

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

**Wellington Village Hall
12300 Forest Hill Blvd
Wellington, FL 33414**

**Wednesday, April 12, 2017
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Wednesday, April 12, 2017, 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 Chevelle D. Nubin, Village 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** - 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 presented.

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

5. PRESENTATIONS AND PROCLAMATIONS

Mr. Schofield indicated there were no presentations and proclamations.

6. CONSENT AGENDA

- A. **17-1100** MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF MARCH 14, 2017
- B. **17-1078** A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA COMMENDING THE FLORIDA ASSOCIATION OF CITY CLERKS FOR ITS 45TH ANNIVERSARY

- C. 17-0709** AUTHORIZATION TO EXECUTE A LEASE AGREEMENT BETWEEN ACME IMPROVEMENT DISTRICT AND J. ALDERMAN FARMS, INC. FOR THE K-PARK SITE
- D. 17-0938** AUTHORIZATION TO RENEW AN ANNUAL AUDITING SERVICES CONTRACT WITH GRAU AND ASSOCIATES
- E. 17-0714** AUTHORIZATION TO NEGOTIATE A CONTRACT TO PROVIDE A HOUSING AND ECONOMIC IMPACT STUDY
- F. 17-0713** AUTHORIZATION TO RENEW AN EXISTING AGREEMENT WITH COMMUNITY CHAMPIONS TO PROVIDE FORECLOSURE REGISTRY SERVICES
- G. 17-0718** AUTHORIZATION TO RENEW EXISTING CONTRACTS FOR MULCH, PINE STRAW AND GROUND PREPARATION MATERIAL
- H. 17-0719** AUTHORIZATION TO RENEW EXISTING CONTRACTS FOR THE PURCHASE AND DELIVERY OF FILL MATERIALS
- I. 17-1033** AUTHORIZATION TO UTILIZE EXISTING CONTRACTS FOR THE 12TH FAIRWAY AND PINEWOOD EAST DRAINAGE SYSTEM PROJECTS

Mr. Schofield stated staff recommended adoption of the Consent Agenda as presented. He also stated no comment cards were received from the public on the Consent Agenda.

A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to approve the Consent Agenda as presented.

At this time, the public was given the opportunity to speak on non-agenda items. Mr. Schofield indicated one comment card was received from the public.

1. Bill Flack, 9580 Phipps Lane, Wellington. Mr. Flack spoke about the issue of sober homes. He thought it would be of great help to this community if the Council would consider this issue and come up with a policy.

Mayor Gerwig asked Ms. Cohen to meet with Mr. Flack. Ms. Cohen stated she would be happy to meet with him.

7. PUBLIC HEARINGS

Mr. Schofield indicated there were no public hearing items.

8. REGULAR AGENDA

- A. 17-1030** AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE ENGINEERING SERVICES FOR THE C-23 CANAL IMPROVEMENTS AND PIERSON ROAD/SOUTH SHORE BOULEVARD INTERSECTION MASTER PLAN DEVELOPMENT

Mr. Schofield introduced the item. He stated Mr. Lundeen would be making the presentation and answering the questions asked at Agenda Review.

Mayor Gerwig indicated she needed to recuse herself from this discussion and vote because the business she works for during the day, Alan Gerwig and Associates, contracts with Mock, Roos and Associates. At this point, she left the Council Chambers.

Mr. Lundeen reviewed the existing conditions at the intersection of South Shore and Pierson Road from the east and west approaches. He said the left turn lanes and the through lanes on Pierson Road are one in the same, and the right turn lanes are separate. He stated Council could also see that the canal is open.

Mr. Lundeen stated the conditions required the developer to make improvements to that intersection that include the eastbound approach on Pierson Road. He said it would have a separate left turn lane, a through lane, and a right turn lane. For the westbound approach to the intersection, the through lane would be moved to the right turn lane and the left turn lane would be singled out by itself. He indicated this will improve the traffic flow, but some backups will still occur.

Mr. Lundeen stated staff was proposing a study with this work order to improve the intersection with dual left turn lanes on the east approach with a through lane and a right turn lane. He said the west approach would have just a single through lane, right turn lane, and left turn lane. He indicated that would be determined once they get through the study and into design. He showed Council what the intersection would look like. He said things may shift a bit, but this was their best guess.

