

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

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

**Monday, September 13, 2021
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Monday, September 13, 2021, commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

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

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** – Troop 208 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 amended.

- 1) Remove Consent Item 6B, Authorization to Negotiate Contracts with Multiple Firms for:
1) Water and Wastewater Treatment Engineering; 2) Utility General Civil, Water Distribution and Storage, and Wastewater Collection Engineering; 3) Civil Engineering; 4) Traffic Engineering; and Related Consulting Services, to the Regular Agenda as Item 8A.
- 2) Remove Consent Item 6D, Authorization to Renew A Contract to Provide Property and Casualty Insurance Services, to the Regular Agenda as Item 8B.
- 3) Add Resolution No. R2021-57 (Pine Tree Pre-Suit Resolution) to the Regular Agenda as Item 8C.

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

5. PRESENTATIONS AND PROCLAMATIONS

Mr. Barnes indicated there were no Presentations and Proclamations.

6. CONSENT AGENDA

- A. **20-4241** AUTHORIZATION TO EXECUTE A GUARANTEED MAXIMUM PRICE (GMP) AMENDMENT FOR THE WATER TREATMENT PLANT (WTP) WELL VARIABLE FREQUENCY DRIVE (VFD) RETROFIT PROJECT
- ~~B. **21-4402** AUTHORIZATION TO NEGOTIATE CONTRACTS WITH MULTIPLE FIRMS FOR: 1) WATER AND WASTEWATER TREATMENT ENGINEERING; 2) UTILITY GENERAL CIVIL, WATER DISTRIBUTION AND STORAGE, AND WASTEWATER COLLECTION ENGINEERING; 3) CIVIL ENGINEERING; 4) TRAFFIC ENGINEERING; AND RELATED CONSULTING SERVICES (**MOVED TO THE REGULAR AGENDA AS ITEM 8A**)~~
- C. **21-4414** AUTHORIZATION TO AWARD A CONTRACT FOR THE PURCHASE AND DELIVERY OF RAPID FLASHING BEACONS AND DUAL BEACON FLASHERS
- ~~D. **21-4415** AUTHORIZATION TO RENEW A CONTRACT TO PROVIDE PROPERTY AND CASUALTY INSURANCE SERVICES (**MOVED TO THE REGULAR AGENDA AS ITEM 8B**)~~
- E. **21-4418** AUTHORIZATION TO AWARD A SOLE SOURCE CONTRACT TO BADGER METER, INC. FOR THE PURCHASE OF BADGER METERS AND COMPONENTS
- F. **21-4493** AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF HIGH MAST LIGHTS ALONG THE SR7 CORRIDOR
- G. **21-4521** AUTHORIZATION TO CONTINUE UTILIZING A CONSULTANT TO PROVIDE GIS SUPPORT, DEVELOPMENT AND INTEGRATION
- H. **21-4592** AUTHORIZATION TO AWARD A CONTRACT TO PAYLE, INC. DBA VISUAL IMAGES FOR THE PURCHASE AND DELIVERY OF TROPHIES, PLAQUES, AND MEDALS
- I. **21-4588** RESOLUTION NO. R2021-45 (ANNUAL LISTING OF PROCLAMATIONS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE MAYOR TO EXECUTE CERTAIN PROCLAMATIONS FOR FISCAL YEAR 2021/2022; AND PROVIDING AN EFFECTIVE DATE.

- J. 21-4589** RESOLUTION NO. R2021-46 (REGULAR COUNCIL MEETING SCHEDULE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING A SCHEDULE FOR REGULAR COUNCIL MEETINGS FOR 2021/2022; AND PROVIDING AN EFFECTIVE DATE.

- K. 21-4624** RESOLUTION NO. R2021-50 (LIEN REDUCTION POLICY)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A LIEN REDUCTION POLICY TO DELEGATE CERTAIN APPROVAL LEVELS TO STAFF; AND PROVIDING AN EFFECTIVE DATE.

