

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

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

**Tuesday, April 28, 2020
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, April 28, 2020, commencing at 7:00 p.m. via Communications Media Technology.

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

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Deputy Village Manager; and Chevelle D. Addie, Village Clerk.

- 1. CALL TO ORDER** - Mayor Gerwig called the meeting to order at 7:00 p.m.
- 2. PLEDGE OF ALLEGIANCE** – Mayor Gerwig led the Pledge of Allegiance.
- 3. INVOCATION** – Pastor Peter Bartuska, Christ Community Church, Wellington, delivered the invocation.
- 4. APPROVAL OF AGENDA**

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

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

5. PRESENTATIONS AND PROCLAMATIONS

Mr. Schofield indicated there were no Presentations and Proclamations.

6. CONSENT AGENDA

- A. 19-3496** AUTHORIZATION TO AWARD CONTRACTS FOR BUS RENTAL AND DRIVER SERVICES
- B. 19-3502** AUTHORIZATION TO RENEW AN EXISTING CONTRACT FOR THE SUPPLY AND DELIVERY OF ROAD BASE

- C. **20-3574** AUTHORIZATION TO AWARD A CONTRACT FOR HAULING AND DISPOSAL OF CLASS AA BIOSOLIDS AND UNCLASSIFIED DEWATERED SLUDGE
- D. **20-3576** AUTHORIZATION TO AWARD A CONTRACT FOR LIME SLUDGE HAULING AND DISPOSAL
- E. **20-3751** AUTHORIZATION TO UTILIZE AN EXISTING PUBLIC WORKS ANNUAL CONTRACT TO REPLACE/ADD CULVERTS
- F. **20-3759** AUTHORIZATION TO UTILIZE HEALTH GOVERNMENTS ACROSS THE COUNTRY (HGAC) BUY CONTRACT FOR THE PURCHASE AND DELIVERY OF A TRAILER MOUNTED HYDRO EXCAVATOR
- G. **20-3763** RESOLUTION NO. R2020-16 (HAZARD MITIGATION GRANT PROGRAM)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, APPROVING AND AUTHORIZING THE VILLAGE TO APPLY FOR AND RECEIVE FINANCIAL ASSISTANCE FOR THE HAZARD MITIGATION GRANT PROGRAM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Schofield indicated no comment cards were received on the agenda. He stated three public comment cards were received, which Council will hear after the vote.

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

Matthew Buccilli, T. Kelly and Megan MacCallum submitted comment cards regarding reopening of parks, libraries and businesses and comments regarding education. Ms. Addie read the comment cards into the record.

7. PUBLIC HEARINGS

There were no Public Hearings.

8. REGULAR AGENDA

A. 19-3521 AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT, AS A BASIS FOR PRICING, FOR THE 50TH STREET SOUTH RAW WATER MAIN REPLACEMENT PROJECT

Mr. Schofield introduced the item. He stated that it was for the authorization to utilize a Palm Beach County Contract with Johnson-Davis, Inc., as a basis for pricing, for the 50th Street South Raw Water Main Replacement Project.

Mayor Gerwig stated she had asked for some back up information for this item and had not received it.

Mr. Schofield stated that it was not immediately apparent from the submission that was made that there was a firm that was a potential conflict. He said that the contractor is using a survey firm that is not listed in any of the bid documents. The firm is the Engenuity Group; staff still has not seen an actual contract from them yet. It was not in the bid documents, but they are using them. He said that is where they believe the conflict is, with Engenuity.

Mr. Barnes stated that was correct. The contract that was bid out, the minority portion that was being performed by Engenuity did not warrant them to disclose the information in the bid. He said that they check with most of the contracts after the fact and found out that Engenuity was a sub-contractor.

Mayor Gerwig stated that she has asked in the past, to protect her and the Village, for this type of information to be offered in the documentation. She said that she spoke with Mark Bannon in the past and asked him to have his staff get a list of all the contractors and subcontractors.

