R2016-52 for Budget Amendment #2016-041.

Councilman Drahos agreed Council had talked about this issue quite a bit. But a resident requested that it be pulled from Consent, so he appreciated Council for allowing that to happen. He did want to hear what everyone had to say so tonight. He said he took it all into consideration, which is why he is going to second Councilman Napoleone's motion.

The motion was seconded by Councilman Drahos, voted on, and unanimously passed (5-0).

Mr. Schofield indicated no public comment cards were received.

9. PUBLIC FORUM

Mr. Schofield stated no comment cards were received for the Public Forum.

10. ATTORNEY'S REPORT

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

- She asked Council to designate someone to attend the mediation in the 2004 enforcement case and permit case which would probably be scheduled during the first two weeks in September. Councilman Drahos volunteered to attend the mediation.
- She indicated Councilman Napoleone volunteered for the flooding case, which is scheduled for mediation on August 29, 2016. Vice Mayor McGovern stated he would be available to be the back-up if need be.
- She stated the 90 days has expired on the 130 violations in the Big Blue code enforcement case. She asked if Council wanted to pursue foreclosure proceedings or see if Big Blue had any desire to resolve it. She said nothing else was pending on this case. She indicated the fine is over \$2 million, so there is certainly room to negotiate a settlement.

Mayor Gerwig asked if Big Blue had provided the restoration plan as requested. Ms. Cohen stated, to her knowledge, they had not.

Councilman Drahos asked for Ms. Cohen's recommendation. Ms. Cohen suggested they reach out to Big Blue one more time to see if they could get some movement towards a settlement, a restoration plan, and an agreement on whether portions of the time should be abated, because they have not been able to get in there to come up with a restoration plan, and then discuss a timeframe for doing those things.

Mr. Schofield stated this has been a long and ongoing issue. He said staff had a conversation with Big Blue a few weeks ago about coming up with a mitigation plan. He stated part of the

problem was that on July 1st, the Village will begin pumping into Big Blue and the water level is around 15 now. He estimated it will not be dry enough until mid-December to get in there on the ground. He stated work was done, but he thought it would be a good idea to start talking to Big Blue. He indicated there were violations other than the restoration plan.

Ms. Cohen stated timeframes could be setup for Big Blue to do certain things. Mayor Gerwig thought that would be difficult if Big Blue could not access the areas the Village is insistent upon being restored. Ms. Cohen clarified that there have been time periods during the running of this continuing fine where Big Blue could have gotten access and did not.

Mayor Gerwig said she wanted to try again. She thought it would just head to another form of litigation, but she would rather see it be resolved if possible. She suggested they work with the parties and Mr. Schofield on a date when they could get in there.

Mr. Schofield stated he did not know if they could get in there, as it depended on how much rain they get and how long it would take to dry out. He said he could put the Village biologist in touch with Big Blue. He noted there have been plenty of times to do this. However, at this point, the Village has been able to get some things done with Big Blue. He said if they could not agree on some things between now and then, he probably would not wait until December to come back to Council to discuss this again. He indicated he would like some time and perhaps staff could readdress this with Council in September.

Mayor Gerwig suggested they readdress this at the first meeting in October. Ms. Cohen thought that would give them time to work out some sort of process and commitment as to when things will be done.

Vice Mayor McGovern stated that would be fine as long as they agreed all of this would be resolved, so that Council could discuss it and make some decisions by the first meeting in October. Ms. Cohen said they would either have some consensus or some kind of agreement or recommendation for Council, or they will be asking Council to authorize the foreclosure.

Mayor Gerwig thought they would first need a restoration plan that both parties agreed to and then Big Blue would have to implement it. She believed until that happened, they could not stop the fine from accruing. Ms. Cohen stated they may recommend that during the wet periods or some of the wet periods that the fines be abated during that period. She said they may also recommend a fine reduction based on that or some further fine reduction if they are able to come to some agreement.

Mayor Gerwig stated the goal was to get the restoration done. She said to get it done they have to be able to get in there and produce a restoration plan. Until they had that, she did not know what else they could do.

Councilman Napoleone thought they needed to put a deadline on this to get it done.

Vice Mayor McGovern stated the fine has accrued to a number in excess of \$2 million. He thought any kind of schedule and deadlines needed to be worked out in full by the first Council Meeting in October. He believed all five of them have said that it is time to wrap up these ongoing litigation matters.

Mayor Gerwig asked if this was still a code enforcement matter. Ms. Cohen stated the code enforcement process was over. She said at this point it is just a continuing fine with a lien on the

property.

Councilman Napoleone suggested staff try to resolve the issue before the Village forecloses on the property. Mr. Schofield stated the fact is if the parties cannot come up with a plan or reach an agreement by October 1, they are not going to. He said they would have six weeks to do this. Mayor Gerwig indicated Council was in agreement.

