

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

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

**Tuesday, August 23, 2016
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, August 23, 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** – Council led the Pledge of Allegiance.
3. **INVOCATION** – Rev. Peter Bartuska, Christ Community Church, delivered the Invocation.
4. **APPROVAL OF AGENDA**

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

1. Add Legislative Update by Chris Coker and Screven Watson to Presentations and Proclamations.
2. Regarding item 6D, Resolution No. R2016-61 (Regular Council Meeting Schedule), Mr. Schofield stated they could make the changes discussed yesterday and read them into the record or pull the item to discuss it. Ms. Callovi indicated for the October 11th Council Meeting, they discussed holding the Agenda Review Meeting on Monday, October 10th, and move the Village Council Meeting to Thursday, October 13th. She said the Council Meeting in April conflicts with Passover and the recommendation was to hold the Agenda Review Meeting on Friday, April 7th and move the Village Council Meeting to Monday, April 10th.
3. Regarding item 6E, Resolution No. R2016-60 (Annual Listing of Proclamations), Councilwoman Siskind suggested adding National Down Syndrome week or day in September as well as LGBT history month to October and/or LGBT pride month to June. Vice Mayor McGovern wanted to add National Autism Awareness month to April and Hispanic Heritage month from September to October.

Council agreed to these recommendations. Mayor Gerwig indicated any other suggestions could be brought forward at any time.

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

5. PRESENTATIONS AND PROCLAMATIONS

A. LEGISLATIVE UPDATE BY CHRIS COKER AND SCREVEN WATSON

Mr. Schofield introduced the item.

Mr. Coker indicated he and Mr. Watson were going to talk about what they do as lobbyists, about what happened in the last legislative session as well as the session before, and what they foresee happening in the 2017 legislative session. He stated he and Mr. Watson have worked well as a team for a long time and they hope to represent the Village of Wellington for many years to come.

For the new members of Council, Mr. Watson explained how the process works. He stated Council has workshops and meetings with the manager and staff to review the bills being filed and the appropriation process. Then the Village provides Mr. Coker and Mr. Watson with a list of bills that need to be monitored or worked for them to either pass or fail. Meanwhile as bills or amendments pop up unexpectedly, Mr. Coker and Mr. Watson relay that information back to staff to see how it will affect the Village. Mr. Watson stated this process has worked very well.

Mr. Watson spoke about the last two legislative sessions. He stated in 2015 the House and Senate did not get along, so it was very contentious and not much got done. He said in 2016, the last session, the tone was "can't they just all get along." He indicated in the very first week of session, the two most important bills that had died in 2015 were passed. He stated Speaker Chrisafulli's water bill, the first comprehensive water policy in Florida, and President of the Senate's priority of developmentally disabled children, education funding and others were passed as well. Mr. Watson also reviewed some of the unfunded mandates and bills that did not pass.

Mr. Watson expected a huge turnover in the Florida legislature in 2017, because of the term limits and every Senator being up for re-election. He said there will be more than twenty new members of the Florida Senate and as few as three of the fourteen members in the Democratic caucus can come back. He noted the Republicans will have the same numbers. He indicated the House will have forty-three new members and the freshman class of the democratic caucus will have twenty new freshmen. So there was going to be a lot of new people and a lot of changes, which is good and bad. He said it will be good because of the fresh ideas and new energy, but it will be bad because of the loss of institutional knowledge and the need to re-educate.

For 2017, Mr. Watson predicted that the presiding officers, President Negron and Speaker Corcoran would wield unusual power and what is important to them would rule the day. He stated the Speaker is very conservative, free market oriented, into fiscal responsibility, and for transparency in government. He speculated they will be seeing disclosures for elective officials and lobbyists as well as more information on the web in terms of budgetaries, contracts or RFPs. He stated the President of the Senate is going to be very focused on the estuaries, as he is from Martin County. Mr. Watson noted there have been a lot of comments about water flow and land acquisitions.

Mr. Watson believed the other issues would be Zika, workers' compensation and Amendment 1. He explained Amendment 1 was implemented last year, but people are getting suspicious of

how that money is going to be allocated. As such, he thought they were going to see some geographic wars. He stated they will continue dealing with health care funding, as it is a huge part of the budget, as well as discussing transportation appropriations.

Mr. Watson mentioned water is always discussed in their conversations with Mr. Schofield. He stated they will be having a dialogue about monitoring the water bill that was passed. He said with Wellington's proximity to the water conservation area, the estuaries and the Everglades Agricultural Area as well as its own water and plumbing issues, it is important that Mr. Coker and Mr. Watson remain a part of these conversations. He stated they needed to be partners and players in this discussion with legislation and budget requests.

