

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

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

**Tuesday, May 28, 2019
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, May 28, 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; Michael Drahos, 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 “Proposed Demolition of Unsafe Structures – 12538 Pineacre Lane and 12111 Stratford Street, to the Consent Agenda as item 6F.
2. Move 6B, Authorization to Negotiate a Contract to Provide Consulting Services for the Town Center Project, to the Regular Agenda as item 8C.

Mayor Gerwig indicated she would feel more comfortable if “Proposed Demolition of Unsafe Structures – 12538 Pineacre Lane and 12111 Stratford Street” was moved to the Regular Agenda. Mr. Schofield indicated this item would then become item 8C and “Authorization to Negotiate a Contract to Provide Consulting Services for the Town Center Project” would become 8D.

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

5. PRESENTATIONS AND PROCLAMATIONS

A. 19-2990 REPRESENTATIVE MATT WILLHITE: LEGISLATIVE UPDATE

Representative Willhite arrived late and spoke after the other Presentations and Proclamations items.

Representative Willhite apologized for being late and thanked the Council for rearranging the agenda. He stated he represented this area, District 86, in the Florida House of Representatives. He said it includes all of Wellington and some of the Western Communities over to West Palm Beach. He stated he loves Wellington and the teachers here, as they educate and inspire their children. He said it makes the families and community better and stronger.

Representative Willhite stated the House went for 60½ days this year. He said they had to go an extra half day, because they could not finish the budget. He stated they ended up with a \$91.1 billion budget, but the Governor will veto a few things. He said it is an increase from last year's budget, which was \$84.4 billion.

Representative Willhite stated all communities in the state of Florida are growing in population every day, which means it has more needs. He said obviously the budget would increase with those needs. He stated normally they would have more allocations for different projects, but this year they had to allocate \$1.8 billion to Hurricane Michael relief. He indicated the federal government has not allocated any money as of yet to the Panhandle. He said some areas are still not having school and are having difficulty getting their crops in the ground.

Representative Willhite stated he was fortunate to work on some pieces of legislation. He said he passed a bill to help Alzheimer's disease. He stated it will help to ensure that the Department of Elder Affairs provides an update, to the Senate President, Speaker of the House, and Governor, on Alzheimer's disease in the state of Florida every three years. He stated it is a growing disease that affects everyone equally and tragically. He said it is not just for the patient, but for the family and the caregivers. He stated he was happy to help with funding a memory care facility in Dade County with this bill.

Representative Willhite indicated that firefighters are being stricken with cancer at a rate of two out of three across the country right now. He stated Florida was one of the last states that did not offer cancer coverage for their firefighters. He said the synthetics and oils in products now are causing carcinogens, which are being absorbed through the skin. He stated they are trying to allocate some money to help the firefighters get through treatment and back to work.

Representative Willhite stated he passed a Post-Traumatic Stress Disorder (PTSD) bill last year for first responders. He said this year they put the rules in place and implemented them.

Representative Willhite stated this year they were able to change the law for corrections officers in jails, as it did not allow them to have the same rights as some in prisons. He explained that one day between 364 and 365, is the difference between jail and prison. He stated there were different charges for someone in a jail versus a prison, if there was a lewd and lascivious act on a guard. He said it was a mistake in the law when it was done fifteen years ago.

Representative Willhite stated another big issue that was passed and signed is the primary offense when texting and driving. He said it bans texting and driving and includes hands-free in

school zones. He hoped this bill will help save lives and keep distracted drivers focused as they sit behind the wheel of a vehicle that can hurt people.

Representative Willhite stated they also did a major criminal justice package that changed a lot of things. He said they allocated money for the new Governor to get around the state of Florida, as the previous Governor had sold the planes. He stated they increased the salaries for ASA's, as they wanted to keep them working and from going into private industry.

Representative Willhite stated they were able to pass the tax free holidays, but there was language deep in that bill. He explained Palm Beach County voters passed a referendum by 73% that said they would raise money for their schools for four years. He said that language was cut and dry. He stated it did not include Charter Schools and it had oversight and transparency of the money. He indicated this language was retrospective of that vote and would have the money that was already voted on and allocated go to Charter Schools. He said the Charter School is not the issue. He stated they put something on the ballot that was cut and dry, and he did not believe anything in that manner should be retrospective. He said it was changed and it is only going forward in three years after the referendum. He stated this bill will continue to help their public schools with some funding.

Representative Willhite stated three large corridors are being built as toll roads, more on the west coast and towards the central part of the state. He said he tried to bring light to the fact that a lot of studies have been done on State Road 27. He stated the Florida Department of Transportation spent over \$1 million to try to increase that corridor and build an inland port to help the economy to the west of Wellington and all of south Florida. He said he hoped to get some of that discussion going again this year, so they know it is a big issue for Palm Beach, Dade, and Broward counties. He stated it will create jobs as well as transportation and distribution options. He said goods and produce can be moved off I-95 and put in the middle of the state where it can be better distributed.

Representative Willhite introduced two members of his staff, Tom Valeo and Melissa Santoro, who are residents of Wellington. He stated his office is located at 9200 Belvedere Road in Royal Palm Beach. He indicated they send out a newsletter monthly to anyone who is on their e-mail list and during session it is sent out weekly. He stated it will keep them updated on the issues, if any of the residents want to know what is going on. He said they could go to his website to sign up for the Willhite Wire.

Mayor Gerwig stated Representative Willhite received a shout out from the League of Cities for speaking on the floor regarding vacation rentals. She thanked Representative Willhite for defending Home Rule on their behalf, being accessible when the Councilmembers go to Tallahassee, and doing the good work up there.

Representative Willhite stated the CRA issue argued the point of whose property rights are more prevalent or more important, the person who owns their house and lives there with their family or the one who wants to rent it. He said there are twelve houses on his street and he knows every owner. He stated if there is a problem with his children, he wants one of those eleven owners to come talk to him. He said he did not need it to go to code enforcement because of a garbage can, mail, etc. He stated he was glad they were able to fend off the vacation rental issue for another year. He said it will make their communities and hometown safer and more inviting to the families.

Council thanked Representative Willhite for his hard work in Tallahassee on behalf of Wellington

and for staying engaged and active in the community.

B. 19-3022 SENATOR KEVIN RADER: LEGISLATIVE WRAP-UP

Senator Rader stated he was the State Senator of District 29, which represents almost all of the Village of Wellington. He said he lives in west Delray on 441. He stated the Florida Legislature just finished their sixty day session on May 3, 2019. He indicated he was first elected in 2008 and this was his ninth session. He stated he was in the State House for six years and this is his third term in the State Senate.

Senator Rader stated the Florida Legislature is a partisan government. He said there are 40 State Senators, 23 Republicans and 17 Democrats. He said in the State House there are 120 members, 70 Republicans and 47 Democrats, with three openings. He indicated the state has a Republican governor and that Florida has been a Republican form of state government for over twenty years.

Senator Rader stated bills will pass in the legislature based on the makeup of the governing body. He said bills will come up at the last minute and be approved by the Governor.

Senator Rader stated, on the positive side, the Florida Legislature passed a budget of about \$91.1 billion, up from \$87 billion last year. He said the Governor still has the ability to do line item vetoes, so the legislature is awaiting that action.

Senator Rader stated after many years of proposing legislation on banning texting and driving, it is now a first offense in the State of Florida. He explained there is a complete ban on using phones in a construction zone or school zone, as drivers can be pulled over and given a violation. He said drivers can still use the map features and the like on their phones.

Senator Rader stated the Florida Legislature put a lot of money into the school system, for public and charter schools as well as the voucher system. He said it is an increase of \$243 per student pupil spending and their traditional public schools have received much more than in many other years.

Senator Rader explained there was a Home Rule issue on a referendum in Palm Beach County and Miami-Dade County, specifically to raise money for traditional public schools with a carve out for Charter Schools. He said Palm Beach County and Miami-Dade County won, but the legislature stated that future referendums regarding public school money must include Charter School money as well.

Senator Rader stated, on the negative side, the Florida Legislature infringed on voter rights. He said he assumed the members of this Council were in favor of Amendment 4 last year, as it passed with approximately 65% of the vote. He stated the legislature decided that if someone is incarcerated and gets out, they have the right to vote if they pay their court costs. He said it was partisan in nature. He thought most people coming out of prison and registering to vote, might be on one side of the political aisle. He said the legislature did not uphold the voters' intent.

Senator Rader stated the other negative citizen initiative was the petition method to getting on the ballot. He said in the state of Florida a petitioner can get something on the ballot as long as the Supreme Court allows the initiative to get on the ballot and the petitioner gets approximately 750,000 signatures approved. He said usually it is costly and takes a lot of time to do. He

explained the petitioner has to register with the State of Florida to start a petition or they could be charged with a felony. He stated the petition then has to go to the Supervisor of Elections in a short period of time. He said this makes it much harder for citizens' initiatives.

