

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

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

**Tuesday, March 23, 2021
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, March 23, 2021, commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

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

Advisors to the Council: Jim Barnes, Manager; Laurie Cohen, Attorney; Tanya Quickel, Deputy Village Manager; Ed De La Vega, Assistant 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** – Deacon Al Payne, St. Therese de Lisieux Catholic Church, delivered the invocation.
4. **APPROVAL OF AGENDA**

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

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

5. PRESENTATIONS AND PROCLAMATIONS

- A. **20-4340** RECOGNITION OF WELLINGTON REGIONAL MEDICAL CENTER
AND PALMS WEST HOSPITAL FRONT LINE WORKERS

Mr. Barnes introduced the item.

Ms. Addie read the proclamation.

Ms. Nicole Coates, Emergency Management Director, presented the item.

Ms. Pam Tahan, Chief Executive Officer, Wellington Regional Medical Center, gave comments regarding the COVID-19 pandemic and thanked Council for the recognition.

Mr. Josh DeTillio, Chief Executive Officer, Palms West Hospital, thanked Council for the recognition and said it has been a challenging year. He introduced some of the employees at Palms West Hospital and thanked Council for their support.

Mayor Gerwig recognized Ms. Coates and thanked everyone for what they have done.

Vice Mayor Siskind stated Council is aware of how difficult it has been for the frontline workers. She said they are truly heroes and thanked them for their partnership with the Village.

Councilman McGovern thanked them for being there every day and being compassionate. He also commented that it has been a whole year since the pandemic began; and we owe them all a great debt of gratitude. Councilman McGovern thanked Ms. Tahan for taking his calls and for her reassurance in what was real and what was not. He thanked everyone for getting the Village to this point.

Councilman Napoleone said he has spent time in both hospitals and commended them for how they stepped up and served the residents. He said what they did this year was phenomenal and thanked the frontline workers.

Councilman Drahos stated he defends doctors and nurses for a living. He said there is a character trait of the medical profession: selflessness. He said Ms. Tahan pointed this out effectively. He stated the Village has two top quality healthcare facilities for residents. Councilman Drahos said he also reached out to Ms. Tahan regarding the numbers. He thanked them for all they have done for the Village.

Mayor Gerwig said that she too has spent time in both hospitals, felt safe and knew that the hospital was a good place to be. She asked the hospitals to let the Village know if there is anything they can do to assist them.

6. CONSENT AGENDA

- A. 20-4341** MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF MARCH 9, 2021
- B. 20-4164** AUTHORIZATION TO UTILIZE A SOURCEWELL CONTRACT AS A BASIS FOR PRICING FOR THE PURCHASE OF MICROSOFT SOFTWARE, LICENSES AND MAINTENANCE
- C. 20-4165** AUTHORIZATION TO CONTINUE UTILIZING A SOUTHEAST FLORIDA COOPERATIVE CONTRACT FOR THE PURCHASE AND DELIVERY OF SODIUM HYDROXIDE
- D. 20-4167** AUTHORIZATION TO NEGOTIATE A CONTRACT FOR THE CONSTRUCTION OF TOWN CENTER PHASE II
- E. 20-4242** AUTHORIZATION TO AWARD A CONTRACT FOR THE WELLINGTON TRACE/C-3 CANAL CULVERT REPLACEMENT PROJECT

- F. **20-4271** AUTHORIZATION TO PURCHASE GOODS AND SERVICES FOR THE GREENBRIAR PARK PROJECT
- G. **20-4339** AUTHORIZATION TO EXECUTE A CHANGE ORDER FOR THE PAINTING OF THE ODOR CONTROL PIPING AND TOWERS AT THE WASTEWATER TREATMENT PLANT
- H. **20-4338** RESOLUTION NO. R2021-12 (TUTTLE ROYALE DEDICATIONS OF EASEMENTS)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE MAYOR, CLERK AND UTILITIES DIRECTOR TO ACCEPT THE DEDICATIONS OF EASEMENTS ON THE PLAT FOR TUTTLE ROYALE; AND PROVIDING AN EFFECTIVE DATE.
- I. **20-4337** RESOLUTION NO. R2021-13 (PINE TREE WATER CONTROL DISTRICT CONFLICT RESOLUTION)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL INVOKING THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES PRIOR TO INITIATING COURT PROCEEDINGS, IN AN EFFORT TO RESOLVE A DISPUTE WITH PINE TREE WATER CONTROL DISTRICT RELATING TO NON-AD VALOREM ASSESSMENTS AND MAINTENANCE TAXES LEVIED AGAINST WELLINGTON-OWNED PROPERTY LOCATED WITHIN THE PINE TREE WATER CONTROL DISTRICT BOUNDARIES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Barnes stated there were no comment cards on the Consent Agenda.