Mr. Coker indicated the appropriations process is tricky in the State of Florida. He stated there is a lot of infrastructure to maintain and it comes at a high cost. He said in 2016, the legislature passed a record \$82 billion budget: 24% healthcare, 23% education, 10% transportation, 6% pension, 9% safety and protection, and 17% for everything else. He explained the importance of his and Mr. Watson's jobs is to help the Village make the best decisions possible, give good advice, and manage expectations when it comes to certain projects. He mentioned the Governor vetoed \$451 million in projects the year before and he is going to do the same in the next session. Thus, hometown projects will not stand a chance.

Mr. Coker stated he would like to hear Council's ideas on some appropriation projects. He suggested they think on a larger scale and move away from the local projects. He said they could try getting some appropriation funds for infrastructure or water projects with their big partners like the Water Management District or Palm Beach County. Mr. Coker stated he and Mr. Watson were there to help the Village make smart decisions about what they want to go after. He said they were available anytime to discuss how the process works.

Mayor Gerwig thought the Governor needed a fantastic water project to put a feather in his cap to show that he is following through on that effort. She thought it was important and something that might work regionally.

Councilman Drahos asked if sober homes might be discussed in the next session. Mr. Watson stated over the past couple of years sober homes have been a priority of Senator Clemens and it has been discussed at every session. However, Mr. Watson did not think the two presiding officers were going to spend much time on issues they believed were dead on arrival.

Mayor Gerwig indicated the Village has been working with Lois Frankel at the federal level on this as well to get some clarification. Mr. Watson indicated sometimes it takes three or four years in Tallahassee to work through the process. Mr. Coker explained when there is a new concept, something that has not been floated around in past years, it has to be addressed from the ground up. Mr. Watson mentioned the Palm Beach County Delegation has been in the lead on the sober home issue. Mayor Gerwig indicated they got something started on a voluntary basis for registration and compliance. Vice Mayor McGovern asked Mr. Coker and Mr. Watson to keep an eye on this issue, as it is something the Council and the residents are concerned about.

Vice Mayor McGovern asked about the Constitution Revision Commission. Mr. Watson explained the Governor has the control, as he makes most of the appointments for the 25 members, plus a Chair. He said the Speaker and the Senate President make the rest of the appointments, along with the Chief Justice of the Supreme Court. He stated a lot of people

have not focused on the Constitution Revision Commission, but that is where a lot of change, good, bad or indifferent, can happen.

Mr. Watson mentioned there is a lot of speculation that this Governor and two presiding officers, and the people they appoint, are going to be very active. He stated he and Mr. Coker will be monitoring the situation.

Council thanked Mr. Coker and Mr. Watson for their presentation.

6. CONSENT AGENDA

- A. 15-1020** AUTHORIZATION TO UTILIZE AN EXISTING NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA) CONTRACT, AS A BASIS FOR PRICING, WITH MUNICIPAL CODE CORPORATION, INC. (MCCI) FOR LASERFICHE DOCUMENT MANAGEMENT ANNUAL LICENSING, MAINTENANCE AND SUPPORT
- B. 15-1023** AUTHORIZATION TO AWARD A SOLE SOURCE CONTRACT FOR THE PURCHASE OF BADGER WATER METERS AND COMPONENTS
- C. 16-0358** RESOLUTION NO. R2016-59 (AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR THE PROVISION OF INMATE LABOR FOR MAINTENANCE OF THE WELLINGTON ENVIRONMENTAL PRESERVE AT THE MARJORY STONEMAN DOUGLAS EVERGLADES HABITAT):
A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AND AUTHORIZING THE MANAGER OR DESIGNEE TO EXECUTE THE CONTRACT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS TO PROVIDE FOR THE USE OF INMATE LABOR IN WORK PROGRAMS WITHIN THE WELLINGTON ENVIRONMENTAL PRESERVE AT THE MARJORY STONEMAN DOUGLAS EVERGLADES HABITAT; AND PROVIDING AN EFFECTIVE DATE.
- D. 16-0362** RESOLUTION NO. R2016-61 (REGULAR COUNCIL MEETING SCHEDULE):
A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING A SCHEDULE FOR REGULAR COUNCIL MEETINGS FOR 2016/2017; AND PROVIDING AN EFFECTIVE DATE.
- E. 16-0363** RESOLUTION NO. R2016-60 (ANNUAL LISTING OF PROCLAMATIONS):
A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE MAYOR TO EXECUTE CERTAIN PROCLAMATIONS FOR FISCAL YEAR 2016/2017; AND PROVIDING AN EFFECTIVE DATE.

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

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

7. PUBLIC FORUM

Mayor Gerwig indicated one comment card was received from the public.

1. Francis Brousseau, 11361 Pine Valley Drive, Wellington. Mr. Brousseau stated he has lived at this address for 36 years. He indicated a while back they had a walking tour through his neighborhood with a code enforcement officer and a police officer. He stated he voiced his concern about people not cleaning up after their dogs, but code enforcement indicated it might be a budget issue. Mr. Schofield stated Mr. Barnes will get with Mr. Brousseau to address this issue.

