

## **MINUTES**

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

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

**Tuesday, May 14, 2019  
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, May 14, 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 J. Napoleone, Vice Mayor; John T. McGovern, Councilman; and Tanya Siskind, Councilwoman.

Council Members Not in Attendance: Michael Drahos, Councilman.

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** – Pastor Tucker Owen, New Sound Church, Wellington, delivered the invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield indicated staff recommended approval of the Agenda as presented. He suggested taking public comment on the Consent Agenda before voting on it, because comment cards were received for items 6G and 6J. He also suggested holding the Public Forum immediately following the Consent Agenda, due to the number of comment cards on the roads in Rustic Ranches.

**A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (4-0), to approve the Agenda as presented.**

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

##### **A. 19-2906 RECOGNITION OF WELLINGTON'S COP'S FOR VOLUNTEER AWARDS**

Mr. Schofield introduced the item.

Captain Silva stated the Palm Beach County Sheriff's Office (PBSO) really appreciates the ladies and gentlemen in the audience who give of their time to help the overall mission of keeping the Village of Wellington as safe as can be. He said they volunteer lots of hours and are genuinely good people who are fun to be around. He stated, as a District Commander, he is very grateful to have these volunteers.

A PBSO volunteer supervisor indicated their volunteers are 1,500 strong. He said last year they donated \$8.6 million in value added services to the community, which includes Wellington. He stated the two volunteer members they are honoring today are people who live in Wellington, serve in Wellington, and benefit Wellington.

The supervisor stated that Captain Chet McCarthy has been with the volunteer program since 2012 and became a captain in 2017. In addition, he is a Wellington Buena Vida community member, so he is serving his own community all of the time.

The supervisor indicated that Sergeant Kenneth Finkleman received the volunteer award for excellence through the department of corrections. He stated Sergeant Finkleman started with the department in 2014 and is a member of the Village communities. He said Sergeant Finkleman handles all of the speed trailers and radar enforcement, which helps the department slow people down and keep people safe.

The supervisor stated these two members work very hard at keeping the community safe and dedicating themselves to making sure that Wellington and the rest of the community is a better place. He thanked Council for recognizing these two men.

Mayor Gerwig stated \$8.5 million of value added is an amazing contribution. She said the volunteers are not just driving around to be seen, as they are working car accidents, helping direct traffic, etc. She stated knowing they are doing it just to give back to the community is remarkable.

The supervisor agreed it was amazing, as it is of their own accord and of their own time, and they do not get paid one cent. He explained PBSO has volunteers in their mounted unit, bike units, marine unit, etc. He said, most importantly, these volunteers are part of the department's major initiative - "See something, say something." He stated they provide information to the Sheriff's office to help prevent crime. He thanked the volunteers for their work.

Council thanked the volunteers for their service and for making the Village a better place. They also congratulated Captain McCarthy and Sergeant Finkleman on receiving their volunteer awards.

## **6. CONSENT AGENDA**

### Public Comments

1. Bruce Tumin, 752 Lake Wellington Drive, Wellington. Mr. Tumin commented on Consent Item 6G. He indicated the design cost of the Town Center Boardwalk project in the Village of Wellington is \$46,000. He asked how much the Village has spent on design for the Town Center. He stated the Village should get the public's input, since they are using their taxes. He thought a good time for public input would be when the schematic is done, so the residents could see if it is the arrangement they want.

2. Bruce Tumin, 752 Lake Wellington Drive, Wellington. Mr. Tumin commented on Consent Item 6J. He stated when staff finds state and federal grants for the Village, it saves local taxpayers money. However, the state and federal governments get taxes from them, so they are just getting it back. He stated the Village should use the 2019 Florida Boating Improvement program, which provides grants from the state, for their docks and to continue their aquatic plant control. He said, for initiatives, they could hold a snakehead fishing contest to promote boating on the lake or to perhaps fund the boat parade. Mr. Tumin indicated the grant application deadline was April 1, 2019, but when he talked to the state they said Wellington did not make the deadline, which was before this Council's decision.

Mr. Schofield stated when the Village applies for boating grants, they typically do not require a Council Resolution. He said this is a new requirement, which is why staff is in front of Council with the Resolution. He stated the grant has been submitted, but there is no guarantee the Village will get it.

Mayor Gerwig stated the Council has previously voted to move ahead with this portion of the project. She asked if the Village has met every legal requirement.

Ms. Cohen stated as far as she knows, as long the Village provides the Resolution, there is no reason why staff could not have applied for the grant, because nothing guarantees the Village is going to get it. She noted that it is subject to Council's approval.

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| <b>A.</b> | <b>19-2984</b> | MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS<br>OF MARCH 12, 2019 AND APRIL 9, 2019   |
| <b>B.</b> | <b>19-2644</b> | AUTHORIZATION TO AWARD A CONTRACT FOR THE ESSEX PARK<br>OBSERVATION PLATFORM PROJECT  |
| <b>C.</b> | <b>19-2645</b> | AUTHORIZATION TO RENEW AN EXISTING CONTRACT FOR THE<br>SUPPLY AND DELIVERY OF ROAD BASE   |
| <b>D.</b> | <b>19-2920</b> | AUTHORIZATION TO AWARD A CONTRACT FOR THE REPAIRS<br>AND INSPECTION OF PUMP STATION NO. 9   |
| <b>E.</b> | <b>19-2921</b> | AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE<br>ENGINEERING CONSULTING SERVICES FOR THE WATER<br>TREATMENT PLANT                |
| <b>F.</b> | <b>19-2922</b> | AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT<br>WITH HINTERLAND GROUP, INC. FOR MANHOLE REPAIRS AND<br>REHABILITATION    |
| <b>G.</b> | <b>19-2927</b> | AUTHORIZATION TO AWARD A CONTRACT TO PROVIDE<br>ENGINEERING CONSULTING SERVICES FOR THE TOWN CENTER<br>BOARDWALK PROJECT          |
| <b>H.</b> | <b>19-2928</b> | AUTHORIZATION TO EXTEND A LEASE AGREEMENT BETWEEN<br>ACME IMPROVEMENT DISTRICT AND J. ALDERMAN FARMS, INC.<br>FOR THE K-PARK SITE |

