

## **MINUTES**

### **REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL**

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

**Tuesday, May 22, 2018  
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, May 22, 2018, commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

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

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, 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** – Mayor Gerwig led the Pledge of Allegiance.
3. **INVOCATION** - Minister Geraldo Vieira, The Pentecostals of the Palm Beaches (Wellington Branch), delivered the invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield indicated staff recommended approval of the Agenda as presented.

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

#### **5. PRESENTATIONS AND PROCLAMATIONS**

- A. 18-2066 REPRESENTATIVE MATT WILLHITE: LEGISLATIVE UPDATE**

Mr. Schofield indicated Representative Willhite will be a few minutes late. Mr. Schofield recommended continuing with the meeting until Representative Willhite arrives.

#### **6. CONSENT AGENDA**

- A. 18-2130 MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF MARCH 27, 2018 AND APRIL 10, 2018**

- B. 17-1723** AUTHORIZATION TO AWARD A CONTRACT FOR THE PURCHASE AND INSTALLATION OF VARIABLE FREQUENCY DRIVES FOR PUMP STATIONS 4 AND 8
- C. 18-2050** AUTHORIZATION TO: 1) AWARD MULTIPLE CONTRACTS FOR DISASTER DEBRIS MANAGEMENT AND SUPPORT SERVICES; 2) AWARD A PRIMARY CONTRACT FOR DISASTER DEBRIS RECOVERY SERVICES; AND 3) UTILIZE CONTRACTS AWARDED BY SOLID WASTE AUTHORITY OF PALM BEACH COUNTY IF CONTRACTED DISASTER RECOVERY SERVICES VENDORS ARE NON-RESPONSIVE
- D. 18-2118** RESOLUTION NO. R2018-23 FOR LAND AND WATER CONSERVATION FUND PROGRAM GRANT AND RESOLUTION NO. R2018-24 FOR A BUDGET AMENDMENT TO ALLOCATE THE GRANT RESOLUTION NO. 2018-23 (LAND AND WATER CONSERVATION FUND)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF RECEIVING A GRANT UNDER PROVISIONS OF THE LAND AND WATER CONSERVATION PROGRAM FOR THE ESSEX PARK PROJECT; AND PROVIDING AN EFFECTIVE DATE.
- RESOLUTION NO. 2018-24 (FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT FUNDS)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE FISCAL YEAR 2017-2018 CAPITAL FUND BUDGET FOR FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT FUNDS AWARDED FOR DEVELOPMENT OF THE ESSEX PARK PROJECT; AND PROVIDING AN EFFECTIVE DATE.
- E. 18-2123** (1) RESOLUTION NO. R2018-25 (PALM BEACH TRANSPORTATION PLANNING AGENCY INTERLOCAL AGREEMENT PER CAPITA DUES):
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING PAYMENT OF PER CAPITA MEMBER DUES TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY COMMENCING IN FISCAL YEAR 2019 AND EVERY YEAR THEREAFTER, AND PROVIDING AN EFFECTIVE DATE.
- (2) COUNCIL DISCUSSION OF THE INTERLOCAL AGREEMENT PROVIDING FOR ADMINISTRATIVE SERVICES TO PALM BEACH COUNTY TRANSPORTATION PLANNING AGENCY TO OPERATE AS AN INDEPENDENT AGENCY.
- F. 18-2129** RESOLUTION NO. R2018-26 (STATEWIDE MUTUAL AID AGREEMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL  
AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A  
STATEWIDE MUTUAL AID AGREEMENT BETWEEN THE STATE OF  
FLORIDA DIVISION OF EMERGENCY MANAGEMENT AND THE  
VILLAGE OF WELLINGTON FOR CATASTROPHIC DISASTER  
RESPONSE AND RECOVERY; UPDATING THE PREVIOUS  
AGREEMENT DATED JANUARY 9, 2001; AND PROVIDING AN  
EFFECTIVE DATE.

Mr. Schofield indicated no comment cards were received on the Consent Agenda.

Ms. Cohen indicated that she provided Council with a redlined version of the agreement for Consent Agenda item 6C regarding debris management services. She said should Council approve this item, this agreement would substitute the agreement in their packet for Witt O'Brien, who is the secondary vendor and not the primary vendor.

Ms. Cohen stated she did not think it needed to be removed from the Consent Agenda, as she just wanted to bring it to Council's attention. She explained the contract documents were not included in the solicitation when it was sent out. She said when the contractor received the actual contract, they asked the Village to revise a couple of the terms. She indicated this is the form staff recommends Council approves tonight.

Ms. Cohen stated the changes were very minor. She said there was a change in the termination provision on page 3, as Council could see the areas that were crossed out. She stated the contractor wanted to be relieved of additional damages if they terminated for convenience, and the Village would pay whatever the contractor had done at that point. She said if the Village is allowing the contractor to terminate for their convenience, then it makes no sense to pursue them for some sort of additional damages.

Ms. Cohen stated there is also a termination without cause and an opportunity to cure on that same page in the event of a default. She said they reduced the notice to ten days from thirty days. She said they added an opportunity to cure, so the contractor would be paid in the event there is an unpaid balance. She stated if there is a termination for convenience, the Village would not be pursuing any additional damages, as that would be the end of the contract. She said the Village added some contact information, as to the contractor, and added a force majeure clause.

Mayor Gerwig asked who drafted this document. Ms. Cohen believed it was a Village document that was provided to the contractor. She said when the contractor saw the document that was not included with the solicitation, they asked for a few changes. She stated staff reviewed the changes.

