

## **MINUTES**

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

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

**Tuesday, October 23, 2018  
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, October 23, 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 J. 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** – Reverend Peter Bartuska, Christ Community Church, Wellington delivered the invocation.
4. **APPROVAL OF AGENDA**

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

- 1) Add Video on the Palm Beach County School District's Proposed 1 Mill Referendum to Presentations and Proclamations as item 5B.

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

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

- A. **18-2458** A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA RECOGNIZING AND PROCLAIMING THE WEEK OF OCTOBER 22, 2018 TO OCTOBER 28, 2018 AS "FLORIDA CITY GOVERNMENT WEEK" IN THE VILLAGE OF WELLINGTON

Mr. Schofield introduced the item. Ms. Nubin read the proclamation.

Mayor Gerwig indicated Council took a photo with their hometown heroes, PBSO and Palm Beach County Fire Rescue, for Florida City Government Week. Mr. Schofield stated the Village also hosted Civics 101 for the local high school students, participated in Read for the Record, and held other activities.

Mayor Gerwig noted that buttons and bumper stickers saying “I’m part of it, I’m proud of it” are available at the Village. She also indicated that she will provide tours of City Hall and spread the word of local government to anyone who calls her office this week.

**B. VIDEO ON THE PALM BEACH COUNTY SCHOOL DISTRICT’S PROPOSED 1 MILL REFERENDUM (ADDED TO THE AGENDA)**

Mr. Schofield introduced the item.

Staff showed a video regarding the Palm Beach County School District’s Proposed 1 Mill Referendum.

Mayor Gerwig mentioned earlier that the video was added to the Agenda to benefit the public, as it provides information to better understand the upcoming referendum. Mr. Schofield stated the School District presented the video to the Council yesterday. He said they wanted to give the residents the benefit of the same information and make the video available to them. He stated it will be running on Channel 18 as well.

**6. CONSENT AGENDA**

- A. 18-2071** AUTHORIZATION TO CONTINUE UTILIZING AN EXISTING AGREEMENT WITH KRONOS, INC. FOR SUPPORT, MAINTENANCE, LICENSES AND RENTAL OF THE VILLAGE’S TIMEKEEPING AND PERFORMANCE REVIEW SYSTEM
- B. 18-2323** AUTHORIZATION TO AWARD A CONTRACT FOR THE GREENBRIAR DOG PARK DOG WASH IMPROVEMENTS
- C. 18-2441** RESOLUTION NO. R2018-54 (BINK’S COMMERCIAL CENTRE REPLAT OF LOT 4 AND LOT 1A)
- A RESOLUTION OF WELLINGTON, FLORIDA’S COUNCIL ACCEPTING AND APPROVING THE BINK’S COMMERCIAL CENTRE REPLAT OF LOT 4 & LOT 1A LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF LOT 4, BINK’S COMMERCIAL CENTRE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 91, PAGES 21 & 22, AND A REPLAT OF LOT 1A, BINK’S COMMERCIAL CENTRE REPLAT OF LOTS 1, 2 & 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 113, PAGES 99 THROUGH 101, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- D. 17-1682** RESOLUTION NO. R2018-58 (FEDERALLY FUNDED SUBAWARD AND GRANT AGREEMENT – HURRICANE IRMA)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, APPROVING HURRICANE IRMA FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENT BETWEEN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT AND THE VILLAGE OF WELLINGTON; AND PROVIDING AN EFFECTIVE DATE.