Councilman Napoleone asked what the timeline was for the construction that would impact traffic. Mr. Lundeen stated once the canal is piped, the piped area can be used for the maintenance of traffic and the lanes would remain open as they are now. He assumed it would take about six months to do the work once the canal is piped.

Councilman Drahos asked if there were conversations with the landowner about coinciding this project with their obligations. In response, Mr. Schofield stated staff has made the request of the landowner's engineer and are waiting to hear back. He said the requirements for the landowner's permits need to be completed before the Village can consider starting construction. He indicated staff will be requesting that rather than having the landowner do their improvements as they simply provide the money to the Village and have it done as one seamless contract.

Councilman Napoleone asked what work the developer was supposed to be doing. Mr. Lundeen stated the developer will, coming from the west approach to the intersection, add a left turn lane, which will create a single through lane and then they will have the right turn lane. For the eastbound traffic, the developer is moving the through lane and putting it with the right turn lane, and the left turn lane will be independent.

Councilman Napoleone asked when the work needed to be completed and if a permit had been applied for. Mr. Schofield indicated the work needed to be done by the end of October. Mr. Lundeen stated the developer has applied for the permit, but the Village has not issued it. Mr. Schofield noted the Village has received the certified cost estimates from the engineer.

Vice Mayor McGovern asked why the Village has not issued the permit. Mr. Lundeen stated he did not agree with the developer's maintenance of traffic, as they wanted to shut down Pierson Road entirely and keep South Shore open. He said they were working on a resolution.

Vice Mayor McGovern asked Mr. Lundeen to explain what the Village was asking Mock, Roos and Associates to do. Mr. Lundeen stated Mock, Roos and Associates would be doing the preliminary engineering and basically master planning the intersection as a part of this contract.

Councilman Drahos asked what the plan was so construction was not taking place during the equestrian season. Mr. Lundeen explained the project would be done in two phases. He said they would pipe the canal in the first phase, and then put the maintenance of traffic on the new pipe to build the south half of the intersection. He indicated the pipe work should take three or four months and then, once the season is over, the contractor would need to be onboard to build part of the roadway.

Vice Mayor McGovern asked when the pipe work would start. Mr. Lundeen stated if he could get it started next January, the pipe work would not affect the traffic. He said he was looking at doing a jack and bore or micro tunneling under the roadway, so it still would not affect traffic and could be done during the season.

Vice Mayor McGovern understood the whole intersection improvement would be started once the season ends. Mr. Lundeen stated that would happen if things go smoothly.

Councilman Drahos thought they needed to be very cautious of the fact they cannot slow down traffic in this intersection during the height of the season. He stated they were all cognizant of that and they were going to take every precaution to make sure that does not happen. Mr. Lundeen agreed.

Vice Mayor McGovern indicated the time period for the work would be the end of the 2018 season and beginning of the 2019 season. Mr. Lundeen stated that was correct.

Councilman Drahos stated if there was any type of delay or complications to where they would have to go into the season, they will need to have a plan in place to get traffic smoothly through this area. Mr. Lundeen indicated they could let the intersection improvements slide until the following summer.

Vice Mayor McGovern asked Mr. Lundeen if he was confident the canal portion starting in January 2018 was not going to impact traffic. Mr. Lundeen stated the traffic on Dove Tail Court and the driveways going in may be affected, but he thought they could work around that pretty easily to where it would be a minimal impact. He said they could put in part of the pipe and shift the road around.

Vice Mayor McGovern asked if the impact would be temporary. Mr. Lundeen stated it would be.

Vice Mayor McGovern asked if Mr. Lundeen needed authorization to hire Mock, Roos and Associates to get this project started, as this would be step one of the engineering. Mr. Lundeen stated that was correct. He said this was the preliminary engineering design phase to see what it is going to look like, and then they will go into the design phase.

A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (4-0) to approve agenda item 17-1030, Authorization to Award a Task Order to Provide Engineering Services for the C-23 Canal Improvements and Pierson Road / South Shore Boulevard Intersection Master Plan Development, as presented.

At this point, Mayor Gerwig rejoined the meeting.

B. 17-1058 DISCUSSION OF THE VILLAGE ATTORNEY'S EMPLOYMENT AGREEMENT

Mr. Schofield introduced the item.