- L. 21-4627** RESOLUTION NO. AC2021-12 (0.03-ACRE PARK PARCEL SURPLUS GREENVIEW SHORES NO.2 OF WELLINGTON – FARMINGTON CIRCLE)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT, FLORIDA, APPROVING THE SURPLUS AND SUBDIVISION OF AN ACME PARCEL TOTALING 0.03 ACRES (PCN 73414409020000200), MORE SPECIFICALLY DESCRIBED HEREIN, AND AUTHORIZING THE PRESIDENT AND BOARD SECRETARY TO EXECUTE QUIT CLAIM DEEDS BETWEEN ACME IMPROVEMENT DISTRICT AND THE ADJACENT PROPERTY OWNERS, GREGORY BALICKI AND CHRISTINE BALICKI OF 1678 FARMINGTON CIRCLE AND NICHOLAS CAMPO AND NICOLE CAMPO OF 1684 FARMINGTON CIRCLE AND PROVIDING AN EFFECTIVE DATE.

- M. 21-4664** RESOLUTION NO. R2021-53 FOR FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT AND RESOLUTION NO. R2021-54 FOR A BUDGET AMENDMENT TO ALLOCATE THE GRANT

RESOLUTION NO. R2021-53 (FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF RECEIVING A GRANT UNDER PROVISIONS OF THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) FOR THE BRAMPTON COVE PARK PROJECT; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. R2021-54 (FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT FUNDS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE FISCAL YEAR 2020-2021 CAPITAL FUND BUDGET FOR FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT FUNDS AWARDED FOR DEVELOPMENT OF THE BRAMPTON COVE PARK PROJECT; AND PROVIDING AN EFFECTIVE DATE.

N. 21-4665

RESOLUTION NO. R2021-55 FOR FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT AND RESOLUTION NO. R2021-56 FOR A BUDGET AMENDMENT TO ALLOCATE THE GRANT

RESOLUTION NO. R2021-55 (FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF RECEIVING A GRANT UNDER PROVISIONS OF THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) FOR THE MARGATE PARK PROJECT; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. R2021-56 (FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT FUNDS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL
AMENDING THE FISCAL YEAR 2020-2021 CAPITAL FUND
BUDGET FOR FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION GRANT FUNDS AWARDED FOR DEVELOPMENT
OF THE MARGATE PARK PROJECT; 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 amended.

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

7. PUBLIC HEARINGS

**A. 21-4431 FIRST PUBLIC HEARING FOR PROPOSED FISCAL YEAR 2021/2022
MILLAGE RATE, BUDGET AND ADOPTION OF THE FISCAL YEAR
2021/2022 CAPITAL IMPROVEMENT PLAN**

Mr. Barnes introduced the item.

Ms. Quickel indicated this is the first Public Hearing on the tentative millage and budget adoption for the Fiscal Year (FY) 2022 budget.

Ms. Quickel stated that based on the discussion at the agenda review meeting, staff has modified the approach for funding and revised capital projects to accomplish this. She thanked Council for the opportunity to present the revised FY 2022 budget. The foundation of the budget begins with Wellington. Within Wellington, there are 22,900 properties with a total taxable value of 9.3 billion dollars, which represents an increase in value of 5.33% from 2020 to 2021. This is the ninth year of increased property values since 2013. Of the 22,900 properties, 60% are residential properties with homestead exemptions and less than 1% are vacant properties. She said the Village remains committed to moving forward. Following through with the information from the Directions Workshop, staff worked to prepare a budget that both provides for the Village while forging a progressive path. It has been another great year for the Village given the challenges amid the pandemic and resulting economic concerns. Ms. Quickel stated the Village has so much to be proud of because it is are stronger today than it was before. Wellington is sustainable and stable and its future is bright. That does not happen accidentally. Wellington's commitment to strong fiscal responsibility evident by Council's direction and policies has served the Village well. Staff worked closely with the property appraiser and her team to monitor property values throughout the year. Ms. Quickel referenced the changes in Wellington values for a variety of actual properties both homesteaded and non-homesteaded.