8. PUBLIC HEARINGS

- A. 16-0344** ORDINANCE NO. 2016-12 (BED AND BREAKFAST ZONING TEXT AMENDMENT):
AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, PROPOSING A ZONING TEXT AMENDMENT (PETITION NUMBER 16-010/2016-001ZTA) AMENDING SECTION 6.4.4.20 OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS RELATED TO BED AND BREAKFAST ESTABLISHMENTS; AMENDING SECTION 6.10.7.B.4 OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS RELATED TO BED AND BREAKFAST ESTABLISHMENTS IN THE EQUESTRIAN OVERLAY ZONING DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Basehart explained this Ordinance modifies two sections of the zoning code. He stated section 6.4.4.20 of the Land Development Regulations regulates bed and breakfast (B&B) facilities in all areas of Wellington not within the Equestrian Overlay Zoning District (EOZD). He said section 6.10.7.B.4 is the portion of the code or EOZD Ordinance that contains the B&B provisions.

Mr. Basehart reviewed the amendments that are being proposed:

1. Development Review Committee (DRC) approval for B&B facilities, which is currently regulated by special use permit issued by an individual staff member. The DRC consists of members from all of the relevant departments.
2. Minimum requirement of two acres, as there is no requirement currently. Any property in Wellington that meets the other criteria would be eligible to have a B&B. The current requirement in the EOZD is three acres and staff is proposing to reduce it to two acres to make it consistent across the board.
3. Regarding guest rooms, staff is recommending the same number in the EOZD as in the balance of the community. A minimum of two acres but less than five acres would be limited to five bedrooms or five rooms for rent, but it could go up to eight rooms. Mr. Basehart explained currently in the EOZD and the other areas, the limit is five rooms. He said it was suggested the reason there are no B&B facilities is because the limit on the number of rooms that could be rented does not make it feasible. He reminded Council a private application was submitted and the original request for ten rooms over the course of the review of the proposal has been reduced to eight maximum. He indicated a provision was added that allows for alterations to the structures. He said, generally speaking, the B&B facilities are conversions of homes for that use and, if the homes are more than a few years old, there are no ADA requirements. However, staff believes that ADA requirements should be met if people are going to begin using it as a B&B. He stated what has been written into the code "at least

one sleeping room for rent and one bathroom would have to meet handicap requirements, in terms of access, door widths, etc.” would apply to all B&B facilities.

4. Signage limitations would be somewhat more restrictive. Currently, the code says a sign is allowed with a B&B if a variance is obtained from the Board of Adjustment (PZAB). Mr. Basehart noted this does not include any size limitations. Looking at these types of facilities in the county and in the area, most B&B’s have very small, non-obstructive signs, so the limit would be four square feet or two feet by two feet. He stated all they would be able to announce is the name of the B&B facility.

For the record, Mayor Gerwig stated they discussed the lighting issue at yesterday’s Agenda Review. Mr. Basehart indicated staff would have a change drafted for second reading that limits the signs to up-lighting with no internal lighting allowed. He noted neon lights were not allowed anywhere in the Village.

5. There are currently no requirements in the code for public water and wastewater. Mr. Basehart said staff was proposing language that basically requires the B&B facilities to be connected to public water and sewer if it is available. He said no facility can operate on well and septic unless approved by the Village Engineer. He indicated the Palm Beach County Health Department was added because it is the agency that approves that.
6. A thirty day limit on any individual stay, based on input received from Council.
7. There are currently no specific parking requirements for B&B facilities. Mr. Basehart stated staff was requiring the normal two spaces that would be required for any single family home. He recalled from the latest amendments to the parking ordinance, when a single family home has more than four bedrooms, one additional parking space is required for each additional bedroom. He stated that will continue to be the case, plus one parking space will be required for every room for rent.
8. For B&B facilities within the EOZD, the stalls can only be rented to the people who are staying at the facility and the barns will be required to provide separate parking in accordance with the normal parking requirements for barns. Mr. Basehart stated no tents or temporary stabling would be allowed.
9. For properties within the EOZD, there will be a separation requirement of one quarter mile. Mr. Basehart indicated the B&B facilities will have to be within one quarter mile from a collector or arterial road and not located deep in residential communities. He noted the code currently had a separation requirement of 1320 feet, which has not been changed.

Councilman Napoleone stated the separation requirement for the B&B facilities outside the EOZD was also added, as it does not currently exist. He said the one quarter mile separation helps to eliminate a row or cluster of B&B facilities.

Mr. Basehart showed Council a map of the areas that would be eligible for consideration of B&B facilities. He said the map does not reflect the separation requirements, so the number would be much smaller.

Mayor Gerwig noted some of the properties are within Property Owners Associations (POA), where B&B’s or commercial activity of any kind is not allowed. Ms. Cramer noted the map just indicates those properties within the EOZD that are over two acres and within so many feet of an arterial road. She stated if they applied what staff was proposing in the code with the separation requirements, it would be less than what appears on the map and then they would have to subtract any of those properties that may have other restrictions that the Village does not enforce. Mr. Basehart stated that would also include any communities after today that adopt such requirements or form POA’s.