**E. 18-2393 RESOLUTION NO. R2018-55 (EMPLOYEE HEALTH INSURANCE)**

A RESOLUTION OF WELLINGTON FLORIDA'S COUNCIL AUTHORIZING THE MANAGER TO (1) AWARD A CONSUMER DRIVEN HEALTH PLAN (CDHP) AGREEMENT WITH CIGNA HEALTHCARE TO PROVIDE HEALTH INSURANCE TO ELIGIBLE EMPLOYEES, DEPENDENTS, AND RETIREES, AND APPROVING HRA FUNDING FOR EACH ELIGIBLE EMPLOYEE TO COVER COSTS ASSOCIATED WITH ANNUAL OUT OF POCKET MAXIMUM COSTS, INCLUDING DEDUCTIBLES; (2) AWARD A CONTRACT TO CIGNA TO PROVIDE DENTAL INSURANCE TO ELIGIBLE EMPLOYEES, DEPENDENTS, AND RETIREES; (3) AWARD A CONTRACT TO HUMANA TO PROVIDE VISION INSURANCE TO ELIGIBLE EMPLOYEES, DEPENDENTS AND RETIREES; (4) RENEW AN EXISTING AGREEMENT WITH AETNA RESOURCES FOR LIVING TO PROVIDE ELIGIBLE EMPLOYEES, DEPENDENTS, AND RETIREES WITH AN EMPLOYEE ASSISTANCE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield indicated no comment cards were received for the Consent Agenda. He stated staff recommended approval of the Consent Agenda as presented.

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

**7. PUBLIC HEARINGS**

Mr. Schofield indicated no public comment cards were received.

There were no Public Hearings.

**8. REGULAR AGENDA**

**A. 18-2341 AUTHORIZATION TO AWARD A CONTRACT TO PROVIDE ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE WATER TREATMENT PLANT WAREHOUSE, GENERATOR STORAGE, FIELD SERVICES BUILDING MODIFICATIONS, AND MISCELLANEOUS SITE IMPROVEMENTS PROJECT**

Mr. Schofield introduced the item.

Mayor Gerwig recused herself from this item and left the Council Chambers.

Ms. LaRocque stated this agenda item was a recommendation by staff to enter into a work authorization with Colome and Associates in the amount of \$37,410. She said it is for a site feasibility study and concept drawings for a project called Utility Warehouse Generator Storage Facility and Field Service Building Modifications. She indicated the \$37,000 work authorization is part of a larger project that has a current budget of \$5 million, which is an approved Capital Improvement Project. She stated the deliverable will result in a feasibility study and concept drawings that will then be used to negotiate with the Construction Manager at Risk to develop a not-to-exceed construction price and final engineering costs.

Councilwoman Siskind recalled that it was mentioned yesterday that the Village had not worked with Colome and Associates before, but that Ms. LaRocque had worked with them at the county level. Ms. LaRocque stated that Colome does an excellent job on utility projects and was unanimously ranked number one by a Selection Committee.

Mr. Schofield indicated no comment cards were received from the public.

**A motion was made by Councilman Napoleone, seconded by Councilman McGovern, and unanimously passed (4-0), with Mayor Gerwig recused, to approve the Authorization to Award a Contract to provide Architectural and Engineering Design Services for the Water Treatment Plant Warehouse, Generator Storage, Field Services Building Modifications, and Miscellaneous Site Improvements Project as presented.**

**B. 18-2466 COUNCIL CONSIDERATION OF RESOLUTION NO. R2018-59  
(AMENDMENT 1)**

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL  
CONCERNING AMENDMENT 1 TO THE FLORIDA CONSTITUTION  
WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN  
FLORIDA'S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO  
SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS.

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

Mr. Schofield explained that Amendment 1 provides for an additional homestead exemption. He stated homestead exemptions are only for people who own their homes. He indicated homestead exemptions are up to \$50,000, which means a homesteaded property less than \$50,000 is not taxed and the amount over \$50,000 is taxed. He stated with Amendment 1, the amount between \$50,000 and \$100,000 will be taxed, the amount between \$100,000 and \$125,000 will not be taxed, and any amount over \$125,000 will be taxed.

Mr. Schofield stated, for Wellington, Amendment 1 will have an approximate financial impact of about \$800,000. He said it can shift the tax burden away. He stated renters and businesses cannot take advantage of this exemption. He said the League of Cities is not recommending for or against, but they are asking people to read the amendment and understand what it does.

