

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

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

**Tuesday, January 8, 2019
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, January 8, 2019, 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** – Deacon Pete Del Valle, St. Therese de Lisieux Catholic Church, Wellington delivered the invocation.
4. **APPROVAL OF AGENDA**

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

- 1) Add to Presentations and Proclamations as item 5A, Presentation of Wellington Community Foundation, Inc. Special Population Program Scholarship.
- 2) Add to Presentations and Proclamations as item 5B, Presentation by PBSO Deputy Scott Poritz on “A Day for Autism” Building Bridges with Law Enforcement Picnic.
- 3) Move Consent item 6J – 1) Authorization to Award a Contract for the Binks Pointe Pathway Project; and 2) Approval of Resolution No. R2019-01 Amending the Fiscal Year 2018-2019 Road Impact Fund Budget and the Governmental Capital Fund Budget to Assign Funds for the Binks Pointe Pathway Project; and Providing an Effective Date. – to the Regular Agenda as item 8B.

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

5. PRESENTATIONS AND PROCLAMATIONS

A. 19-2631 PRESENTATION OF WELLINGTON COMMUNITY FOUNDATION, INC. SPECIAL POPULATION PROGRAM SCHOLARSHIP

Mr. Schofield introduced the item.

Mr. Barnes stated this item was the culmination of efforts between staff, Wellington Community Foundation, Wellington Community High School, and Vinceremos Riding Center to develop special population/special needs programming, which they have been trying to do for years. He said they decided to start with what they know and partnered with Wellington High School to look at what they could do for the special population in their student body. He stated they came up with a solution with the Vinceremos Riding Center and presented it to the Wellington Community Foundation, who very kindly and generously came to the table with funding for approximately sixty (60) students in this school year.

Mr. Tom Wenham stated the Wellington Community Foundation board members would like to present a \$12,000 check to the Village of Wellington, as part of the Wellington Community Foundation's ongoing involvement with seniors, veterans and children. He said this check will assist sixty (60) ESE special needs Wellington children from Wellington High School in participating in the Vinceremos Riding Program in 2019. He stated this partnership with the Village of Wellington, Palm Beach County School District, Wellington Community Foundation, and Vinceremos speaks volumes about what can be accomplished when civic minded people work together for the benefit of those in need. He said the Wellington Community Foundation looks forward to working with other Wellington organizations to benefit Wellington residents.

Ms. Suzanne Pollard, from Wellington Community High School, thanked the Wellington Community Foundation for their generous donation along with the Village of Wellington, so their ESE students would have this awesome opportunity. She said the Vinceremos webpage says "ability over disability" and this will allow their students to show their ability over their disability as well as allow them to show their potential.

Ms. Cara Hayden stated they were so excited. She thanked everyone for what they were doing for their kids and for the community. She said it is going to be a wonderful and innovative opportunity.

Ms. Susan Guinan thanked the Wellington Community Foundation for the opportunity to create impact in their community due to their generosity. She introduced Ms. Ruth Menor, the Founder of Vinceremos. She said Ms. Menor has been making these opportunities available for individuals with disabilities in their community for the last thirty-seven years. She stated Ms. Menor is an expert in finding abilities and uncovering the potential in individuals with disabilities. She said they are very excited to bring equestrian sport and those opportunities to their children, as it is so very much a part of the community. She thanked everyone for seeing the potential in Vinceremos and their children.

Ms. Ruth Menor stated it is an exciting opportunity for Vinceremos to partner with the schools. She said it has been such a valuable aspect to much of their programming, because there are so many parents who cannot get their children to them individually. She stated to be able to offer this opportunity for the children through the school is wonderful.

Mayor Gerwig commented on Vinceremos and the amazing work they do. She said they meet a lot of needs for those with physical and emotional disabilities. Ms. Menor invited anyone who has not been to their facility to stop by.

Councilwoman Siskind stated this was so exciting for her. She said about a year ago, she talked with Ms. Guina, and Ms. Menor about having a program like this in Wellington, since they are an equestrian community. She stated she went with former Mayor Wenham and Mr. Barns and saw firsthand the wonderful work that Vinceremos does daily. She said a special lift takes the children out their wheelchairs and puts them on the horses. She stated she saw a child smile as he was on a horse as part of the regular class and equal to his peers. She said it was really heartwarming to see. She stated this program was going to touch a lot of lives and help a lot of kids and their parents. She thanked everyone for listening, the Village for perusing it, and everyone for coming together for the donation. She said they are really looking forward to seeing how this takes off.

Vice Mayor Drahos stated Vinceremos and the Wellington Community Foundation make a good match to the benefit of Wellington High School. He said this is a win-win for the community. He stated the Council was excited about seeing what they will accomplish together.

Councilman Napoleone stated the Wellington Community Foundation continues to impress with what they have done. He thought, when the Foundation was first founded, it was never envisioned that they would have accomplished this much. He said there was no real purpose at that time. He stated the Foundation hit the ground running and keeps impressing them by doing more bigger and better things. He thanked the members for all they have done for the community. He said he loved the partnership with Vinceremos. He stated he knows they will continue to do more and more to benefit the community. He thanked everyone.

Councilman McGovern stated he echoed the comments of his colleagues. He thanked Councilwoman Siskind for her leadership on this. He said, to someone on this dais who steadfastly said to keep the Community Foundation going because this is what it could be, this is absolutely exciting. He stated he knows the Foundation will continue to look for partnerships like this, to expand the role of what the Community Foundation in Wellington can be. He thanked everyone for their efforts, leadership, and fundraising. He also thanked Vinceremos for what they do to change the lives of children every day. He stated he is excited to see this triangle between Vinceremos, the new leadership at the high school, and the ongoing visionary work of the Community Foundation coming together.