Mayor Gerwig asked how the contractor agreed to something when they did not have the contract in their hand. Ms. Cohen explained ordinarily when the Village sends out a solicitation like this the terms of the contract are included, but for whatever reason they were not included. She said when the contractor received the terms, they asked the Village to make a few tweaks. She stated they were not major issues of concern, and the Village accepted some and rejected some. She said that is why she presented Council with this version.

Mayor Gerwig asked if the other contractors had the same issue or if they had standard agreements with no edits. Mr. De La Vega explained the Village sent the contracts to the contractors in preparation for this meeting. He said the Village does this in order to expedite the process. He stated the contractors know their signature is contingent on Council approval and execution of the contract on the Village's part. He indicated Witt O'Brien, one of the two secondary vendors, was concerned with some minor language. He said the other two contractors, Thompson (the primary) and Rostan (the other secondary), had no issues with the agreement.

Mayor Gerwig asked if any of these changes were material. Ms. Cohen stated they were not. She said legal reviewed it and this is the form they recommend Council approve for that contract.

Councilman McGovern indicated no other contractors had changes. Ms. Cohen stated Witt O'Brien's requests were not unreasonable. Mr. De La Vega said it was not unusual.

Mayor Gerwig indicated Council was satisfied with leaving this item on the Consent Agenda in this form.

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

At this point, Representative Matt Willhite arrived. He greeted and thanked Council for allowing him to speak and to continue to represent Wellington at the state level.

Representative Willhite stated every legislative session has its own idea of how things are going to start and finish, and this year was no different, except towards the end. He said they went into session this year thinking they would talk a lot about hurricanes, nursing homes, etc., to make sure what happened in Broward County did not happen in their nursing homes. He indicated there were twelve deaths in the state due to some nursing homes not having generators and to people not having the equipment they needed.

Representative Willhite stated the session went on until February 14<sup>th</sup> when they turned their attention to the shooting in Parkland. He said it was a good they were in session, because they were able to talk about it and debate it. He stated they worked towards school safety and mental health.

Representative Willhite stated it was an honor to vote on and pass an \$88.7 billion budget for the third largest state in the nation. He indicated \$400 million of that budget is going toward the School Safety Act. He said Palm Beach County is discussing it and working towards hiring more school resource officers and hardening their schools.

Representative Willhite stated a lot of things were realized through the school shooting. He said they are now mindful that although the outside of the schools are protected with impact windows, the inner windows are not. He stated once someone gets inside the schools, things are able to happen. He said the necessity for the systems used for communication and having officers was realized.

Representative Willhite stated another shooting just happened in Santa Fe, Texas. He said he knows this Council does everything they can, as they continue to put money in their public schools outside of their tax dollars. He stated they have an obligation as elected officials to

protect their children when they go to school every day. He said he when he picked up his kids from school today, he realized how much more they need to do to protect their children and future generations. He stated parents need to know that when they drop off their kids at school, they are going to be safe.

Representative Willhite indicated he was able to pass four bills this year. He stated one bill put two parcels of property in Wellington, owned by the same owner, into one water control district.

He stated another bill was for Loxahatchee Groves. He said this Council and Acme has been a model for them. He stated Loxahatchee Groves is talking about taking their independent water control district and making it dependent on the town of Loxahatchee Groves. He said it was passed and will go up for a public referendum to the voters of Loxahatchee Groves if they so choose. He stated, just like this Council, they would become the board members of another water control district.

Representative Willhite indicated they were able to pass a bill for the City of West Palm Beach Police Pension Fund.

Representative Willhite stated most people know his profession and that he has a keen interest in first responders. He said he was able to pass a statewide bill this year for Workers' Compensation that will recognize a non-physical injury, such as Post Traumatic Stress Disorder, anxiety disorders, and the like that are associated with work. He explained it took the military many years to recognize that the things soldiers were seeing in battle could affect them long term. He stated it also affects their family life and the future viability of their life. He said first responders do that every day in this country. He stated recently the opiate epidemic has affected them and the state the most, as Palm Beach County was #2 in the state for opiate deaths. He said there has been a decline since last summer, but it is still happening here. He stated it has not only affected their economy and families, but it has also affected their first responders. He said they were running calls where 18 to 22-year-olds were overdosing and dying.

Representative Willhite stated he himself has run many calls, two to five a day, where he saw families being affected. He said young children came home from school to find that their mother had died in the home because of an overdose. He explained that it was not that she wanted to do this. He stated she was a member of the armed services, she was hurt and discharged and, to ease the pain of the continuing injury, she started to use street drugs. He said a young man's life was changed.

Representative Willhite stated the opiate epidemic is a multigenerational problem and, as elected officials, they have an obligation to try to combat it. He indicated they passed a bill this year to start funding that and they also put a restriction on the amount of opiates for which doctors could write prescriptions. He said doctors are now limited to three days but can write prescriptions up to seven days for post surgeries and the like. He stated this gets the patient back to seeing the doctor and getting the continued care they need. He said it also starts to limit the number of pills that are distributed and in people's medicine cabinets. He explained people break into homes or family members steal these medications and sell them on the streets. He stated people are then taking medications not prescribed for them, which happens a lot. He said he has been working to get some pill drop-off boxes and an amnesty area. He indicated the Sheriff's Office has about twelve different locations that will take pills that are dropped off with no name or anything. He said they needed a better opportunity for their residents to be able to do that.

Representative Willhite stated he co-sponsored the Daylight Savings Time bill. He said it passed the House, the Senate and the Governor, but he does not think it will pass the Congress. He stated other states around the country have it, but he thinks it will not ultimately pass because Florida already covers two time zones. He explained if they stay at the same time zone, a state across the border could be two hours different, as the panhandle is already one hour different. He said there would be a big time gap when driving twenty feet to cross the border. He stated many aspects of it are good, such as family, health, farming, etc., but they will see what Congress does with it. He said the Council is closest to the people, in Tallahassee they start to separate a little, and by the time they get to Washington, sometimes they do not know what they will do.