Mr. Basehart stated staff's recommendation was for approval of the ordinance with the changes that have been made and discussed. He indicated the Equestrian Committee suggested that the B&B facilities should be conditional uses and have to come to Council. He said the Planning, Zoning and Adjustment Board (PZAB) did not support that recommendation and wanted to make sure the separation requirement remained in the code. He stated the original proposal was for eight bedrooms to be allowed on any property eligible for a B&B facility. He said PZAB initially recommended it be limited to five rooms under five acres and eight rooms over five acres. He stated PZAB recommended approval by a 5-1 vote.

Councilman Napoleone thanked staff for all their time and effort as well as the Equestrian Preserve Committee (EPC) and PZAB for reworking this and coming up with a good solution.

Councilman Napoleone asked why the requirement for being one quarter mile off a collector road in the EOZD did not apply outside the EOZD. Mr. Basehart believed in reality, with the two acre minimum, there were very few places outside the EOZD where B&B facilities could meet the eligibility requirements.

Mayor Gerwig asked if combining two, one acre lots would meet the two acre requirement. Ms. Cramer stated the requirement would be met if the lots were unified.

Councilman Napoleone thought originally, in the EOZD, the B&B had to be on a collector road, but it was then realized there was really nowhere to put a B&B on a collector road, because there was no entrance. So it was decided that B&B facilities could be set off of a collector road, but no more than one quarter mile away to limit the traffic through residential areas. He asked if Council wanted that same one quarter mile requirement in their residential communities, as it was not included in what was before them tonight.

Councilman Drahos was pleased with the evolution of this ordinance, as they were tightening up the restrictions.

Councilman Drahos asked Council if they wanted to discuss the owner/operator a bit more to give staff some guidance. Ms. Cohen stated she looked at some other ordinances in the state and they all restrict B&B's to owner/operator facilities, but they do not provide a particular definition of owner/operator nor do they discuss if the owner is a corporate entity. She said, in thinking about this, the Village could not say that the owners could not take advantage of the corporate form of ownership for property, and many properties in the Village are owned by a corporate entity. She stated the Village could perhaps require an affidavit from the property owner or an authorized corporate representative stating that the individual residing on the property and operating the B&B is a 25% owner. She said it could be the managing member if it is an LLC or the general partner if it is a limited partnership. She explained if that general partner is a corporation, then they are left with the officers and directors. She stated the owners of that corporation actually are the shareholders, but the shareholders act through their board of directors. She thought that might be why some of the ordinances she researched in other areas of the state did not actually define the term owner/operator. As a practical matter, she believed the Village was not going to have any C corporations, because typically the ownership is in an LLC. She said she has seen many ownerships and limited partnerships, but she thought requiring an affidavit would go a long way towards ensuring that someone with an interest in the corporate entity was actually running the property and living there. She also thought that could be addressed through the DRC process.

Councilman Napoleone thought Council's concern was having these B&B facilities become

commercial projects run by absentee owners, as traditionally B&B's are run by people who live on the property and service it. He stated if the owners of the property want to turn it into a B&B and want to form a corporation to protect themselves from liability that was fine, as long as they are the owners of that company or LLC. However, he suggested they avoid having someone with a 1% ownership interest just to satisfy the requirement of being an owner, because then it really is a corporate entity being run somewhere else.

Ms. Cohen thought this is where an affidavit would come into play and require a 25% ownership interest. She did not know how to do it any other way, because if the Village starts to require partnership agreements and the like, they will be subject to public records and it will become very burdensome. She is not sure if this is where they want to go. However, she also did not know if it was going to become an issue, because she did not know how many properties, people or entities were looking to establish B&B facilities. She said it has never been an issue before, and the Village has had looser restrictions than would be in place if this ordinance is passed on second reading. She thought, through the affidavit and the DRC process, they could add an intent section to the ordinance to clearly state its intent.

Councilman Drahos expressed concern that this did not turn into a large corporate, business type of environment. He asked if the intent section could have some language to that effect. Ms. Cohen thought that could be done, but she did not think they could prohibit any particular form of corporate entity from actually owning and operating a B&B. She stated they could also add a requirement to the ordinance that would require an affidavit complying with the intent section. Ms. Cohen indicated she would work with Planning to draft the language.

Mayor Gerwig mentioned she asked Ms. Cohen and staff to research how other cities have managed this issue. Ms. Cohen stated Fernandina Beach's definition of B&B is an owner/occupied residence offering guest rooms and abbreviated breakfast service. She said they do not define what owner/occupied means. She stated B&B's are allowed in high density residential, in the old town historic district, and in the multiuse and central business areas.