Ms. Quickel indicated the proposed FY 2022 millage rate is 2.47 mills, which represents the fourth year of a stable millage rate. She stated there is a range of tax impacts on various assessed values for both homesteaded and non-homesteaded properties. Therefore, while the

millage rate is unchanged, homeowners may see an increase in their taxes if their property value increases. She indicated 16% of the total tax bill goes to Wellington. The largest portion of the tax bill is paid to the School District of Palm Beach County and next to Palm Beach County itself. She further provided a breakdown of Wellington's portion of the tax bill.

Ms. Quickel said based on the agenda review meeting discussion, this budget is modified with the removal of the sales surtax advanced funding and revised capital projects. She stated the FY 2022 preliminary budget for all funds as revised has total revenues of \$91.1 million and total expenditures of \$114.3 million. The chart shown excludes transfers and budgeted use of reserves. She stated staff is using reserves as shown to balance the budget as planned with no increase in millage or the ACME non ad valorem assessment rate.

Mayor Gerwig asked how the ACME rate was calculated.

Ms. Quickel responded that the ACME rate is calculated based on the number of units in ACME. ACME has its own tax roll.

Ms. Quickel stated Wellington adopted the rates and budget for ACME, Solid Waste, Water/Wastewater and Lake Wellington Professional Center on August 10, 2021. The revised General Governmental FY 2022 budget is \$89 million including transfers. The FY 2022 proposed budget is a marked change from last year's budget. Staff is addressing capital projects while maintaining the same millage and ACME assessment rates. The increase is primarily due to resumption of full capital project budgeting which was drastically reduced in FY 2021 due to the pandemic. The Governmental Capital Project Funds are \$19 million, which is an increase of \$14 million from the current year. Another significant increase is the Village's return to a more normal Parks & Recreation budget with the resumption of all programs. Parks & Recreation was drastically impacted by the pandemic. She further discussed changes to the Governmental Fund beyond capital projects. Ms. Quickel stated there is no doubt that Wellington can withstand challenges. The finances took a hit from COVID and the Village lost significant revenues in charges for services for Parks & Recreation Programming and Sales Surtax Collection. However, Wellington was able to maintain high levels of service and stay financially sound by deferring capital projects last year among other sensible steps. The property values increased for the ninth straight year and the Village's revenue sources are recovering. The American Rescue Plan and Cares Act have and will continue to help especially when focused on critical needs like infrastructure, neighborhood grants, testing and food distribution sites and revenue recovery.

Ms. Quickel showed Council a slide that highlighted the various revenues included in the budget with a marked increase in capital projects. Transfers and reserves represent the largest portion. Second is Ad Valorem Property Taxes. The remaining revenues are Utility, Fuel & Services Taxes; Permits, Fees & Assessments; Sales Taxes, Grants & Intergovernmental; Charges for Services; and Impact Fees, Miscellaneous, & Interest. She said the FY 2022 budget is about collaboration and inclusion. Staff listened to Council and incorporated what Council expressed. In addition, staff listened to the residents and focused on what the community wants. Staff has worked to continue outstanding service in all of the Village's departments and throughout the pandemic. Staff expanded offerings creatively and through technology and staff continues to incorporate options to improve accessibility by the residents.

Ms. Quickel then discussed expenditures. Capital Projects is the largest portion of expenditures. The next two largest expenditure categories are Transfers, Debt Service & Non-Departmental and Public Safety. The remaining expenditures are Public Works; General Governmental; Recreation & Culture; and Planning, Zoning & CDBG.

Ms. Quickel stated the FY 2022 budget focuses on getting things done with a resumption of full Governmental Capital Budget of \$19 million. This is down slightly from the previous presentation and includes one-time projects, design and space planning for the PBSO substation, Tennis Center expansion, Community (South Shore) Park and Aquatics Complex.

Mayor Gerwig asked if this was for planning of the Tennis Center expansion.

Ms. Quickel replied yes this is for planning.