Mayor Gerwig stated any of the Council members can be contacted if anyone has any questions. She said Amendment 1 was put on the ballot by Tallahassee, as the politicians there decided to give their residents a tax break. She stated she understood wanting to give a tax break to the voters, but she thought the state should have done that out of their coffers. She said the Village is pretty efficient with their local tax dollars, as they work hard to do what the community wants. She stated it feels like another unfunded pre-emption from Tallahassee.

She said she asked why the state did not make the homestead exemption from \$50,000 to \$75,000, and no one knew why.

Councilman McGovern stated the Council members have looked at Amendment 1 for a long time. He said they were asked about it in the last municipal election and they talked about it at conferences and with the legislature. He stated when they talk to residents of the Village and county on the services they need or that affect them the most, they are happy with what is being provided. He said what the legislature calls a tax break will not only take money away from the everyday services, such as local law enforcement, fire service, garbage collection, library use, parks and recreation programming, but it can be life changing for the residents.

Councilman McGovern stated when there is a homestead exemption from \$0 to \$50,000, the owner of a primary residence in the county or Village does not pay taxes on that initial portion. He said the state decided to give a greater tax break to the richer folks with the higher home values and not to the people at the \$50,000 to \$75,000 level.

Councilman McGovern indicated Amendment 1 would have an \$800,000 impact in Wellington. He said out of a \$90 million budget the Village might be able to cut some expenses, but this is not a tax break as intended. He stated it is an unfunded mandate and tax shift. He said people need to understand what it is and make an informed decision to vote for or against it, keeping in mind that it requires 60% in the affirmative to pass.

Councilman Napoleone stated he would encourage people to read about Amendment 1 and what the impact would be if it passes, as there is a lot of material online. He said it is more of a tax shift to municipalities, as they either have to provide less services or find a way to support those services through other funds. He stated that means raising taxes or fees to keep levels of service up and generate the revenue that is no longer coming in from the ad valorem taxes. He said the people should make their own decisions and do what they think is best for them and their fellow residents, wherever they may live.

Mayor Gerwig stated that was true on all of the amendments, as an extensive amount of data can be found online. She indicated she has a link to the League of Cities, which has information about all of the amendments and shows who supports or is against each item. She stated when the items are bundled together and become confusing, it is nice to know how it got on the ballot and who is or is not supporting it. She said the Village also has the information if anyone has questions.

Mayor Gerwig stated Amendment 1 feels like top-down government. She said the Village has cut expenses before, for example, the crack sealant on the roads. She stated it looked cheap and it did not meet the level of service the residents wanted. She said those are the kinds of things the Village ends up doing to provide the best services for the residents. She noted this particular amendment only affects local government and exempts the School District.

Mr. Schofield explained the Village went to using the crack sealant on the roads during a major recession. He said they had also cut services and staff. He stated right now they are in the peak of the longest recovery period he has experienced as an adult. He said Amendment 1 takes away money that the Village would normally be getting from ad valorem. He stated he knows that Wellington residents want the Village to maintain the landscaping, parks, etc. He said there will be some way to recover that money, but it will be paid disproportionately by the people who do not get the homestead exemption.

Councilman Napoleone stated the Resolution does not tell people how to vote. He said it encourages them to read and understand what Amendment 1's affect will be.

**A motion was made by Councilman Napoleone, seconded by Councilman McGovern, and unanimously passed (5-0), to approve Resolution No. R2018-59 (Amendment 1) as presented.**

## **9. PUBLIC FORUM**

Mr. Schofield indicated no comment cards were received from the public.

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

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

- She 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, November 13, 2018, at 7:00 p.m. in the Council Chambers.
- The Agenda Review meeting will be held on Thursday, November 8, 2018, at 4:00 p.m.
- Village Offices will be closed on Monday, November 12, 2018, in observance of the Veterans Day holiday.
- The Veterans Day Parade and Ceremony are scheduled to take place on Sunday, November 11, 2018, beginning at 8:15 a.m.
- Village Hall is changing its hours of operation to Monday through Friday, 8:00 a.m. - 5:00 p.m., beginning October 29, 2018, ending the extended hours on Wednesdays.