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

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

7. PUBLIC HEARINGS

- A. **20-4269** ORDINANCE NO. 2021-06 WELLINGTON GREEN CPA
- AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) OF WELLINGTON'S COMPREHENSIVE PLAN, (PETITION NUMBER 2020-0001-CPA), TO MODIFY THE LAND USE DESIGNATION FOR TRACT W-5 (CONSERVATION), TOTALING 17.62 ACRES, MORE OR LESS, AND THE LAND USE

DESIGNATION FOR POD B (RESIDENTIAL F), TOTALING 25.96 ACRES, MORE OR LESS, TO REGIONAL COMMERCIAL/LARGE SCALE MIXED USE (RC/LSMU); TO DELETE THE MAP NOTATION FOR PROPERTIES DESIGNATED LSMU; TO DELETE THE SITE SPECIFIC TABLE THAT INDICATES THE MINIMUM AND MAXIMUM ACREAGE THRESHOLDS FOR EACH USE TYPE FOR THE SUBJECT SITE, KNOWN AS WELLINGTON GREEN, TOTALING 456.30 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Barnes introduced the item. He recommended that there be one concurrent staff and corresponding presentation since the items (Ordinance No. 2021-06 and Ordinance No. 2021-07) are related; with a separate motion for each item.

Ms. Addie read the Ordinances by title.

Ordinance No. 2021-06 (Item 7A) is Legislative and Ordinance No. 2021-07 (Item 7B) is Quasi-Judicial. At this time, Ms. Cohen administered the oath to those individuals who wished to speak on Item 7B.

Ex-parte Communications

Councilman Napoleone: Councilman Napoleone disclosed he spoke with the applicant and staff. He said he also responded to emails and those who inquired of him. Councilman Napoleone stated he could be fair and impartial.

Councilman Drahos: Councilman Drahos disclosed he spoke with Planning, Zoning & Adjustment Board (PZAB) members: Elizabeth Mariaca, Salvatore Casteren, John Bowers (his appointee), Mark Elie, Liz Mariaca, the applicant and staff. In addition, he met with seven or eight residents a year ago on a related item. Councilman Drahos said he could be fair and impartial.

Mayor Gerwig: Mayor Gerwig disclosed she spoke with Scott Zucker on a Zoom call last week, Pat Bachi, Drew Martin, Mark Offerman, Nicole DeFlorio and staff. She also spoke with Gary Koolik, Alan Gerwig and neighbors. Mayor Gerwig said she could be fair and impartial.

Councilman McGovern: Councilman McGovern disclosed he spoke with staff. He participated in a zoom call on Sunday evening with Matt Schwartz, Drew Martin, Patricia Bachi, Mark Offerman and Nicole DeFlorio. He also spoke with Mark Elie, Gary Koolik, PZAB members: Adam Rabin (his appointee) and Ron Herman, Michelle McGovern and residents who had questions. Councilman McGovern said he could be fair and impartial.

Vice Mayor Siskind: Vice Mayor Siskind disclosed she spoke with Gary Koolik, staff, PZAB members: Jeffrey Robbert (her appointee), Ron Herman and Maureen Martinez. In addition, she had a phone call with Mark Elie. Vice Mayor Siskind said she could be fair and impartial.

Mr. Tim Stillings introduced Mr. Damian Newell, Senior Planner/Project Manager, and explained the two requests: Comprehensive Plan Amendment 2020-0001-CPA and Development Order Amendment 2020-0001-DOA. He stated the applicant is Wellington Green Master Property Owners Association, Inc. (POA) and the agent is Wantman Group, Inc. He entered the files, presentation and comments that were received via email into the record. Mr. Stillings showed Council a location map of the property and said this request includes all of Tract W5. The master plan is currently on hold at this time due to a request by the applicant. He stated the Comprehensive Plan Amendment is comprised of three subparts: 1) to amend the Future Land Use Map (FLUM) to illustrate Tract W5, currently Conservation, and Pod B, currently Residential F, as Large Scale Multiple Use (LSMU); 2) delete site specific land use conditions for the Wellington Green Mall; and 3) delete a general FLUM notation related to LSMU land use. He showed the current FLUM and the proposed FLUM. He reviewed the land use plan and discussed why staff believed that this was a land use change in error over time. He said when Palm Beach County first initiated the Wellington Green development for the Mall they established the LS/MU Overlay land use with a mosaic of Commercial High (CH), High Residential 8 (HR-8) and Medium Residential 5 (MR-5). Mr. Stillings stated the intent was a land use for the overall property/project boundary. He said the Development Regional Impact (DRI) Master Plan was approved and discussed the wetland buffer tracts. He said then when the Village of Wellington incorporated in 1996, the Village carried forward the same land use designation as the County. He discussed the 1997 Interim Plan (Interim FLUM). He reviewed the 1998-1999 official land use plan that was adopted which shows the same land use as adopted by the County. In 2004, staff found a change in the land use map. Mr. Stillings indicated there were some inconsistencies and noted that there was no ordinance changing that property from LSMU to Residential F. He then referenced the 2006 Wellington FLUM. He discussed some of the transmittal packages and responses. He reviewed the 2007 VOW Evaluation and Appraisal Report (EAR), discussed the properties and the 10-acre site. Mr. Stillings said the applicant is asking to restore the two land uses for the property. He stated the second part of the request is to delete the site-specific land use table and staff supports this. He said the general map notation is a reference to the LSMU and is a general housekeeping change. The zoning request is to 1) delete the site-specific conditions of approval adopted by Palm Beach County and 2) to amend the zoning map to illustrate the Planned Unit Development (PUD) and Multiple Use Planned Development (MUPD) as established for Wellington Green. He referenced page 531 of the Council packet that showed a comparison between zoning conditions adopted by the County and those conditions currently in the master plan. He said the conditions are best regulated through the master plan. The zoning map changes are housekeeping as well. Mr. Stillings showed Council an aerial of the MUPD, PODs and wetlands.