Mayor Gerwig asked about the Sadowski Fund. Senator Rader stated the Sadowski funds were raided again with some funds going towards housing initiatives. He said last year the Marjory Stoneman Douglas Act took roughly \$400 million out of the budget and said this year Hurricane Michael took out \$250 to \$300 million.

Mayor Gerwig stated document stamps are collected for affordable housing, so the legislature should make a tragedy fund. Senator Rader stated the Florida Legislature has been taking affordable housing funds since the 2009 budget. He said Tallahassee loves to destroy Home Rule, as they absolutely have no respect for municipalities and counties. He stated it is not what he believes, but it is the way the majority feels. He indicated the incoming Speaker said that Tallahassee knows better than the locals.

Senator Rader stated Tallahassee has cut almost everything in the corporate business world over the last twenty years. He said when money is taken out of general revenue, it has to be made up by sweeping trust funds, including the Sadowski Fund.

Mayor Gerwig asked about Amendment 1 regarding the conservation dollars. She thanked the Senate for being a stronghold for many of the Home Rule issues. She also thanked Senator Rader for his efforts.

Senator Rader stated he applauded the Governor, as a lot of funding went to conservation and environmental appropriations. He said the only negative is that the legislature voted for enormous toll roads in northern Florida, and it could be worse than they anticipated. He stated, other than this carve out, the environmental community was pleased with the appropriation and how the Senate stood tall to the House.

Senator Rader indicated he had a bill this year to outlaw single-use plastic straws, which gave him a bit of notoriety. He said there was an exception for people who are disabled. He stated too many plastic bags are used and 500 million plastic straws are used annually. He said most of the time people do not need to use plastic straws, as there are other alternatives. He stated his bill did not get heard.

Senator Rader stated twenty-seven (27) municipalities around the state of Florida have banned the use of single-use plastic straws. He said the legislature voted on a law to overrule home rule when it comes to banning plastic straws, but the Governor vetoed it. He stated if municipalities, including the Village of Wellington, want to ban plastic straws, they can do it without any interference from the legislature.

Senator Rader stated he does a lot of bike riding on 441 up to Boynton Beach Blvd and back, and he sees a lot of plastic along the way. He said he uses a glass when he drives around and washes it out. He stated people need to change how they operate.

Councilwoman Siskind thanked Senator Rader for his work. She stated the Governor intends to decrease the \$91.1 billion budget, so they could expect him to veto about \$100 million worth of projects. She said they just saw an increase for school hardening, school safety, and mental health awareness. She asked Senator Rader if he thought that cut was going to affect education and school safety.

Senator Rader stated the Marjory Stoneman Douglas Act from last year poured money into school hardening, protecting schools, mental health, and school resource officers. He said it raised the age from 18 to 21 on assault weapons. He stated it allowed for school districts and Sheriff Departments to allow non-instructional personnel to have firearms on the school campus.

Senator Rader indicated the Marjory Stoneman Douglas Commission, over the course of this year, studied all aspects of what happened and went around the state of Florida. He stated they came up with a lot of recommendations and many were put into law.

Senator Rader stated the Act also gives instruction personnel, which is teachers, the ability of having a firearm in their classroom as long as the school district allows it and approves it. He indicated Palm Beach County and Broward County are not going to allow it, but many other counties around the state will approve it. He said he would be surprised if the Governor vetoed this bill. He noted the NRA fought very hard to make sure that instructional personnel could bring firearms into the classrooms.

Senator Rader stated he could see the Governor vetoing a lot of the member projects in the budget. He said with 120 House members and 40 Senators, everyone has something. He stated he has a \$3 million appropriation to start a community center in Belle Glade, but the Governor might veto it because it is a line item.

Councilman McGovern thanked Senator Rader for being there this evening for the first time. He also thanked Senator Rader for his leadership on making sure the amendment funds stayed as intended and as designated. He said it would be a huge hit to Wellington schools if that money was reallocated retroactively.

Councilman McGovern stated the Council appreciates Senator Rader for supporting local government every time home rule is undermined in Tallahassee. He asked if Senator Rader had any suggestions for fighting these efforts or if it was just freight train coming through and nothing can be done.

Senator Rader stated elections matter. He said their constitutional duty is to register to vote and then vote. He stated the people who get elected will decide how they want to operate.

Senator Rader explained that if he was new to Tallahassee and watched a session, he would believe that overruling home rule is what they are supposed to do and good for communities. He stated so many bills are sponsored that overrule what local communities have decided, which he thinks is enormously wrong. He said it is a freight train unless the Governor, Senate or House switches parties, as they have been Republican for over twenty years. He stated he did not mean to be partisan, but that is Tallahassee.

Senator Rader stated that the Councilmembers should talk to their elected officials and tell them what they do and how it affects them. He said it has not worked in twenty years and he did not expect it to change.

Mayor Gerwig stated the Councilmembers have given specifics in Tallahassee, i.e., vegetable gardens, tree trimming, paint colors, and those are the things Tallahassee has overruled. She said when this Council tells residents they cannot do anything about the dirt in their neighbor's front yard, because the neighbor says it is a vegetable garden, it puts this Council in a bind.

She stated she likes living in Wellington without an HOA, but they pretty much cannot do it because of these kind of rules.

Senator Rader indicated that Senator Bobby Powell did a great speech on the vegetable garden. He said the sponsor of the vegetable garden bill was the Appropriation Chair. He stated it passed last year, but the Governor did not sign it. He said it passed again this year, so they will see if gets signed.

Councilman Drahos thanked Senator Rader for the review of what appeared to be a difficult year. He stated every year, for the League of Cities, the Village sends up a big contingency to Tallahassee, which he has been a part of for a few years. He said he has seen firsthand how difficult it is to operate in Tallahassee. He stated it has been frustrating for them as a Council and as residents of Florida to watch, because here they have the luxury to vote non-partisan based on what the Councilmembers believe is in the best interest of their residents. He said when they hear that issues are being decided in Tallahassee on a partisan level and infringing upon home rule, it is very difficult to sit here and at times feel helpless.

Councilman Drahos stated he wants to know of any initiatives that would be worthwhile for the Council to get involved in, as they will go to Tallahassee or write a letter. He said this Council has a good working relationship with Senator Rader's office and with Representative Willhite. He stated this Council has demonstrated a willingness to go above and beyond for their residents. He said he felt Senator Rader had this same level of advocacy and he hoped they could continue to work together.

Senator Rader stated that 80% to 85% of what they vote on is either unanimous or practically unanimous in nature. He said he only talks about the things where they differ, like home rule, which almost goes down party line. He stated he did not mean to get partisan, but it is a partisan place and run by individuals who have had the same opinion on home rule for the last twenty years. He said he wanted to give Council a fair unbiased point, so when they make decisions, go to Tallahassee, or have meetings, they will be aware of the history and what they can expect.

Vice Mayor Napoleone thanked Senator Rader for being there this evening and told him to keep fighting for home rule.

C. 19-2999 A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA RECOGNIZING FRANK J. RODRIGUEZ, Ph.D., CENTRAL REGION SUPERINTENDENT FOR THE SCHOOL DISTRICT OF PALM BEACH COUNTY FOR HIS YEARS OF SERVICE TO PALM BEACH COUNTY AND WELLINGTON

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

Mr. John Webber, Chair of the Education Committee, stated that Dr. Rodriguez served as the Central Region Superintendent since 2016 and as an assistant principal in Palm Beach County about eighteen years ago. He said it is rare to find someone as dedicated to their job and to the service of families and students as Dr. Rodriguez. Mr. Webber stated he knows Dr. Rodriguez spent countless hours working with elected and unelected officials in Wellington, communicating, listening, solving problems and working together to find solutions and make the schools in Wellington a much better place. He said the people in the Village of Wellington are better off because of the work Dr. Rodriguez has done. He stated Dr. Rodriguez has improved

the schools in Palm Beach County and in Wellington.

Mr. Webber stated Dr. Rodriguez is now leaving and going to Beaufort County, South Carolina, for a well-deserved promotion. He said this community's loss is the gain of the families and students in Beaufort County. On behalf of the Education Committee, the Council, the families and students in Wellington, he thanked Dr. Rodriguez for his service and hard work, and wished him the best of luck.

Dr. Rodriguez thanked the Council and the members of the Education Committee for having the privilege and honor of serving the students of Wellington and the community here. He stated he has been blessed to work with some outstanding leaders and principals in the Central Region who are in the Village of Wellington. He said their leadership will carry on the great work. He stated the relationship that exists between the School District of Palm Beach County, the Central Region Office, and the Village of Wellington and the community, is a model for all school systems and communities to follow. He said the students are the beneficiary of this partnership, engagement, and the work they do together. Dr. Rodriguez thanked the Council for having the opportunity to work side-by-side with them to help support the students they are privileged to serve.