- I. 19-2947** RESOLUTION NO. R2019-21 (AUTHORIZATION AND APPROVAL OF QUIT CLAIM DEED BETWEEN THE VILLAGE OF WELLINGTON AND PALM BEACH POLO AND COUNTRY CLUB PROPERTY OWNERS' ASSOCIATION, INC.)
- A RESOLUTION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA APPROVING A QUIT CLAIM DEED BETWEEN THE VILLAGE OF WELLINGTON AND PALM BEACH POLO AND COUNTRY CLUB PROPERTY OWNERS' ASSOCIATION, INC. FOR CONVEYANCE OF THE STORMWATER MANAGEMENT TRACTS; AND PROVIDING AN EFFECTIVE DATE.
- J. 19-2954** RESOLUTION NO. R2019-22 (TOWN CENTER PROJECT FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FLORIDA BOATING IMPROVEMENT GRANT)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE FILING OF A GRANT APPLICATION TO THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FLORIDA BOATING IMPROVEMENT PROGRAM FOR THE TOWN CENTER PROJECT AND PROVIDING FOR ACCEPTANCE OF THE TERMS AND CONDITIONS THEREOF, PROVIDING THE REQUIRED CERTIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.
- K. 19-2956** RESOLUTION NO. R2019-24 (SPECIAL MAGISTRATES APPOINTMENTS)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING THE APPOINTMENT OF SPECIAL MAGISTRATES TO HEAR AND DECIDE CODE ENFORCEMENT CASES PURSUANT TO SECTION 2-203 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.
- L. 19-2974** APPROVAL OF CHANGE ORDER FOR WELLFIELD 24 REHABILITATION
- M. 19-2987** RESOLUTION NO. R2019-29 (DECLARING AN IMMEDIATE THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC DUE TO THE CONDITION OF CERTAIN ROADWAYS WITHIN THE JURISDICTIONAL BOUNDARIES OF PINE TREE WATER CONTROL DISTRICT)
- A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON DECLARING THAT THE PRESENT CONDITION OF CERTAIN ROADWAYS WITHIN THE SERVICE BOUNDARIES OF THE PINE TREE WATER CONTROL DISTRICT REQUIRES IMMEDIATE COURT ACTION TO COMMAND PINE TREE TO COMPLY WITH ITS MINISTERIAL DUTY TO IMPLEMENT THE WORKS OF ITS WATER CONTROL PLAN, INCLUDING THE MAINTENANCE OF CERTAIN

ROADWAYS, IN ORDER TO PROTECT THE HEALTH, SAFETY AND  
WELFARE OF THE PUBLIC; AND PROVIDING AN EFFECTIVE DATE.

**A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (4-0), to approve the Consent Agenda as presented.**

Public Forum

1. Andrea Columbino, 16600 Hollow Tree Lane, Wellington. Ms. Columbino stated the following: Stop litigating, please start listening. Live up to the promises made to Rustic Ranches at a high standard. On March 9, 2004, Rustic Ranches residents voted in favor of annexation into Wellington, just as you begged us to do in exchange for our roads being maintained. You promised the roads would become part of the Wellington street maintenance system. It is all in writing from January to March 2004. In meeting after meeting, mailing after mailing, you aggressively pursued the residents of Rustic Ranches to annex in and we did.

Volume 1, Questions and Answers – Questions and Concerns: Will Public Works grade the unpaved roads in Rustic Ranches? And, if so, how often – weekly, monthly? Answer: The Village has set relatively high standards for all annual road maintenance. Once annexed, your roads would be included in the Village street maintenance system. In addition to annual maintenance programs, roads similar to those in Rustic Ranches are typically graded or dragged once or twice a week depending on climate conditions and usage of the roads.

Volume 3, Questions and Answers: Will the Village pave the roads? Will the Village pave Flying Cow Road? Answer: The Village does not have any current plans to pave the roads. They will be graded at a level of service once or twice a week, depending on the weather, which is consistent with the other unpaved roads in the Village.

The proposed annexation mailer: Annexation to Wellington, so much value in so many ways. You will be surprised how many things remain unchanged. You will be pleased how many things get better.

Again, stated in your mailings and fliers: Roads as Part of the Village - Your roads will become part of the Village street maintenance systems. We set high standards for the annual maintenance. Roads similar to yours are typically graded or dragged once or twice a week depending on the weather and usage.

And, two years later, Village Resolution 2006-02: The residents would like to keep their internal roads unpaved. However, this will require regular maintenance which the Village has agreed to perform.

As a resident since 2002, we annexed in and just my personal property taxes rose from roughly \$4,000 to \$9,000 the first year, which is a scary thing for small business owner. But I also knew that the quality we would receive from Wellington would be or at least should be incomparable.

Please return to doing your job. Thank you.

2. Gus Whitelaw, 16555 Hollow Tree Lane, Wellington. Mr. Whitelaw stated the following: Stop litigating, start listening, learn the facts and please continue maintaining our roads. Rustic

Ranches residents and landowners are here tonight to make clear that Wellington obligated itself to the responsibility of maintaining Rustic Ranches roads in a contract it made in 2004. Before that, in 2003, Wellington was desperate to meet the government's new deadline to stop draining dangerous levels of phosphates directly into the Strazzulla Tract and the Everglades via the Loxahatchee National Wildlife Refuge. Wellington needed land next to Rustic Ranches to redirect drainage from the south to the north and to save millions of dollars. The annexation of Rustic Ranches into Wellington provided a contiguous stepping stone to securing land next to Rustic Ranches, land critical for phosphate cleansing and drainage, while also laying the way to go after lands north of Southern, even though those attempts later failed. This was the main reason why Wellington began an aggressive pursuit to convince Rustic Ranches residents of the many benefits they would get, inclusive of having their roads become part of the Village street maintenance system. If only they would vote yes on March 9, 2004 to annex into Wellington and start paying Wellington taxes.

According to the Palm Beach Post, May 11, 2019, Wellington officials admit an aggressive campaign was used to convince residents to become part of the Village. That is the Village's own words, after a number of informational meetings Wellington invited residents to attend in January and February of 2004 and then three volumes of brochures and a final mailer documenting promised benefits of being part of Wellington.

On March 9, 2004, a majority of residents voted yes to annexation. The contract between Wellington and its newest residents was consummated, with both sides getting what they wanted. Within three weeks, Wellington secured the more than 8,000 acres it desperately needed while Rustic Ranches received a high standard of road maintenance having become part of the street maintenance system.