Mayor Gerwig asked Mr. Stillings to show where Tract W4 was located.

Mr. Stillings reviewed where Tract W4 was located. He stated that PZAB recommended approval (6-0) for all requests at the February 10, 2021 Meeting and there was public comment. He said the South Florida Water Management District (SFWMD) did not approve the request to amend the conservation easement. Staff and PZAB recommends approval of both ordinances. He stated the intent is to eliminate the inconsistencies, eliminate potential challenges related to how the map was changed, and position the overall 456 acres for future reinvestment opportunities that would be regulated by the master plan. Mr. Stillings said that none of the

changes requested would change any entitlements on the master plan, approve any development for any of the owners within the Wellington Green Master Property Owners Association, Inc. or change any part of the site as it currently sits.

Councilman Drahos asked if the applicant would be granted any additional development rights if Council approves this tonight. He restated his question and asked if Council denied this tonight would the applicant be able to proceed further or precluded from doing so.

Mr. Stillings stated the overall applicant is the POA and if the land use change is not approved the applicant cannot move forward.

Councilman Drahos asked what Council's options are.

Mayor Gerwig asked what the effect would be to the master plan.

Mr. Stillings stated none of the changes affects the master plan; the conditions would still be in effect. He said the Council could motion to approve a request individually.

Councilman Drahos said if Council chooses they could deny the comprehensive plan change.

Councilman McGovern asked if they could consider that at any time

Mr. Stillings said it could be denied without prejudice or with prejudice.

Mayor Gerwig asked if the Village could be subject to litigation.

Ms. Cohen stated there were no notices to the applicant for the change and they cannot speculate on whether there would be litigation or not.

Councilman Drahos asked if there is an agreement.

Ms. Cohen stated there is an agreement with SFWMD but not with the Village. It is not the Village's agreement.

Councilman Napoleone said the Tract is supposed to be a conservation easement in perpetuity. He said the tracts are controlled by the master plan, which controls how they are used. He spoke regarding the requirements. He said he has an issue following an incorrect map.

Councilman McGovern stated staff is telling them that this happened unbeknownst to the applicant and without official action by Council. He asked why Council has to vote to change this.

Mr. Stillings stated there were previous actions by Council to adopt the master plan with those two land use changes but there was no supporting documentation or ordinance to do so.

Ms. Cohen stated there was no notice to the applicant.

Mr. Stillings said when there is a land use change; the whole plan is updated.

Councilman Drahos asked if Tract W5 is designated as conservation.

Mr. Stillings replied yes.

Councilman Drahos stated if it is shown that way why does Council need to correct anything at all.

Mayor Gerwig asked about the other tracts.

Councilman Napoleone stated this is a wetland buffer and it cannot change without the Village Council's approval.

Mr. Stillings replied that the other tracts have a land use designation and explained what happened with Tract W5 and Tract W3. He said during that time staff did not want this to be a Village-Initiated request.

Councilman Drahos commented about what staff is asking Council to do. He said it is reflected on the map, as it is intended, as a wetland preserve.

Mr. Stillings said it allows them to ask. Council has the discretion to approve any changes to the overall master plan.

Councilman McGovern inquired about POD B changing from Residential F. He asked is not POD B already built and what is the reason for the change at all.

Mr. Stillings stated it has to do with the previous change without documentation.

Mayor Gerwig discussed the concept of Large Scale Mixed Use.

Councilman McGovern stated he is not clear about why Council is doing this at all. He asked how many readings are required for these ordinances.

Ms. Cohen stated two hearings are required.