Council thanked Dr. Rodriguez for being a great leader, communicator, and friend. They also thanked him for his accessibility, engagement, and responsiveness. Council wished Dr. Rodriguez the best of luck in Beaufort County, South Carolina.

D. 19-3001 A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA RECOGNIZING AND CONGRATULATING MS. KAREN EPSTEIN ON RECEIVING THE DWYER AWARD FOR EXCELLENCE IN CAREER EDUCATION

Mr. Schofield introduced the item.

Mr. John Webber stated, as the Chairman of the Education Committee, he had the privilege and honor of meeting many great educators in the Village of Wellington. He said tonight it is his special pleasure to introduce Ms. Karen Epstein. He stated Ms. Epstein is a teacher of theater and TV production at Wellington Landings Middle School. He said earlier this month she was one of six teachers awarded the Dwyer Award of Excellence in Education. He stated Ms. Epstein was the winner in the Career Education category.

Mr. Webber explained the Dwyer Award recognizes excellence in educators in both public and private schools throughout the county and is awarded by the Economic Council of Palm Beach County. He stated the Council receives hundreds of nominations every year. He said there are six finalists and then a winner.

Mr. Webber stated Ms. Epstein has been at Wellington Landings Middle School since 2013 and has been a key contributor to the growth and success of the Arts Choice program. He said he can personally vouch for her ability to reach out to middle schoolers. He stated her talent for getting the children to work together on projects as a unit, but also have individual achievements is quite impressive.

Mr. Webber introduced Ms. Epstein and Ms. Nubin read the proclamation.

Ms. Epstein thanked everyone. She stated the slogan for the Village of Wellington is "A Great

Hometown,” but it is more than a slogan. She thanked the principal of Wellington Landings for being the best middle school. She said she has been given the room to grow her program. She stated it is evident in the school, the administration and the students who came in honor to support her tonight along with her family, coworkers, and friends. She said it takes a Village to make a program like this work and she just happens to be in the right village. She stated anytime they do something, someone out there is supporting it. She said she could not think of a better place to live. She stated she is a native of Palm Beach County and a product of this school system. She said this is where her kids are, the ones that she birthed and the students she sees every day. Ms. Epstein stated she is extremely honored.

Council congratulated Ms. Epstein on receiving the Dwyer Award in Career Education, as it was well deserved. They also thanked Ms. Epstein for taking care of their kids, building confidence in their kids, and for the great productions. They said the Village is an extraordinary place because of people like her.

Mayor Gerwig noted that two other Wellington teachers, Kathy Zangan and Tracy Sheppard, were also nominated for the Dwyer Award. She said the Village is very proud to have three nominees from Wellington.

6. CONSENT AGENDA

- A. 19-3019** MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF APRIL 23, 2019
- B. 19-2973** ~~AUTHORIZATION TO NEGOTIATE A CONTRACT TO PROVIDE CONSULTING SERVICES FOR THE TOWN CENTER PROJECT~~
(MOVED TO THE REGULAR AGENDA AS ITEM 8D.)
- C. 19-2985** RESOLUTION NO. R2019-28 (VILLAGE COURT TOWNHOMES REPLAT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE VERONICA COURT TOWNHOMES REPLAT LYING IN SECTION 9, TOWNSHIP 44 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF LOT 8, BLOCK 67, SUGAR POND MANOR OF WELLINGTON, AS RECORDED IN PLAT BOOK 30, PAGES 20 THROUGH 31, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- D. 19-2982** AUTHORIZATION TO UTILIZE AN EXISTING PUBLIC WORKS ANNUAL CONTRACT TO REPLACE/ADD CULVERTS
- E. 19-3016** RESOLUTION NO. R2019-23 (EDUCATION COMMITTEE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL REPEALING RESOLUTION R2000-42; CREATING AN EDUCATION COMMITTEE; PROVIDING FOR POLICIES, PROCEDURES AND PURPOSE; PROVIDING FOR POWERS AND DUTIES; AND PROVIDING AN EFFECTIVE DATE.

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

7. PUBLIC HEARINGS

8. REGULAR AGENDA

A. 19-2962 RESOLUTION NO. R2019-30 (SOLID WASTE COLLECTION AND RECYCLING ASSESSMENTS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE PRELIMINARY NON-AD VALOREM ASSESSMENT RATES FOR SOLID WASTE COLLECTION AND RECYCLING SERVICE FOR TRUTH-IN-MILLAGE ("TRIM") PURPOSES WITHIN THE JURISDICTIONAL BOUNDARIES OF WELLINGTON; AND PROVIDING AN EFFECTIVE DATE.

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

Ms. Quickel stated before Council is the fiscal year 2020 proposed trim rate budget for the solid waste collection service that Wellington provides. She said staff is proposing no increase in the rates, which is \$135 per unit for curbside and \$100 per unit for the containerized service. She stated the budget being proposed includes an approximate 2% increase in the annual contract and replacement of two small units that staff rides around in to pick up trash in the community.

Ms. Quickel stated staff is requesting this a bit earlier than normal, because the Solid Waste Authority has requested that it be included when the trim rates are submitted. She said the budget before Council is for solid waste.

Mayor Gerwig indicated the rate is going to stay the same and the TRIM (Truth in Millage) is required to be done by a certain schedule.

A motion was made by Councilwoman Siskind, seconded by Councilman McGovern, and unanimously passed (5-0) to approve Resolution No. R2019-30 (Solid Waste Collection and Recycling Assessments).

B. 19-2996 APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE VILLAGE OF WELLINGTON AND THE SCHOOL BOARD OF PALM BEACH COUNTY FOR FUNDING, PLANNING, DESIGN, CONSTRUCTION AND MAINTENANCE OF CAPITAL IMPROVEMENTS FOR A SPORTS COMPLEX AT THE WELLINGTON COMMUNITY HIGH SCHOOL

Mr. Schofield introduced the item.

Mr. Barnes indicated that Council has received the latest version of the interlocal agreement that staff has discussed with the school district following last week's comments. He stated the agreement generally remains the same. He indicated a couple of sections have been modified by staff and the school district generally agrees with them.

Looking at item 4G, Mr. Barnes stated most of their conversation last Thursday was regarding the lease commencement date and timeframes. He said the interlocal agreement was

previously structured with the lease commencing at the time of execution. He stated while this agreement will be effective upon execution by both this Council and the school board, the actual lease commencement timeframe will not be until the fields are completed. He said the lease timeframe of the twenty and thirty years does not commence until the Village has beneficial use of the facilities the Village is constructing. Vice Mayor Napoleone indicated that was a very important change.

Mr. Barnes stated staff presented this change to the school district and it did not have issue with it. He said they understood the Village would be losing lease term prior to having beneficial use of the facilities. He stated it is similar to making tenant improvements in a leased space, as those leases commence once the space is occupied.

Mr. Barnes indicated staff was fine with the dates attached to the second part of the project. He said, as Council knows from previous discussions related to this project, the Wellington High School athletic facilities has two parts. He stated the first part was already approved in concept and moving forward at Greenbriar Park when staff proposed relocating the athletic facilities to the high school site, which included four fields. He said based on it being at the high school site, staff allocated some space to construct basketball courts, move the tennis courts, etc.

Mr. Barnes stated the second component is that staff would like the interlocal agreement to include the possibility of locating the aquatics facility on high school property as well. He said it is still contingent upon review, discussion, presentation, and ultimately approval by this Council. He stated staff would like Council's decision, whether to move forward with it or not, reflected in the provisions of the agreement.

Mr. Barnes stated a portion of the previous agreement spoke to when those timeframes had to be made. He said staff presented the last version to the school district, school board and staff, and they were fine with it as last discussed. He stated the school district originally proposed for the Village to make a determination on the pool in 2020 and construct by 2023. He said staff proposed changing it to a determination on the pool by 2021 and construct by 2025. He indicated staff wanted additional time for the decision making process, because they wanted to focus on the athletic facilities.

Mr. Barnes stated staff's original recommendation was to have until 2021 to make a decision and not be required to build until 2025. He said staff has previously recommended a portion of 2021 and 2025 be moved to 2023 and 2027. He indicated staff presented the additional two years to the school district, given that they have agreed that the lease does not commence for two years, so that ultimately has to be finalized. He said staff is prepared to recommend either option, as they are certainly comfortable with 2021 and 2025, but he wanted to make that clear.

Councilman Drahos stated the contract in front of Council states 2023 and 2027. He asked if the school board was in agreement with that timeframe. Mr. Barnes stated staff just proposed that option on Friday when they revised the rest of the agreement. He said the school board is still reviewing that portion. He explained it is included here to let Council know what the school board is considering right now.

Ms. Cohen stated, if Council made a motion, it would give staff the ability to negotiate those timeframes as discussed whether it be 2021 and 2025 or 2023 and 2027.