## **12. COUNCIL REPORTS**

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

- He stated Mr. Bill Klein wants to know if he will be reappointed to the Citizens Advisory Committee. Councilman Napoleone said he supports Mr. Klein's service because he attends the meetings, takes great notes and provides excellent feedback. It was Council consensus that Mr. Klein continue to serve on the Citizens Advisory Committee.
- He indicated that the Senior Room at the Community Center opened this week. He said the space is nice and well set up with TV's, chairs, games, coffee, etc.
- He stated Wellington High School is having their Trunk or Treat on Halloween Night. He said it is a good event that is safe and fun for smaller children, and it supports a good cause.

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

- He thanked Mayor Gerwig for giving him the opportunity to participate in the Wellington High School Homecoming Parade. He said it brought back great memories.
- He stated the Young Professionals of Wellington are hosting "Wicked at the Wanderers" this weekend, which is the best Halloween Party in Wellington. He said it was invented about six years ago to encourage the residents to stay in Wellington and to raise money for charity.
- He asked Ms. Cohen to provide a status update on the code enforcement cases involving Polo West and Polo North, regarding the rulings and timeline in terms of getting the grass cut on those golf courses. Councilman McGovern asked that Ms. Cohen also provide an update on the Big Blue foreclosure.

Ms. Cohen stated there was a finding of violation last month and the magistrate entered an order requiring the property owner to mow the lawn. She said to her knowledge that has not occurred yet. She stated the property owner filed an appeal but has not filed their initial brief. She said that does not stay the magistrate's ruling and the property owner is required to comply with the order; however, to her knowledge, they have not done so.

Councilman Napoleone asked if the daily fine has started running, because compliance was supposed to happen in October. Ms. Cohen stated the daily fine has not yet started. She said it has to go back to the Special Magistrate in order for that to happen.

Vice Mayor Drahos stated the property owner was cutting along the perimeter of some properties, but the ruling is they have to cut the entire golf course. Ms. Cohen indicated the ruling was that the property owner had to maintain the vegetation in a neat and orderly fashion in compliance with the Village code.

Vice Mayor Drahos asked if the property owner gave any explanation at the Magistrate Hearing as to why they were not cutting the grass. Ms. Cohen stated she understood the explanation was that they were trying to convert it to a target golf course. She said in photographs of other target golf courses, the courses were contoured in a more neat and orderly fashion and did not include weeds. She stated the property owner needs to comply with the order and cut back the vegetation.

Ms. Cohen stated there was a hearing this month on two violations on the Dunes Course and one violation on the North Course. She said again there was a verbal order finding violations. She stated that hearing was handled by Mr. Torcivia. She believed Mr. Torcivia asked for a shortened time period for the property owner to comply. She said the Village has not received the order yet, so she cannot tell Council what that time period is going to be.

Ms. Cohen stated Mr. Torcivia also presented the request that the Village be authorized to move forward with the foreclosure. She said the property owner filed a motion to stay, which was denied by the magistrate. She stated the magistrate has authorized the Village to move forward. She said she is in the process of putting that together and will get it moving as quickly possible.

Ms. Cohen stated the enforcement case is still on appeal and the Village has not received a ruling yet. She said it is fully briefed.

Ms. Cohen stated the two master plan amendment cert petitions to the Circuit Court are both fully briefed. She said the Village has not received any decision at this point.

Ms. Cohen stated in the soccer injunction case, the Village has filed a motion for summary judgement. She said it has not been set for hearing but will be.

Ms. Cohen stated the Big Blue II case, where there was some removal of vegetation from the Big Blue Preserve, the Village currently has an injunction in place and is waiting for some court action on setting the matter for final hearing.

Ms. Cohen stated that is the status of all of the polo cases and Polo West cases. She said the Village has a couple of other cases that are non-polo or Polo West related.