Councilman McGovern asked what prompted staff to look at this after 15 years.

Mr. Stillings stated it was after the applicant's own research and the applicant asked whether he needed a comprehensive plan amendment at all.

Councilman Napoleone referenced the meeting held in October 2019. He further discussed the map and the property, which was previously designated as LSMU.

Ms. Cohen stated the applicant for the master plan (Brefrank) felt the change had occurred during a timeframe where the Village was precluded from making changes. He felt the Village did not have the authority to make the change at all. This is what prompted the research by the applicant, his agent and Village of Wellington staff.

Councilman McGovern asked what the result was.

Ms. Cohen stated it was correctly reflected on the map in 1999.

Mayor Gerwig stated the conservation easements are deeded to SFWMD. She asked who owns title to the easements.

Mr. Newell said Brefrank is the owner of all of the tracts.

Mr. Stillings stated Tract W6 was separate and not under the SFWMD easement.

Mayor Gerwig asked who owns Tract W6.

Mr. Stillings stated Tracts W1-W5 are all wetland buffers and Tract W6 is farm.

Councilman McGovern asked what the difference in size is between the tracts.

Mr. Newell responded regarding the sizes of the tracts.

Councilman Drahos asked why there is no request to Council to change anything regarding Tract W3.

Mr. Stillings spoke regarding Tract W3.

Councilman McGovern asked why staff is doing this if Brefrank is not making a change here.

Mr. Stillings stated because there are two privately initiated amendments that met the requirements to go forward.

Councilman McGovern asked if only two items went before PZAB. He asked if the withdrawal came after the PZAB meeting.

Mr. Stillings discussed the PZAB meeting.

Applicant:

Mr. Matthew Barnes, WGI/Senior Project Manager, on behalf of the Wellington Green Master Property Owners Association, Inc. reminded Council that the applicant is the Wellington Green Master Property Owners Association, Inc. not Brefrank. He stated the inconsistencies should be fixed before any master plan comes forward. He discussed the fact that the FLUM designation was changed without an application from the landowners or the Village and was an error. In addition, it is not consistent with current zoning. Mr. Barnes said the master plan amendment is a separate application and requires a separate hearing. He said approving the CPA and DOA does not bind Council. He showed the 1998 Palm Beach County Land Use Map and a graphic from the staff report that provides the history of the FLUM for Wellington Green. He said the map should have never been changed and changing it back to what it was before the mapping error is the fair and equitable action to take. He quoted the staff report and said approving this does not force the Council to act in a particular way on the master plan. He further discussed the master plan. Mr. Barnes said the way this is mapped is inconsistent with how the Village typically maps large master planned properties.

Mayor Gerwig asked to whom the conservation areas in Olympia are dedicated. She asked who owns the property.

Mr. Barnes said they are conservation easements to SFWMD.

Mr. Stillings stated the masters association in Olympia owns the easements.

Ms. Cohen stated the masters association performs the maintenance but Brefrank owns it.

Councilman McGovern asked about the project and if it is on hold. He asked when the Village was notified. He asked what are the changes required.

Mr. Barnes reiterated that this is due to inconsistencies.

Councilman McGovern asked how long has the inconsistency existed. He also asked who the applicant was at the time.

Mr. Newell said the applicant was Brefrank in 2017.

Councilman McGovern asked if the whole Mall was shown as LSMU.

Mr. Newell explained the process and the conditions on the master plan.

Councilman McGovern referenced the last change in 2017.

Mr. Stillings explained what happened in 2017 regarding MUPD.

Councilman McGovern inquired about changes in MUPD. He asked if the Village anticipates that the changes will be required.

Councilman Drahos asked why Tract W5 is being discussed tonight if the master plan amendment has been withdrawn.

Mr. Barnes stated the master plan has not been withdrawn but is not going forward at this time.

Councilman Drahos asked if in order for development to occur, Council is being asked to change Tract W5.

Mayor Gerwig said the statement was that it was not properly changed.

Ms. Cohen stated the interested party now has the opportunity to cross-examine.

Interested Party:

Mr. Robert N. Hartsell, P.A., Attorney, represents 1000 Friends of Florida and Sierra Club Loxahatchee Group. He requested party status via submitted letter but he was not present.

Mr. Ralf Brookes, Attorney, said he represents the Palm Beach Environmental Alliance, Inc. and explained that Mr. Hartsell was not present but his witnesses were present.

Mr. Drew Martin indicated he was the Conservation Chairperson of the Loxahatchee Group of the Sierra Club and they hired Robert N. Hartsell, P.A. He cross-examined Mr. Matthew Barnes. He asked Mr. Barnes how he could be sure that this was not purposefully done because there is

no documentation that it was or was not an error.

Mr. Barnes stated the research has been done and they never received notice regarding the change.