Mayor Gerwig stated this is exactly what they had envisioned when they turned over the Community Foundation and gave it the legs the members have put under it. She thanked them for that.

Mr. Wenham stated the Community Foundation is glad to do this. He said it is money well spent, as they are giving back to their community to help the children who need it. He stated to see the children out there trying to make a go of it, he could not believe it. He said this was a gift of the heart from all of the members. He thanked the Council for allowing them to be a part of this. He said the Community Foundation looks forward to any other challenges that might come along.

B. PRESENTATION BY PBSO DEPUTY SCOTT PORITZ ON “A DAY FOR AUTISM” BUILDING BRIDGES WITH LAW ENFORCEMENT PICNIC

Mr. Schofield introduced the item.

Deputy Scott Poritz cordially invited Council and Village of Wellington residents to the 2nd Annual “A Day for Autism” Building Bridges with Law Enforcement Picnic. He stated the event is a partnership between the Sheriff’s Office, Village of Wellington, FAU Center for Autism and Related Disabilities (CARD). He said Ms. Alison Bourdeau, Clinical Support Specialist with FAU CARD, participated in another event with the Sheriff’s Office and reached out to him about putting an event together for the Western Communities with autism. He stated he then received a phone call from Laura Aldrich at the Village asking about the event. He said Councilman Napoleone got all of the partners together and “A Day for Autism” was born.

Deputy Poritz indicated when law enforcement or fire rescue responds to a call at a home with an autistic child or adult, it is usually not for good reasons. He said the concept behind the event is to give the autism community a day to interact with law enforcement and fire rescue on a positive note. He stated through this interaction the autistic individual may recognize the uniform as something pleasant and where they had a good time, and it might calm them down to allow the officers to help the situation without negative results.

Deputy Poritz stated this year they are growing the event bigger and better. He showed Council a brief video of last year’s event. He said they kind of got their feet wet the first year. He stated they have more sponsorships this year. He said Bolay sponsored the food last year and they would like to have them again this year. He stated it was a perfect fit, as they are allergen friendly and healthy, and seemed to work well with the autism community.

Deputy Poritz stated Little Smiles has been added as a sponsor for the kid zone, which will have bounce houses and interactive games. He indicated Joe DiMaggio Children’s Hospital will be the sponsor for the petting zoo experience. He stated there will also be a mini touch-a-truck event sponsored by Duffy’s Landscaping. He said it will all interact with the Sheriff’s Office, as they will have a canine, mounted unit, monster truck, etc., to complement the event. He stated Fire Rescue will have a bigger role this year and School Board police will be there along with a firm that provides estate services for anyone with autism, drowning prevention, etc. He said Michael, a young man with autism who does his own artwork, was there last year and will be there again this year. He stated there will be a wide range of activities and vendors. He indicated they are still taking applications for more sponsors.

Deputy Poritz stated this year the event is spreading its wings and inviting more of the community. He said the flyer is going live tomorrow. He stated he has been waiting on the last sponsor, but they are going to start pushing it out. He said last year there were about 200 hundred participants and this year he hopes to have 300 to 500.

Deputy Poritz stated this type of an event gives the autism community an opportunity to interact with law enforcement and gives law enforcement a chance to interact with the community while doing arts and crafts and playing games. He said the officers will sit down for the picnic and get to know their autism community.

Deputy Poritz stated the date of the event is February 10, 2019, from 10:00 a.m. to 1:00 p.m. by the Community Center. He said it is a great opportunity for the community to come out and support those families dealing with somebody who has autism. He stated this event will be a fun filled day with no judgement, so families can come out with a child or an adult with autism. He said they will all be there for a common goal and reason. He stated he hoped to start

breaking down some of those barriers and growing these two communities together, law enforcement & fire rescue and the autism community.

Mayor Gerwig stated it was a really nice event last year. She said the spectrum is so different, as to who will be able to benefit from it. She indicated that not every child will be able to cope with the sirens, but it benefits some to see it so they do not panic when it does happen. She stated it is hard to do this, because every autistic person is different. She said hats off to Deputy Poritz for providing this and to Councilman Napoleone for putting these people together and having this idea. She stated Council will do whatever they can to attend the event.

Councilman Napoleone stated this was such a great event last year. He said the partnership with PBSO and CARD pulled this off. He stated it was a great benefit to the community. He said he played a very small part in helping to make this happen. He stated Deputy Poritz took this on as a personal project last year and it is going to be better this year, because of the heart and soul Deputy Poritz has put into it. He said he was looking forward to February 10th and having another fantastic community interaction day. He thanked Deputy Poritz for all the work he has done.

6. CONSENT AGENDA

- A. 18-2595** MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF NOVEMBER 13, 2018 AND DECEMBER 11, 2018
- B. 18-2582** AUTHORIZATION TO UTILIZE A STATE OF FLORIDA CONTRACT FOR THE PURCHASE AND DELIVERY OF A NIMBLE STORAGE ADAPTIVE FLASH BASE ARRAY
- C. 18-2583** AUTHORIZATION TO UTILIZE A SOURCEWELL CONTRACT (FORMERLY NATIONAL JOINT POWERS ALLIANCE – NJPA), AS A BASIS FOR PRICING, FOR THE PURCHASE AND DELIVERY OF THE EXAGRID STORAGE SERVERS; AND 2) DISPOSITION OF EXISTING SURPLUS EQUIPMENT
- D. 18-2303** AUTHORIZATION TO AWARD A TASK ORDER, TO PROVIDE ENGINEERING CONSULTING SERVICES, FOR THE WATER RECLAMATION FACILITY LIGHTING AND LIGHTNING PROTECTION UPGRADE DESIGN
- E. 18-2304** AUTHORIZATION TO AWARD A TASK ORDER, TO PROVIDE ENGINEERING CONSULTING SERVICES, FOR THE REPLACEMENT OF PROGRAMMABLE LOGIC CONTROLLERS (PLC) AT THE WATER RECLAMATION FACILITY
- F. 18-2098** AUTHORIZATION TO RENEW AN EXISTING CONTRACT WITH PROCESS CONTROL CONSULTANTS, INC. TO PROVIDE UTILITY PROCESS CONTROL SYSTEMS MAINTENANCE & MODIFICATION
- G. 18-2542** AUTHORIZATION TO UTILIZE A CITY OF POMPANO BEACH CONTRACT, AS A BSIS FOR PRICING, FOR REPAIRS AND CALIBRATION OF FLOW METERS AND RELATED SERVICES