11. MANAGER'S REPORT

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

- The next regular Council Meeting will be held on Tuesday, August 23rd, at 7:00 p.m. in the Council Chambers.
- He reminded them that a Council Direction Workshop will begin at 9:00 AM the following morning.
- He stated the gym at Village Park will be closed for floor maintenance from August 15th to September 5th. The original gym will be closed from September 1st to September 5th.
- He announced that Forrest Hill Blvd is currently under construction and will be for several months. He stated the road has been reduced to two lanes and urged everyone to be cautious.

12. COUNCIL REPORTS

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

- She thanked Captain Silva and the police officers for providing the update on Wellington.
- She stated she missed the Community Center opening; however, she talked to residents and saw a lot of great pictures. She said it looked fantastic and she was excited for the Village to have the facility.
- She wished everyone a happy and safe back-to-school. She stated she was looking forward to working with the schools and seeing if there is anything the Village can do for them this year.
- She thought Jaidyn Brodie was adorable. Councilwoman Siskind believed she could attend the mini golf tournament to support the Leukemia & Lymphoma Society. She indicated it was the same day and time as the Coastal Cleanup at Tiger Shark Cove Park, so maybe they could divide and conquer.
- She stated she was looking forward to attending the League of Cities Conference with her fellow Council members.

VICE MAYOR MCGOVERN: Vice Mayor McGovern presented the following report:

- He sent best wishes to all of the teachers, principals, parents and students for a safe, successful and exciting school year.
- He thanked the Village staff and all involved in making the Community Center a reality. He said the Grand Opening was excellent. He believed it was going to be a great facility for the future of the Village.
- He thought it was good news that the Village was progressing towards being open five days a week with this upcoming budget.

COUNCILMAN DRAHOS: Councilman Drahos presented the following report:

- He stated staff did a fantastic job with the Grand Opening of the Community Center this past weekend. He said he has loved every minute that he has been in this role, but when they get

to show up and cut a ribbon for something like that, it is quite a thrill.

- He stated tomorrow Council will have an opportunity to discuss their vision and what contributions they plan to make to the community. He said he looked forward to doing that as he has enjoyed working with them. He believed this Council was going to do some great things over the course of the next few years.

COUNCILMAN NAPOLEONE: Councilman Napoleone presented the following report:

- He echoed the previous comments regarding the Community Center. He said he is constantly impressed by how staff goes over and above for every event. He stated it is a fantastic new facility that completes the heart of Wellington. He thought it was a tremendous investment in their residents.
- He stated with school starting on Monday, everyone should be prepared to spend a little more time in traffic. He wanted everyone to take their time, slow down at the blinking lights in the school zones, and watch for kids crossing the roads.
- He indicated the Village was stepping up its mosquito spraying. He indicated the Village website has a schedule of when the different zones will be sprayed.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- Mayor Gerwig stated the Village was not facing Zika at this moment. She said everyone needs to stay calm and be responsible: use spray, wear long sleeves, empty standing water. She noted the schedule for spraying is subjective to the weather, as they cannot spray when it is raining.

Mr. Schofield indicated a monthly schedule is published, but it is updated weekly because of the environmental factors. He said their intention is to spray late at night, around 11:00 PM and later. He stated if they receive a number of complaints from a certain area, they will respray that area.

- Mayor Gerwig indicated Congresswoman Lois Frankel invited all of the mayors from Palm Beach County to a Mayors Roundtable. She said Ms. Frankel listened to their issues once again and was receptive. Mayor Gerwig believes they will have an opinion within a month. She believed the Village can craft an ordinance regulating group homes to make the neighborhoods safer and function better, and be within the federal guidelines. She said that is what they are looking to Ms. Frankel for. She indicated Ms. Frankel asked about the blue-green algae and the things federal legislature can really help with. She thanked Ms. Frankel for that and for listening to them. She noted Ms. Frankel was accessible to all of them on Council, as they could reach her pretty easily.
- She thought staff did a fantastic job with the Grand Opening of the Community Center. She said she got the last minute tour and the entire Recreation Department staff was in there ironing, steaming and vacuuming. Mr. Schofield noted the Community Center was available for booking.
- She thanked *Wellington the Magazine* for being there. She said they did a photo of all the mayors as well as a photo of Council. She stated she was looking forward to the special Wellington Council and Mayors Past and Present Edition.
- She stated she was looking forward to their workshop the next day, where Council could talk about what matters to them and their residents and work together on it. She said it was a really good feeling to be the Mayor of Wellington and to have a Council that she wants to be with, as it is a great group.
- She was thankful that the other Council members would be able to cover for her at the mini golf tournament organized by Jaidyn Brodie for LLS. She asked if Liz Nunez and the Public Information office could do a video with Ms. Brodie to promote the Leukemia & Lymphoma

Society. She explained Jaidyn got involved with the LLS, because her grandfather has a form of Leukemia and is in treatment. Mr. Schofield indicated he just sent an e-mail to Communications informing them of this request.

13. ADJOURNMENT

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

Approved:

Anne Gerwig, Mayor

Rachel Callovi, Clerk