Ms. Cohen stated St. Augustine defines a B&B as being a building or part thereof of at least 50 years old or older, other than a hotel, motel or inn, where sleeping accommodations and meals are provided for lodgers by daily charge and which also serves as the residence of the operator or owner. All such establishments must be furnished with period antiques or reproductions that maintain a historic ambiance. She indicated their definition for operator is any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let. She said they define owner to be a person who or entity which alone, jointly or severally with others or in a representative capacity, including without limitation an authorized agent, attorney, executor, personal representative or trustee who has legal or equitable title to any property in question or a tenant if the tenancy is chargeable under the lease for the maintenance of the property. She thought that was a very broad definition. She indicated St. Augustine permits B&B's as a conditional use in a medium density residential area, a high density residential area, and then it is a permitted use in a commercial district.

Ms. Cohen stated Melbourne does not define a resident owner, but they require a resident owner. She said they allow B&B's in one, two and multifamily dwelling medium density districts and multifamily dwelling high density districts, and in residential professional districts. She stated it varies from community to community, and she thought it depends on the particular nature of that community as to where they think that it is appropriate. She thought this was something this Council had to determine – does this ordinance limit B&B facilities to the appropriate areas.

Councilwoman Siskind thought they could add something if they wanted added protection. She reminded them that these changes were prompted by a private application for something that already exists and can be done. She stated the ordinance adds a lot of extra restrictions on what can currently be done which is a good thing. She thought with the parking space restrictions, the setbacks and the distance between them, it would be hard to find an area that would meet all of the requirements. Therefore, they were not going to find commercialization or a big cluster of B&B's. She was comfortable with adding something in, but she also felt this ordinance is very well thought out and puts a lot of restrictions on where B&B's can be located and how they can be operated.

Mayor Gerwig thought the only thing more permissive than before was the number of rooms. She stated they were not looking at that to make this a viable business, as that is not their goal or business as Council. She said they recognize it is probably not going to happen, except under unique circumstances. She liked the idea that barns will be allowed, because that caters to the equestrians. She stated they did not want every home in every neighborhood to turn into a small business. However, she thought they had a unique environment here and this could be a good niche market that could benefit the community. She said that was their goal.

Mayor Gerwig thought for a first reading, they were in pretty good shape. Councilman Drahos agreed. However, he wanted to clarify they went to eight bedrooms and increased the acreage to five acres, which severely limits the areas for B&B's. Mayor Gerwig indicated it would be a nine bedroom house, and they already have nine bedroom homes in plenty of places in Wellington. Councilwoman Siskind stated ten parking spaces would be needed. Vice Mayor McGovern indicated more parking spaces would be required if they had a barn.

Mayor Gerwig wanted to make sure everyone had enough time to weigh-in on this, because it impacts the whole community. Mr. Schofield stated staff could bring it back to Council the second meeting in September instead of the first meeting. Mayor Gerwig stated she would rather do that, as she wanted to address the issue with the grooms' quarters, parking for the grooms' quarters, and stabling/parking requirements.

Vice Mayor McGovern thought they needed to discuss how all of these things were going to fit together as well as the lighting of the sign, as they need to have the actual text/language for that. He said they also needed an affidavit and an intent section.

Mayor Gerwig asked if it was significant enough to table it and bring it back rewritten for first reading. Ms. Cohen stated it was only required to be advertised once, even though they almost always advertise twice. She thought if they advertise it again with the correct title, it would satisfy the requirement.

Public Hearing

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

There being no public comments, a motion was made by Councilman Drahos, seconded by Councilman Napoleone, and unanimously passed (5-0) to close the Public Hearing.

A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0) to approve Ordinance No. 2016-12 on first reading.

Mayor Gerwig announced they were requesting the public's input before the second reading.

B. 16-0371 ORDINANCE NO. 2016-20 (BUILDING HEIGHT ZONING TEXT AMENDMENT [ZTA]):
AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING SECTION 6.10.6-TABLE B OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS RELATED TO THE DEVELOPMENT STANDARDS IN THE EQUESTRIAN OVERLAY ZONING DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Basehart stated this amendment grew out of a discussion with a property owner looking to construct a home and have a design feature that exceeded the height limit. He said the home itself was at the height limit and the feature would beneficially affect the appearance of the building, but it was not allowed. He indicated this ordinance amendment would be limited to the EOZD and limited to properties at least five acres in size, which is ample room for someone to install a feature to enhance the appearance of their home. He stated it was only for residential buildings, so they could enhance the appearance of their homes without negatively affecting the surrounding properties. He noted staff also added a provision so that anyone taking advantage of this opportunity would be required to increase the setback by an additional foot from minimum setback lines for every additional foot in height the feature is over 35 feet. He said it would be limited to a maximum height, with the extension, of 50 feet. He thought this was a beneficial change that allows some design flexibility and allows people to build structures to enhance the appearance of their homes.