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

1. Bill Flack, 9580 Phipps Lane, Wellington. Mr. Flack stated the Village counsel has always been open and receptive to him, as has this Council. He recommended Ms. Cohen be kept on as counsel, as she does a terrific job.

Councilman Drahos stated he and Ms. Cohen continued to negotiate and ultimately decided to put the contract he was recommending and her counteroffer in front of the Council for a decision. He indicated there had been a late development where Ms. Cohen had indicated that she would sign the contract he offered provided it is a two-year deal and not a five year deal.

Ms. Cohen thought Councilman Drahos might have misunderstood her. She clarified that she said she would not accept the terms of this contract, but she would accept a two-year contract under the same terms she is under now. She said she did not want to be locked into five years under this form of contract. She apologized to Councilman Drahos for not making that clear to him.

Councilman Drahos stated he was about to say that her counter was the five-year contract with the deferred compensation and his contract was the same without the deferred compensation. He understood if this Council were to choose his contract, Ms. Cohen would be agreeable to signing it if it were a two year deal.

Ms. Cohen stated that was incorrect. She said she did not feel it would be appropriate to sign a two-year deal with a decrease in the current severance. She indicated she would be willing to extend her current contract, as it exists now, for two years.

Vice Mayor McGovern asked about the difference in the severance. Ms. Cohen explained she asked for a five-year term when they began discussing her contract. She said Councilman Drahos was amenable to that, but he felt it would be appropriate to reduce the severance from twenty weeks to twelve weeks in the event the relationship does not work out. She stated she agreed to that because the five-year term is important to her, but she does not prefer to have a five year term with no deferred compensation. She said if the decision of this Council is that they are opposed to deferred compensation, she would prefer to extend her current contract with its current terms for a two-year period. She indicated it includes the twenty weeks of severance that she has had from the beginning.

Councilman Drahos thought that was a fair counter, as he understood where Ms. Cohen was coming from. He stated it was not his intent to confuse the negotiations, but Ms. Cohen left that part out. He said he understood her position now. He indicated he would now listen to Council's comments and at some point make a motion and see where it goes.

Councilman Napoleone understood Ms. Cohen originally wanted \$18,000 a year in deferred compensation, which is the maximum allowed by law and about 9.8% of her salary, along with the over 50 catch up of \$5,500. He stated he was not in favor of that amount of deferred compensation; however, he thought some deferred compensation for a senior level employee

would be appropriate.

He indicated he would be comfortable with 5%, which is approximately half of what Ms. Cohen requested. He said that would be about \$9,000 per year with the same \$5,500 a year for the over 50 catch up provision. He stated he would not be comfortable with anything more than that.

Councilwoman Siskind asked if the deferred compensation was now at 6% in the proposed contract. Ms. Cohen stated her proposal was 6%. She asked if Councilman Napoleone was suggesting 5%, plus the additional over 50 catch up. Councilman Napoleone stated that is what he recommended. Ms. Cohen indicated she would accept that.

Councilman Drahos stated the over 50 catch up is a \$5,000 value. Ms. Cohen understood it to be \$5,500. Councilman Drahos thought that was more than Ms. Cohen's counteroffer. Ms. Cohen believed it was more as well.

Councilman Napoleone thought Ms. Cohen's counter included 6% and the over 50 catch up was required by law. Ms. Cohen said it was 6% of her base salary, and she believed the over 50 catch up would be backed out of the 6% number. She said she would accept either 6% or 5% with the \$5,500 catch up. Councilman Napoleone stated if they were taking the \$5,500 out, he would be comfortable with 6%.

Mayor Gerwig asked for an explanation of the over 50 catch up. Mr. Schofield stated the maximum contribution to a 457 is \$18,000 a year. He said that changes every year based on what the government sets as a guideline. He stated those over 50 years of age can contribute an additional \$5,500 under the rules, as an ability to catch up.

Mayor Gerwig asked if the over 50 catch up was automatic with having a 457. Ms. Quickel stated it was not automatic.

Councilman Drahos explained this was a sticking point for him, because Ms. Cohen's base salary is already \$183,000. He stated if the added benefit of \$11,000 is included, the total value of the contract will be in excess of \$280,000, which to him is a substantial amount of money. He thought the offer he made was fair and reasonable for this type of a position. He believed if the job was opened to the public, it would be an attractive job and they could get plenty of similarly qualified candidates. He agreed with Mr. Flack that Ms. Cohen has done an excellent job and is an asset, but he is negotiating with the residents' money. He stated Council has an obligation to negotiate the best possible deal and not just hand out money because they like Ms. Cohen. He said that is why this has been his line in the sand.