Mr. Schofield stated that it was not in the documents and not in anything they submitted. He said they discovered it after the fact and sent an email. He said they still have not received a contract. He said that to the best of his knowledge, they are listed as a contractor, but have yet to sign a contract.

Mayor Gerwig stated that she is not allowed to take herself out unless she has a conflict and if she does not know the sub-contractors on a project; she has no way of knowing if there is a conflict or not.

Ms. Cohen stated that she spoke with Mark Bannon and the position he told her was that if you know from the documents before you that there is a conflict, then you are required to recuse yourself. She said you are not required to recuse yourself if you do not know and should not know that they are involved in a contract. She explained that in this case, even when the documents were submitted, neither staff nor the Mayor were aware that Engenuity was involved. She said that now that they have done this further investigation and found that they are, the Mayor would be required at this point to recuse herself because she now knows that Engenuity is going to be one of their sub-contractors. Ms. Cohen stated that in the future if a contract comes in of this nature and it does not specifically identify any subcontractors that the Mayor's firm might potentially have a conflict with she would not be required to recuse herself because she would not know if she has a conflict based on the documents provided to her at the time of the vote.

Mayor Gerwig stated that at this time, no documentation has been furnished to her that shows a conflict, but there evidently is one. She said that because of that she is going to recuse herself from this item. At this point, Vice Mayor Siskind conducted this portion of the meeting.

Ms. LaRocque informed the Council that this is a construction contract with Johnson-Davis, Inc. to replace approximately one mile of existing raw water main on 50th Street between Route 441 and the C-8 Canal. She said that this raw water main is approximately 35-40 years old and over the past couple of years, they have had five breaks. She said that the project is included in this year's Capital Improvement budget that was approved by Council. She said that they have decided to utilize this contract to expedite replacement of the raw water main given the fact that it is so critical to the water plant operations. She mentioned that Johnson-Davis, Inc. is an excellent firm that they use routinely for emergency underground repairs. Ms. LaRocque stated that given the project is within budget, she is recommending award.

Councilman Napoleone asked if they were replacing a mile of pipe.

Ms. LaRocque stated that it was just about a mile.

Councilman Napoleone asked how long it was going to take from start to finish.

Ms. LaRocque said that it could take anywhere from four to six months mobilization to clearance from the Health Department.

Councilman Napoleone asked when they would be able to mobilize.

Ms. LaRocque stated that it should be the beginning of June.

Councilman McGovern stated that the cost of the project is \$819,481.48 with \$123,000 in contingencies for a total of \$942,481.48. He asked if she felt that the contingency was too low or too high.

Ms. LaRocque stated that she felt the contingency was right where it needs to be.

Councilman McGovern asked if this was coming from the Utility Fund.

Ms. LaRocque replied that this is 100% Utility Funding.

Councilman McGovern mentioned that this cost is not coming from the General Fund. Utility money has been paid by the utility users and has been saved over time for projects exactly like this.

Ms. LaRocque stated that was correct.

Councilman McGovern asked if they chose to forego this, what risks would they be taking.

Ms. LaRocque explained that failure to replace the line could result in inadequate raw water supplies to meet the demand from the water plant. She said that they would not be able to meet the water requirement of the residents, as there would not be enough water to supply the water plant.

A motion was made by Councilman McGovern, seconded by Councilman Napoleone, and passed (4-0) with Mayor Gerwig being recused, to approve Authorization to utilize a Palm Beach County Contract with Johnson-Davis, Inc., as a basis for pricing, for the 50th Street South Raw Water Main Replacement Project in the amount of \$942,481.48.

At this point, Ms. Cohen asked the Mayor to state on the record the reason she recused herself.

Mayor Gerwig stated that she heard, through emails, that possibly Engenuity would be a sub-contractor on this. She said that the firm where she owns share of stock in and works for, does a significant amount of work for Engenuity. She stated that because of that, it meets the criteria of a County Conflict but it does not meet the criteria as a State Conflict.