Representative Willhite stated texting while driving or distracted driving was not able to be passed this year. He said there are some concerns as to how it would happen. He explained many people are distracted driving, as he has run those calls, and it is not just from their cell phones. He said many have children in the car or some are still trying to get ready for work as they drive. He stated it was going to be a primary offense, but it did not pass the Senate.

Representative Willhite stated most recently he joined some of his colleagues in talking about education. He said he just sent a letter, as they were trying to hold a special session to continue dealing with education and bring more funding. He stated some in Tallahassee disagree on how much funding was actually brought to the students, let alone the safety aspect of it. He said this county is getting \$6.1 million for school safety and to hire resource officers this year. He stated they are concerned if they hire them this year and put them in place, who is going to pay for them next year. He said if they expect the county to continue with that, they will have to raise taxes. Otherwise, they expect the legislature to continue funding the officers, but how long will that last. He stated it sounded great, but his concern is long term.

Representative Willhite stated this is the first year that as much as \$100 million has been put into Forever Florida. He said typically it has been \$8-\$10 million. He stated it does not go as far as Amendment 1, but it is to start working on their environment and conservation and buy land to protect and keep that going.

Representative Willhite stated he appreciated the Council members who came to Tallahassee and communicated with him. He said he is always there for them if they need something. He introduced his staff, Tom Valeo, his legislative aide who lives in Wellington, and new staff member, Melissa Santoro, who is also a Wellington resident. He indicated their office is located in Royal Palm at 9200 Belvedere Road. He said they represent a whole district and not just the great town of Wellington. He stated he and his staff are always there and to reach out to them if they need anything. He said he reached out to the Village Manager this morning and he was very responsive to help making them and their kids safer on the streets. He said he appreciated all of the things this Council does and continues to do for Wellington. He stated he is still a resident and they are still providing for him. He said he is still doing what he can to give back to them.

Mayor Gerwig stated she noticed the Coral Reefs bill. She asked Representative Willhite to remind her next year, because she would like to get on board supporting that if she can help in any way. She said it is a huge consideration for their coastal communities.

Mayor Gerwig mentioned that the Centers for Disease Control and Prevention (CDC) has a website that shows the incidents of opioid prescription writing and the percentage of

prescriptions written in Palm Beach County is significantly higher than Broward. She said she did not know what this Council could do, but she thanked Representative Willhite for his efforts in trying to get them limited. Representative Willhite stated that bill passed, so hopefully it will help restrict the number of prescriptions and continue in the future.

Mayor Gerwig stated Palm Beach has the destination recovery title on the southeast border of the county. She said that might be a contributing factor as well, but one way or another they have to get the opioids under control.

Vice Mayor Drahos stated the Texting While Driving bill stalled out. He said this Council sent a letter or resolution. He asked Representative Willhite if he anticipated it being heard again next year. Representative Willhite stated he imagined that the member who filed it this year will be very diligent and file it again next year. He said he cannot predict what will happen. He stated it is a secondary offense, so law enforcement has the opportunity to enforce it now if they find another violation. He said quite a few members signed on to support the bill in the House, but it fell short in the Senate.

Councilman Napoleone indicated Texting While Driving is a primary offense in most states, except Florida cannot figure out how to enforce it. Representative Willhite explained he tried for an electronic insurance card, so that people would not have to get them in the mail. He stated thirteen other states have it and it is a great model. He said he proposed it, brought it forward, and it came up short. He stated they try comparing Florida to other states, not to say they know more or do better, but part of the argument is that it happens in other states. He said there was a push to go hands-free and only use the speaker phone. He stated that was not supported either. He said he was sure it will be filed again next year and have support, but he is unsure where it will go.

Councilman McGovern thanked Representative Willhite for the work he has done on behalf of the first responders. He said the bill he got passed was an important one.

Councilman McGovern stated if Representative Willhite sees opportunities where he needs local leaders to assist him with talking to the school district, talking to the people who are providing for school safety, etc., to let them know. He thought Representative Willhite made a good point earlier about how to fund and provide for school safety on an ongoing basis. He said it will require a partnership from everybody, whether it be law enforcement, the school board, the legislature, local officials. He stated he appreciated Representative Willhite's leadership on this.

Representative Willhite stated this Council is committed and is a leader among the School Board. He said they give of their time, money and tax dollars to continue to fund their students. He asked for Council's support for what he thinks is the simplest and cheapest thing they can do to start securing their schools right now. He stated he has asked the School Board many times why they do not lock more gates at the schools on a daily basis.

Mayor Gerwig stated the single point of entry has been a big discussion. Representative Willhite stated the School Board's idea of single point of entry is allowing people in through one door. He said the problem is that some schools have between four and eight entry points as well as driveways, bus loops and pedestrians. He stated the Santa Fe shooter put explosive devices around the school. He said it is a problem if people can walk around the campus before ever getting to the front door. He stated the School Board is concerned about affecting the daily life of the school with deliveries and emergencies, etc. He said he believes the emergency is

with their students. He stated if they have to go out and open a gate or if a staff member has to go out and open a second gate, and leave the primary gate open during the day, he thinks that is a possibility. He said there is zero cost to doing that in the schools right now and the School Board has not really supported the idea.

Representative Willhite stated he has been pushing this idea on TV and social media. He said it is not the end-all, but they have to start somewhere. He stated he was not asking for money to do it, as he is just asking them to lock the gates like they do on weekends and holidays. He said, at the schools in Palm Beach County, they unlock the gates in the morning and then leave them completely open. He did not understand why it was so difficult to limit the access for anybody walking or driving to one single point of entry. He said he keeps hearing that older schools are harder to retro for single point entries. He stated they all have gates, so it is not a retro. He thought they should start limiting access to people walking onto school grounds or getting on campus, as someone does not have to go to the front door to find the students. He said he would be greatly appreciative if Council could talk to the school members, the board or the new superintendent about supporting this idea.