Mr. Basehart stated staff believes it is a good change and is recommending approval. He indicated the change was reviewed and passed unanimously by the EOZD, and PZAB unanimously recommended approval at their last meeting as well.

Mayor Gerwig asked if there was any architectural review of this feature as a part of the process. Mr. Basehart stated there was not. He said they were only allowing the additional height on a portion of the residential structure. Mr. Schofield stated the limitation is geared towards the percentage and not the precise location.

Mayor Gerwig asked what percentage allowed for a feature over 35 feet. Mr. Schofield indicated it was 20% of the maximum floor area or as otherwise provided in the current valid development order, so there is a limitation on how big the architectural feature can be. Mr. Basehart stated it was originally 10% of the roof area, but it was changed to 20% for the larger lots. Mr. Schofield recommended they go back to 10%.

Vice Mayor McGovern asked if 10% was for one feature. Mr. Schofield stated it could be multiple features, but they could not in aggregate exceed 10%.

Vice Mayor McGovern asked if 10% of the aggregate was sufficient. Mr. Schofield believed it was, because many of the unit sizes are in excess of 5,000 square feet. He said 10% is 500 square feet, which is 10 x 50, a pretty big structure. He stated the number could be different. But he thought there should be a limitation, because it is an esthetic feature and not a habitable feature.

Mayor Gerwig stated she would like to see this requirement if Council was amenable. Ms. Cramer indicated it would be added to the ordinance under the following standards as item E.

Vice Mayor McGovern asked if this only applied to properties over five acres in the EOZD and to non-habitable space. Mr. Basehart stated that was correct.

Councilwoman Siskind noted this was geared for new construction, so a neighbor was not going to put a silo on their house. She said PZAB approved it 6-0 and staff approves it. She stated she was okay with it if they made that one change. Vice Mayor McGovern indicated the EPC approved it as well.

Public Hearing

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

There being no public comments, a motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0) to close the Public Hearing.

Mr. Schofield indicated the amendment is to add the 10% of the total roof area limitation to the architectural feature or features. Mayor Gerwig stated the final verbiage will be in the second reading at their next meeting.

A motion was made by Vice Mayor McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve Ordinance No. 2016-20 on first reading as amended.

8. REGULAR AGENDA

- A. 15-1102** RESOLUTION NO. R2016-19 (PALM BEACH COUNTY SHERIFF'S OFFICE DISTRICT 8 WELLINGTON FY2016 BUDGET AND CONTRACT ADDENDUM):
A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE SECOND ADDENDUM TO THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE PALM BEACH COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Schofield stated a total dollar amount of \$8,811,627.00 has been included in the budget. He said it represents a 2% increase or \$167,876.00 in last year's cost and reflects two additional deputy sheriffs whose primary function will be commercial vehicle enforcement at a cost of \$249,938.00. He indicated these deputies were added at the request of staff and not PBSO, to deal with the numerous complaints about commercial vehicles. Mayor Gerwig noted the deputies were also for the Aggressive Driving Task Force. Mr. Schofield stated staff was recommending approval of this contract as presented.

Mayor Gerwig acknowledged a lot of residents have been asking for the commercial vehicle patrols. She said commercial vehicles have the right to come through the Village if they are serving Wellington. Councilman Napoleone stated the commercial officers will be able to pull

over vehicles without a traffic incident to see if they have a Wellington destination or are just passing through. Mayor Gerwig indicated these officers will also have the ability to check the vehicle's equipment, so the added deputies will be increasing their safety as well.

Mr. Schofield explained a regular road patrol can pull a commercial vehicle over if there is a traffic infraction or if something is clearly wrong with the vehicle, but they cannot pull trip tickets like the commercial deputies. He said the deputies will concentrate on Binks, the Aero Club and Greenview Shores, as a lot of complaints have come from these areas.

Ms. Cohen noted the vehicles travel faster than the posted speed limit. Mr. Schofield thought that was one of the most prevalent complaints.

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

A motion was made by Councilwoman Siskind, seconded by Vice Mayor McGovern, and unanimously passed (5-0) to approve Resolution No. R2016-19 as presented.

B. 16-0299 RESOLUTION NO. R2016-53 (PALM BEACH COUNTY SHERIFF'S OFFICE VILLAGE OF WELLINGTON LAW ENFORCEMENT SERVICES PLAN [LESP] FOR FY17):
A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING THE LAW ENFORCEMENT SERVICES PLAN [LESP] FOR FISCAL YEAR 2016-2017; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. He stated as part of the Sheriff's Office contract, they are required to present a Law Enforcement Services Plan (LESP). He said Captain Silva was there to make that presentation. He indicated the service plan has been reviewed and is consistent with the budget and consistent with the goals and objectives laid out.

Captain Silva thanked Council for the passing the budget. He stated today he was going to talk about the Uniform Crime Report, which is released by the Florida Department of Law Enforcement which is like a grade report for the way reported crimes have gone for the first six months of this year. He said he was also going to discuss the Law Enforcement Service Plan, which is basically a blueprint going forward for FY 2017.