Ms. Quickel stated staff also included grant-matching funds for both the Amphitheater grant applications and Section 24 Preserve applications; construction for the resurfacing of aprons and landscaping for the Aero Club Widening Project; and South Shore and Pierson, listed at \$2.4 million, for intersection signalization and drainage. This represents Wellington's portion of the full project amount of \$4 million.

Vice Mayor McGovern asked if the Village would do the whole project, we would need to get the remaining monies that is owed as a condition of development for that to happen.

Ms. Quickel stated that is correct.

Mayor Gerwig commented that Ms. Cohen stated we could not collect monies in lieu of the turn lane.

Ms. Quickel stated the project is budgeted at \$4 million. The project is not fully funded in the FY 2022 budget; and until the full \$4 million is achieved, it will not move forward.

Mayor Gerwig stated the Village would not do the intersection improvements until staff has received the full funding obligated by the developer.

Ms. Quickel stated when the Village receives the full funding staff will come back to Council to adjust the budget for the full project amount.

Mr. Barnes stated that would necessitate a separate developer's agreement.

Councilman Napoleone asked how long the Village has been waiting on this turn lane. He stated there is no need to include this in the budget until the developer pays his share.

Vice Mayor McGovern concurred with Councilman Napoleone's statement.

Mayor Gerwig stated the Village could do its portion and then the developer could do his turn lane. She said then the drainage problem would be solved and the intersection expanded. Mayor Gerwig stated she feels the Village's portion should remain in budget.

Councilman Drahos concurred and stated the residents are waiting for this project.

Vice Mayor asked if the money would be returned to reserves if taken out of the budget and could be taken out once the developer's portion is received.

Ms. Quickel stated that is correct.

Mr. Barnes stated it would require a budget amendment to accept the developer's contribution or to fund the project.

Councilman Napoleone stated this would have to come back to Council for a separate vote and public hearing.

Ms. Quickel stated that is correct.

Ms. Quickel stated the budget still maintains Wellington's strong financial position with projected General Fund Unassigned Reserves remaining at \$16.4 million or 29% of projected expenditures. To balance the FY 2022 Budget, staff is using \$2.1 million in General Fund Reserves, American Rescue Funds of \$3.7 million, \$531,000 from ACME Reserves, \$1.7 million in Building Reserves and \$750,000 in Gas Tax Maintenance Reserves.

Ms. Quickel highlighted a sample tax bill and stated a homesteaded owner would pay \$16 more dollars to Wellington for an assessed property value of \$450,000. Sixteen percent (16%) of the total tax bill goes to Wellington and ACME.

Mayor Gerwig asked what changed with capital projects.

Ms. Quickel stated the change to South Shore and Pierson was the only change to that project amount.

Mayor Gerwig stated this budget does not include any borrowing now.

Ms. Quickel stated that is correct.

Ms. Quickel referenced the Budget Calendar and stated the second Public Hearing and final adoption will be held at the September 28, 2021 Council Meeting. She explained the advertising schedule.

Mayor Gerwig asked where the additional \$10 million in the budget came from.

Ms. Quickel provided the breakdown of funds.

Mayor Gerwig asked how the Village would handle the reduced revenues.

Ms. Quickel briefly discussed the American Rescue Funds. Ms. Quickel stated that had not been received yet and is not included in the budget but can be used to address the revenue shortfalls at that time.

Mayor Gerwig asked how the CARES Act funding and American Rescue Plan fit into the budget.

Ms. Quickel stated it has always been budgeted and was used for the revenue shortfall. She stated there is a series of calculations to determine revenue shortfalls. Staff provided an AT on this.

Vice Mayor McGovern stated this budget includes CDBG funds and is a budget that includes all of the monies from every source we have.

Councilman Drahos stated he wanted to reiterate that the Village is able to do this without increasing the millage rate.

Ms. Quickel stated that is correct.

Vice Mayor McGovern asked about the millage rate and planning.

Ms. Quickel commented about the millage rate in 2018.

Vice Mayor McGovern stated this council agreed to hold the millage rate flat for five years.