After annexation in 2004, Wellington started to maintain the roads with funding it received from the county and maintained Rustic Ranches continuously for nearly fourteen years with funding that cost the Village nothing and the residents nothing. It was funded, the roads were funded. It cost us nothing and it cost you nothing. And then the Village stopped. Writing April 2018 that it would no longer maintain our roads. They would give up the gas tax funding and would not discuss the matter, slamming the door shut on taxpayers, voters and residents who came with you in 2004.

Please open that door. Stop litigating, start listening. Thank you.

3. Phillip M. Brown, 16501 Deer Path Lane, Wellington. Mr. Brown stated the following: Stop litigating, learn the facts, maintain our roads. Your promises and public policy demand it. The Village claims it needs an agreement in place to maintain Rustic Ranches roads, yet it maintained our roads for the entire fiscal year of 2018 without any agreement in place.

The Village claims that it is not that easy to just start maintaining Rustic Ranches roads again. Yet, they maintain the portion of Flying Cow Road that goes over Rustic Ranches property which was not yet conveyed to the Village in 2006 when the portion north of Rustic Ranches was. Plus, Wellington has maintained a number of other dirt roads throughout Wellington where parcels include the roadways, such as, stretches of 50<sup>th</sup> Street, South; 140<sup>th</sup> Avenue, South; 55<sup>th</sup> Street and more.

Such public policy has been established. Wellington is able to maintain dirt roads and other roadways, even when parcel boundaries include all or a portion of the road. We agreed to annex into Wellington in 2004 giving you, Wellington, a contiguous path to land you desperately

needed to . . . critical of phosphates away from the Everglades. You should thank us for saving you millions of dollars.

Your claims that Pine Tree is responsible for the roads are false. There is one and only one governing document for Pine Tree, the Charter codified in 2009. Nowhere does it assign the Pine Tree responsibility or the duty to maintain roads within the 4,000 acre district. You do not need a lawyer to understand the Charter for Pine Tree, but I guess you need a lawyer to twist the meaning in order to convince the Council to take legal action against another government entity, and in the process punish its own residents.

Stop litigating, start listening, protect your residents, follow public policy, keep your promises and maintain our roads.

4. Ralph Potente, 16350 Norris Road, Wellington. Mr. Potente stated the following: Ladies and gentlemen you are being hoodwinked. Surely you realize that the residents of Rustic Ranches have standing to intervene in any action that you are taking against Pine Tree. You are being hoodwinked into believing the Interlocal Agreement between you and Pine Tree is the driving document responsible for the maintenance of the roads in Rustic Ranches. It isn't.

Your staff told you that the residents wanted to terminate the agreement. They didn't. They couldn't. Landowners and residents are not interchangeable. It is a different voting block. It does not make any sense. Any concern about policy creating a precedent in maintaining roads in the Village is a red herring. You have already done it for over twelve years.

Your duty with Rustic Ranches roads is the result of a 2004 implied contract with a quid pro quo. That's it. That is not the situation anywhere else in the Village. You are being misled. You already have an implied public policy to maintain privately owned roads in the Village, including unpaved ones.

So, again, you are being bamboozled by your own staff who cherry pick their words in order to trick you and then when they get caught, they say they must have misunderstood. Look at the video that is what it says.

The residents deserve better. You don't even respond to our outreach. Instead, you huddle with your staff behind closed doors and scheme against the residents using their tax dollars to do so. It is disgraceful.

Trampling residents' right to redress their grievances is a violation of the First Amendment of the United States Constitution. It is a right of redress, not just a right of grievance.

By filing your wrongful Writ of Mandamus against Pine Tree, in your own words, you are prolonging the danger to the health, safety and welfare of the residents of Rustic Ranches and the public at large. To that, we all agree. You are now seeking a Writ of Mandamus against a nonparty while filing your action containing numerous frauds on the court.

Wellington as a landowner in Section 24 does not have equitable standing. It is not a taxpayer, so it cannot have equitable standing. But I am sure you guys all knew that already. Wellington is claiming that Pine Tree has a ministerial duty per the district's water control plan. Yet precise reading of that plan clearly indicates that no such duty exists. In fact, it is the Village that has the duty.

I have a recommendation. You rescinded the Interlocal Agreement based on fraudulent information, falsified information. Rescind it. You cancelled it. Now rescind the cancellation and put everything back the way it was and we are all good to go.

5. Cecelia Stewart, 16888 & 16900 Hollowtree Lane, Wellington. Ms. Stewart stated the following: Stop litigating, please start listening. Learn the facts and keep your promises. We are outraged at the dubious stories the Village staff has used to trick the Village Council into its work. Perhaps the most egregious act is the fabricated claim that Village Manager Schofield made to the Council captured on video October 2016 claiming that Rustic Ranches residents along with the Pine Tree Board of Supervisors wanted to terminate the agreement for services including road and maintenance. Absolutely untrue. Despite the blatantly false claims, the Mayor and Council voted to terminate the agreement and that is what ultimately brings us here today.

With the Village abdicating their responsibility and placing their residents in a precarious situation of having roads abandoned by Wellington becoming increasingly impassable, the truth became part of the public record as documented in May 2017, the Village Council Meeting, when Mr. Schofield apologized and Village Attorney Cohen agreed the October information had been wrong. That is the time the Village should have woken up and then reinstated a completed agreement inclusive of continuing to maintain the roads.

Please stop litigating and please, please listen.

The Village promises to maintain Rustic Ranches roads predate and were not based on anything to do Pine Tree, inclusive of Pine Tree becoming dependent. Becoming dependent was how Wellington planned to remove the Pine Tree Board of supervisors, so that Village Council could take full control of the taxing district. Yes, all along the Village had a plan. A somewhat sneaky plan. A covert plan to take full control of Pine Tree and with it the power to assess Pine Tree electors extra taxes. Wellington avoided open discussion of their plan to get control of Pine Tree, because they planned not to have a vote from electors. The paper trail proves this.

Wellington pursued legislation to force the Pine Tree Board to step down, so the Village could take over without any vote. However, local government intervened. The county commissioners rejected Wellington's proposal. The county commissioners redrafted the bill to insist on giving the electors the opportunity to vote. Shockingly Wellington's first open discussion of Pine Tree becoming a dependent district of Wellington was not until July 2015, more than a year after Wellington begged Rustic Ranches to annex into it in exchange for maintaining its roads.

Learn the facts and please keep your promises.