Mayor Gerwig asked if the retirement for all other employees, besides Mr. Schofield, was the FRS. Ms. Quickel indicated employees can individually contribute to a 457 plan if they choose to. Mr. Schofield noted that he was also in the FRS.

Vice Mayor McGovern understood Ms. Cohen would be in the FRS as a senior level manager under any of these scenarios. Ms. Quickel stated that was correct. Mr. Schofield indicated it was the highest level permitted for non-emergency responders, the senior management level.

Vice Mayor McGovern stated he agreed with all of the comments from Councilman Drahos and Mr. Flack. He thought all of Council had said they like Ms. Cohen and what she does. He indicated Ms. Cohen is the second highest paid Village employee by a significant amount, and she has every benefit. He stated he was in favor of what either Ms. Cohen has proposed

tonight or the contract Councilman Drahos has put before Council. He thought their fiduciary responsibility required Council to be mindful of spending the citizens' money, which they take very seriously.

Councilwoman Siskind stated she agreed with everyone's comments. She indicated she felt that since Mr. Schofield and Ms. Cohen were at the same level on the organizational chart, the components of their compensation package should somewhat mirror one another and deferred compensation should be a part of that. She stated the fact that Ms. Cohen gave up family medical, did not ask for a raise in her salary, went from twenty weeks of severance to twelve weeks, and is doing a great job, she was very comfortable with the proposed 6% for deferred compensation.

Councilman Drahos stated the family medical was a total value of \$195 per month, and he did not see that as being a considerable concession. He explained the deferred compensation is not a raise on her base salary, but it is still an \$11,000 raise. He thought if Council was that inclined to giving the benefit of deferred compensation, then he would suggest lowering the base salary, because his issue is the total value of the contract.

Mayor Gerwig asked for the total value of the contract. Councilman Drahos indicated without the deferred compensation it would be \$273,966.62, and with the deferred compensation it would be \$284,973.98, which would be an \$11,000 increase. Ms. Cohen stated that is not the sum she actually receives. Mayor Gerwig indicated it was the value of all of the benefits. Ms. Cohen noted some of those benefits would not be paid out to her if she were to leave. She said with MIL, depending on how long the employee has been employed, would roll over into retirement health savings account. She said after a certain number of years there is an option to pay it out, but it would not necessarily be paid out to her.

Mayor Gerwig stated Ms. Cohen was given consideration for the time she spent on Council as time served. She believed it was time served, but not time served as their attorney. She said Ms. Cohen brings to the dais something very unique in that she really knows the community and its history, and she has attachments to the community. She stated she was not finding fault with the time served, but that was a bonus at the front side of the contract.

Councilman Napoleone thought Council needed to hear Mayor Gerwig's comments on deferred compensation, because it seemed like Council was 2-2 on that. Councilman Drahos stated if they were willing to entertain a motion, he would make one.

Mayor Gerwig stated she did not negotiate the Village Manager's contract, so she is not sold on the deferred compensation. She said Ms. Cohen gets the retirement, and the other high level staff members do not get the 457. She stated she was leaning towards the two year extension of the current contract, which gives Ms. Cohen the twenty weeks of severance. Mayor Gerwig noted she was not concerned about how the contracts line up between the Village Manager and Village Attorney, as a lot of things could change along the way. She explained these two employees serve at will and every two weeks there could be a motion to end their contract.

A motion was made by Councilman Napoleone, seconded by Vice Mayor McGovern, and unanimously passed (5-0) to extend Ms. Cohen's current contract by two years.

9. PUBLIC FORUM

Mr. Schofield indicated no public comment cards were received.

10. ATTORNEY'S REPORT

MS. COHEN: Ms. Cohen indicated she 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, April 25th, at 7:00 PM in the Council Chambers.
- He provided an update on the reintroduction of fluoride and indicated every utility customer in the Village will receive a notice in their bill. He said this has been posted on channel 18, the Village website, and social media. He stated the target reintroduction date is May 15th, but it could be pushed to June 1st. He noted there will be no additional vote on this matter, as it was taken last year. He said the equipment will be reinstalled and everyone will receive a two weeks' notice to prepare.
- The Wellington Annual Easter Egg Hunt will be held on the softball fields at Village Park on Saturday, April 15th at 10:00 AM.
- The Great American Clean Up will be held on Saturday, April 15th from 10:00 AM to 12:00 PM. Volunteers should meet at Tiger Shark Cove.