Councilwoman Siskind stated she has noticed that Wellington High School has a gate that used to always be open and now it is locked and manned with someone on a golf cart. She said if someone drives up there, they are not getting in. She stated maybe they are slowly starting to look at those points where they can make some changes.

Councilwoman Siskind thanked Representative Willhite for all that he has done and congratulated him on the bills that he passed. She thanked him for his efforts going forward and said they looked forward to working with him.

Representative Willhite congratulated Vice Mayor Drahos and Mayor Gerwig on their new appointments. He stated in January he moved to a fire station in Wellington, so he works in Wellington, lives in Wellington, and his kids play in Wellington.

Mr. Schofield indicated one public comment card was received.

1. Bruce Tumin, 752 Lake Wellington Drive, Wellington. Mr. Tumin reminded the public that hurricane season starts soon and that hurricane shutters create fire traps. He also reminded everyone about fire safety in their homes and in their public schools.

## **7. PUBLIC HEARINGS**

### **A. 18-2021 ORDINANCE NO. 2018-05 (POST DISASTER DEBRIS RECOVERY)**

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL  
AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES BY  
CREATING NEW ARTICLE IX, SECTIONS 2-362 AND 2-363  
PROVIDING FOR POST DISASTER DEBRIS RECOVERY;  
PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING A  
SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. De La Vega explained, in order for the Village to pick up debris in private communities in the aftermath of Hurricane Irma, FEMA required the Village to get right-of-entry agreements signed



by the HOAs, so the Village would be eligible for FEMA reimbursement. He stated FEMA also requires that the Village pass this Ordinance for post disaster debris recovery as part of the Village's Disaster Debris Management Plan. He said the right-of-entry agreements were sent to the HOAs and to date thirty have been returned. He stated it has been a proactive approach, as they are trying to get as many agreements signed before a storm hits. He indicated the Village will have to do this annually to meet FEMA's requirements, as FEMA will cover any event during the course of that year.

Mayor Gerwig stated Council has an updated version. Ms. Cohen indicated language has been added to paragraph 9 on page 4. She stated the titles have been removed in the agreement, so it is more generic.

Vice Mayor Drahos stated when this was discussed yesterday, Equestrian Club Estates had not signed the agreement. Mr. De La Vega indicated Equestrian Club Estate was still holding out. Vice Mayor Drahos stated he wanted the residents of Equestrian Club Estates to be aware of the fact that their HOA Board has decided not to sign this agreement. He said, as a consequence, the Village will not be sending folks into Equestrian Club Estates to pick up debris after it storms.

Mayor Gerwig stated the Village did a great job last time trying to help out. She said this is just getting the agreements in place, so staff is not chasing them down at the last minute.

Councilman McGovern stated they put the agreement together after realizing it could be done well in advance and studying what they went through in the storm last year. He said it was brought forward at this point in time, as it is the week before hurricane season starts.

Mayor Gerwig indicated the agreement affects communities with private roadways, gated access and private water bodies. Ms. Cohen explained it includes anything in a water body that the Village needs to go in and remove. She stated the Ordinance gives the Village the responsibility to do it and the right-of-access agreement gives the Village the right to enter the private community. She said both, the Ordinance and the agreement, are required by FEMA when the Village seeks reimbursement. She noted the Ordinance comes into play anytime the Mayor declares a state of emergency or disaster.

Mayor Gerwig thanked staff for having this all in place and thanked the communities who have participated.

Mr. De La Vega stated they were waiting on one community, but staff was still doing some research to make sure they get to everyone.

### Public Hearing

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

1. Bruce Tumin, 752 Lake Wellington Drive, Wellington. Mr. Tumin asked if this included all gated and private areas or ungated and private areas.

Ms. Cohen stated it is for private roads, whether they are within a gated community or not. She said an HOA that is responsible for maintaining their roads is considered private property and this would permit the Village to go onto that private property, provided an access agreement is

in place.

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

**A motion was made by Councilman McGovern, seconded by Councilman Napoleone, and unanimously passed (5-0) to approve Ordinance No. 2018-05 (Post Disaster Debris Recovery) as presented.**

**B. 18-2036 ORDINANCE NO. 2018-06 (REPEAL AND REPLACE ARTICLE 8, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS)**

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS TO REPEAL AND REPLACE ARTICLE 8, IN ITS ENTIRETY AS CONTAINED HEREIN; TO ESTABLISH SPECIFIC STANDARDS RELATED TO SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

Mr. Schofield stated the changes that were recommended and discussed at Agenda Review were in Council's amendment folder.

Mr. Basehart stated this item is to basically rescind the current Article 8 of the Land Development Requirements, which is subdivision requirements and subdivision code, and replace it with a new one. He indicated Council had already passed Articles 1, 2, 4, 5 and 9 on first reading. He said the remaining three articles, which include definitions and some Land Development Regulations, will follow shortly. He stated the objective of the whole code rewrite is to simplify it by providing clear language, so that anyone can read and understand any part of it. He said staff has also done some reorganization, so the various sections of Article 8 are in a more logical sequence.

Mr. Basehart stated the second objective is to streamline the code by eliminating duplication. He explained the current Article 8 was adopted from the county code and it still references county agencies and county personnel that the Village does not have. He said a lot of other things like that have been taken out.

Mr. Basehart stated they have also created two administrative manuals, the Utilities Manual and the Engineering Manual, which contain all of the technical standards that the Village has been using for years. He said nothing has been changed. But in an effort to have transparency to the maximum extent possible, they have now put them into formal manuals. He stated the administrative manuals will not be adopted by Council, but copies of the manuals are included in Council's backup material for reference as part of this exercise.