- H. **18-2603** AUTHORIZATION TO AMEND AN EXISTING CONTRACT TO ADD LANDSCAPE MAINTENANCE SERVICE AREAS
- I. **18-2406** AUTHORIZATION TO AWARD A CONTRACT FOR THE RECONDITIONING OF THE TRASH RAKE AT PUMP STATION 6
- J. **17-1595** ~~1) AUTHORIZATION TO AWARD A CONTRACT FOR THE BINKS POINTE PATHWAY PROJECT; AND 2) APPROVAL OF RESOLUTION NO. R2019-01 AMENDING THE FISCAL YEAR 2018-2019 ROAD IMPACT FUND BUDGET AND THE GOVERNMENTAL CAPITAL FUND BUDGET TO ASSIGN FUNDS FOR THE BINKS POINTE PATHWAY PROJECT; AND PROVIDING AN EFFECTIVE DATE.~~ (MOVED TO THE REGULAR AGENDA AS ITEM 8B.)
- K. **18-2610** RESOLUTION NO. R2019-02 (ROCREATION CORP EASEMENT AGREEMENT)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT AGREEMENT BETWEEN WELLINGTON AND ROCREATION CORP TO PROVIDE A UTILITY EASEMENT AND A PUBLIC EQUESTRIAN BRIDLE TRAIL EASEMENT; AND PROVIDING AN EFFECTIVE DATE.
- L. **18-2611** RESOLUTION NO. R2019-03 (LASSERGUT FARMS USA, INC. EASEMENT AGREEMENT)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT AGREEMENT BETWEEN WELLINGTON AND LASSERGUT FARMS USA, INC. TO PROVIDE A UTILITY EASEMENT AND A PUBLIC EQUESTRIAN BRIDLE TRAIL EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield stated staff recommended approval of the Consent Agenda as amended.

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

Mr. Schofield indicated no public comment cards were received.

7. **PUBLIC HEARINGS**

- A. **18-2585** ORDINANCE NO. 2019-01 (NUISANCE):
- AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 30, ARTICLE II (NUISANCES), SECTION 30-53 (NUISANCE DECLARED) AND SUBSECTION 30-54 (NUISANCE TO BE ABATED) OF THE CODE OF ORDINANCES OF THE VILLAGE OF WELLINGTON, FLORIDA; TO MODIFY AND CLARIFY THE SPECIFIC REGULATIONS FOR THE CONTROL OF EXCESSIVE GROWTH OF

GRASS, WEEDS AND LOW-GROWING VEGETATION ON
UNDEVELOPED, PARTIALLY DEVELOPED PROPERTIES AND ON
INACTIVE OR ABANDONED GOLF COURSE PROPERTIES;
PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR
CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND
PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item.

Mr. Basehart, Planning, Zoning and Building Director, stated these amendments are to Chapter 30 of the Code of Ordinances, which is generally referred to as the Nuisance Control Section of the Code. He said the amendments being proposed are intended to improve the maintenance standards for vacant or abandoned properties and developed properties as well. He stated, as staff has done with many of the codes and ordinances they have brought to Council in the last couple of years, they have tried to simplify this ordinance to make it more understandable and a lot clearer. He said he thinks staff has done that with these amendments.

Mr. Basehart stated staff has strengthened the maintenance standard for property. He said properties that are required through the current Code of Ordinances to maintain a six inch maximum height limit for 60 feet around the perimeter of the property or now required to maintain that for 120 feet. He stated there has also been a debate in past months over whether a property is developed or undeveloped. He said if the property was used for something and is no longer used that way, this has been clarified in the definitions.

Mr. Basehart stated one issue has been golf courses and they have specifically included provisions that related to golf courses. He said they have always been covered under the other provisions, but again this is an attempt to clarify the requirements. He stated staff has put most of the standards into a table, as opposed to text, to make them easier to read and understand. He said they eliminated some text and shortened it.

Mr. Basehart indicated these amendments will apply to everyone Village wide, including the Village. He stated K-Park, for example, is leased to a farmer, but should that lease end and the property become fallow, these maintenance standards would apply to that property as well and the Village would be subject to maintaining the property as this code requires for everyone else.

Mayor Gerwig asked if it was 60 feet in from the right-of-way line. Mr. Basehart stated it was 60 feet in from the property line, whether it is a right-of-way or not.

Mayor Gerwig indicated the amendment was changing it to 120 feet. She asked if the Village maintained the Village owned right-of-ways adjacent to undeveloped properties. Mr. Basehart stated the Village maintains the right-of-ways if they are Village right-of-ways.

Mayor Gerwig stated the exception is if the right-of-ways are incorporated into a lot. She said when people mow their property, they also mow the swale. She stated it has not happened where vacant lots exist, as the Village maintains that area now. Mr. Basehart stated that was correct.

Mayor Gerwig stated this was inside the properties and only affects the properties greater than a half-acre. Mr. Basehart indicated that it affects all properties. He said for properties that are less than a half-acre, it would require the entire property to be maintained at six inches. For properties more than a half-acre, the first 120 feet around the perimeter of the property would

have to be maintained.