6. Houston Meigs, 16433 Deer Path Lane, Wellington. Mr. Meigs stated the following: We are here tonight because the Village of Wellington has chosen to throw one of its neighborhoods under the bus, not seek communicated discussion and resolve an issue.

In March of 2004, the residents of Rustic Ranches accepted the overtures of Wellington to become part of Wellington through annexation predicated on promises made, one of which was the maintenance of the roads. That promise was not made to Pine Tree. That promise was made to the residents of the community of Rustic Ranches. That promise was made in perpetuity.



The actions you are considering today are an assault against the people you sought to be part of your community and the people you sought to represent and serve. Instead of wasting time and resources of the Village and the property owners of Rustic Ranches, why not discuss the community, its issues and resolve them. Has any such meeting been proposed or arranged? We have been waiting for a while.

Your relationship is with Rustic Ranches residents not Pine Tree. Your obligation is with the people you represent. Degrading their roads, roads you are responsible for through promises made in 2004 and the subsequent twelve years you maintained them, is wrong and to be reversed tonight. Thank you.

7. Bruce Tumin, 752 Lake Wellington Drive, Wellington. Mr. Tumin stated the following: I e-mailed our Public Works Director about a pothole on Forest Club Road. He promptly replied stating that the Village nor Acme owns this section of the road. An adjacent homeowners association (HOA) according to Property Appraiser owns this section of the road that two other complexes must drive on to get to a public road. Are we trespassing? After the pothole was repaired, I called the director to thank him and found out that there are other roads with similar ownership issues. Unfortunately, this HOA was resolved back in 1989 according to State Division of Corporations and filed with the Palm Beach Clerk of the Court in 2002. The HOA documents require assets to be disposed of either by the board or the courts, specifically giving governments land options for the public good. A section of a road that more than 400 cars must drive on to get to a public road is not a public good? Now, did the association fail to properly dispose of their roads? Why didn't the courts dispose of the roads? Why didn't the state inform the county of the dissolution of the corporation? Why didn't the Clerk of the Court notify the property appraiser about the ownership of the roads? Why didn't the Village or Acme petition for the road? Why is our Public Works repairing private property? Is there a policy of repairing private roads? And why are some of our residents paying more to maintain our roads than others? Now since this property is not currently owned by anyone, action in the courts to dispose of this property to the Village or Acme should not cost a lot of money. Of course, the amount lawyers make nowadays, maybe that is why it is so high. Before we spend \$7 million on our boardwalk, maybe they should be maintaining their roads. Thank you.

Mayor Gerwig asked if this was something Council could not discuss, because of the Writ of Mandamus. Ms. Cohen indicated there was no pending litigation right now, so they are free to discuss this in public.

Mayor Gerwig asked if the Village was maintaining other dirt roads. Mr. Schofield indicated there are some places where the roads have been maintained by government long before Wellington was incorporated, specifically in the Equestrian Preserve. He said a lot of those roads were originally easements or part of canals based on the statute that says if they maintain them without an agreement, they come into the public domain. He stated the Casa Nella Foresta roads should not be maintained by Public Works. But if they were, he will find out why.

Mr. Schofield stated he empathizes with the Rustic Ranches residents. He said they are caught between two governments, as Pine Tree Water Control District is a government. He explained Pine Tree was constituted by an act of the legislature signed by the government and has very specific powers and authority. He said the ability to operate and maintain roads was in that original legislation. He stated Rustic Ranches is a subdivision that was approved by Palm Beach County in the 1970's under a process called the Affidavit of Exemption. He said in those Affidavits of Exemption, the developer in this case, perhaps Tom Waldron, said they did not want to comply with County subdivision regulations, but they were going to have lots a touch

over five (5) acres, so most of them ended up being 5.01 acres. He stated in order to get that Affidavit of Exemption, they had to specify who is responsible for drainage and who is responsible for maintaining the roads. He said in this case the specification was Pine Tree Water Control District. He stated that Affidavit of Exemption further says there is no recourse to the county for that. He said that was a county approval.

Mr. Schofield indicated from the mid 1970's up until 2004, Pine Tree did in fact maintain the roads. He said there was an effort to get Rustic Ranches into the Village. He explained the Village does not pump any water from Wellington into that storm water treatment area, but it does pump water into Section 24. Mayor Gerwig stated they do not pump into STA1, but they do pump into the Wellington Environmental Preserve, which is 300 plus acres.

Mr. Schofield stated in 2004 on annexation, the Village entered into an agreement with Pine Tree Water Control District. He said Pine Tree, not the residents, clearly understood that Wellington would provide governmental services, some of which Pine Tree paid the Village directly for and some of which were paid for because the Village was able to collect the gas tax. He stated that agreement contained a provision that either party could opt out in 270 days.

Councilman McGovern stated the governmental services consisted of more than just the roads. Mr. Schofield indicated it consisted of the drainage, the roads and some of the administrative services that the district provided.

Mr. Schofield stated the Village entered into the agreement and in 2006, when they were going through the process of actually making Pine Tree dependent, the residents of Pine Tree, not Pine Tree, voted not to do that. He said that agreement technically should have been over in 2006 when that did not happen.

Mr. Schofield stated the residents are absolutely correct, as a variety of documents talked about how Wellington could come in and maintain the roads. He said they will not find in any of that where the Village ever said it would be done at no expense to the residents who are getting the services. He stated the Equestrian Preserve has shell rock roads that are owned by the Village and the residents there are also part of the Acme Improvement District, which is a dependent drainage district. He said they pay a \$230 a year per acre assessment that in part goes towards those things. He noted for a long time the Village and the South Florida Water Management District, who owns most of the land in the Pine Tree Water Control District, participated.

Mr. Schofield stated the residents are correct, as there was a point in the Council Meeting when he said the residents knew and they did not. He said Pine Tree's attorney and some of the Pine Tree Board members knew. He indicated a small group of residents wanted more control over the District.

Mr. Schofield stated, at that time, the South Florida Water Management District had a member, perhaps Joel Arietta, on the Pine Tree Board. Mr. Schofield explained through a series of things the District decided they wanted off the Board and to stop paying assessments. He said the District got no benefit from Pine Tree, so they walked away. He stated as the board changed and was fully in control of the residents, there were a number of votes. He said he does not know who voted for them or not. He stated he knows the proxies were done, and the Village has asked for the votes, but he does not think he has seen them yet.