Mr. Martin asked if this was a public map. He said there was a letter from his attorney and asked if the Clerk could read the letter. Ms. Cohen informed Mr. Martin that he could read the letter into record. Mr. Martin stated this is at the request of the applicant and Council does not have to make this change. He said this could have been done because of the type of agreement they had signed. He said they now know the applicant can go forward and develop this land. Mr. Martin asked why not just follow Councilman Drahos' advice regarding this tract. He said it is an important part of the branding of Wellington to maintain the wetlands. He said Council is not required to approve this and he asked Council to do the right thing. Mr. Martin said there is no real documentation but a supposition.

Public Hearing

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

Public Comment:

Mr. Ralf Brookes, Attorney, said he represents the Palm Beach Environmental Alliance, Inc. and Ms. Joanne Reisman, who is an adjacent leaseholder within the Axis Development, and objects to the project. He said he adopts the letter submitted by Mr. Hartsell and those are their objections. Mr. Brookes asked for an additional three minutes since he was speaking for a group.

A motion was made by Councilman Drahos, seconded by Councilman McGovern, and unanimously passed (5-0) to allow an additional three minutes for Mr. Brookes.

Mr. Brookes continued speaking regarding the requests. He asked Council to deny the plan amendment and the zoning order. He made suggestions to Council.

The remaining individuals submitted cards into the record and some spoke regarding the items as follows.

	NAME	SUPPORT	OPPOSE
1.	Matthew Schwartz		X
2.	Virginia Merola		X
3.	Linda Smithe		X
4.	Mark Offerman		X
5.	Nicole DeFlorio		X
6.	Christine Wood		X
7.	Diane Rice		X
8.	Pat Bachi		X
9.	Joann Reisman		X
10.	Kai Trento		X
11.	Debbie Evans		X

12.	Sheila Calderon		X
13.	Michael Whitlow		X
14.	Devyn Bachi		X
15.	Maria Wolfe		X
16.	Ronald Maggio		X
17.	Michelle Kaplan		X
18.	Cassidy Flehaus		X
19.	Melissa Wilson		X
20.	Sandra Sklar		X
21.	Ed Malone		X

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

Mayor Gerwig asked if this was properly noticed.

Mr. Stillings stated the public notices were mailed to property owners within the appropriate radius and the legal advertisements were published in the Palm Beach Post per requirements. In addition, staff has the affidavit from the applicant showing the fifteen (15) placards placed around the premises within the property. Mr. Stillings stated he also went out to check on the signs and some had been removed. Due to a request from the applicant, the Village Council also continued the items from the March 9, 2021 meeting to date certain of tonight (March 23, 2021).

Ms. Cohen stated it was noticed as part of the agenda and was continued to a date certain voted upon by Council as part of the approval of the agenda.

Mayor Gerwig asked if PZAB members were coerced into approving the requests.

Ms. Cohen explained what happened during the PZAB meeting.

Councilman Napoleone stated he watched that meeting.

Mayor Gerwig asked if Mr. Stillings thought that the staff presentation at the meeting was fair.

Ms. Cohen discussed what the standards are regarding substantial evidence. She said that does not mean quantity but quality.

Mr. Stillings stated if the ordinances were approved, they would repost notices regarding the ordinances. Mr. Stillings discussed MUPD, stated the exhibit is incorrect, and should not show that notation.

Councilman Napoleone asked about the map notation and about bullet point #2 deleting the site-specific land use table for Wellington Green LSMU.

Councilman Drahos asked about the reduction of the acreage of wetlands in the table.

Councilman McGovern stated the table is listed in Section 3 of the Ordinance on pages 432-439.

Mr. Stillings discussed the wetland acreage and said it is already in the master plan.

Mayor Gerwig asked if Wellington received \$75,000 for the wetland reduction.

Mr. Newell stated mitigation credits were purchased. He said the credits were with SFWMD not the Village. Wellington did not receive \$75,000.

Mr. Stillings briefly referenced the master plan.

Mayor Gerwig asked if Mr. Stillings was suggesting that the table be placed in the master plan.

Mr. Stillings replied yes and stated land use and zoning should not be changed as frequently as a master plan. This is why you would not want to have these conditions on a site-specific label.

Councilman McGovern asked what the master plan currently says regarding the minimum acreage of the wetland buffer.

Councilman Napoleone asked if the plan reflects what is on the site.

Councilman McGovern stated in the previous request in 2019, there was a request for only a portion of Tract W5 to be taken out and now it is the entire Tract W5. He asked if there was a resubmittal to staff to make that change.

Mr. Stillings replied there was a new submittal from the applicant for all of Tract W5.

Councilman McGovern referenced page 494 and asked about the staff report "Summary of Amendments". He asked, for the last two, was the map as it currently exists, contained and used in either of those.