Councilman McGovern asked if Mr. Koch's office was going to undertake making sure that people are aware of this change and can come to compliance with it. Mr. Koch stated that was correct. He said some lot owners maintain the 60 feet, so staff will reach out to let them know the code is changing to 120 feet.

Councilman Napoleone stated this takes two readings. He said assuming it passes tonight and at the next meeting, that is thirty days already. He stated there is time for people to be noticed. He said, if they have a problem, they will receive a notice and have time to cure any problems.

Mayor Gerwig asked if the golf course that is not being maintained as a golf course is developed or undeveloped. She said the Village has maintained that it is developed, because it is not naturally occurring.

Mr. Basehart stated the definition of development says if the land has been altered or the configuration or elevation of the land has been altered, it has been developed. He said staff has added more language to clarify this, so there is no question. He stated since golf courses are basically open spaces and developed property, and because of the nature of golf courses and their location being generally adjacent to residential areas, this amendment will require them to be maintained at six inches of their entirety.

Mayor Gerwig stated the entire property would have to be maintained, which is what the Code calls for now, so it is not a revision. Mr. Basehart said that has been staff's interpretation.

Councilman McGovern stated these amendments go along with what the Village has been doing in regards to rewriting the Code to make it clear and simple, so anyone can understand it. He said it is now not only an interpretation but it is right here. Mr. Basehart stated that was absolutely correct.

Councilman Napoleone asked if a developed property could ever become undeveloped property. Mr. Basehart stated once a property is developed, it's developed. Mayor Gerwig indicated that a lake that has been dug on the property is part of development.

Mayor Gerwig stated they spoke yesterday at Agenda Review about some adjacent lands that would have this increased distance. She said the "Fina" property has had to maintain 60 feet from the perimeter and now they will have to maintain 120 feet.

Mr. Schofield stated a number of years ago, the Village leased the 65 acre property it owns on Stribling to Alderman Farms. He said that is now developed property. He stated should Alderman Farms ever choose not to farm that property, the Village will be required to maintain it.

Mayor Gerwig stated that fact it has been farmed, turns it into developed property. Mr. Schofield said that is true if the land has been altered and has been used. Mr. Basehart indicated that this has been clarified in the definitions.

Councilwoman Siskind stated Mr. Koch said yesterday that how staff notices people is not changing, but they will reach out to let people know about the change from 60 feet to 120 feet. Mr. Koch said that was correct.

Public Hearing

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

Mr. Schofield indicated comment cards were received from the public.

1. Alexander Domb, 11199 Polo Club Road, Wellington and 10633 Versailles Blvd, Wellington. Mr. Domb stated he is an attorney representing Palm Beach Polo, Inc. and Polo West Golf Club, Inc., two of the largest golf course owners within Wellington. He spoke against the ordinance and asked for an opportunity to meet with the Village to discuss it.

Mayor Gerwig stated she appreciated Mr. Domb for reaching out to the Village. She said this was the first reading and that she will make time to come by and talk to him about it.

2. Calvin Neidrauer, 1864 Lindsey Court, Wellington. Mr. Neidrauer stated his property is right next to the extreme northwest corner of what is called the Polo West Golf Course. He said he supported the more restrictive Nuisance Ordinance and recommended that language addressing the waterways be included.

3. Glenn Jergensen, 2327 Newbury Drive, Wellington. Mr. Jergensen spoke in support of the ordinance and said he would make it even more restrictive. He stated he appreciated the Village for taking this action to start to develop some additional rules and regulations for developers who come in and purchase land and then avoid taking care of it.

4. William McCue, 11564 White Marsh Drive, Wellington. Mr. McCue stated most have said they would like the grass to be cut short, but he did not know if that represented everyone living next to the courses. He thought Mr. Domb brought up some valid points. Mr. McCue said his property is near the North Course. He stated he has found personally that when the grass is taller, as it is now, no one cuts through his yard to wander back there and the trucks and motorcycles do not go back there. He suggested further investigation.

5. Glenn Straub, 11199 Polo Club Road, Wellington. Mr. Straub spoke against the ordinance. He asked that the Village ask questions before responding to complaints.

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

Mayor Gerwig asked staff to explain why the Code Enforcement process takes a long time. Mr. Koch stated the ultimate goal of Code Enforcement is compliance, as they do not like to fine people. He said the system is set up to give them every opportunity to comply. He stated Wellington starts off with a courtesy letter, which is typically thirty days. He said if there is no compliance with the courtesy letter, the second Notice of Violation/Notice of Hearing is sent out certified mail to meet the due process requirements. He indicated this is when the clock starts. He stated if there is no compliance with the Notice of Violation/Notice of Hearing, which is about thirty days for most violations, it goes to hearing where it is presented to the magistrate. He said if the magistrate fines the person in violation, more time is given to comply, which is typically another thirty days. He stated if there is no compliance with the magistrate order, the fine will start.

Mayor Gerwig stated the Village is governed by state law in this regard. Mr. Schofield indicated Chapter 162 governs the Code Enforcement process, which is geared to protect the property owner. He said the Village does not have the ability to establish timeframes that are separate and apart from what is in Chapter 162. Mayor Gerwig stated that was not unique to Wellington. Mr. Schofield said every municipality and county in Florida was governed by this.

Mr. Schofield stated the Village has some leeway with whether or not they send a courtesy notice. Ms. Cohen said this was not required by Village Code, but for most properties and practical purposes the Village will typically issue a courtesy notice. Mr. Schofield explained the Village stays with courtesy notices, because they get about 90% compliance with the first notice.

Mayor Gerwig stated the only thing the Village can cut out of this process is the first thirty days. She indicated, once a fine is certified and ongoing, it is usually states five years cease and desist. She said they do not get those ninety days again, as that is a one-time thing at the beginning of the process.