Mr. Schofield stated they could not reach an agreement, so the Village gave the Board their 270 day notice. He said at the end of the 270 days, the Village was still collecting the gas taxes, so

they agreed to maintain the roads until September 2018. He stated the Village offered the Pine Tree Water Control District the ability to enter into a contract with the Village to maintain the roads and, if so, the Village would be able to collect gas taxes. He said the Village has not received a response from Pine Tree.

Mr. Schofield stated the roads are getting worse. He said he would not say they are in a dangerous condition today, but come July or August and the rainy season that may be the case. He stated they need to solve the issue of who is responsible. He said if the Pine Tree Water Control District asks the Village today to enter into an agreement, which the Village has offered to do, he thinks it is something they can do.

Mr. Schofield stated it is important to remember that the roads in Rustic Ranches do not belong to the Village or Pine Tree. He said each property owner owns to the middle of the street, as the roads are owned by the adjacent property owner. He stated Pine Tree has it in their easement to maintain them and in their Affidavit of Exemption. He said the Village can enter into an agreement with Pine Tree where the Village maintains those roads. He stated the other thing is if the residents want to dedicate those roads to the public, the Village can go through that process. He said there is no process where the Village is setup to take private roads.

Mr. Schofield stated that almost half of the roads in the Village are in private communities. He said the homeowners associations maintain the streets in the private gated communities, as the government does not.

Mayor Gerwig stated that happens in the private ungated communities in Wellington as well. Mr. Schofield indicated Emerald Forest is a private ungated community and they pay for their own road maintenance.

Mr. Schofield stated he thinks this issue has to be resolved quickly. He said he thought the resolution was going to happen when Pine Tree filed suit against the Village. He stated the Village went in for the first hearing and things were moving slowly and information was not being provided. He said the Village was looking to compel. But after the First Hearing was lost, Pine Tree dropped the lawsuit.

Councilman McGovern asked if the Village has any litigation filed at this point in time against Pine Tree. Ms. Cohen stated the Village does not.

Ms. Cohen explained that Pine Tree filed a lawsuit against the Village for a Declaratory Action to ask the court who is responsible for maintaining the roadways. She said it is Wellington's position that Pine Tree is the responsible party and it is Pine Tree's position that Wellington is the responsible party. She stated Pine Tree asked the court for a Temporary Injunction. She said at the hearing the court took evidence and listened to the argument of the attorneys. She stated Pine Tree was represented by one attorney and another attorney, who had not made an appearance, was sitting second chair. She said after the hearing and considering the evidence, the court denied the injunction finding it was not likely that Pine Tree was going to succeed on the merits of the complaint. She stated they also moved to stay the action, because Pine Tree had not complied with pre-suit negotiation provisions of Chapter 164. She said, at the hearing, the attorney for Pine Tree represented that there were no disputed facts and indicated that he would go forward and get a resolution from the Pine Tree Board, essentially doing what the Village did tonight, which is dispensing with the pre-suit negotiation process, because the facts were so clear and agreed upon that the court could rule as a matter of law. She stated she prepared a stipulation of the agreed upon facts and sent it to the attorney, but she never

received a response.

Ms. Cohen stated the attorney, who sat second chair and had not entered an appearance, began assuming the role in the litigation. She said she sent some discovery and received some responses that were not as complete as she felt they should have been, so she was preparing to file a Motion to Compel. She stated without any explanation or discussion whatsoever with her, the attorney for Pine Tree dropped the lawsuit. She said at that point the issue became moot, as they were no longer seeking a determination from the court as to who, between the Village and Pine Tree, was responsible for maintenance of the roadways.

Councilman McGovern asked if, at the conclusion of the matter, there were any shade session minutes or transcripts for the Pine Tree Board relative to a decision to dismiss the lawsuit. Ms. Cohen said she was not aware of any public meeting or any notice of a shade session by the Pine Tree Board to discuss whether to dismiss the lawsuit. She stated it appeared to her that it was a unilateral decision by one board member and the attorney dismissed it.

Mayor Gerwig stated she thought this Council had attempted to find a way to solve this problem without getting to this point. She said they asked the Pine Tree Board to make some kind of a proposal.

Ms. Cohen stated she sent a demand letter to Pine Tree with a copy of the drafted complaint she intended to file and basically alleged that it was their responsibility to maintain the roadways. She said she has not heard anything from their attorney.

Mayor Gerwig stated the Village has expressed that they are willing to maintain the roadways. She said Pine Tree has the money in their account to maintain the roadways. She asked if Pine Tree has presented that to their residents. Mr. Schofield stated he is not aware if that has been done.

Mr. Schofield stated when the Village turned the administration of Pine Tree over to the current board and management company, there was about \$180,000 in their account. He said at Pine Tree's last public meeting, they announced there was around \$300,000 in available funds, so they have the money to do it.

Mr. Schofield stated he was prepared to recommend to Council that the Village enter into an agreement with Pine Tree where the Village maintains the roads. He said the residents are caught between two governments that are saying it is not their responsibility. He stated the Village thought they had a way to resolve this. He said the Village made an offer to the Pine Tree Board to enter into an agreement just for the roadway maintenance, before the termination point of the Interlocal Agreement. He said if Pine Tree comes back with that today, he will recommend that Council enters into that agreement.

Ms. Cohen stated one issue for discussion is who will pay for the maintenance of the roads. Mayor Gerwig said the question is, without any Village ownership or subjective rights, how can the Village even use the gas tax.

Ms. Cohen stated she did some research and believes the Village could reflect these roads on their gas tax map, but it is too late for this current year. She said there would have to be a discussion as to who pays for the maintenance of the roadways during that interim period, if Council decides to put these roads back on the gas tax map.

Mayor Gerwig stated she thought the residents' standpoint was missing from the conversation. She said when the gas tax money is collected, it is used throughout the Village where needed and not dedicated to one street. Ms. Cohen stated it is based on calculated lane miles. Mayor Gerwig said that is how the Village gets the money.

Mayor Gerwig stated she thought they got into this situation when Pine Tree was unsatisfied with the level of service they were getting from the Village. She said Pine Tree felt they had a certain amount of money or rock. She stated there were all kinds of problems and investigations.

Councilman McGovern indicated that Pine Tree was also unhappy with the Village's administrative services. Ms. Cohen stated that was repeatedly expressed at meetings. She said there was a lot of dissatisfaction with all of the services being provided under the Interlocal Agreement. Mayor Gerwig stated it was not just the roads.