Vice Mayor McGovern asked if the Village had a master calendar, as the Easter Egg Hunt and Great American Clean Up are being held at the same time. Mr. Barnes explained for the Great American Clean Up, the Village's partner sponsor, Comcast, dictated the date and time. He said the Village has a master calendar and they will coordinate better in the future.

12. COUNCIL REPORTS

COUNCILMAN NAPOLEONE: Councilman Napoleone indicated he had no report.

COUNCILMAN DRAHOS: Councilman Drahos indicated he had no report.

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

- He hoped as many residents as possible would attend the Easter Egg Hunt and the Great American Clean Up on Saturday, April 15th.
- He congratulated the Wellington Chamber of Commerce on a great Flavors event.
- He also congratulated New Horizons Elementary School on their Carnival. He said it was very well attended and a lot of fun.
- He encouraged anyone who wanted to be heard to attend the Planning, Zoning and Adjustment Board meeting tomorrow night at 7:00 PM, as they would be discussing an important project that could shape the future of the Village. He indicated the entire Equestrian Competition Floating District Zoning Text Amendment proposal was on the website.
- He was glad Ms. Cohen was staying on as their attorney for another two years.

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

- She hoped everyone who celebrated had a happy Passover, and she wished everyone a Happy Easter.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- She indicated she will be attending a Metropolitan Planning Organization (MPO) training the following weekend in Orlando for a broader and deeper look at what the MPO means to this community. She explained the Village has an appointment for the MPO Citizens Advisory Council that has never been filled. She said Council needs to nominate a citizen from their community to fill that position. She nominated Bill Klein, as he is able to dig in and study things. She asked Council to think about it. She stated she has not spoken to Mr. Klein, because she wanted to discuss it with Council first.

Vice Mayor McGovern agreed with Mayor Gerwig. He believed Mr. Klein was very thoughtful and had the right background. He stated Mr. Klein is someone who has already expressed interest in being involved in the Village, planning its future and ensuring it lives up to the Village standards. He thought Mr. Klein would be a good choice if he was willing to serve.

Councilman Napoleone asked if this position has ever been advertised and if people know it exists. Mayor Gerwig stated she did not know it existed until she became a member of the Council and served on the MPO on behalf of Wellington. She said she spoke to Mr. Schofield and a couple of other people came to mind, but they are employed and that sometimes causes a conflict. She explained she did not want to put a traffic engineer on the MPO Advisory Council, as that would keep them from being able to practice here. She thought Mr. Klein, being a retired electrical engineer and knowing the community so well, would be a good fit.

Mayor Gerwig stated they will wait until the next meeting and make sure Mr. Klein is willing to serve. She said if anyone else would like to serve, they should reach out to Council.

Councilman Drahos thought Mr. Klein would be an excellent choice.

Mayor Gerwig stated MPO is unique, as it is a lot of transportation issues and all about the community. She thought someone really invested would be a good choice.

- She indicated a blue light is in the clock tower this month to acknowledge Autism.
- She stated she has met with several residents from the Pine Tree Improvement District. She said they have expressed appreciation for Village staff and their relationship with the Village. She said they have also expressed concerns with not being able to continue some of the piggy back contracts with the Village.

Mr. Schofield explained all Village contracts are designed so another government can use them if they wish. He said anything the Villages does, Pine Tree can take advantage of. He stated the currently active Village contracts will be transferred or extended as Pine Tree desires. He indicated a couple of things were on the table. He said he could go through this with Council in detail at the next Agenda Review and he will speak with them individually between now and then.

Mayor Gerwig indicated most of Pine Tree residents she met with said how much they appreciated staff, especially Tanya Quickel and Laurie Cohen. She knows it has been difficult and it might be too late. She stated moving forward, she wants Pine Tree to

know they are still Wellington residents. She said this decision was somewhat out of the Village's control.

- She hoped everyone had a good Passover, and she wished everyone a Happy Easter.

13. ADJOURNMENT

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

Approved:

Anne Gerwig, Mayor

Chevelle D. Nubin, Village Clerk