Looking at item 4C, Mayor Gerwig asked about the \$12 million. Mr. Barnes stated that amount is only for the athletic facilities, as it does not include the pool. He said there is opportunity for

the project to come in below that, but that is conceptual order of magnitude estimate that staff prepared when looking at the Greenbriar site. He stated the synthetic fields may be more expensive, but they are saving some money on the infrastructure since the utilities are already on the high school property.

Mayor Gerwig asked if the \$12 million included the fencing. Mr. Barnes stated it includes the entire athletic facility project – fencing, pedestrian circulation, signage, ancillary buildings, press box, concession stands, storage building, electrical room, sports field lighting, fields, tennis courts, basketball court.

Mayor Gerwig asked if this contract addressed any offsite improvements that might be required. She said it looks like the bus loop, parent access and parking access at the north entrance might require a turn lane. Mr. Barnes stated the contract does not address offsite improvements. He said at this point, with the preliminary review by the consulting engineer and in-house staff, together with the school district's facility staff, Village staff feels comfortable that it will not be required. He stated school staff is handling the day-to-day traffic circulation and operations at the site. He said the school is looking to modify their onsite circulation and have their staff direct traffic, so that they will not have the bus/parent traffic conflicts. He stated, in any case, it would be an improvement from what they have now given that there is no clear separation between parents dropping off their kids and parking for visitors and staff. He said that is the major solution they will try to accomplish with the north driveway.

Mr. Barnes stated he could cover a lot of other items in the interlocal agreement, but he is just trying to cover the key points based on the follow-up from last Thursday's Agenda Review.

Mr. Barnes indicated item 6C is a recent addition, as it came up in discussions with the school district. He stated it satisfied a concern that the school district had in the event the Village has a third party lease to use the facility during the time when the Village would normally be allowed to use it. He said the Village would be allowed to do that under the terms of this agreement.

Mr. Barnes stated, since it is not a Village program, not a Village sports provider, not a Village type of program, and just a third party lease, staff does not feel this is a problem. He said the school district should be paid and remunerated for their utility costs, i.e., if it is a night time lease they will need lighting for the sports fields or if it is an all-day event they have to run water to keep the fields cool.

Mr. Barnes stated it is a nonissue for two reasons: 1) It is not going to be a big cost item, but it will still be covered by a third party lease. 2) He did not foresee the Village having leases to utilize these facilities. He said the Village only has third party leases that are beyond Village programs when there are major Village, region, or county-wide tournaments, where everyone is partnering – Palm Beach County Sports Commission, Village of Wellington, Palm Beach County, and the School District. Mr. Barnes thought this provision would make everyone comfortable, but it would not come into play at all.

Mayor Gerwig stated even the Village sports provider needs to get general liability insurance over \$1 million. She asked if that was the same amount they have now. Mr. Barnes stated the coverage would be what the Village requires for sports providers or what they already have now. He said the difference is they would be naming the school district as the additional insured for those policies.

Mayor Gerwig asked if that would be an additional cost to the providers. Mr. Barnes stated the

providers are naming the Village now, but they will name both. He indicated, if the providers get an additional certificate of insurance naming additional parties or additional insureds, it generally costs \$50.00. He explained the providers do that now when they use school district facilities for tournaments like the Wellington travel basketball or Wellington Soccer Club. He stated if they use Wellington fields and Royal Palm fields, they would name Royal Palm as the additional insured. He said this is not problematic and the coverage level is the same.

Looking at item 28, the Term, Mr. Barnes stated it remains a twenty year term with a thirty year term, with the twenty year in the event the pool is constructed. He said this date goes back to the 2027 date discussed previously in item 4G. He stated, as a result, this is the item where staff believes they are comfortable with pool construction at 2025 or 2027. He said they were going to further discuss this with school district staff. He indicated what has been added here is that at the end of that term they would engage in good faith negotiations regarding continuation of the agreement.

Mr. Barnes stated these were the key points of their discussion on Thursday. He said generally the rest of the agreement is consistent with their other interlocal agreements with the school district. He stated none of the current interlocal agreements have any kind of cost back and forth between the school district and the Village.

Mr. Barnes indicated some exhibits are included with the interlocal agreement. He said Exhibit A breaks down the operating hours for use of the facility, priority of use when school is in session and for which facility, whether they are looking at the sports fields that are being constructed or the stadium field that is being reconstructed and the associated use.

Mr. Barnes stated Exhibit B is the Sports Complex plan, which has not changed since the last time staff presented this project to Council. He said it is the same plan staff presented at Directions.

Mr. Barnes indicated Exhibit C is a very generic breakdown of costs, including the fields, buildings (restroom, concession stand, storage, mechanical/electrical space, etc.), site infrastructure, courts (basketball, tennis), and contingency. He said they are remaining with the original order of magnitude cost estimate of \$12 million.

Mr. Barnes stated he hated to put Exhibit D together this early in the process. He said, since it is a requirement of the interlocal agreement, they put some dates together assuming this Council approves this agreement tonight and the school board approves the agreement on June 19, 2019. He stated the agreement can be modified based on what is sure going to be a great working relationship with the actual onsite staff, the principal and vice principal, athletic staff at the high school, and the Village Parks & Recreation Department and Engineering Department. He said they may have an ability to tighten up the construction timeframe based on how much they are willing to modify their sports schedules. He stated they did not want to get too far into that discussion until the Village has a signed interlocal agreement and the consultants could get the project going.

Mr. Barnes stated assuming approval by the school board and this Council, this schedule assumes the Village starting design related to the property in August and completing it at the beginning of next year. He said, even though they have a construction manager, he put down a timeframe for bid. He stated this is really the construction manager working with the consultant and Village staff to secure the sub-trade bids, so they could review them together and move forward with the initial phase of construction in May. He said that is assuming that by the end of

the late spring sports season, they will be able to vacate use of the stadium field and the teams do not have any successful championship runs going into late May.

Mayor Gerwig indicated that the high school has first priority in all of the scheduling. Mr. Barnes stated once they commit to construction, the Village will not stop construction to play a game. He said in discussion with both Principal Hayden and Vice Principal Romano, they were going to look at the time when the Village is ready to start the project.

Mr. Barnes explained that there is an understanding at the school level. He stated they truly understand the benefit to their students, the community at large, and the school. He said they also understand that they may have to endure some inconvenience initially for the long term benefit of having these great athletic facilities.

Mr. Barnes stated the school district talked about, depending on when the Village could start and finish the initial phase, having away games played for the first half of the football season to accommodate the project as much as possible. He said similarly they might consider modifying it so the Village could start earlier in the spring and guarantee, come fall, the project is ready to be utilized. He stated they could open their season in a brand new facility.

Mr. Barnes stated what Council sees in front of them is the first attempt at the schedule, but he feels comfortable with it. He said staff would look to shave some time off where they could, in working with the local school staff and Village consultants and construction manager.

Mayor Gerwig asked who the manager is that is certifying this plan as constructible at this point. Mr. Barnes stated it has been a combination. He said in-house engineering staff has reviewed it and prepared some components of it. He said Kimley-Horn and Associates is the consulting engineer that prepared the original base plan, but they have gone back and forth as they have discussed project components with the school district. He stated it is not very legible in the exhibit, but it is the base sheet that the Village received from Kimley-Horn.

Mayor Gerwig stated she did not accept being tied to the pool deadline. She said the Village is giving \$12 million to the school to provide all of these fields, concessions, etc., and the school district will have primary use all the time. She stated she feels the school district should have worked a little better with the Village and thirty years would be the minimum that she would want to discuss. She said she had some questions on the placement of the pool.

Mayor Gerwig stated right now all of the fields are dirt. She asked what percentage of these fields would be pervious. Mr. Barnes said he could not speak to that. He stated unless Council elects to modify the design as it was presented originally, they are not going to have the storage that they would have with dirt. He said the whole point of the synthetic material is that the water is able to dissipate and move through the underground drainage system.

Mayor Gerwig asked where the water would go, as it looks the storage area has been covered up. Mr. Barnes stated between the storage that the engineers have calculated on site and the canal, he believed they had the ability to meet the requirements. He said this was based on the permit and the credits the Village already has with the South Florida Water Management District (SFWMD) for compensating storage. He stated their engineers have looked at that as well as the consulting engineers.

Mr. Barnes indicated this does not address water quality. He said this would have the water quality components of a nonresidential industrial or commercial site. He stated it would be the

same type of water quality constraints that they would have at a park. He said, in this case, they would probably have less water quality constraints, because they will not have the fertilization and pesticide issue that they have with the natural grass fields.

Mayor Gerwig stated she understood the dry detention area built in the front was specifically for the parking lot, which was not included in the original plan for Wellington High School. She said it was added on later. She stated it is not even on the site plan from 1987. She said when the parking lot was added, the dry detention was required to store water for water quality purposes. She stated she does not know where that is going on this plan.