Mayor Gerwig stated the Village would like to solve this problem, as they did not want to have a room full of angry residents. She said the situation they are up against is the best way to move forward. She indicated the Village Attorney and staff want this to go to the court.

Vice Mayor Napoleone stated he understood there were two non-litigation solutions to the problem: create a new Interlocal Agreement or create a new unit of development where they dedicate the roads so the Village can take care of them. Mr. Schofield stated those were fundamentally the two possible solutions. He said the easiest one is to enter into an agreement for just the roads if Pine Tree agrees to do that. He thought most residents in Rustic Ranches would be willing to enter into that agreement, but it would require all of them.

Ms. Cohen stated the issue is that the agreement would have to be with Pine Tree. She said while Rustic Ranches residents have expressed their opinions, Rustic Ranches is not a governmental entity. She stated the Village is dealing with Pine Tree, and the Village has heard nothing from the Pine Tree Board about this issue.

Vice Mayor Napoleone asked who was on the Pine Tree Board. Mr. Schofield indicated he only knew of two members, Mr. Leland Wright and Mr. Henry Degouw.

Mayor Gerwig stated Pine Tree is an actual governmental entity. Ms. Cohen explained it was no different than the Northern Improvement District or any other independent special district. She said Pine Tree has all of the powers that are set forth in its enabling legislation.

Mayor Gerwig stated Pine Tree has definite requirements, but they are not acting in accordance with the government rules. She said it is very difficult and this is where they disagree. She stated the Village is between a rock and a hard place, but they are trying to proceed and solve the problem.

Mayor Gerwig asked Ms. Cohen if this was the fastest way to get to a solution. Ms. Cohen stated she thought this was an appropriate way. She said the Village will enter into an agreement with Pine Tree, if the Pine Tree Board will communicate with the Village. Or, absent that, she does not believe the roads in Rustic Ranches are legally the maintenance responsibility of the Village. She stated this would be the appropriate mechanism to force Pine Tree to take care of the roadways. Ms. Cohen indicated she would take direction from the Council, as to whether they want to file the lawsuit or negotiate an agreement with Pine Tree.

Mayor Gerwig stated as of Council's discussion yesterday, she felt like this was the swiftest way to come to an agreement. She said it was not a matter of the Village wanting to be argumentative or file a lawsuit, but they feel this is the swiftest way to find a solution.

Vice Mayor Napoleone stated the Village has been waiting for Pine Tree to engage with them, but they have refused to do so. He said they cannot let the roads continue to go unmaintained and the Village cannot maintain them without an agreement. He stated the Village can have an agreement with Pine Tree to get this done or they can proceed with a lawsuit and have a court decide who is supposed to maintain the roads. He said they do not have the luxury of just waiting for this to happen.

Ms. Cohen stated the Village's position is perfectly clear as to who is supposed to maintain the roads. She said the Village would be asking the court to require Pine Tree to maintain the roadways and then issue an injunction going forward, so that they continue to maintain them.

Mr. Schofield stated he believed the Council needed to move forward with the Writ of Mandamus. He said in doing so, it would not preclude the Village from negotiating with Pine Tree to settle this issue. He said the easiest thing would be to have Pine Tree sit with the Village and say this is in the best interest of both of our residents, so let's work out an agreement.

Councilman McGovern stated Mr. Schofield is prepared to recommend an agreement that says the Village maintains the roads and Pine Tree pays the Village to do so. Mr. Schofield said that was correct. He stated the basic part of the agreement would be the cost of maintaining the roads. He said Pine Tree enters into that agreement and the gas tax will offset those costs, to the extent the Village can collect it.

Councilman McGovern stated that would be next year, which creates a larger discussion on the gas tax being allocated to particular roads versus all of the roads. He said there is a whole series of issues there.

Mr. Schofield stated this is the first step and the Village needs to take it. He said they have never been unwilling to discuss road maintenance.

Councilman McGovern asked Ms. Cohen if there was a mechanism to expedite the Writ of Mandamus under the civil rules. Ms. Cohen stated she did not see a way to expedite the Writ of Mandamus, but she does see a way to expedite the temporary injunction. She said she would file a motion for a temporary injunction and try to get an expedited hearing before the court. She stated the Writ of Mandamus is an appropriate mechanism to address an immediate issue and an injunction is appropriate where the court has to exercise jurisdiction over a period of time to ensure compliance.

Councilman McGovern stated he believed the Village was bringing this legal action to assist the residents. He said he thought the residents were subject to two governmental entities. He stated many Wellington residents are subject to Village of Wellington and Acme. He said the residents of Rustic Ranches are residents of Wellington and the Pine Tree Water Control District. He stated he believed the interest of these residents was that their roads be maintained by the government entity that is responsible to do it. He said he thought this was the quickest way to get a final resolution of that duty and to get a court to say this entity does it and they do it now. He said that is what the Village is trying to do.

Ms. Cohen stated that was correct. She said the Village does not believe there is any gray areas as to who is responsible. She stated the Village believes that Pine Tree is responsible, so they are seeking an order from the court to require them to do what they ought to be doing.

Councilman McGovern asked if there was anything that would prevent Pine Tree from contracting with someone other than the Village to maintain the roads starting tomorrow. Mr. Schofield stated nothing would prevent Pine Tree from doing that. He said Pine Tree did maintain the roads from September of last year until mid-February of this year, and then they decided to stop. He stated Pine Tree has the authority to do it with a private entity or with the Village, as they can do it with whoever they choose to.

Ms. Cohen stated from what she has read from the e-mails that have been received, it appears someone is telling the residents of Pine Tree and Rustic Ranches that they do not have the legal right to maintain the roads. She said she did not believe that was an accurate statement. She stated in the lawsuit she has drafted, she is alleging and asserting that Pine Tree has both the ability to do it and the duty to do it.

Councilman McGovern stated, as he has said the entire time he has been on this Council to Ms. Cohen and her office, if and when the Village enters into litigation, whether the Village is the initiating party or the party being litigated against, it is always his desire that the litigation be moved forward and to resolution as rapidly as possible. He said when this is filed, he would expect Ms. Cohen's office to take every step to move it to final hearing as fast as possible. Ms. Cohen stated her office will do that.