9. PUBLIC FORUM

Mr. Schofield indicated no public comment cards were received.

10. ATTORNEY'S REPORT

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

- Ms. Cohen stated she had no report other than follow up to the Mayor's question regarding fireworks and the new provision that permits fireworks on New Year's Eve, New Year's Day and the Fourth of July. She stated Florida has prohibitions on the sale and use of fireworks. She briefly discussed some exceptions that the state legislature has made regarding the sale and use of fireworks. Ms. Cohen stated the law allows counties and municipalities to regulate public displays of fireworks. The new provision in the law creates an exception allowing individual residents to have permissible fireworks on New Year's Eve, New Year's Day and the Fourth of July. Ms. Cohen discussed the Village's regulations regarding fireworks. She stated the Village would not be able to regulate fireworks within the communities on those holidays including within the equestrian preserve area. She stated that Mayor Gerwig's suggestion yesterday about putting out signs requesting that people respect the wildlife that would be scared by fireworks would be a good idea but the Village is not able to regulate it.

Mayor Gerwig asked if Ms. Cohen could explain that to the Attorney General's office. She stated this puts the Village in a precarious position and feels there should be some way for the Village to do more. She stated this is a public safety issue.

Ms. Cohen stated she will work with Mr. Schofield to develop a strategy regarding this.

11. MANAGER'S REPORT

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

- The Next Regular Council Meeting will be held on Tuesday, May 12, 2020 at 7:00 PM. He stated the intent is for this to be an in-person meeting depending on state and county orders.
- Mr. Schofield stated staff will reschedule the Directions Workshop.

- Mr. Barnes stated the Village has been approached by different individuals and groups in the community who want to assist with relief for residents and businesses within the village. Discussion ensued between Council and staff regarding how to handle the charitable donations. It was consensus to help as many families locally in the village as possible. Mr. Schofield stated he will meet with staff to review this further.
- Mr. Schofield stated there is a limited parks reopening tomorrow. The information is available on the Village's website. The parks will be open sunrise to sunset and there are use requirements. He stated the gym is not open, there is no indoor programming and playgrounds and pavilions are closed. Persons will be able to play singles tennis and will need to make appointments. Golf courses will begin to open tomorrow. He stated the dog parks remain closed. The Village is complying with Palm Beach County's order and standards.

There was discussion between Council and staff regarding the use of tennis courts and lighting, the reopening of the Village's pool, pools in general, fitness centers, dog parks and social distancing regarding the various openings. Mr. Schofield stated information will be updated on the website regarding openings.

Councilman McGovern commented about the Village's Emergency Order No. 3 allowing for high school graduation signs to be placed throughout the village. He asked if the order could be broadened to allow for other types of graduations. Mr. Schofield stated staff will amend the order tomorrow. Mayor Gerwig inquired about other types of celebrations. Mr. Schofield stated he will send out a draft policy to Council tomorrow.

12. COUNCIL REPORTS

COUNCILMAN MCGOVERN: Councilman McGovern presented the following report:

- Councilman McGovern commented regarding the census and the progress that is being made. He inquired about involving other groups i.e. churches, homeowner associations, who can make sure their members have completed the census. He asked for a report on how the Village is doing regarding the census.

Mr. Stillings provided a census response update. He stated the Village is well ahead of the state and national average census response rates. He stated as of a couple of weeks ago, the Village is ranked 5th or 6th in the county in its census response rate. Mr. Stillings stated there is signage around the community and staff is reaching out to HOAs to ask them to notify their residents to respond to the census as soon as they can. He will send the Census Response Rate Map link to Council that outlines the village's response rates in real time. Mr. Stillings commented on the note received today from the Village's Census representative regarding a virtual connection event that will run from May 1, 2020 through May 3, 2020.

Councilman McGovern stated he hopes that we as a village are working to improve that countywide standing regarding the census response rate. He stated the census is very important to the budgetary position of village in light of the potential negative impacts on the budget from COVID-19.