Mr. Stillings said it was for MUPD G and would have reflected that only.

Councilman McGovern asked if Tract W5 was included on the map.

Mr. Stillings said the plan would not have been readopted as part of those changes.

Mayor Gerwig asked if there is an unpermitted inlet on Tract W5.

Mr. Stillings said the applicant had a recent inspection of Tract W5 and the report indicated that they complied with their permit.

Mr. Gary Koolik, Applicant, discussed the inlet and said it was permitted by SFWMD. He said the swale has certain structures that regulate the water and the elevations around the neighborhood are set lower than Wellington.

Mayor Gerwig stated SFWMD saw it and was aware of it. She said it is a storm sewer.

Mr. Koolik addressed the idea that this is something they knew about and sprung it on Council.

He said they never had occasion to review this part (POD B). He said at that time there was a Village-Initiated application. He stated when they did come through for the application in 2019, it came to their attention that it was wrong and they brought it to the attention of staff. He said staff agreed there was a mistake that needed to be corrected. Mr. Koolik said this entire project is LSMU. This is what allows it to be developed and allows the densities and intensities. He stated he feels the issues are being mixed up. He said there are conflicting resolutions and orders that make it difficult. Mr. Koolik reiterated it is appropriate to get those things in order. He said they are talking about fixing an underlying map and he is there to answer any questions.

Councilman McGovern asked why this has to be done now.

Mr. Koolik said his application is coming and should stand on its own merit.

Councilman McGovern asked if it is before SFWMD takes action.

Mr. Koolik explained the application.

Councilman Drahos said if the application is coming why it has been put on hold.

Mr. Koolik explained the reason his application was put on hold.

Councilman McGovern asked if Council has the authority to change it.

Mr. Martin gave his closing comments. He thanked the Council for the time they are putting into this. He said no one really knows if this was an error because it took place. There is a conservation easement that the applicant agreed to and had to meet certain requirements. He said one could not assume it was an error. Mr. Martin stated the applicant is going to go forward with his application. He said the Wellington's Comprehensive Plan is to preserve certain green spaces. He said if Council approves the requests, they are allowing the development of a wetland. SFWMD made it clear they felt it was a viable wetland. He informed Council that they do not have to move forward because there is no document that shows there is an error. He reiterated that Council could deny this. Mr. Martin stated these are the last viable trees and very few are left.

Councilman Napoleone asked if Mr. Stillings has seen all of the information needed to make the decision that this was an error.

Mr. Stillings replied in the affirmative and discussed the records. He said the information submitted to the state is under floridapapers.org. He said there was no data or reference to any changes within the mall property.

Councilman McGovern stated the key distinction is whether this had been legislatively enacted over time and was that proper. In addition, if that is the case, then Council does not have to have this vote.

Ms. Cohen stated that Mr. Stillings communicated with the Department of Economic Opportunity (DEO). He was told by DEO that due to the passage of time, they would require the correction be made through this process.

Councilman Drahos stated he concurs with Councilman McGovern's sentiments. He said they should have this vote because they have already seen the evidence of fatigue. He said everyone is interpreting what this land should be now and in the future. He said the agreement states that Tract W5 should be a conservation easement in perpetuity. He said this is an opportunity to be clear to the applicant that the Council will not change the map ever to allow development on Tract W5.

Mayor Gerwig stated the conservation easement remains. She said the problem is that things have been mixed up on maps. She asked if they do not need to do this then why are they doing this. She said the map could be made correct with the conservation easement left in place. Mayor Gerwig reiterated that there seems to be a real issue with how this happened. The zoning should have never been changed and was still LSMU.

Councilman Napoleone reviewed what they are here tonight to do. He said the map should have been LSMU all along. He said he could not do the wrong thing for the right reason. Councilman Napoleone stated it was done incorrectly to being with and the change happened without notice.

Councilman McGovern said SFWMD has an easement on this property.

Councilman Drahos said the message gets lost and this is an opportunity to make it clear that Council does not have to change it.

Councilman McGovern stated he appreciates Ms. Debbie Evans, the resident that gave them the Wellington Bay aerial. He said Council is concerned and there is no need for Council to do this tonight.

Mayor Gerwig mentioned that SFWMD is charged to preserve wetlands and move water. She said over time things do change. Mayor Gerwig stated Council is responsible to fix this or not. She asked about litigation.

Ms. Cohen stated there is always the potential for litigation in matters like this, especially where there is an interested party or applicant who would challenge Council's decision.

Councilman Drahos reiterated sending the message tonight that Council is not changing the map.

Mr. Stillings proposed that Council make the motion to make the map change but not remove the table requirement as the minimum/maximum acreage for conservation.

Ms. Cohen stated the applicant has the opportunity to withdraw the request prior to Council making a determination.