Mr. Basehart indicated staff was going to change the surety requirements, but at the workshop yesterday Council decided the requirements should remain the same.

Mr. Basehart stated staff moved the Maintenance and Use document requirements from Article 7 to Article 8 where they should be. He said a provision was added to allow Waiver of Plat Opportunity for existing multifamily developments on existing platted lots, where the owner would like to subdivide and sell units individually. He indicated this was consistent with the Village's objective of increasing home ownership, as it generally results in increased property values, better maintenance, less code violations, etc.

Mayor Gerwig stated the Party Wall Agreements and such would still be required, as it is the legal description of that portion. Mr. Basehart indicated that will still have to be done and it is still in the language.

Mr. Basehart stated the bottom line is that staff reduced the subdivision code from 69 to 21 pages. He said they think it works better than it did before.

Mr. Basehart indicated Bradley Wolak from Utilities and Patrick Barthelemy from Engineering were there if Council had questions for either of them.

Mayor Gerwig asked about the large lots, as some are subdivided and not platted. She asked if anything was changing the requirements or clarifying when platting would be required. Mr. Basehart stated that has not changed. He said the current code provides that if all lots resulting from the splitting up of a property are forty acres or more, they do not have to plat.

Mayor Gerwig stated properties, like ten acre lots, that have already changed hands are not platted. Mr. Basehart indicated the vesting language is still in the code. He said they are valid lots, as they are vested and still buildable. Mr. Schofield indicated there is a provision for that in the code under which those were done. He said lots five acres or larger were able to get a waiver of subdivision requirements. He stated they have all of the legal documents that recorded them. He said the lots that have a waiver of subdivision in place are legal and do not need to be platted. He stated they only need to be platted if they are further subdivided.

Councilman Napoleone stated this Article 8 does not make any substantive changes to what existed before, as it has been streamlined and is now 21 pages. Mr. Basehart said that was correct. Mr. Schofield stated this Article 8 is providing the same level of regulation. He said it is no longer repetitive, it is clear, and it is written so any resident can understand it.

Councilman McGovern commended Mr. Basehart. He said this Council has been wanting a code that is understandable, clear, and easily applied to all parties.

Councilman McGovern stated the surety bond requirements were discussed yesterday and staff had suggested 120%. He asked staff to walk him through the purpose of that recommendation. Mr. Schofield stated that came out of the Engineering Department. He explained the surety that remained on a couple of very old projects was not enough to complete the project should the Village pull the bond and do it. He stated there were some problems with the estimates. He said he did not think, based on one or two projects, they should go to 150% of what the standard requirement was previously for this community and for all other communities they looked at. He indicated the standard of the profession is 110%. He stated they regulate for what they normally deal with and within some standard deviation of that. He said they do not regulate for the worst case scenario.

Mayor Gerwig asked if part of the surety problem was the people who have approvals that they have kept active for a very long time using different mechanisms. She asked what caused the surety issue and if the Village made a mistake in the first place. Mr. Schofield stated part of it is in the way the funds are released. He said when the Village gets requests for bond reductions, they should be authoring 90% of whatever amount is being asked for. He stated the Village authorized 90%. He explained there is an additional 10% on top of that for a contingency. He stated at the end of the project there should be a balance of 20% leftover. He said 10% will be refunded once the project passes final and the Village uses 10% as a bond for the next year, in case something goes wrong. He stated they have very few problems with this, but they occasionally deal with a project that does not work as well as it should.

Councilwoman Siskind thanked Mr. Basehart and his team for simplifying things, as she thinks they will be more efficient in the Village because of it.

Mr. Basehart stated this Article was a joint effort between the Utilities, Engineering, and Planning & Zoning Departments. He said they all have their hands in this Article.

#### Public Hearing

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

Mr. Schofield indicated no public comment cards were received.

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

**A motion was made by Councilman Napoleone, seconded by Vice Mayor Drahos, and unanimously passed (5-0) to approve Ordinance No. 2018-06 (Repeal and Replace Article 8, Subdivision, Platting and Required Improvements) as presented.**

### **8. REGULAR AGENDA**

#### **A. 18-2060 COUNCIL APPOINTMENT OF BOARD AND COMMITTEE MEMBERS**

Mr. Schofield introduced the item.

Each Council member announced their reappointments and newly appointed members for the 2018-2020 term to the Architectural Review Board; Construction Board of Adjustments & Appeals; Education Committee; Equestrian Preserve Committee; Parks & Recreation Advisory Board; Planning, Zoning & Adjustment Board; Public Safety Committee; Senior Advisory Committee and Tree Board as follows:

<b>ARCHITECTURAL REVIEW BOARD</b>		
<b>Staff Liaison: Kelly Ferraiolo</b>		
<b>BOARD AND COMMITTEE APPOINTMENTS – 2018-2020</b>		
<b>Name of Appointment</b>	<b>Appointed By</b>	<b>Date of Appointment</b>
(TBD)	Gerwig	May 22, 2018
Ryan Mishkin	McGovern	May 22, 2018
Roger Grave de Peralta	Drahos	May 22, 2018

William Klein	Napoleone	May 22, 2018
Ron Shamash	Siskind	May 22, 2018
Miguel Alonso	At-Large	May 22, 2018
Thomas Wenham	At-Large	May 22, 2018

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to reappoint Thomas Wenham as an At-Large member on the Architectural Review Board.

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to nominate Miguel Alonso for an At-Large appointment on the Architectural Review Board.