Mr. Barnes stated he was not sure of the limits of that permit. He said he knew the Village constructed that parking lot. He stated he was not sure whether they constructed it to higher requirements than what was actually required by the code or not. He thought some of that was reviewed by both the in-house staff and consulting engineer.

Mayor Gerwig asked if Mr. Barnes was confident that the SFWMD Wellington permit will be revised to cover all of this extra water. Mr. Barnes stated he was absolutely confident. Mayor Gerwig said she did not share his confidence. She stated she also did not like the trigger that if the Village builds a pool, they will then get ten more years.

Mayor Gerwig stated staff was basically going to be on site whenever the Village is using the facility. She said the interlocal agreement says they have to check in with the school district. Mr. Barnes stated they have not figured out the programming, but multiple activities will be going on. He said there will be night school, night meetings, etc. Mayor Gerwig stated it is a community high school, so there will be people there.

Mr. Barnes indicated that a night time assistant principal will be on site until 8:00 pm or 8:30 pm every evening. He stated the check-in procedure will probably be more orderly than most remote facilities, like Olympia or Tiger Shark, in the Village. He said in those cases there is generally no staff or any other government or agency staff there. He stated it is basically volunteers or providers.

Mr. Barnes stated they would need to check in with the assistant principal. He said if there is an emergency, a child is hurt or there is a fight, there is somebody on property, other than volunteers from the Village, who can basically address the issue. He thought having that process outlined here provided for a safer environment than the Village has at some existing remote facilities.

Mayor Gerwig stated the Village is showing use from 6:00 pm to 11:00 pm. She asked what time Village Park closes. Mr. Barnes stated that is when it is available, as they did not want the school district blocking that out. He said Village programs generally run from 6:00 pm and some end at 8:00 pm or 9:00 pm.

Mayor Gerwig asked what time the lights go out at Village Park. Mr. Barnes stated it depends on how late the providers are there, but they want to conserve energy. He said if they finish at 8:30 pm, the lights go off. He explained the lights are auto programmed, but authorized users can change the program on their phone or by making a call. He stated, generally speaking, Village programs are wrapped up by 10:00 pm. He said some will run a bit later and some will get done a little earlier.

Mayor Gerwig stated she has been told by residents that the lights for Volleyball go out at 9:00

pm. Mr. Barnes said that was probably for open play.

Councilman Drahos asked if Mr. Barnes was confident that, other than the 2025 / 2027 issue, the school district was going to sign this agreement. Mr. Barnes stated the school district is going to sign it, as they have it in writing.

Councilman Drahos stated he was going to leave it to the professional discretion of staff as to whether to hold the schools district's feet to the fire on that timeframe or not. He said if Mr. Barnes is telling him that he can work with 2025 and that is the will of that future Council, then it is fine with him.

Councilman Drahos stated this project is being paid for by the penny sales tax that the voters have already voted on and essentially paid for. He said he views this as \$11 million of the penny sales tax, of which they are including potentially \$1 million for contingency.

Mr. Barnes stated the \$12 million is an order of magnitude estimate. He said the Village is estimating it as a \$12 million project without breaking it down into line items, which at this point is tough to do when they only have a conceptual drawing. He stated the numbers are based on some square footage costs, acreage costs for the site area, building footprint, etc. He said they are assuming some numbers will go up and some will go down, but \$12 million is going to be the maximum number.

Councilman Drahos stated he thinks the contingency issue with the pool is fair, because the Village cannot tie up that piece of property forever. He thought they should all work under a deadline. He said the school district has the right to know if the Village is going to do something with it or not, so they can plan that site for future uses.

Councilman Drahos stated from his perspective, the Village is getting five football fields, three basketball courts, eight tennis courts, and a potential option for a future aquatics complex, without having to put any of it on their own land. He said when the residents are not using it, the student residents will be. He stated it is a win-win for the community and the school board. He said, as long as staff believes they have now negotiated the best deal possible, he is excited to sign this interlocal agreement and get going.

Councilman McGovern asked if this was the best possible agreement, as Mr. Barnes has been negotiating it for a significant period of time. Mr. Barnes stated that he and the rest of staff are convinced this is the best agreement. He said Ms. Cohen and Ms. Bausch have assisted in getting as good a deal as possible, understanding that they clearly want to represent the Village in the best manner possible, but the school district has a job to do as well. He stated, with both parties go away with some dislike for the agreement, he thinks they have reached a good consensus.

Councilman McGovern stated under the agreement, the cost for maintenance and upkeep of the fields and/or the pool is borne by Wellington. Mr. Barnes said any facilities the Village constructs as part of this project will be borne by the Village.

Councilman McGovern stated it is Village intention that these facilities will be maintained at a Wellington level of quality. Mr. Barnes said that was correct.

Councilman McGovern stated another reason he thought this project was so appealing is that some of the land, fields and courts have gone fallow and unmaintained on that property. Mr.

Barnes stated the primary field is occupied by grass fields that are utilized by the school, but even the school would readily admit that they have not been maintained as an actual athletic or school type program facility. He said it is basically green space that ends up being used for practice. Councilman McGovern stated the field is mowed sometimes by coaches, assistant coaches or parents.

Councilman McGovern stated he thinks the agreement is good and the additions to the agreement make it even better. He indicated in item 28 where it talks about the end of the term, whether it is twenty or thirty years, they have inserted language that says one year before the expiration of that time, whichever timeframe it is, they will sit back down and talk about how the agreement has worked, about renegotiating it, and potentially continuing it forward. He said the basis for that is that the district is going to need the Village to continue with maintaining these fields, so they can be used for another period of time.

Mr. Barnes stated at this point the school district has not envisioned or made any plans to maintain these kinds of facilities at any of their campuses. He said the only schools that currently have partnerships are Jupiter High School and Boca Raton High School. He stated Jupiter has a partnership with the community and the Jupiter Tequesta Athletic Association (JTAA), and one stadium field received some private funding. He said at Boca Raton High School, the field itself is the school district's field because the high school is landlocked. He stated it would have cost more money to buy property for practice fields than to construct and maintain a synthetic turf field. He said it is maintained by the school district and used primarily by the school. He indicated that Boca Raton High School also has a community swimming facility that is shared between the city and the school district.

Councilman McGovern asked if Ms. Cohen and Ms. Bausch were comfortable with the language at this point. Ms. Cohen stated they were comfortable with the language.

Councilman McGovern asked Mr. Barnes if he was recommending that Council approve this interlocal agreement. Mr. Barnes stated yes. He said he was comfortable with the language last week and with the modifications here. He stated he thinks they have improved the agreement and have given the Village some more options. He said at this point he is comfortable with 2025, but he would like to hear the school district's thoughts on 2027. He stated if he gets two additional years, should the Village decide to build the pool, he will take it.

Councilman McGovern asked if Mr. De La Vega, Mr. Juckett and Mr. Schofield agreed with this recommendation. They all agreed.

Mr. Schofield stated he had a bit of discomfort with the term last Thursday. He said having looked at it, his concern was the way item 28 was written, as there was no provision to renegotiate. He stated he is comfortable with the requirement to sit down a year in advance.

Mr. Schofield explained that the Village rule of thumb is that the parks and recreation facilities operating cost is about 10% of their capital cost per year. He said, on this field, they were looking at \$800,000 to \$1.2 million. He stated he did not believe that in twenty or thirty years the school district would be able to commit \$1 million a year in today's dollars to maintain these fields. He said he judged that based on the condition of the fields they see there now. He stated he pointed out to the school board that Tiger Shark Cove is actually built on school district property and those fields are approaching twenty years old.

Mayor Gerwig asked if the school used the fields at Tiger Shark Cove. Mr. Barnes stated the

school uses the fields on a limited basis for physical education (PE), but the Village uses them the most. He said one day a week the school uses the parking lot for bus parking and bus circulation.

Mr. Schofield stated they have joint use of fields at Olympia Park. He said the Village owns the land, but the school district uses the fields during the day and the Village uses them in the evening. He stated the fields have the same maintenance standards.

Mayor Gerwig stated the baseball program is very successful at Olympia, but she does not believe anyone uses the tennis courts. Mr. Barnes said despite the Village's best efforts, the tennis courts are not getting a whole lot of use there. He admitted that when the park is in full use, it is tough to get decent parking and tough for someone to decide to come play a leisurely game of tennis on those asphalt courts.

Mayor Gerwig stated she did not think the tennis courts had nets. Mr. Barnes stated the courts are multipurpose, so the nets are taken down when there is a gym class or when basketball is being played. He said based on a shortage of gym space, the basketball courts are used for team practices. He stated the tennis courts there are a bit better than Wellington's, but probably in some disrepair as well.