Councilman Napoleone asked about the mowing of Polo West and Polo North and to the timeframe as to when the property owner has to be in compliance or the daily fine starts to run. He said he understood when the property owner was found in violation, they were given a reasonable time to comply. He thought that was going to happen in October and then there would be a new hearing and the daily fine would start running. He stated the daily fine has not yet started, so he did not understand the incentive.

Ms. Cohen stated it has to go back for fine certification at the next magistrate hearing in November. Councilman Napoleone asked why it did not happen in October.

Mr. Schofield explained two hearings have to happen. He said the first is the fine certification hearing. He stated the Special Magistrate has to first determine that a violation exists. He said the State Statute requires that once they do that, then the property owner is given time to correct it. Councilman Napoleone thought that happened in September.

Ms. Cohen stated she was unsure as to why it was not heard in October. She said she will get it on the next Special Magistrate Hearing and start the daily fine running. She stated Mr. Koch's department sets the agendas.

Vice Mayor Drahos thought the greater point was that Council wanted to move these issues along as fast as the system allows. Councilman McGovern did not think the Council could be any clearer in that regard. Vice Mayor Drahos stated that is why he continues to use his comment time to raise these issues.

Vice Mayor Drahos reiterated that he wanted to try these cases in the court of public opinion as well. He said if the property owners are taking the position in the code enforcement hearings that they are not cutting the grass because they are trying to create target golf, he wanted the residents to hear that. He stated he hoped the media would start picking up on this when it is being addressed during their Council Meetings.

Councilman McGovern stated target golf and no sport is played in unmaintained, overgrown, open space or any kind of organized sport that is played for a fee. Ms. Cohen said the magistrate recognized that fact.



Mayor Gerwig stated the Village will continue to work with the property owner in any way they can to encourage compliance. Vice Mayor Drahos said the goal is compliance as soon as possible.

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

- He noted Money Magazine recognized Wellington as one of eight cities in the United States as the best place to retire in America for golf. He indicated the nice article has been posted on Mayor Gerwig's Facebook page and the Village's Facebook page.
- He stated Early Voting has begun and can be done at the Wellington Library from 7:00 a.m. to 7:00 p.m., seven days a week
- He thanked the Parks & Recreation Department for two great events: the Lakeside Family Fun Day and the Fall Festival. He stated both were spectacular and well attended events. He said the Village staff went above and beyond.
- He encouraged everyone to participate in the Holiday Food Drive to help those who are less fortunate.
- He stated he is looking forward to seeing everyone at Read for the Record on Thursday and at Wellington High School for Trunk or Treat next week.
- Mayor Gerwig stated the book "Maybe Something Beautiful" will be read for Read for the Record on Thursday. She said it is about street art and murals. Councilman McGovern stated Council will be presenting it at every school in the Village and they are looking for any number of other creative ways to present it.

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

- She stated the Fall Festival was great and the Homecoming Parade was a huge success.
- She encouraged everyone to be careful on Halloween, as the kids will be out trick or treating.

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

- She also encouraged everyone to be careful and watch out for the kids on Halloween.
- She recognized the Interfaith Community that works with the Village on the Holiday Food Drive and the Toy Drive. She thanked everyone involved, as they do a great job.
- She acknowledged Ms. Jenifer Brito, Community Services Specialist, and PBSO Corporal Ciuperger who saved the life of a local senior by requesting and conducting a safety check. Mayor Gerwig asked that Ms. Brito be recognized. Mr. Schofield stated Ms. Brito has done an excellent job and the Community Services Department as a whole does great work. He commended Ms. Paulette Edwards and her staff.

Regarding the earlier discussion on the Polo West and Polo North code enforcement cases, Mr. Schofield noted that the item was not on the Special Magistrate agenda because the compliance date was after the publication of the agenda. He said it will be on the next agenda and he will make sure it is not an issue going forward.

### **13. ADJOURNMENT**

There being no further business to come before the Village Council, the meeting was adjourned at approximately 7:48 PM.

**Approved:**

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**Anne Gerwig, Mayor**

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**Chevelle D. Nubin, Village Clerk**