<b>CONSTRUCTION BOARD- NEW APPOINTMENTS</b> <b>Staff Liaison: Jacek Tomasik</b>		
<b>BOARD AND COMMITTEE APPOINTMENTS – 2018-2020</b>		
<b>Name of Appointment</b>	<b>Appointed By</b>	<b>Date of Appointment</b>
Howard “Tripp” Long	Gerwig	May 22, 2018
Terrence Bailey	McGovern	May 22, 2018
John Strandberg	Drahos	May 22, 2018
Scott Wortman	Napoleone	May 22, 2018
Lee Kantor	Siskind	May 22, 2018
Bruce Tumin	At-Large	May 22, 2018
(TBD)	At-Large	May 22, 2018

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (5-0) to reappoint Bruce Tumin as an At-Large member on the Construction Board of Adjustments & Appeals.

<b>EDUCATION COMMITTEE</b> <b>Staff Liaison: Paulette Edwards</b>		
<b>BOARD AND COMMITTEE APPOINTMENTS – 2018-2020</b>		
<b>Name of Appointment</b>	<b>Appointed By</b>	<b>Date of Appointment</b>
Beth Gillespie	Gerwig	May 22, 2018
Marcia Hayden	McGovern	May 22, 2018
Francine Nelson	Drahos	May 22, 2018
John Webber	Napoleone	May 22, 2018
Shelly Albright	Siskind	May 22, 2018
Donna Baxter	At-Large	May 22, 2018
Ruthann Retterbush	At-Large	May 22, 2018

A motion was made by Vice Mayor Drahos, seconded by Councilwoman Siskind, and unanimously passed (5-0) to reappoint Donna Baxter as an At-Large member on the Education Committee.

A motion was made by Vice Mayor Drahos, seconded by Councilman Napoleone, and unanimously passed (5-0) to reappoint Ruthann Retterbush to the Education Committee as an At-Large member.

<b>EQUESTRIAN PRESERVE COMMITTEE</b> <b>Staff Liaison: Bob Basehart</b>		
<b>BOARD AND COMMITTEE APPOINTMENTS – 2018-2020</b>		
<b>Name of Appointment</b>	<b>Appointed By</b>	<b>Date of Appointment</b>
Dr. Kristy Lund	Gerwig	May 22, 2018
Glen Fleischer	McGovern	May 22, 2018
Carlos Arrelano	Drahos	May 22, 2018
Annabelle K. Garrett	Napoleone	May 22, 2018
Rachel Eidelman	Siskind	May 22, 2018
Jane Cleveland	At-Large	May 22, 2018
Robert Bushey	At-Large	May 22, 2018

A motion was made by Councilman Napoleone, seconded by Vice Mayor Drahos, and unanimously passed (5-0) to reappoint Jane Cleveland as an At-Large member on the Equestrian Preserve Committee.

A motion was made by Vice Mayor Drahos, seconded by Councilwoman Siskind, and unanimously passed (5-0) to reappoint Robert Bushey as an At-Large member on the Equestrian Preserve Committee.

<b>PARKS &amp; RECREATION ADVISORY BOARD</b> <b>Staff Liaison: Bruce DeLaney</b>		
<b>BOARD AND COMMITTEE APPOINTMENTS – 2018-2020</b>		
<b>Name of Appointment</b>	<b>Appointed By</b>	<b>Date of Appointment</b>
Dr. Samuel Falzone	Gerwig	May 22, 2018
Marc Coleman	McGovern	May 22, 2018
Tomas Bueno	Drahos	May 22, 2018
Brian Buckstein	Napoleone	May 22, 2018
MaryJo Shockley	Siskind	May 22, 2018
Richard Christmas	At-Large	May 22, 2018
Anthony Forgione	At-Large	May 22, 2018

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to reappoint Richard Christmas as an At-Large member on the Parks & Recreation Advisory Board.

A motion was made by Councilman McGovern, seconded by Councilman Napoleone, and unanimously passed (5-0) to reappoint Anthony Forgione as an At-Large member on the Parks & Recreation Advisory Board.

<b>PLANNING, ZONING &amp; ADJUSTMENT BOARD</b> <b>Staff Liaison: Bob Basehart</b>		
<b>BOARD AND COMMITTEE APPOINTMENTS – 2018-2020</b>		
<b>Name of Appointment</b>	<b>Appointed By</b>	<b>Date of Appointment</b>
Kenneth Kopp	Gerwig	May 22, 2018
Alan Shullman	McGovern	May 22, 2018

Dr. Carmine Priore	Drahos	May 22, 2018
Maureen Martinez	Napoleone	May 22, 2018
Jeffrey Robbert	Siskind	May 22, 2018
Stephen Levin	At-Large	May 22, 2018
Elizabeth Mariaca	At-Large	May 22, 2018

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (5-0) to nominate Stephen Levin for an At-Large appointment on the Planning, Zoning & Adjustment Board.

A motion was made by Vice Mayor Drahos, seconded by Councilman Napoleone, and unanimously passed (5-0) to nominate Elizabeth Mariaca for an At-Large appointment on the Planning, Zoning & Adjustment Board.

<b>PUBLIC SAFETY COMMITTEE</b> <b>Staff Liaison: Paulette Edwards</b>		
<b>BOARD AND COMMITTEE APPOINTMENTS – 2018-2020</b>		
<b>Name of Appointment</b>	<b>Appointed By</b>	<b>Date of Appointment</b>
Jacqueline Hutman	Gerwig	May 22, 2018
Mohammad Junaid Akther	McGovern	May 22, 2018
Ron Herman	Drahos	May 22, 2018
William Flack	Napoleone	May 22, 2018
Michael Weil	Siskind	May 22, 2018
Ernie Zimmerman	At-Large	May 22, 2018
Cheri McBrayer	At-Large	May 22, 2018

A motion was made by Vice Mayor Drahos, seconded by Councilman McGovern, and passed (4-1), with Mayor Gerwig dissenting, to reappoint Ernie Zimmerman as an At-Large member on the Public Safety Committee.