Vice Mayor Napoleone stated he would have liked to see a longer term as well. He said he understands why the school board does not want to lock up the property for more than twenty years, even though they are getting a benefit. He thought realistically the school board would not take the fields away from Wellington's use, because they do not want to pay for them.

Vice Mayor Napoleone stated he agreed section 28 was a mess when Council first looked at it and he is glad they cleaned it up. He said his nitpickiness helped fix the commencement time, which gave the Village two more years. He indicated section 5.B.1 talks about between the hours of 6:00 am and 12:00 pm. He said he has seen people litigate over 12:00 pm as to whether it means noon or midnight, so he would like it to say noon. He stated he would also like to make sure that section 5 is consistent with Exhibit A, which is the operating hours.

Mr. Barnes agreed that section 5 reads awkwardly. He said the school district constructed that section. He stated staff reviewed it several times and sat down with legal and confirmed what is in section 5 comports with what was outlined. He said staff prepared Exhibit A and they went back and forth to make sure. He stated section 5 reads poorly, but it does read correctly.

Vice Mayor Napoleone stated section 5 is not the way he would have drafted it. Mr. Barnes said the Parks & Recreation staff reviewed it and said it was ridiculous. He stated if the school district understood it and staff knew that it comported with the Village schedule, they were going to let it go. He said it was just easier than to decide which area to argue over.

Vice Mayor Napoleone stated this is a great win - to be able to build these fields on school district property, for the residents and the residents who are children at Wellington High School, and to be able to preserve Greenbriar Park for future use. He thought this was the best deal they were going to negotiate. He said his only issue is the term, but he understands why the term is the way it is. He stated he would like to the Village to stick to 2023 and 2027 to commit to the pool.

Councilwoman Siskind stated she agreed. She said she is very much in favor of the interlocal agreement. She stated the Village has proven that they can work well with the school district

and they have other interlocal agreements that are successful. She said she is even happier with the terms that were changed. She thanked Vice Mayor Napoleone for his nitpickiness, because it has helped shape the contract to be even better than it was.

Looking at section 14, Mayor Gerwig stated she believed there was a schedule for modernization of Wellington High School. She wanted people to understand that the school district gets a half cent of the sales tax and the county and municipalities get the other half cent. She stated the school district is getting a half cent and a \$12 million allocation of public funds, with the Village only getting secondary use. She said that is where she is having a real problem. She stated this is a huge benefit for Wellington High School and not every resident in Wellington has kids at Wellington High School. She said there are kids at Palm Beach Central and people who do not have children.

Mayor Gerwig indicated that section 14 states that the school district can use the fields for utilization by the parities for the duration of the modernization/replacement project. She said the pool will not be affected if it is built. She stated whatever the school district ends up doing on top of the artificial turf fields, the Village will have to repair when the project is done.

Mr. Barnes stated that was correct. He explained section 14 evolved over time. He stated it initially read close to what is there now, as staff initially added the traditional modernization timeframe, which is fifty years. He said that is generally when they look at school district planning criteria. He stated the fifty years has been since removed, because looking into the schools district's inventory of improvements proposed, considered and projections, twenty or thirty years down the road, there is nothing programmed for Wellington High School.

Mr. Barnes stated all of the surtax being spent at Wellington High School is going toward HVAC improvements. He said he believed the parking lot was completed this past year without using any of the surtax money. He stated there are also improvements to the grandstand and press box at the stadium. He said the field and track are not getting improved. He stated there are other modernization related improvements, but not true modernization of the entire campus.

Mr. Barnes stated the school district wanted to have some ability to work with the Village. He said they wanted to consider doing it at the end of a lifecycle of a particular improvement. He stated staff initially thought the lifecycle of those fields was seven to nine years. He said the timeframe for replacement in Boca is every ten years for its synthetic turf. He stated at the end of ten years, assuming the subsurface remains intact and there is not much degradation, they will remove the fabric, remove all of the infill and that material out, and replace that to ensure they have the same impact rating, etc.

Mayor Gerwig stated 1987 was the original drainage plan, so if they add fifty years to that. Mr. Barnes said the school district does not have any projections. He stated fifty years is the rule of thumb or for some other planning purposes. He said the school district does not have anything at this point in the long term plan for modernization of that school. He stated that is consistent with three or four other schools that were done in the same era. He said Saintaluces, Spanish River and Wellington Community High Schools all got auditoriums and that was it. He stated the fifty years was taken out of section 14 given that the school district was concerned that if it was in the interlocal agreement, the Wellington residents and Wellington population would want a school replacement in fifty years from 1987.

Mayor Gerwig stated she was going to disagree a bit. She said she understands the concept here and she wants to work with the school district and talk about what a great relationship they

have. She asked, if that is the case, why is this agreement built this way. She stated if the school district is not concerned about how the Village is to work with and how great it is to have the Village maintaining all of the facilities, why is the school district sticking to the twenty years. She said the Village is giving the school district \$12 million in improvements on their site, taking over all of the maintenance, and taking all of the risk for using it. She stated the Village is making everyone indemnify for no participation on their part other than the inconvenience of construction, which the Village would have if they built it themselves.

Councilman Drahos stated the school district is giving the Village the land to build these fields. He said that has tremendous value to the residents, as they are able to preserve Greenbriar. He stated the Village can put these fields on school board property and use them the same as if they were on their own land. He said Monday through Friday from 9:00 am to 5:00 pm, the Village does not operate any of their parks anyway. He stated the terms primary and secondary use are almost misleading, because there is never going to be an instance where on Tuesday at 10:00 am the Village is going to want to use that field. He said whether a kid is on that field at 10:00 am under a program being led by the school board or at 9:00 pm under a Village run program, it is still a Wellington resident using what the Village is going to ensure is the best field possible.

Councilman McGovern stated that was exactly right. He said more than a year ago, Council sat in this room and parents came and said they needed more fields for a variety of sports. He stated, as a Council, they said let's look at how to do that. He said Council voted time and again and voted unanimously to construct the fields at Greenbriar. He stated at the high school site, the Village gets all of that and they preserve the land at Greenbriar at a point in time when land banking becomes something they are talking and thinking about. He said it is a mutually beneficial arrangement. He stated the idea of having the pool at that location, if they go down that road, has been shown to work very successfully at Boca Raton High School, including the fact that the only schools in the county that play water polo is Boca Raton High School and St. Andrews.

Councilman McGovern stated this is the kind of interlocal agreement and kind of partnership that this Council talks a lot about. He said it is the kind of partnership that he thinks they should be seeing between governments at any number of levels. He stated he did not share the same concern about the timeline, because, in regards to the maintenance, the schools district needs the Village more than the Village needs the school district. He said at the end of the agreement the incentive then shifts to the school district wanting to extend this agreement, so the fields can be kept in the condition they have become used to over the twenty or thirty years that will have existed at that point.

Mayor Gerwig stated the school district needs the Village more than Village needs them, because the Village brought \$12 million to the table. She agreed maintenance would be a problem, but stated the school district should be willing to be at the table with the Village. She said she sees this as a one way street right now, where the school district has told the Village the deal they are going to make. She stated the concession stand was originally going to be for Village use only and now it has been revised to that maybe the school district can use it. She said she did not mind any of that if the school district was at the table with the Village for this discussion.

Mayor Gerwig stated that a percentage of the students at Wellington High School are not Wellington residents. Councilman Drahos said an overwhelming majority of the kids are Wellington residents. Mayor Gerwig stated it might be 75%. She said that she would be more

willing to call this a partnership if she saw a partnership in this document, but she does not.

Vice Mayor Napoleone asked what was missing. Mayor Gerwig stated the Village is paying for everything and the Village is a secondary user the whole time. Vice Mayor Napoleone explained the Village is not really a secondary user. He said Exhibit A indicates the Village gets the fields at 6:00 pm when school is in session and the rest of the year they get it from 8:00 am to 11:00 pm. Mayor Gerwig stated that was unless the school has a summer program that needs the field. She said the school takes priority anytime they have a program. She stated if they were Village fields, the Village could make those decisions.

Mr. Barnes clarified that for the summer program the Village is only allocating one field, should the school need it, from 6:00 am to 12:00 noon. He said all of the school's sports programs will be done on that one field.

Mr. Barnes stated he heard what Mayor Gerwig was saying, as those thoughts had occurred to him as well. He said it is like local governments want local control, as the closest government is going to serve them the best. He stated he counts the school folks on site at Wellington High School part of the Village, because that is how they make things happen. He said they have demonstrated that since before they were Wellington. He stated that is why New Horizons, Olympia Middle School and Equestrian Trails work. He said before the Village had gyms, they used Wellington Landings and Wellington High School. He stated the tide has turned, as the Village was dependent on the school district and now the school district is more dependent on the Village. He said at some point the tide will turn again.