Mr. Koch stated the State statute permits the Village to have a five year cease and desist order. He said if the person re-violates the same code section within five years, the Village can take them straight for fining. He stated, even at that point, staff reaches out and asks them to comply before they are fined. He said a separate letter is sent at the discretion of the code officer.

Councilman Napoleone asked what governs the maintenance of waterways. Mr. Basehart stated this code governed them. Ms. Cohen said she believed that it was addressed in Article 8 as well. She stated Council may want to include the word "waterways" in the first reading of this Ordinance.

Mr. Schofield stated in some subdivisions the Village has right-of-ways for its canal systems or canals that were widened into lakes in the development process. He said the Village maintains its right-of-ways, but they are prohibited from spending public funds on private property.

Mr. Basehart stated staff has modified the definition of developed property to include lakes, golf courses, and sports fields. He said they can add waterways if Council wishes. Ms. Cohen indicated that was her recommendation.

Mayor Gerwig stated a waterway is not going to have a maximum grass height, as it is a different set of standards. She said she was wondering if the waterway portion would go into this table. She stated it could be added to the documentation on how to maintain a waterway or waterbodies.

Mr. Basehart stated Article 8 has those provisions, but they can add some more language beyond definitions. Mr. Schofield recommended staff pull the requirements from the South Florida Water Management District standards, which are applied to everything that has a permit. He said there is no part of the Wellington PUD or Landings at Wellington PUD that is not subject to those maintenance standards. He reiterated that the Village will not be applying a new standard, as they will be restating what is already there and has been in place since 1978. Mayor Gerwig stated they could do that before the next reading.

Mayor Gerwig stated what Mr. McCue brought up was something that she discussed yesterday. She said some people think that when they are living next door to undeveloped property that it

is a preserve or overgrown, and this Ordinance might affect them. She hoped these people will speak up next time or that Council will receive some more public input. She indicated that each Council member has e-mail and people can let them know how they feel. She stated if property owners suddenly start clearing further into their borders and people are not expecting that, it might look like development and not maintenance. She said it may not make everyone happy.

Councilman Napoleone thanked staff for bringing this forward. He thought it was important for property owners in Wellington to understand that they need to maintain their property in such a way that it does not create a nuisance or health and safety issue for their neighbors. He stated it is one thing for them to use their property the way they want to, but they have a duty to take care of it so that it does not impact their neighbors. He thought this ordinance was a good step in accomplishing that, because Council has heard a lot of complaints about unmaintained properties in different parts of the Village. He thanked everyone who came out tonight to comment.

Councilman McGovern stated he thought this simply codified the Village's interpretation as it has existed. He said, combined with the fact, some of the speakers say it does not go far enough and some say it goes too far. He suggested they codify this, try it out for a while, and then come back and reassess it if need be.

Mayor Gerwig asked if there was a procedure for buying property, saying they do not intend to use it for any purpose, and turning it back into undeveloped. Mr. Schofield stated every piece of property within the PUD's is master planned. He said, for example, if Alderman Farms decides not to farm K-Park, and if the Village decides not to keep it as a grass field, the Village has the ability to change the land use and convert it to a natural area. He stated the Village can do that as an upland or what it did in the case of Section 24. He said Section 24 was an abandoned, overgrown farm and the Village turned it into a functional wetland with native vegetation.

Mr. Schofield stated they could return it to its natural condition. Mayor Gerwig asked if they could have nice grassy areas that were greater than six inches if their plan was approved for that. Mr. Schofield explained if they turned it into a pine or palmetto upland, they would look for native Florida vegetation and there would be many grasses in there above six inches. He said it would have a management plan and a plan for why it is there, so if it became overgrown with Melaleuca, the Village would have a recourse to remove it.

Councilwoman Siskind stated she thinks the Ordinance makes everything clearer and makes enforcement easier. She asked if they were going to add the waterways language for the second reading.

A motion was made by Councilman Napoleone, seconded by Vice Mayor Drahos, and unanimously passed (5-0), to approve Ordinance No. 2019-01 with the addition of the waterbodies language.

8. REGULAR AGENDA

A. 18-2594 REQUEST FOR REIMBURSEMENT OF LEGAL FEES INCURRED BY MAYOR ANNE GERWIG RELATING TO SUCCESSFUL DEFENSE OF ETHICS COMPLAINTS

At this point, Mayor Gerwig recused herself from this item because of a conflict with the State Code. She asked if the Council members were able to ask her any questions as a witness. Ms.

Cohen stated the Council members could not ask Mayor Gerwig questions, as this was not a hearing. She said she would advise Mayor Gerwig against being present in the room, based on previous ethics opinions.

Mayor Gerwig stated because this will benefit her personally, she is recusing herself from this item. She also recused herself from the next item, as it is a project award that has a sub-consultant working on this project. She said her business has some outside interests, nothing to do with what is in front of this Council, but she is recusing herself based on the County Code of Ethics. She left the Council Chambers.

Mr. Schofield introduced the item.

Ms. Cohen stated two ethics complaints were filed against Mayor Gerwig in 2015: one by former Mayor Bob Margolis and the other by Wellington resident Bart Novak. She said the Village, prior to that time, adopted a policy that allows the Council to reimburse a Council member, or Board or Committee member, for legal fees and costs incurred in successfully defending an ethics complaint. She stated the Village policy requires a number of things, including that the claim be successfully defended and that it first be submitted for reimbursement to the Florida League of Cities, which pays fifty percent (50%) of the fees incurred up to a certain amount. She said that has all been done.

Ms. Cohen indicated in Council's packet and in the supplement to their packet are the notices that were required to be given, the fees that were incurred, and the engagement letter with the Coates Law Firm who assisted with the defense. She said she believed the Council had everything necessary and required by the policy to be able to approve the request for reimbursement. She stated staff is recommending that Council approve the reimbursement.