Captain Silva stated the crime index and reported crimes in the Village of Wellington for the first six months of this year, versus first six months of 2015, is down 26.8% overall. He said burglaries for the first six months of the year have held about the same, from 58 to 59. He indicated robberies went up to 12 in the first six months of this year, but most of those were cell phone thefts by juveniles who knew each other. He stated about 70% of those cases were cleared. He said arrests are down 31.8%, to 298 from 437 last year, in both juvenile and adult categories.

Captain Silva stated the Village was credited with one homicide in the first six months of this year. He could not tell them much about it, as it is an active investigation. However, he indicated the victim is not from Wellington and they are very confident it did not occur in Wellington, but the Village is credited with the homicide because the victim was left on Flying Cow Road.

Captain Silva noted rape/forcible sex offense is down 46.7% and aggravated assaults are down. He stated larceny overall is 33% down and shoplifting is down as well, from 145 to 134 this year. He said vehicle burglaries are down significantly, almost 50%, from 2015. He stated vehicle theft

remains the same, at around 50, for the first six months of this year. Mayor Gerwig asked Captain Silva to provide her with how many of the vehicle thefts have been cleared.

Regarding crashes in June 2016, Captain Silva stated they looked to see if there was a correlation between the crashes and traffic enforcement being down. He said the analysis revealed that there were 107 cases for that month and 41 of those occurred on Forest Hill and/or 441. He thought a lot of it was due to distracted driving. He stated 15 cases occurred at the mall and others are happening in remote areas and parking lots. He believed the take away was that enforcement needed to be focused on Forest Hill and 441, which is already taking place. Captain Silva noted when the two new commercial motor vehicle deputies are not looking at illegal waste disposal and dealing with commercial motor vehicles, they will be enhancing their traffic enforcement initiatives.

Councilman Napoleone asked about the traffic around the schools. Captain Silva stated the first two weeks is challenging, but as time goes on it self-corrects because people decide to carpool or let their kids walk to school to avoid all of the traffic. He said his deputies are enforcing the areas, giving warnings and writing tickets if needed.

Captain Silva addressed the Law Enforcement Service Plan. He stated his team will focus on juvenile crimes, reducing property crime, and traffic safety. He indicated part of the strategy is to augment the juvenile arrests, teach the road patrol best practices, work with the State Attorney's Office, and learn to put the best cases together evidence wise. He stated reducing the property crime deals with covert operations and the key to reducing the traffic crashes is continued enforcement. Captain Silva hopes he will be able to show that the trends have continued to go down in these categories when he returns to report on the full year

Mayor Gerwig asked if there were any mental health initiatives. Captain Silva indicated that PBSO has a unit that does exclusively mental health evaluations. He stated when the unit is notified, they start the intervention and deal with the issue.

Mayor Gerwig asked about the opioid situation. Captain Silva stated it is a huge problem in Wellington as well. He hoped throughout the school year to bring in NOPE (Narcotics Overdose Prevention Education), as their programs are amazing and very compelling. He said the key was to be on top of the juveniles, because that is where the bulk of these problems are occurring.

Council thanked Captain Silva and his team for all that they do for Wellington and its residents. Captain Silva thanked Council as well. He said the Village had a great manager and Council, and his team of deputies were doing the best they could for Wellington.

For the record, Mr. Schofield stated as they listen to these conversations every year residents can get the idea that there is a crime problem. He said it is not that Wellington has no crime, but that it has very low crime. Looking at the auto thefts, burglaries and violent crime, he indicated each of those categories have around 50 cases or incidents per. To put that into perspective, he said that is one case per 1,220 residents, a little less than 1/10 of 1%. Looking at the juvenile crime, he stated the number of juvenile arrests is also right around 50. Mr. Schofield thanked Captain Silva and his staff for their efforts.

Captain Silva stated 5% of the population causes 95% of the problems, so they have to focus on that 5%. He said the programs that monitor people and do surveillance add a lot of value.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and

unanimously passed (5-0) to approve Resolution No. R2016-53 as presented.

9. PUBLIC FORUM

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

10. ATTORNEY'S REPORT

MS. COHEN: Ms. Cohen had no report.

11. MANAGER'S REPORT

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

- The next regular Council Meeting will be held on Tuesday, September 13, 2016, at 7:00 p.m. in the Council Chambers.
- He reminded Council that Village offices will be closed Monday, September 5, 2016, in observance of Labor Day.
- He announced the 9/11 Ceremony will take place at the Patriot Memorial on Sunday, September 11th, and the guest speaker will be Mark Harris. He noted the time of the event is still being worked out and will be posted on the website.