8. Henry (Hank) Brodie, 2078 Amesbury Circle, Wellington. Mr. Brodie stated in the year 2006 the Wellington seniors were promised a Senior Center, but the politics at the time were such that it did not happen. He suggested they now search for land owned by the Village and make it productive by creating a Senior Center and having business there. He said Wellington would own these businesses or least get revenue from them to help support what the seniors need. He stated the seniors need a theater for 1,000 people, a place to eat for about 600 people and rooms for seniors who want to knit, garden, paint, etc. He said people in Wellington will pay for these services like they do in Abbey Delray or Century Village and the Village can subsidize those who cannot afford it. He stated the seniors need and deserve a better facility. He said he will do anything he can to help. He indicated he had provided certain things that were asked for.

Mayor Gerwig stated she did not think that they necessarily agreed on that. She said she does not think Mr. Brodie understood what she was asking for. She stated they will talk and Mr. Schofield will get with Mr. Brodie. She thanked Mr. Brodie for his comments.

9. Carol Montgomery, 16451 Norris Road, Wellington. Ms. Montgomery stated the following: I first want to say a special thanks to Mayor Gerwig and Councilman McGovern, because I think you have demonstrated your eagerness to listen and to understand some of the residential issues in the number of meetings that you have had with us until for whatever reason the phone calls and the e-mails ended in early April. There are so many things that were brought up this evening, so many things that Mr. Schofield commented on that I am not quite sure what the priorities are in terms of what I should comment on. I would say that over the last year, year-and-a-half, we have accumulated a lot of discovery. And the discovery is in the form of letters and documents and ordinances and copies of minutes, which I think really would enlighten all of you. And I would suggest that we determine is there an ombudsmen, is there some way that the residents could be represented and have a forum by which we could share the discovery. For instance, we have a letter that I believe is dated 1977 or 1978 from the Assistant County

Attorney who indicates that the Affidavit of Exemption, which Mr. Schofield references, is null and void. We have got a number of documents that bring up enough questions about some of the facts or assumptions that we have heard made here tonight that we would like to think there would be value in doing so. In terms of outreach that the Village staff may or may not have made to Pine Tree, that is not my purview. But I would say that my understanding is that April 2018 was the final letter that came from, I believe it was Ms. Cohen to Pine Tree, indicating there was no interest in renewing an agreement and that there was no interest in coming to the table. If there is some information since that time, some official outreach other than a demand letter that might be interesting to know, if Ms. Cohen could make that recollection this evening. So again, the residents want only to provide the facts and useful information to the Council, so you can form the best decision possible. Thank you.

## **7. PUBLIC HEARINGS**

### **A. 19-2891 ORDINANCE NO. 2019-03 (NIGHTCLUB)**

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 3 (DEFINITIONS); AMENDING ARTICLE 6, TABLE 6.4-1 (USE REGULATION SCHEDULE), TABLE 6.8-2 (PLANNED DEVELOPMENT DISTRICT USE REGULATION SCHEDULE), AND TABLE C (EOZD PERMITTED, CONDITIONAL AND PROHIBITED USES); AMENDING SECTION 6.4.4 (SUPPLEMENTARY USE STANDARDS) OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO USES; TO REGULATE THE LOCATION OF NIGHTCLUB BUSINESSES AND CREATE OPERATION STANDARDS AND REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. He stated this was the second and final reading.

Ms. Callovi read the Ordinance by title.

Mr. Basehart stated the genesis of this Ordinance is the Council's continued desire to make the community safe. He explained the Village was approached by the Sheriff's Department (PBSO) with a copy of an ordinance that the county had adopted and it was requested that the Village consider adopting it or their own Ordinance of a similar nature, to further the objective of keeping the nights safe in the Village of Wellington. He stated staff determined the best approach was to draft an Ordinance that fit their community directly and was compliant with the Village code.

Mr. Basehart indicated that three basic elements are in this code amendment: 1) Amend the definitions to create a definition for nightclub and to differentiate them clearly from restaurants and other types of uses; 2) Add the standards and the criteria for managing the operation of these types of businesses to Article 6, the supplemental standards of the code; and 3) Amend the Use Tables to require new businesses coming in with nightclub activities conditional use approval from Council. He stated there is language also in the code that recognizes any existing businesses that fit the definitions and criteria would be considered conforming uses and would not have to go through this process.



Mr. Basehart stated the primary emphasis on the new standards is to control patrons attendance based on age, to require that when a business is operating functionally as a nightclub that minors not be permitted on the premise, and to eliminate underage drinking problems. He said there are security requirements as well, to defend the business and community against some things that occasionally happen at these types of businesses.

Mr. Basehart stated the Ordinance was reviewed by the Planning, Zoning and Adjustment Board who recommended unanimously that it be approved. He said it was also reviewed by the Equestrian Committee and the Public Safety Committee, and they both recommended approval unanimously.

Mr. Basehart indicated the two minor changes implemented by Council at first reading were included in the final draft. He stated staff could go through all of the specific requirements if Council would like them to.

Mayor Gerwig stated it appears that wherever it occurs in the Use tables, it is always a conditional use. She asked that conditional use be explained for the public's knowledge. Mr. Basehart stated that conditional use means if a new business wants to open in a commercial center in Wellington and they are determined to be a nightclub based on tripping the criteria, they would need Council approval to be able to open that business. He said that is what the conditional use requires.

Mr. Schofield explained a conditional use is a type of use that the local governing body deems needs an extra level of review. He said in this case it would come to Council so the elected body can make sure the standards of the community are being met. He stated the conditions are very clear and the approvals are granted if the conditions are met.

Vice Mayor Napoleone clarified for the people watching that this Ordinance does not prohibit nightclubs from operating in Wellington. He said it does not change any operating hours of established businesses. Mr. Basehart stated it changes nothing. Vice Mayor Napoleone explained it just defines what a nightclub is, if a business is operating as a nightclub. He said once they meet the criteria and operate as a nightclub, it imposes two requirements: they have to have security and no one under the age of 21 is allowed to be admitted. Mr. Basehart stated that was correct for the time the business is operating as a nightclub.

Vice Mayor Napoleone asked if the Village has received any public comments since the first reading of this Ordinance, specifically from anyone who might qualify as a nightclub operator. Mr. Basehart indicated they have not received any comments from the public. He stated staff has been aggressive at making people aware of this Ordinance. He indicated he sent letters specifically to every business in town that has a liquor license and looked like they might meet the criteria for being a nightclub. He said he received a couple of calls, but no one has objected to it.