A motion was made by Councilman Napoleone, seconded by Councilman McGovern, and unanimously passed (5-0) to reappoint Cheri McBrayer as an At-Large member on the Public Safety Committee.

<b>SENIOR ADVISORY COMMITTEE</b> <b>Staff Liaison: Paulette Edwards</b>		
<b>BOARD AND COMMITTEE APPOINTMENTS – 2018-2020</b>		
<b>Name of Appointment</b>	<b>Appointed By</b>	<b>Date of Appointment</b>
Howard Trager	Gerwig	May 22, 2018
Sharon Lascola	McGovern	May 22, 2018
Veronica McCue	Drahos	May 22, 2018
Carlos Poveda	Napoleone	May 22, 2018
Mary Kastner	Siskind	May 22, 2018
Sampson Nebb	At-Large	May 22, 2018
Jose Soto	At-Large	May 22, 2018

A motion was made by Councilman Napoleone, seconded by Vice Mayor Drahos, and unanimously passed (5-0) to reappoint Sampson Nebb as an At-Large member on the Senior Advisory Committee.

A motion was made by Councilman McGovern, seconded by Vice Mayor Drahos, and unanimously passed (5-0) to reappoint Jose Soto as an At-Large member on the Senior Advisory Committee.

<b>TREE BOARD</b> <b>Staff Liaison: Brian Hopper</b>		
<b>BOARD AND COMMITTEE APPOINTMENTS – 2018-2020</b>		
<b>Name of Appointment</b>	<b>Appointed By</b>	<b>Date of Appointment</b>
Richard Cosola	Gerwig	May 22, 2018
Steve Lisi	McGovern	May 22, 2018
Kay Brown	Drahos	May 22, 2018
Stormi Bivin	Napoleone	May 22, 2018
Debbie Evans	Siskind	May 22, 2018
Joan Kaplan	At-Large	May 22, 2018
Dr. Charles Sandell	At-Large	May 22, 2018

A motion was made by Councilman Napoleone, seconded by Vice Mayor Drahos, and unanimously passed (5-0) to reappoint Joan Kaplan as an At-Large member on the Tree Board.

A motion was made by Vice Mayor Drahos, seconded by Councilman McGovern, and unanimously passed (5-0) to reappoint Dr. Charles Sandell as an At-Large member on the Tree Board.

Mayor Gerwig stated they still need to recruit someone else for the Construction Board of Adjustments and Appeals. Mr. Schofield said he will get some recommendations from Mr. Tomasik.

## **9. PUBLIC FORUM**

Mr. Schofield indicated no public comment cards were received.

## **10. ATTORNEY'S REPORT**

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

- She stated she received the order from the Fourth District Court of Appeals in the Lapi West case. She said it followed the opinion that it had issued in the 14269 BT LLC case. She stated she would like authority to have special appellate counsel file a notice to invoke Supreme Court jurisdiction and tag this case with the other. She said it does not represent any additional work, as it just tells the court that its decision will affect the 14269 case as well as the Lapi West case.

Mayor Gerwig stated it will not incur any additional expenses, because the analysis is all the same. Ms. Cohen explained it will be the same jurisdictional brief, so there would be



no additional expenses. She said it just alerts the court that another opinion may be affected by its decision on the 14269 matter.

**A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (5-0), to authorize Ms. Cohen to have special appellate counsel file a notice to invoke Supreme Court jurisdiction and consolidate the two cases.**

- She indicated a hearing was held today on the emergency injunction for the vegetation and tree removal at Palm Beach Polo. She said the court was gracious enough to give the Village extra time and it has not entered an order. She stated if the court grants it, they will be enjoined on a temporary basis. She said if the court denies it, they still have an injunction hearing scheduled for June 7, 2018. She hoped they will be able to get an injunction at that point. She indicated the hearing today lasted about two-and-a-half hours, when it was supposed to be an hour.

## **11. MANAGER'S REPORT**

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

- The next Regular Council Meeting will be held on Tuesday, June 12, 2018, at 7:00 p.m. in the Council Chambers.
- He announced that Wellington's Memorial Day Parade & Ceremony will take place on Monday, May 28, 2018. He said the parade will begin at 8:15 a.m. at Village Hall and the ceremony at 8:30 a.m. at the Veterans Memorial.
- He indicated Village Offices, Village Park Gym and the Community Center will be closed Monday, May 28, 2018, in observance of the Memorial Day Holiday, but the parks will be open.
- Mr. Schofield stated they have had a significant amount of rainfall over the last several days. He said water levels in the Village between Southern Blvd and Pierson Road are between 13.2 and 13.5. He stated their normal control water is 12 to 12.5. He said the water levels are between 1 to 1.5 feet high. He said the water levels south of Pierson Road in the Equestrian Preserve were around 14 yesterday and today they are 13.6/13.7.

He stated rainfall projections for Wednesday and Thursday are up to one inch. He said a tropical storm may be coming on Friday and rainfall projections for Saturday and Sunday are between one and three inches. He stated he has not seen the rainfall projections for Monday, but rain percentages look to be about 70% so he expects to get some rain.

He stated Village pump stations are all working at maximum capacity and have been since about June 11, 2018. He said if they average less than one inch of rainfall every day, they will make headway and water levels will go down. He stated any day they have more than one inch of rainfall, the water levels will go up. He said if they get three

inches of rain on Friday and three inches on Saturday, there will be flooding in low lying areas. He stated he did not think there would be any road flooding and no houses are in danger of flooding.