Mayor Gerwig stated a significant amount of the village's population stayed longer this year and asked if there is a way to capture that. Mr. Stillings stated it is incumbent upon the residents to respond to the census and additional reminders are being sent out regarding responding to the census.

- He stated he has received requests for letters to graduates. He stated it would be nice if the Village sent a joint letter from Council to all of the graduates. Mr. Schofield stated he will draft a letter for Council's review.
- He stated it has been made clear to Council that there are Wellington families (seniors, working families, restaurant workers, etc.) that are suffering at this time and stated that it is the desire of Council to help them. In addition, he stated it is important that the Village be ready to re-open Wellington businesses and all businesses when we can and part of that is testing. He spoke about having a testing site here in Wellington and asked Mr. Schofield to reach out to the county, Mayor Dave Kerner and Commissioner Melissa McKinlay.
- He stated Nurses and Hospital Weeks are coming up and asked if there could be a community wide recognition done.

Councilman Napoleone stated he and Councilman McGovern had spoken to Pam Tahan who suggested possibly May 11, 2020 around 6:45 p.m. would be a good day and time.

Mayor Gerwig suggested asking the Wellington Art Society and High School art groups to do some artwork for Wellington Regional Medical Center. Councilman McGovern also suggested a car parade. Councilman Drahos commented on the Schaefer Drug's initiative.

Mr. Schofield stated he will assign staff to these events.

- Councilman McGovern stated Teacher Appreciation Week is next week and thanked all of the teachers and wished them a Happy Teacher Appreciation Week.
- He thanked all of the mothers and wished them a Happy Mother's Day.

COUNCILMAN DRAHOS: Councilman Drahos presented the following report:

- Councilman Drahos provided an update on the Frontline Heroes initiative.
- He stated he hopes this is the last virtual meeting. He commended the IT department for how hard they have worked to set everyone up to work from home seamlessly. He stated Council has also had to work under unusual circumstances and had to adjust to working virtually. Councilman Drahos stated he is hoping that the next Council meeting is a live meeting.

COUNCILMAN NAPOLEONE: Vice Mayor Napoleone presented the following report:

- Councilman Napoleone commented about Teachers Appreciation Week and stated we appreciate teachers more now than ever before for those of us who are trying to home school. He thanked the teachers for everything they have done.

- He commented about the Grab & Go pantry project started at Wellington Regional and stated they have raised \$5,000 and donated items persons have been dropping off at the hospital. He stated the project will continue for as long as it is needed.
- He encouraged everyone to continue supporting local businesses.
- He thanked staff for all they have done and for working remotely to keep the village going in the times we are dealing with now.
- He stated he looks forward to the parade for the medical personnel.

VICE MAYOR SISKIND: Councilwoman Siskind presented the following report:

- Vice Mayor Siskind thanked residents for doing everything that they are supposed to be doing to keep everybody safe. She commented on the case numbers for Wellington.
- She encouraged everyone to be patient and kind to one another as we prepare to re-open.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- Mayor Gerwig stated it has been tough for everybody during this time and briefly mentioned parents and distance learning.
- She inquired about Wellington's 25th Anniversary and asked if we are still planning a celebration.

Mr. Schofield stated we are still planning a celebration.

- Mayor Gerwig spoke about essential businesses that are required to be open but are in buildings that are locked. She asked if staff had spoken with Fire-Rescue.

Mr. Schofield stated it is a private property issue and persons will need to speak with their landlords.

- Mayor Gerwig asked about upcoming Board and Committee Appointments.

Mr. Schofield stated staff is prepared for the appointments and has the list ready for Council.

There was brief discussion regarding persons applying for the boards and committees.

- Mayor Gerwig stated she would like to see Council all back in the same room for a meeting but only when it is safe to do so. She stated she supports telephonic appearances for the meetings as we continue to move forward.

13. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned at approximately 8:20 PM.

Approved:

Anne Gerwig, Mayor

Chevelle D. Addie, Village Clerk