Mr. Matthew Barnes stated, as a middle ground, the applicant is fine with what Mr. Stillings suggested.

Mr. Stillings stated staff would ask that the only land use minimum would be the wetland buffer.

Mr. Barnes stated this could be transmitted to DEO to find out what DEO thinks.

Mr. Stillings clarified that DEO said if it was going to be changed, this is the way to do it. DEO did not state that the Village must change it.

A motion was made by Councilman McGovern, seconded by Councilman Drahos, and passed (3-2; Mayor Gerwig and Councilman Napoleone dissenting) to deny without prejudice Ordinance No. 2021-06 (Wellington Green CPA).

B. 20-4270 ORDINANCE NO. 2021-07 (WELLINGTON GREEN DOA)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A DEVELOPMENT ORDER AMENDMENT (PETITION NUMBER 2020-0001-DOA) TO MODIFY THE OFFICIAL ZONING MAP OF WELLINGTON FOR CERTAIN PROPERTIES, KNOWN AS WELLINGTON GREEN, TOTALING 456.30 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, TO ILLUSTRATE THE ONE (1) PLANNED UNIT DEVELOPMENT (PUD) AND SEVEN (7) MULTIPLE USE PLANNED DEVELOPMENTS (MUPD) AS ESTABLISHED; TO DELETE ALL CONDITIONS OF APPROVAL THAT WERE ORIGINALLY ADOPTED AS PART OF THE REZONING BY PALM BEACH COUNTY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Barnes introduced the item. He recommended that there be one concurrent staff and corresponding presentation since the items (Ordinance No. 2021-06 and Ordinance No. 2021-07) are related; with a separate motion for each item.

Ms. Addie read the Ordinances by title.

Ordinance No. 2021-06 (Item 7A) is Legislative and Ordinance No. 2021-07 (Item 7B) is Quasi-Judicial. At this time, Ms. Cohen administered the oath to those individuals who wished to speak on Item 7B.

Ex-parte Communications

Councilman Napoleone: Councilman Napoleone disclosed he spoke with the applicant and staff. He said he also responded to emails and those who inquired of him. Councilman Napoleone stated he could be fair and impartial.

Councilman Drahos: Councilman Drahos disclosed he spoke with Planning, Zoning & Adjustment Board (PZAB) members: Elizabeth Mariaca, Salvatore Casteren, John Bowers (his appointee), Mark Elie, Liz Mariaca, the applicant and staff. In addition, he met with seven or eight residents a year ago on a related item. Councilman Drahos said he could be fair and impartial.

Mayor Gerwig: Mayor Gerwig disclosed she spoke with Scott Zucker on a Zoom call last week, Pat Bachi, Drew Martin, Mark Offerman, Nicole DeFlorio and staff. She also spoke with Gary Koolik, Alan Gerwig and neighbors. Mayor Gerwig said she could be fair and impartial.

Councilman McGovern: Councilman McGovern disclosed he spoke with staff. He participated in a zoom call on Sunday evening with Matt Schwartz, Drew Martin, Patricia Bachi, Mark Offerman and Nicole DeFlorio. He also spoke with Mark Elie, Gary Koolik, PZAB members: Adam Rabin (his appointee) and Ron Herman, Michelle McGovern and residents who had questions. Councilman McGovern said he could be fair and impartial.

Vice Mayor Siskind: Vice Mayor Siskind disclosed she spoke with Gary Koolik, staff, PZAB members: Jeffrey Robbert (her appointee), Ron Herman and Maureen Martinez. In addition, she had a phone call with Mark Elie. Vice Mayor Siskind said she could be fair and impartial.

Mr. Tim Stillings conducted a combined presentation for both applications and the applicant was in agreement with this and did the same. The details of the presentation and corresponding discussion are summarized under the previous item (Item 7A).

Public Hearing

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

Public Comment:

Ralf Brookes, Attorney, said he represents the Palm Beach Environmental Alliance, Inc. and Ms. Joanne Reisman, who is an adjacent leaseholder within the Axis Development, and objects to the project. He said he adopts the letter submitted by Mr. Hartsell and those are their same objections. Mr. Brookes asked for an additional three minutes since he was speaking for a group.

A motion was made by Councilman Drahos, seconded by Councilman McGovern, and unanimously passed (5-0) to allow an additional three minutes for Mr. Brookes.

Mr. Brookes continued speaking regarding the requests. He asked Council to deny the plan amendment and the zoning order. He made suggestions to Council.

The remaining individuals submitted cards into the record and some spoke regarding the items as follows.