Vice Mayor Napoleone stated this was something PBSO believes will help regulate and maintain safety at places operating as nightclubs. Mr. Basehart said that was correct.

### Public Hearing

A motion was made by Councilman McGovern, seconded by Vice Mayor Napoleone, and unanimously passed (4-0), to open the Public Hearing.

There being no public comments, a motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (4-0), to close the Public Hearing.

**A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (4-0), to approve Ordinance No. 2019-03 (Nightclub) on Second Reading.**

## **8. REGULAR AGENDA**

### **A. 19-2884 OUTSIDE LEGAL FEES AND COSTS**

Mr. Schofield introduced the item.

Ms. Cohen stated these legal fees have been budgeted for outside counsel, but they require Council approval when they exceed \$25,000. She indicated she provided Council with a breakdown of the amounts incurred by each law firm. She said legal is currently on track to be at their budgeted number of \$200,000 for outside legal this fiscal year.

Councilman McGovern stated this already has been budgeted, but some of the invoices have exceeded the spending policy so it has to come to Council. Ms. Cohen said all of it has been budgeted, but they can never predict in any given year exactly how much they are going to be spending on outside litigation. She stated her staff tries to do as much as possible in-house, but they need to have outside counsel for certain areas of expertise.

Mayor Gerwig stated the Council has supported that as a policy. Councilman McGovern indicated there are some specialized items on the list, i.e., foreclosures, small cell wireless, title review, etc.

**A motion was made by Vice Mayor Napoleone, seconded by Councilwoman Siskind, and unanimously passed (4-0) to approve the continued use of outside professional legal costs up to \$90,000 through September 30, 2019.**

## **10. PUBLIC FORUM**

Mr. Schofield indicated no public comment cards were received.

## **11. ATTORNEY'S REPORT**

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

- Ms. Cohen advised Council that she would be out of the office next week. She said Ms. Bausch would be covering the Agenda Review Meeting, which was moved up to Thursday, May 23, 2019 because of the holiday.

## **12. MANAGER'S REPORT**

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

- The next Regular Council meeting will be held on Tuesday, May 28, 2019, at 7:00 p.m. in the Council Chambers.

- Due to the Monday holiday, the Agenda Review Meeting is scheduled for Thursday, May 23, 2019, at 4:00 p.m. in conference room 1E/1F.
- As a reminder, Council will be holding only one meeting in June - June 25, 2019. The June 11, 2019 meeting has been cancelled.
- Village offices will be closed on Monday, May 27, 2019, in observance of Memorial Day.
- The Memorial Day Parade will take place on Monday, May 27, 2019, at Village Hall at 8:15 a.m. and proceed to the Veteran's Memorial where the ceremony will begin at 8:30 a.m.
- The pool will be closed to the public from 3:00 p.m. Friday, May 17, 2019 through Saturday, May 18, 2019, as the Aquatics Complex will be hosting a swim meet.
- Project Graduation will be held at Palm Beach Central High School on Tuesday, May 21, 2019 and at Wellington High School on Wednesday, May 22, 2019.
- He reported that the Village will once again be holding the Masters Swimming Program.
- He announced that he would be out of the office on Friday, May 17, 2019.

Mayor Gerwig recommended that the Village do a PSA on the Masters Swimming Program. She said she would do the PSA.

Mayor Gerwig advised Vice Mayor Napoleone that he would have to serve as Master of Ceremony on Memorial Day, as she would be out of town.

### **13. COUNCIL REPORTS**

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

- Councilwoman Siskind reported that graduations for Palm Beach Central and Wellington High Schools would be held next week, and that she would be attending. She offered her congratulations to the graduates.
- She announced that one of Wellington High School teachers, Ms. Thomas (Chemistry), had passed away last week and offered her condolences.

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

- Councilman McGovern also extended his congratulations to the graduates and their parents.
- He congratulated Mayor Gerwig for her service as President of the Palm Beach County League of Cities, and also congratulated Councilman Jeff Hmara, Royal Palm Beach, the incoming President.

Mayor Gerwig said that due to a conflict with the League meeting, she would not be able to attend Wellington High's graduation. She asked Council to extend her apologies to Ms. Hayden, Wellington's principal.

**VICE MAYOR NAPOLEONE:** Vice Mayor Napoleone presented the following report:

- Vice Mayor Napoleone congratulated the high school seniors on their graduation.
- He said Mayor Gerwig had done a great job this year as President of the Palm Beach County League of Cities.
- He hoped there would be a great turnout on Memorial Day.

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

- Mayor Gerwig stated that she enjoyed her year as President and had taken on way too much, but that many things were accomplished.
- She referred to the email that was received regarding the recipient of the Home Rule Hero Award, and asked Mr. Schofield who the recipient was as it was not shown on the email. She noted that when she had asked who had received the email, it showed 15 people. Mr. Schofield said Mayor Gerwig was the recipient of the award. He noted that he had spoken to Mr. Silliman about the email problem and he will have it resolved.
- Mayor Gerwig spoke about an email that was received from a resident regarding fireworks. She said tent signs were put up in the Equestrian Preserve Area that fireworks are illegal; however, she asked if they could get some information out because fireworks are also stressful to residents with PTSD, pets, etc. Mr. Schofield said Mr. Barnes indicated he has been working with Public Works and PBSO and they will try to put out more information.
- Mayor Gerwig stated someone had asked her about the roads in Saddle Trail and who to call regarding them. Mr. Schofield said they should contact Dennis Flaherty. Mr. Schofield stated the roads are being graded as often as they can be graded. He said they were also having a problem with the shell rock on 50th.
- Mayor Gerwig asked if the complaint section of the website was working again. Mr. Schofield believed that is functioning and the only thing that wasn't were PDFs.
- Mayor Gerwig asked how Mr. Drahos did at his golf tournament for the Special Olympics. Councilman McGovern said his understanding was that they played 92 holes last Monday.
- Mayor Gerwig stated she would be at Wellington Elementary School the next morning participating in the Ride Your Bike to School Day. Vice Mayor Napoleone said he would be joining her.

#### **14. ADJOURNMENT**

There being no further business to come before the Village Council, the meeting was adjourned at approximately 8:45 PM.

**Approved:**

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**Anne Gerwig, Mayor**

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**Chevelle D. Nubin, Village Clerk**