12. COUNCIL REPORTS

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

- She hoped everyone had a great start to the new school year. She thought traffic was pretty manageable, even though it is a lot heavier. She thanked the Sheriff's Office and Village staff for identifying the problem areas and concentrating their efforts there. She also thanked everyone for obeying the school zones and looking out for the kids.
- She reported she had attended the Wellington High School staff meeting, which was also the Central Region Meet and Greet. She said Mayor Gerwig spoke at that meeting as well as School Board member Marcia Andrews and the Central Region Superintendent Dr. Rodriguez who spoke about plans for the upcoming school year. She stated she looked forward to working with all of them, as there are a lot of new people in the district and a lot of great things coming their way.
- She stated Council attended the League of Cities convention over the weekend, and it was their first time attending except for Mayor Gerwig. She explained the League of Cities is an organization and resource for municipalities and public servants. She said she found it very interesting. She stated the focus of this year's convention was on how cities can work together and make the State of Florida stronger. She thought the sharing of ideas and resources to help other cities was definitely the message.
- She mentioned that early voting started in Palm Beach County on August 15th and ends August 28th. She encouraged people to vote in the Primary Election on August 30th. She noted the League of Women Voters has great information on where the candidates stand on issues and where to vote.
- She stated "Coffee with the Village Manager" was scheduled for Thursday at 8:00 AM at Wellington High School. She thought it was important to engage their young people in local government and this was a great way to introduce that to them.
- She wished everyone a fun and safe Labor Day.

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

- Vice Mayor McGovern wanted staff to give the residents an update on the status of the major construction projects around the Village.

Mr. Barnes provided a brief update on the Fairlane Farms and Stribling traffic circle and indicated substantial completion will be 9/16/2016. He said 120th Avenue South is scheduled for final completion on 11/7/2016, but substantial completion will be 10/9/2016 when the road can be utilized. He stated the Pierson Road project remains on schedule, and he would get that date to Council tomorrow. He said the Aero Club multiuse path will be substantially completed by 12/30/2016. He stated the Forest Hill Blvd project will be substantially completed 11/29/2016. He noted this information was available on the website. Mr. Schofield explained why the Saddle Trail project is behind schedule.

- Vice Mayor McGovern brought up the issue of Zika.

Mr. Schofield indicated the front page of the Village website has a button to click to find out more information on the mosquito spraying. He also explained the process of spraying the Village neighborhoods and lakes.

- Vice Mayor McGovern indicated some storms could be potentially headed their way. He asked where residents should go to be apprised of that information.

Mr. Schofield stated that information was on the website. He said as the storms get closer it will be on Channel 18 and, if needed, they will utilize the Code Red process where people will actually receive calls.

COUNCILMAN DRAHOS: Councilman Drahos presented the following report:

- He stated he wanted to get the Boards and Committees completed, as he understands the Construction Board is still incomplete. He said several applicants had submitted applications for consideration for that Board. He indicated he wanted to appoint Mr. Donaldson to the Construction Board. Councilman Napoleone indicated he reached out to Mr. Donaldson twice and he has not heard back from him yet. Councilman Drahos asked if someone could reach out to the two applicants, confirm they are interested and get them appointed, so the Construction Board can be completed. Ms. Callovi stated she would see that this is done.

COUNCILMAN NAPOLEONE: He indicated he had no report.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- Mayor Gerwig asked how residents should contact the boards and committees. Mr. Barnes stated residents could either approach the staff liaison, which are listed the website for the various committees, or the Chair will entertain any public comment at the public meetings.

Regarding the Council Meetings, Ms. Cohen explained the law requires they take public comment at some point in the decision making process, prior to the final decision. She said they typically do not take public comment at Council Workshops, but when they get to that same issue at the Council Meeting, they open it up for public comment. She stated that is why they now take public comment on the Consent Agenda, because that is the final action on that particular issue.

Ms. Cohen mentioned there was a pending lawsuit against either West Palm or the County Commission regarding public comment on the Consent Agenda, as their policy limits the speakers

to three minutes on all of the consent items as opposed to three minutes on each individual consent item. She stated the Village will need to watch and see how the court rules on this.

Mayor Gerwig stated as it stands now the Village is in compliance for public comment at the Council Meetings as well as the Board and Committee Meetings. She said she wanted to make sure Council was on the same page for having residents engage the boards and committees.

- She mentioned she was invited to the “Meeting of the Mayors” by the Mayor of West Palm Beach with Dr. Avossa. She said some members had responded saying they would come, but the Mayor indicated it was just for the Mayors.
- She indicated she is supposed to speak at the Rotary Meeting on Thursday, September 22nd, when the Mayor’s Literacy Luncheon is scheduled. She stated she will need two people to stand in for her. Councilman Napoleone and Vice Mayor McGovern indicated they could attend. Mayor Gerwig asked them to get the book and bring it back, because she wanted to read the story or maybe they could all do it together. She also stated she would like all of them to do Read for the Record.

13. ADJOURNMENT

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

Approved:

Anne Gerwig, Mayor

Rachel Callovi, Clerk