He explained for the residents that water is supposed to be in the swales, low lying areas and yards. He stated the Village's system is designed to remove about ten inches of rainfall in a week. He said they have had 14 inches thus far and more is coming. He stated the residents see the water coming up, but it is designed to do that.

He indicated, with tropical storm Isaac in 2012, the Village had between 18 and 20 inches of rain within a 36 hour period. He said they did not have the time to move the water out like they do now. He stated no homes or businesses were flooded during Isaac. He said any homes that have been constructed and permitted are not in any danger of flooding.

- He stated the Village had a roadway collapse on 60<sup>th</sup> Street. He explained a private culvert under the road was in need of maintenance, because of the amount of water that goes through it. He said the Village collapsed the pipe on Sunday and back filled it, so the road could open. He stated a contractor is working to repair it, which should be completed in the next day or so. He said 60<sup>th</sup> Street only has one exit, but the contractor and a property owner have made arrangements so that no one is blocked in. He stated, in the future, the Village will be making sure there are no dead-end streets. He said it was one of those subdivision waivers, as they are not supposed to have dead-end streets longer than 1,300 feet and that one certainly is.
- He stated weather for Memorial Day looks to be fairly wet. He said at this moment the Village plans on holding the events. He suggested bringing an umbrella.

## **12. COUNCIL REPORTS**

**COUNCILMAN NAPOLEONE:** Councilman Napoleone presented the following report:

- He thanked everyone who applied and who previously served on the boards and committees. He also thanked his previous appointees for their service: Dr. Sergio Guerreiro (Equestrian Preserve Committee), Matt Kurit (Public Safety Committee), Sally Schwartz (Senior Advisory Committee) and John Donaldson (Construction Board of Adjustments and Appeals). He stated they all did an excellent job and the Council appreciates what they have done for the Village. He hopes that they will stay active and involved in the community in some capacity.
- He congratulated everyone who graduated from high school this past weekend as well as those who will be graduating. He indicated that Councilwoman Siskind is now the proud mom of a graduate.
- He also congratulated Mayor Gerwig on her installation tomorrow as the President of the Palm Beach County League of Cities. He said they all will be there to support her.
- He hopes everyone will make it to the Memorial Day parade.

**VICE MAYOR DRAHOS:** Vice Mayor Drahos presented the following report:

- He thanked Ms. Coleman for all her years of service on the Planning and Zoning Board and hopes that she will stay involved in the community.

**COUNCILMAN MCGOVERN:** Councilman McGovern presented the following report:

- He echoed the sentiments of Councilman Napoleone and Vice Mayor Drahos in thanking those who have served. He also thanked those who will be serving on the Village's boards and committees. He specifically thanked his previous appointees for their service: Kathleen Gannon-Ledsome (Equestrian Preserve Committee) and Jason Weiss (Parks & Recreation Advisory Board). He stated service on these boards is voluntary and can be quite demanding at times, so the members deserve great credit. He also believed this Council deserved some credit, as they worked to get almost everyone who applied onto a board or committee. He also thanked the Clerk's Office for their work.
- He stated it was a pleasure to be with Council at the Palm Beach Central High School and Wellington High School graduations. He congratulated Councilwoman Siskind on her daughter's graduation.
- He congratulated Cara Hayden on presiding over her first Wellington High School graduation, as she did an excellent job.
- He also congratulated Dr. Fennoy, as he has attended every graduation. He stated Dr. Fennoy has done an incredible job as the new Superintendent of the School District of Palm Beach County.
- He announced that free paddle boarding and kayaking will be available at Lake Wellington this Saturday, May 26, 2018.
- He indicated Wellington camp registration is now open. He hoped that residents will review the assortment of camp options being offered by the Village and register their children.
- He informed the public that the Great Neighborhoods grants are out. He indicated an informational meeting will be held on Tuesday, May 29, 2018 at 6:00 p.m. at the Community Services Office. He said he hoped residents looking to make improvements and needing help in making health, safety and energy efficient repairs to their homes will apply for these grants.

**COUNCILWOMAN SISKIND:** Councilwoman Siskind presented the following report:

- She thanked everyone who applied for the boards and committees and for their willingness to serve. She said it shows how great their Village is, as more people applied than they had spots to fill.
- She congratulated all of the graduating seniors. She stated it was an honor to attend the graduations for Wellington and Palm Beach Central High Schools. She said Wellington

has so many intelligent and talented students, which speaks volumes about their principals, teachers, schools, etc.

**MAYOR GERWIG:** Mayor Gerwig presented the following report:

- She apologized for missing Wellington's graduation, as she was at the National League of Cities Risk Management Meeting in Santa Fe and the Florida League of Cities Fast Fly-In in Washington, D.C. She mentioned that Palm Beach Central's valedictorian gave one of the best speeches she has heard. She stated all of the speakers at the graduations were great.
- Mayor Gerwig stated the Florida League of Cities met at the White House Office of Intergovernmental Affairs. She said she has a list of contacts for Health and Human Services, Veterans Services, and FEMA. She stated she will pass that on to staff, as the Village can contact them if they need any kind of federal feedback. She said she let the agencies know the Village could share their stories about the Community Development Block Grant (CDBG) and the like to reinforce the great things cities do with their federal government.
- She stated she has a planned vacation this weekend, so she will miss the Memorial Day events. She said her fellow Council members will cover for her, as she knows the residents will be there rain or shine.

Councilwoman Siskind noted that Ms. Cohen's son graduated as well. Mayor Gerwig congratulated Ms. Cohen on her son's graduation.

### **13. ADJOURNMENT**

There being no further business to come before the Village Council, the meeting was adjourned at approximately 8:40 PM.

**Approved:**

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**Anne Gerwig, Mayor**

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**Chevelle D. Nubin, Village Clerk**