Ms. Cohen stated one thing that was important to the Council in adopting this policy was that they did not want the threat of an ethics complaint being filed against a public official to be a deterrent to people serving in public office or to have a chilling effect on people and preclude them from serving, for fear of having to come out of their own pocket to defend these types of complaints. She said both complaints were found not to be meritorious. She stated she thought this was exactly the type of situation the policy was intended to address.

Councilman Napoleone asked if Mayor Gerwig's request for reimbursement satisfied all of the conditions of the policy for reimbursement. Ms. Cohen stated it did.

Councilman Napoleone asked if half of the request was reimbursed by the insurance policy. Ms. Cohen stated the League of Cities paid \$3,415.63, a little more than half. She said the balance is \$3,334.37. She stated Mayor Gerwig has already paid the legal fees, so the amount from FMIT has to be reimbursed to her in any circumstance. She said Council is deciding on the balance of \$3,334.37 and whether they believe Mayor Gerwig has satisfied the requirements of the policy. Ms. Cohen stated she believes Mayor Gerwig has satisfied the requirements and this amount should be reimbursed. She said she thinks the documentation is sufficient to satisfy the Village policy.

Councilman Napoleone stated the FMIT policy use to reimburse 100%, but then it was changed to only 50%, which is why the Village stepped up to cover the other 50%. Ms. Cohen indicated that prior to 2014 the FMIT/League of Cities policy paid 100% for successfully defending up to \$25,000 per incident. She said because the Village had a number of claims paid, the policy was changed, not only for Wellington but state-wide, and coverage was reduced to 50%. She stated

the Village policy currently provides a reimbursement up to 50% of a certain dollar level, which she believes is \$25,000 per incident and \$100,000 total in any given year.

Vice Mayor Drahos stated it was explained yesterday that the amount presented, \$3,334.37, was entirely devoted to legal fees, but Village policy says that costs are included as well. He questioned if Mayor Gerwig was going to submit reimbursement for costs, because he understood this process required two trips to Tallahassee. Ms. Cohen stated it did and Mayor Gerwig incurred personal costs, such as travel expenses, hotels and meals. Ms. Cohen said Mayor Gerwig is not seeking reimbursement for those expenses and is only seeking reimbursement for the legal fees she has already paid. Ms. Cohen indicated that was stated in Mayor Gerwig's e-mail that is Council's packets and dated December 8, 2018.

Councilwoman Siskind asked if the Village policy, the way it is written now, allows for such reimbursement. Ms. Cohen stated she believed it could read that way. She said it allows for costs, not only court costs but personal costs incurred, to be reimbursed if the requesting party is actually requesting that reimbursement, which Mayor Gerwig is not in this case.

Vice Mayor Drahos asked if this reimbursement is only applicable if the candidate prevails. Ms. Cohen stated that was correct.

Councilman Napoleone stated there was a finding of no probable cause in each complaint, so Mayor Gerwig satisfies the conditions. Ms. Cohen indicated there was no finding of probable cause on any of the alleged violations.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (4-0), with Mayor Gerwig being recused, to approve the Request for Reimbursement of Legal Fees Incurred by Mayor Anne Gerwig Relating to Successful Defense of Ethics Complaints as presented.

B. 17-1595 1) AUTHORIZATION TO AWARD A CONTRACT FOR THE BINKS POINTE PATHWAY PROJECT; AND 2) APPROVAL OF RESOLUTION NO. R2019-01 AMENDING THE FISCAL YEAR 2018-2019 ROAD IMPACT FUND BUDGET AND THE GOVERNMENTAL CAPITAL FUND BUDGET TO ASSIGN FUNDS FOR THE BINKS POINTE PATHWAY PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. He stated the total cost of this project is \$710,575. He said the project completes the last portion of the pathway from Binks Forest Drive to Flying Cow and includes a bridge over the C-8 canal. He indicated it is in the long range capital project and was not budgeted for this year. He explained the Village is getting a \$424,568 grant from the Florida Department of Transportation (FDOT) and will be paying \$286,007 for their component of it. He stated the Village is planning to start the project earlier, because the money is available. He said staff is recommending approval of the grant and budget transfer.

Vice Mayor Drahos asked for the total out-of-pocket amount to the Village. Mr. Schofield indicated it would be \$286,007.50. Councilman McGovern stated this is the amount the Village has to pay to complete the project and meet the FDOT contribution of \$424,568.

Councilman Napoleone asked how long the project is anticipated to take. Mr. Lundeen stated, from notice to proceed to substantial completion, it will take 90 days. He said there is an additional 30 days after substantial completion to do the punch list items, for a total of 120 days.

Mr. Schofield stated this is a Local Area Project (LAP) funded by the Florida Department of Transportation. He said the LAP projects typically take months to finalize. He stated the Village will not receive final LAP certification for several months after the work is completed. He said the difference between construction time and final completion is the FDOT LAP certification.

Vice Mayor Drahos stated if Council does not approve this expense now, the Village will lose \$424,000 in grant money. Mr. Barnes stated that was correct. He said the Village commitment when accepting the grant was to plan, design and construct the project. He stated it also might affect the Village in obtaining future grants from FDOT through the MPO.

Councilman McGovern stated the Village received the grant in 2016. He said the Village has gone through planning and design and is now ready to construct. Mr. Barnes stated the typical timeframe for a lot of these grants is usually a minimum of three years from award to the money being available. He said this project is able to get started earlier.

Councilman Napoleone stated he thought this was a good project. He said it helps connect the Binks pathway to Section 24 for pedestrians, bikes, etc. He stated it will be used a lot and appreciated by the community.