Mr. Barnes stated to trust him, based on what he has seen in fifteen years in Wellington and what occurred before he got here. He gave respect to all of the folks at Forest Hill in the main office, but they are somewhat removed from the day-to-day operations. He said the folks at the school are who make things happen and work together with Village Parks & Rec staff. He stated staff is confident this will work and hopes it survives multiple generations of people who will still be using these fields when all of them are gone.

Mayor Gerwig stated she understood what Mr. Barnes was saying, but she disagreed. She said she wants the school district to be at the table. She stated she would be very supportive if they started with the stadium field and saw how that worked, and then used the track and saw that interaction.

Mayor Gerwig stated she did not consider this plan constructible. She said she knows staff and Kimley-Horn said it is constructible. She stated if someone walked up to this Council with a plan like this, Council would say that it is way too dense and ask where are they going to put the water and how are they going to drain it. She said they cannot just decide, as they are not the SFWMD. She stated she does not think it can be permitted.

Councilman Drahos stated to be able to enhance the lives of the residents, this Council has to be willing to spend the money and make the commitment. He thought today was the first step in doing just that. He said he was quite confident the Village is on the right path and that generations of kids will benefit from today's investment. He stated he thought it was a good investment for their community. Mayor Gerwig said she just disagreed.

Mr. Schofield indicated no public comment cards were received.

A motion was made by Vice Mayor Napoleone, seconded by Councilman Drahos, and

passed (4-1), with Mayor Gerwig dissenting, to approve the Interlocal Agreement Between the Village of Wellington and the School Board of Palm Beach County for Funding, Planning, Design, Construction and Maintenance of Capital Improvements for a Sports Complex at the Wellington Community High School as amended as discussed by Council tonight.

C. 19-3026 PROPOSED DEMOLITION OF UNSAFE STRUCTURES – 12538 PINEACRE LANE AND 12111 STRATFORD STREET (ADDED TO THE AGENDA)

Mr. Schofield introduced the item. He stated the discussion during Agenda Review was to make sure that staff made additional notifications. He said on Friday he made additional contacts and legal had done so as well. He stated staff will publish an ad in the next day or so, assuming Council authorizes this item. He said staff will make every effort to ensure the owners have an opportunity to submit restoration plans. He stated that can be done at any time up until the time of the actual demolition, which will probably happen during the week of June 10th.

Mayor Gerwig stated this was walked onto their agenda tonight, with no public notice. She said the Village has notified the owners. Mr. Schofield stated the homes are vacant.

Ms. Cohen stated the properties are owned by the banks. She said with respect to 12538 Pineacre, the larger property, staff took the extra step initially of e-mailing each partner of the law firm, so they were aware this was occurring. She stated she knows Mr. Schofield reached out to them as well after Agenda Review last week. She said staff has gone over and above what is required to provide notice.

Mr. Schofield clarified that this item is in front of Council for the expenditure of funds on 12538 Pineacre. He stated he is simply looking for the ability to spend more than \$25,000. He said all of the required notices have been made.

Councilwoman Siskind stated Pineacre Lane is more expensive because there is a pool and it is larger home. Mr. Schofield said the pool has to come out as well.

Vice Mayor Napoleone stated if the amount was below \$25,000, it would have been a staff level decision and would not have come to Council. Mr. Schofield indicated Council would have received an Administrative Transmittal.

Ms. Cohen stated the determination is made by the Building Official. Vice Mayor Napoleone stated it is an unsafe structure where people can get injured. He said with hurricane season coming, even more so.

Councilman McGovern asked if Ms. Cohen e-mailed the partners of the law firm, as he knows Mr. Schofield called last week, and if there was any response. Ms. Cohen stated the Ward, Damon, et al, Law Firm does not represent them. She said staff has reached out to Brock & Scott who took over after the Ward, Damon, et al, firm no longer represented them. She stated, again, there was no response. She indicated Mr. Schofield reached out again last week.

Mr. Schofield stated he spoke to someone in the law firm that represents the Pineacre property. He quoted them as saying “as far as they are concerned this case is closed.” He said they were going to escalate it to their partners and to their client. He indicated Mr. Posner called him back today and said they had not done this in two years. He stated the other firm, Brock & Scott,

were contacted as well.

Mayor Gerwig asked if the wrong law firm was initially contacted. Ms. Cohen stated it was not. She said staff contacted Mr. Posner when they were told that his firm no longer represented them. She stated in March 2019, staff notified Brock & Scott.

Mayor Gerwig stated her big sticking point is the large property. She said this house sold for \$675,000 the last time it was sold. She stated she realizes it is in disrepair, as she drove by the properties herself. She said she did not see either one of them as a danger to anyone unless they go on the sites. She stated the sites are posted with Do Not Enter. She said she would rather, for the Village's protection, have this item advertised in a regular agenda and not have anything unusual happen under these circumstances.

Ms. Cohen stated the decision to declare it an unsafe structure is not a decision that would come to Council. Mayor Gerwig said the Council has the power now. She stated she did not want to leave anything out of the ordinary in this unique circumstance. She said if she lived next door she would be concerned, because it is obviously open and the roof has holes in it. She stated she would feel better if it was put on a regular agenda and advertised, so no one could claim that they did not have notice.

Ms. Cohen stated the Village does not normally advertise agenda items. Mayor Gerwig said the Council agenda is public. Ms. Cohen stated it is public, but it is not advertised in a newspaper. She said what was discussed and what she thinks is appropriate is for staff to place an ad in the newspaper as a legal notice. He stated that one final step will ensure the Village has done everything possible to try to get the attention of the property owners.

Councilman McGovern stated that was discussed at Agenda Review. Mr. Barnes indicated staff will place the advertisement assuming Council approves the expenditure this evening. He said the June date is based on publishing the ad for two weeks.

Mayor Gerwig stated she does not understand how they have gotten here, as these homes are obviously worth something. She said she does not understand why the banks do not auction them off. She stated the properties are obviously worth more with a structure on them. She thought it was odd that banks would just leave these homes sitting there and not protect their investment.

Ms. Cohen stated it is impossible to know why the banks are not responding. She said they cannot speculate as to what the bank or their representatives may or may not think about this process.

Mr. Schofield stated Deutsche Bank is one of the banks. He said this is the second structure from Deutsche Bank the Village has torn down.

Mayor Gerwig stated she just had a problem with this item being walked on. She said she wanted to make sure all of the notifications are in order.

Mayor Gerwig asked about the reoccurring code fines on these homes. She indicated that Mr. Schofield said that Pineacre has a \$143,320 fine and the other has a \$32,000 fine at this point.

Ms. Cohen stated some of the fines may have been foreclosed in the foreclosure proceedings, as she has not had an opportunity to look at it. She said any liens that survived foreclosure

would remain with the property.

Mayor Gerwig stated she definitely believes these properties are not being maintained. She said she still does not comprehend why the bank does not auction them off and be done with it. She feels the banks would get much more, especially if these liens remain, as the property will have no value at that point. She stated she preferred to wait until Council has a scheduled meeting to make an unusual circumstance not unusual at all.

Vice Mayor Napoleone asked if the last time the Village demolished a building, if it was on a Council agenda. Ms. Cohen stated it was not. Vice Mayor Napoleone asked if the Village has ever put a demolition on a Council agenda. Ms. Cohen stated they have not.

Mr. Schofield stated the reason this item is in front of Council is because he does not have the authority to spend more than \$25,000.

Mr. Barnes stated staff will publish an advertisement in the newspaper for general public circulation.

Councilman McGovern stated he shared Mayor Gerwig's concern with this item being walked on. He said, at this point, the Village has bent over backwards and are going to further bend over backwards. He indicated the Village has legally complied and has complied in good faith. He stated he did not know what else to do, other than give the Village Manager the authority to spend this money. He said he felt comfortable doing that at this point.

Mayor Gerwig stated she just disagreed. She said she sees no reason why this could not wait two weeks, as they have meetings scheduled. After driving by and looking at the properties, she stated her opinion is they are not a danger to anyone who does not enter them illegally. She said she sees no reason to authorize this tonight. She stated she knows this is not a \$675,000 house now, but it was at one point. She said she is just uncomfortable with that.

A motion was made by Councilman McGovern, seconded by Councilman Drahos, and passed (4-1), with Mayor Gerwig dissenting, to approve item 19-3026, Proposed Demolition of Unsafe Structures – 12538 Pineacre Lane and 12111 Stratford Street, to authorize the Village Manager to spend in excess of \$25,000 after the additional publication of the legal notice for the demolition of these two structures that have been deemed unsafe by the Building Official.

**D. 19-2973 AUTHORIZATION TO NEGOTIATE A CONTRACT TO PROVIDE
CONSULTING SERVICES FOR THE TOWN CENTER PROJECT
(FORMERLY CONSENT ITEM 6B.)**

Mr. Schofield introduced the item.