	NAME	SUPPORT	OPPOSE
1.	Matthew Schwartz		X
2.	Virginia Merola		X
3.	Linda Smithe		X
4.	Mark Offerman		X
5.	Nicole DeFlorio		X
6.	Christine Wood		X
7.	Diane Rice		X
8.	Pat Bachi		X

9.	Joann Reisman		X
10.	Kai Trento		X
11.	Debbie Evans		X
12.	Sheila Calderon		X
13.	Michael Whitlow		X
14.	Devyn Bachi		X
15.	Maria Wolfe		X
16.	Ronald Maggio		X
17.	Michelle Kaplan		X
18.	Cassidy Flehaus		X
19.	Melissa Wilson		X
20.	Sandra Sklar		X
21.	Ed Malone		X

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

A motion was made by Councilman McGovern, seconded by Councilman Drahos, and passed (3-2; Mayor Gerwig and Councilman Napoleone dissenting) to deny without prejudice Ordinance No. 2021-07 (Wellington Green DOA).

8. REGULAR AGENDA

There were no Regular Agenda items.

9. PUBLIC FORUM

Mr. Barnes indicated no public comment cards were received.

10. ATTORNEY'S REPORT

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

- Ms. Cohen stated Representative Matt Willhite informed her that the Village's local bill is scheduled to go to a second committee hearing tomorrow.

Mayor Gerwig asked if Council should contact him and thank him.

Ms. Cohen stated that would be good.

11. MANAGER'S REPORT

MR. BARNES: Mr. Barnes presented the following report:

- The Next Regular Council Meeting will be held on Tuesday, April 13, 2021, at 7:00 P.M.
- Village Offices will be closed on Friday, April 2, 2021, in observance of the Good Friday Holiday.

12. COUNCIL REPORTS

MAYOR GERWIG: Mayor Gerwig presented the following report:

- Mayor Gerwig asked for an update on holiday celebrations that the Village would maintain using social distancing.

Mr. Barnes stated they are discussing events in regards to social distancing and there will be limits regarding the number of people on each site. He briefly discussed registrations. He said next Friday is the last day of the green market and this will be held in conjunction with a ribbon cutting for the boat docks. In addition, a health fair will be held. Mr. Barnes said staff is recommending moving forward with the 2021 Bacon and Bourbon Fest with CDC and social distancing guidelines. He indicated that there would be Palm Beach Sheriff's Office (PBSO) enforcement. He discussed the upcoming events for April. Mr. Barnes said that staff is proposing that the Memorial Day event be held in person in a socially distanced manner. He discussed the Village's summer camp to be held in June with protocols in place and a reduced number of attendees. In addition, regarding July 4, 2021, staff believes this will be an in person event with the exception of indoor activities. There will be many outdoor activities. He stated at some point, Palm Beach County will make a decision on facial coverings and the Village will need to make a decision of what they would like to do regarding Village facilities and events.

Mayor Gerwig stated the Village should be able to make that standard regarding Wellington's facilities.

Ms. Cohen stated it would be based on what the Governor's order would say.

Mr. Barnes stated it would be a staff directive and not enacted by Council. He said it would be an operating policy for Village facilities and programs. He said staff is reviewing and trying to maintain as much programming as possible particularly at the Community Center.

COUNCILMAN NAPOLEONE: Councilman Napoleone presented the following report:

- Councilman Napoleone said there is an open seat on the Palm Beach Transportation Planning Agency (PBTPA) Citizens Advisory Committee (CAC). He stated there was one applicant who appears very well qualified. He read Vijay Mishra's resume and suggested that Council recommend him as the Village's CAC representative. It was Council consensus to recommend Mr. Mishra.

COUNCILMAN DRAHOS: Councilman Drahos presented the following report:

- Councilman Drahos stated he had no report.

COUNCILMAN MCGOVERN: Councilman McGovern presented the following report:

- Councilman McGovern stated he had no report.

VICE MAYOR SISKIND: Vice Mayor Siskind presented the following report:

- Vice Mayor Siskind stated the Wellington Historical Society is having an outdoor photo scavenger hunt in honor of Wellington's 25th Anniversary of Incorporation on March 27, 2021 and March 28, 2021. She stated the registration information is online.

Councilman Napoleone stated he would miss the ribbon cutting because he has a Cub Scout camping event.

Councilman Drahos stated he would miss the ribbon cutting.

Ms. Cohen invited Council to participate in the Scavenger Hunt and call out the names for the winning tickets for various prizes at 5:30 p.m. on Sunday, March 28, 2021, at the Promenade.

Mayor Gerwig stated she also would miss the ribbon cutting because she is going out of town.

Mayor Gerwig said Stephen Medici dropped off a book to her (Wellington Redemption) and she read it. She said she is now giving it to Vice Mayor Siskind to read.

13. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned at approximately 10:38 P.M.

Approved:

Anne Gerwig, Mayor

Chevelle D. Addie, Village Clerk