Mr. Barnes indicated the pathway is a complete loop from the internal existing center of Wellington out to Flying Cow and all the way around. He said they can get through on a pathway now as well as access Section 24 via Flying Cow. Mr. Schofield stated the complete loop is essentially from Bent Creek all the way south to Pierson Road and the C-23 canal. He said it is a multiuse pathway, with parts of it being equestrian friendly. He noted they would discourage horses from being on this part of the pathway.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (4-0), with Mayor Gerwig being recused, to approve the 1) Authorization to Award a Contract for the Binks Pointe Pathway Project; and 2) Approval of Resolution No. R2019-01 Amending the Fiscal Year 2018-2019 Road Impact Fund Budget and the Governmental Capital Fund Budget to Assign Funds for the Binks Pointe Pathway Project; and Providing an Effective Date.

Mayor Gerwig returned to the Council Chambers.

9. PUBLIC FORUM

No comment cards were received from the public for the Public Forum.

10. ATTORNEY'S REPORT

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

- She indicated she had nothing to report.

11. MANAGER'S REPORT

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

- The next regular council meeting will be held on Tuesday, January 22, 2019, in the

Council Chambers.

- The Annual Landowners meeting for the Acme Improvement District will be held immediately following the conclusion of the Council Meeting.
- Since Village Offices will be closed on Monday, January 21st, in observance of the Martin Luther King Holiday, the next Agenda Review Meeting is scheduled for 8:30 AM on Thursday, January 17th.
- The next Town Center public input meeting is scheduled for Wednesday, January 30, 2018 starting at 6:30 p.m. at the Village Park gymnasium.
- The next Lakeside Family Fun Event will be held on Thursday, January 17th starting at 4:30 p.m.
- A free public art display "The Art of Florida's Highwaymen" will be on exhibit at the Wellington Community Center from January 18th through January 20th. He urged everyone to attend.

12. COUNCIL REPORTS

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

- She asked if there was a Greenview Shores Walk and Talk scheduled with PBSO and the Village. Mr. Schofield stated staff will provide the Walk and Talk schedule to the Council.
- She congratulated the Wellington Historical Society on a great New Year's Eve Party. She said it was a first time event and a lot of people attended.
- She wished everyone Happy New Year.
- She congratulated Mayor Gerwig on becoming a grandmother.

COUNCILMAN NAPOLEONE: Councilman Napoleone presented the following report:

- He stated he had heard a lot of good feedback on the Wellington Historical Society New Year's Eve Party. Ms. Cohen said it was a really nice event and done so well. She gave a big shout out to Karen Cavanagh, Wellington The Magazine and the Town-Crier for the coverage and assistance. She said the Wellington National Club was phenomenal.
- He wished everyone Happy New Year and hoped that everyone has a safe, healthy and prosperous 2019.

COUNCILMAN MCGOVERN: Councilman McGovern presented the following report:

- He commended Mayor Gerwig on the birth of her granddaughter and Councilwoman Siskind on her anniversary.
- He stated the equestrian season and winter season have started and the amount of traffic and people have increased. He reminded everyone to be patient, as safety should be key throughout their community.
- He wished everyone Happy New Year.
- He reminded everyone that the Lakeside Family Fun Day with a Country Western theme is on Thursday, January 17, 2019, at 4:30 P.M.
- He stated over the holidays PBSO lost a member of its family, K9 Cigo. He indicated a memorial service will be held on Thursday, January 10, 2019, at the South Florida Fairgrounds, Coral Sky Amphitheater at 10:00 A.M. He said the public is invited.

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

- Vice Mayor Drahos wished everyone Happy New Year.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- She asked if all of the evaluations had been turned in for the Village Manager and Village Attorney. Mr. Schofield indicated he received two today and is waiting on the final one. Mayor Gerwig stated she would like them all distributed together.
- She commented on the obituary for Corrine Ingerman. Mayor Gerwig stated Ms. Ingerman was one of the founding members of the Wellington Art Society and a longtime resident of Wellington. Mayor Gerwig said she wanted to acknowledge Ms. Ingerman's passing and her contribution to Wellington. She stated Ms. Ingerman was an amazing woman who spent a lifetime enriching people around her.
- Mayor Gerwig asked if Wellington will begin charging for the Lakeside events to make them sustainable. Mr. Schofield stated staff was looking at the rentals of the paddleboards and kayaks, etc., as the Village is covering that cost now. Mayor Gerwig stated she believed they were paying about \$7,000 to \$8,000 for that at each event. She said one question asked in the survey was if people would pay for this event and overwhelmingly they said yes. She stated in the nature of continuing it and expanding it, she is asking if there is a desire to add a nominal fee to make it a sustainable event.

Mr. Barnes explained for the Fall Festival and July 4th events at Village Park, they have used a wristband process for the bounce houses. He said the rest of the events are free through sponsorships and Village funding.

Mr. Barnes stated, for the Lakeside Family Fun Days, they have not begun to collect any fees. He believed it was correct that overwhelmingly all of the surveys have indicated that people are willing to pay some kind of nominal charge. He said staff was trying to figure out at which point and for which particular activities there would be a nominal wristband charge, to see if there is some interest or desire. He stated right now they are only charging for the food.

Mayor Gerwig stated the food trucks are there, like at other events. She said they are used to offset the Village costs for amphitheater programming. She stated she had asked Mr. Schofield to get her that data. She said if the food trucks are compensating for other things that is fine. She stated she was looking for that mix that makes it a sustainable community idea.

Mayor Gerwig stated the Village had moved the Green Market onto the green and asked how that worked out. Mr. Barnes stated the Village has contracted with the Pirates of the Treasure Coast (POTTC) for the Green Market for the last two seasons.

Mayor Gerwig asked if the Village gets money from the Green Market. Mr. Barnes stated each vendor pays to be at the market. He said a percentage goes to POTTC for their organization and costs to run the market and a portion goes to the Village from the fee that is collected. He stated he did not know the breakdown, but staff could get it.