Mayor Gerwig indicated she needed to recuse herself from this item. She said the company she works for and owns one share of stock in, which is 1%, has done more than \$10,000 in the past 24 months with Stantec, a sub-consultant on this project. She stated it has been determined that this meets the conflict for Palm Beach County, which is why this item was moved from the Consent Agenda to the Regular Agenda.

Mayor Gerwig indicated Vice Mayor Napoleone will now be in charge of the meeting.

Mr. De La Vega stated that on March 11, 2019, staff released RFQ #201906 seeking qualified firms interested in providing consulting services for the Town Center project. He said on April 11, 2019, the Village received four proposals. He stated the Selection Committee ranked each of the four proposals and shortlisted the three highest ranked proposals - Urban Design Kilday Studios, REG Architects, and Chen Moore and Associates. He said on May 2, 2019, the Selection Committee conducted interviews and presentations with these three firms. He stated the highest rank firm after that process was Urban Design Kilday Studios. He indicated the Selection Committee is recommending that staff negotiate a contract with Urban Design Kilday Studios to provide these consulting services.

Mr. De La Vega stated if they receive authorization to negotiate tonight, any negotiated contract would require Council approval prior to award. Thus, staff would be bringing the contract back to Council.

Mr. De La Vega stated the scope of the project includes the master plan, which includes and is not limited to general open space uses; expansion of the amphitheater; methods for creating for-pay event space; lakeside boardwalk with uses; consideration of events and activities; exploring food and beverage service options along the lakeside; vendor options for surface water uses, canoes, kayaks, rentals; surface and structured parking options, including parking for the professional office building; Village uses/events within Town Center with possible uses by retailers; retail or commercial uses along Ken Adams Way and Chancellor Drive; the options for inclusion of a Performing Arts Center or Civic Center within the limits of Town Center; sound and noise mitigation measures from the site, specifically the amphitheater area. He said these are some of the components of the master plan.

Councilman McGovern stated he did not have any questions, as Council has discussed this extensively over time. He said it is basically a consent item that simply has been pulled for the purposes of Mayor Gerwig's conflict.

A motion was made by Councilman Drahos, seconded by Councilwoman Siskind, and unanimously passed (4-0), with Mayor Gerwig recused, to approve the Authorization to Negotiate a Contract to Provide Consulting Services for the Town Center Project.

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 updated Council on the Pine Tree lawsuit that has been filed. She stated the Village is seeking hearing dates for the Motion for Temporary Injunction and staff received a Motion to Dismiss today. She said she reviewed it and she does not believe it is well founded. She stated the Motion to Dismiss is not confined to the four corners of the complaint, as it must be. She said staff will try to get that set for a hearing as well. Ms. Cohen indicated Mr. Phillip Harris, the attorney for Pine Tree, filed the Motion to Dismiss. She stated he was the attorney who brought the lawsuit against Wellington about a year ago. She said Pine Tree has also filed a Notice of Refiled Case under an administrative rule, which only applies if they were the filing party. She stated they were

trying to allege that the Village filing of this complaint was essentially a refiling of their complaint, which it is not.

Councilman McGovern asked what the significance is of that filing. Ms. Cohen stated it was to presumably send the case back to the division it was originally pending in front of. She said she was not sure why, because that judge has retired. She noted it was not a proper use of the rule anyway.

Councilman Drahos asked what the basis was for the Motion to Dismiss. Ms. Cohen stated the Motion to Dismiss basically argues that the Village has not alleged the elements necessary to establish its claims, that Pine Tree had this prior pleading or complaint, and that the Village is not entitled to a separate cause of action for injunctive relief. She said it is not well framed.

Councilman Drahos stated the Village is trying to get to a decision made on how to maintain these roads and Pine Tree has effectively slowed down the process with this motion.

Councilman McGovern asked for the soonest hearing date for this motion. Ms. Cohen indicated the attorney has also filed a Notice of Unavailability until after the beginning of June 2019. She stated staff is going to file a response to the Notice of Refiling Case and point out to the court that it is inappropriate. She said they are going to schedule the Motion to Dismiss for hearing and get a special set hearing date for the injunction as soon as possible.

Councilman McGovern asked if staff was waiting for a special set hearing date for the Motion to Dismiss. Ms. Cohen stated they were not, as it was just served today.

Mayor Gerwig stated all of this prevents them from getting closer to actually solving the problem. Ms. Cohen said it is certainly a delay tactic and it is difficult to know right now how much this will delay it. She stated Judge Rose's calendar is only online, so it is difficult to know when they might be able to get a hearing date.

Council asked if Mr. Harris had co-counsel or if he was a solo practitioner. Ms. Cohen stated Mr. Harris is a solo practitioner. She indicated in the last lawsuit involving Pine Tree, he brought in co-counsel who never actually made an appearance.

Councilman McGovern asked Ms. Cohen to do whatever she can to move this along as soon as possible. Ms. Cohen stated she will try to expedite it as much as she can.

Councilman Drahos stated he would like Council to receive regular updates at Council Meetings on this litigation. He said it is a way to potentially get word out to the residents of Rustic Ranches that the Village is trying to get to a resolution as quickly as possible. He stated if Pine Tree's lawyer is not doing the same, he/she should answer to the residents for that.

12. MANAGER'S REPORT

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

- The next Regular Council meeting will be held on Tuesday, June 25, 2019, at 7:00 p.m.

in the Council Chambers.

- He reminded everyone that the June 11, 2019 Council Meeting has been cancelled.
- He stated the Village needs a voting delegate for the Florida League of Cities 93rd Annual Conference on August 15-17, 2019. He said traditionally they have appointed the mayor as their voting delegate. Vice Mayor Napoleone nominated Mayor Gerwig as the voting delegate. Councilman Drahos seconded the nomination. It was Council consensus for Mayor Gerwig to serve as the voting delegate.

13. COUNCIL REPORTS

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

- He congratulated the Wellington Wave girls under 13 soccer team for winning the state championship this year. He said it is a fantastic accomplishment. He stated it shows, once again, the great sports programs in the Village.
- He gave kudos to the Wellington Rotary Club who raised \$56,000 by selling raffle tickets at \$100 each. He said a majority of the money will go to purchasing Kevlar vests for the K-9 officers. He stated a third of the collected money went to a single winner. Mayor Gerwig said the winner donated \$4,000 of his winnings back to the cause.
- He stated summer is coming and everyone will be running around, so be careful with children at play.
- He congratulated the Wellington High School and Palm Beach Central graduates and wished them all success in their future endeavors.

COUNCILMAN DRAHOS: Councilman Drahos presented the following report:

- He stated yesterday's Memorial Day ceremony was first class, as staff always does an amazing job. He said there was a great turnout from the community, which was wonderful to see. He stated he is always proud to be a part of the ceremony. He said Wellington goes above and beyond to ensure residents appreciate the sacrifices that were made by their armed service members.
- He stated the goal of his golf marathon was one hundred holes, but they ended up playing ninety-two holes because it started to rain and the golf course flooded. He said they raised \$15,000, which will go directly into the operating budget for Special Olympics. He thanked Mayor Gerwig for her support. He said it was a great event and he was glad to be a part of it.

COUNCILMAN MCGOVERN: Councilman McGovern presented the following report:

- He wished everyone a happy summer. He hoped all of the kids coming out of school will take time to get some rest and undertake camp. He stated Wellington Camp starts the week after school ends.
- He reminded everyone that the Parks Master Plan Community Meetings are Wednesday and Thursday of this week from 6:00 pm to 8:00 pm in the Council Chambers.
- He stated he had the privilege of attending the first Palm Beach Post All-Star Preps Athletic Awards, where Michael Phelps was the speaker. He said it was attended by about 1,000 people. Councilman McGovern stated Wellington High School athletes represented Wellington very well. He congratulated Linton Brown on being the Large School Boys Basketball Athlete of the Year; Akeem Dent, from Palm Beach Central, on being the Defensive Football Player of the Year; Elle Fields, from Wellington High

School, on being the Player of the Year in Girls Weightlifting; and Mark-Antony Richards, on being the Offensive Football Player of the Year for Large Schools and the overall Athlete of the Year.

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

- She hoped that everyone was wrapping up school nicely, finishing their exams, and looking forward to a safe and fun summer.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- She thanked everyone for covering for her yesterday at the Memorial Day ceremony. She said she heard everything was excellent and the public was super thrilled with the ceremony. She stated she was out of town and unable to make it this year.
- She stated the Village usually sees some spikes in juvenile activity over the summer. She asked if they had a plan for that. Mr. Schofield indicated that District 8 has an end of school plan that they have already started to implement. He said the Juvenile Arrest and Monitoring Unit (JAM) has an enhanced presence along the Greenview Shores corridor. Mr. Schofield stated he will have Captain Silva write a brief synopsis and send it out to Council.

14. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned at approximately 9:34 PM.

Approved:

Anne Gerwig, Mayor

Chevelle D. Nubin, Village Clerk