Mr. Barnes stated in discussions with the POTTTC organizers when the Green Market was moved to coincide with the last Family Fun Day, there was a mixed review. He said the organizers and several of the vendors loved the location. He stated the patrons were ecstatic with the location and thought it was great singularly or in conjunction with the Family Fun Day activity.

Mayor Gerwig thought it would draw the people back to the lakeside if they saw the Green Market on the green. She said it was quite a bit cooler than being on the hot pavement. Mr. Barnes stated they did not have great weather that morning, so some people probably decided not to come, so it is a tough measure.

Mr. Barnes stated while the green space is much nicer, it is going to take some time for some of the vendors to get used to it. He said this past weekend the Green Market was brought back to the parking lot. He stated some of the vendors indicated they preferred the parking lot location, because it takes less setup and teardown time.

Mr. Barnes stated staff is still looking at options. He said staff assisted with teardown and that went really fast. He stated the organizers thought the location was great, as it was what a real Green Market is supposed to feel like. He said it is going to take baby steps to get the vendors accustomed to that setup process. He stated staff will provide whatever support they need. He said they will make it a win-win for everyone: the customers, the vendors and the Village.

Mr. Barnes stated at this point they will be bringing it back to the parking lot and moving it to the green space for the next daytime Family Fun Day. He said due to the amount of activity at the Art Fest, the Green Market is not scheduled to be there.

Mr. Barnes explained the vendors are not happy when people do not come out to the Green Market. He said they are trying to work with the vendors. He stated some vendors have voiced complaints about being closed between Christmas and New Year's. He said unfortunately they cannot get enough vendors during that time to draw in the people. He stated they will keep looking at the issue.

Mayor Gerwig asked staff to keep an eye on how things are working.

Vice Mayor Drahos thought aesthetically, moving the Green Market over to the green space was a huge enhancement of the whole experience. He said naturally people are going to be resistant to change, particularly the vendors. He stated if staff is able to alleviate some of that anxiety that may help. He said ultimately, if it is a more inviting atmosphere, the public will want to come. He stated by opening up the parking lot, more spaces are available. He said just walking the Green Market it seemed like a natural fit.

Vice Mayor Drahos stated they talked while they were there about how they could continue to enhance that experience and add more activities. He said he would like staff to continue the efforts in getting the vendors onboard with this. He believed ultimately, if the vendors are more successful economically, they will come around.

Mr. Barnes thought if they had great weather for the next Family Fun Day and the Green Market on the green, the vendors would notice a lot more activity hence more purchases.

Councilman Napoleone stated the new setup prompted more strolling and spending more time there. He said when it is in the parking lot, they just walk up and back and then their done. He stated this location made it feel like a much bigger Green Market. He said some of the vendors did complain about having to move their stuff, but staff, as always, was super accommodating in helping them. He stated he would like to see more events on the green, as it is a more natural and pleasant place to be.

Mr. Barnes stated in discussions with the event organizers, they brainstormed some other event ideas for that location. He said Council will be seeing some of that soon.

Vice Mayor Drahos asked if goat yoga was separate and apart from the Green Market. Mr. Barnes stated that was something from the previous Family Fun Day on Saturday. He said staff figured goat yoga could be connected to the Family Fun Day, but collocated at the Green Market to get a crossover. Vice Mayor Drahos thought that worked well, as goat yoga gets a good turnout.

Mayor Gerwig stated goat yoga is a lot of fun. Councilwoman Siskind indicated, even though the weather was bad, goat yoga was packed with people.

Mayor Gerwig thanked Mr. Barnes for the update.

- Mayor Gerwig thanked Council for approving her reimbursement of legal fees, as it was a significant out-of-pocket expense for her. She said she did not want to get an attorney, but Ms. Cohen highly recommended she hire an attorney because it was located in Tallahassee. She stated it has been difficult, because the accusations were bizarre. She said they were hurtful and she believes they were done for the purpose of retaliation or the like. She stated she did not want to ask for reimbursement, but she also did not think it was fair for her family to pay for it.

Mayor Gerwig thanked Ms. Cohen for the way she handled the situation and for her advice. She stated she definitely recommends Bucky Mitchell, as he was an excellent attorney.

Mayor Gerwig stated it was an experience she wished she had not gone through, but she believed it was done to damage her reputation, to aggravate, to cause distress, to make her expend a lot of time and energy on something so negative. She indicated Mr. Margolis filed the complaint and Mr. Novak filed an overlapping complaint, so it was compiled into one. She said it was two-and-a-half years of compiling records from her business, bank records, and contracts; two trips to Tallahassee; and the associated stress.

Mayor Gerwig stated Mr. Margolis, the former mayor, was fined for an infraction at the state. She thought his motivation was just payback and to make her suffer. She did not want people to look at this as being something they would be signing up for with government. She said she thought the current Council members were serving for the right reason, which is to serve the community.

Mayor Gerwig stated her husband, Mr. Gerwig, owns an engineering firm and is one of the best structural engineers in the state of Florida. She said he came to here to design the Australian Avenue/Southern Boulevard interchange. She stated he was accused of

getting her elected to help his business, but it has been a negative for him to have a wife who is a public official and also works for the firm. She said her service has not benefited her family, but she still feels it is worthwhile because the community is a fantastic place to live and this is just a bump in the road.

Mayor Gerwig noted, when the change in coverage was made at the state level, municipalities all over the state were hit with a lot of frivolous and ridiculous ethics complaints that had to be defended.

- She wished everyone Happy New Year and stated she loves being a grandmother.

13. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned at approximately 8:41 PM.

Approved:

Anne Gerwig, Mayor

Chevelle D. Nubin, Village Clerk