Mayor Gerwig stated the Council does not have the power to predict the millage rate for next year. She said they do not have the power to set the millage rate for future councils.

Councilman Napoleone stated the Council has achieved the goal of keeping the millage rate stable and providing the same level of service to residents. He stated through this budget, the Village has maintained that commitment.

Ms. Quickel stated each year during the Directions Workshop staff presents a long-range financial plan.

Vice Mayor McGovern asked about the PBSO substation. He stated that is not included in this budget.

Ms. Quickel stated only design and soft costs are included in this budget for the substation.

Vice Mayor McGovern stated this is a process.

Ms. Quickel stated that is correct.

Mayor Gerwig stated planning for things that are not being built is an important part of the process.

Vice Mayor McGovern referenced the aquatics complex.

Mayor Gerwig referenced the amount for design fees.

Mr. Barnes stated the design fees is for the consultant and does not include staff time.

Vice Mayor inquired about the Aero Club Widening Project. He stated this completes that obligation.

Ms. Quickel stated that is correct.

Mayor Gerwig commented regarding the design work for the Tennis Center Expansion.

Councilwoman Siskind stated this is a plan and a blueprint. She commended Ms. Quickel and her team for their planning. She said things change and stated she wanted people to understand how the budget process works.

Mayor Gerwig commented about the construction cost for Town Center Phase II.

Vice Mayor McGovern stated the Town Center Project had been discussed for a few years.

Councilman Drahos stated this is a part of the Village's 50-year plan.

Ms. Quickel reiterated that this resumes more of a full project budgeting with different projects. The projects will come back to Council as things progress throughout the process.

Mayor Gerwig stated she does not want to borrow money to accomplish things because the Village has not had to do that in the past. She referenced Utilities. Mayor Gerwig explained her objection to the budget further and stated she wants to see the Village do only things that the Village can afford to do.

Vice Mayor McGovern asked about moving things around and inquired about reserves. He asked if this budget maintains the policy regarding reserves.

Ms. Quickel stated this budget maintains the reserves. She stated the Village remains at 29% of unassigned reserves.

Mayor Gerwig stated the Village is maintaining reserves and accomplishing the projects it wants to accomplish which was her goal.

Councilman Napoleone stated we know where the budget is coming from in terms of the CARES Act. He commended Ms. Quickel and her team for holding the millage rate steady and keeping the level of service high. Councilman Napoleone stated this is a great budget.

Mayor Gerwig thanked Ms. Quickel and her team.

Ms. Quickel commended Christine Wadleigh, Ana Acevedo, Department Directors and the entire group who worked on the budget.

Public Hearing

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

Public Comment:

1. Johnny Meier spoke regarding the budget. He stated the PBSO substation is a necessity.
2. Bart Novak spoke regarding borrowing money and stated he opposes where the pool should go. He asked about tax revenues.

Vice Mayor McGovern stated the property appraiser calculates the property value.

Mayor Gerwig stated the Village is a year away from realizing the increases.

Vice Mayor McGovern stated there is no deficit in the Village's budget nor is a deficit permitted by Florida state law.

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

Vice Mayor McGovern referenced last year's budget during COVID and highlighted what is included in the budget regarding COLA/merit increases, recreation programming, facility maintenance and Keely Spinelli grants.

There was brief discussion regarding property values.

Vice Mayor McGovern stated other municipalities are following Wellington's lead with holding millage rates flat, recommencing capital projects and doing similar things with their budgets. He stated the Village must maintain its level of high quality service.

Ms. Quickel stated that is the commitment to sustainability and stability throughout the budget process in meetings with Council and Budget and Directions Workshops.

Mayor Gerwig stated the Village has not had deferred capital maintenance and the Utilities received an award. The Village is doing responsible work. She thanked Ms. Quickel and her team.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve the proposed FY 2022 millage rate, budget and adoption of the Capital Improvement Plan as revised on first public hearing.

B. 21-4642 ORDINANCE NO. 2021-12 (ARTICLE 6 – ZONING DISTRICTS)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO MODIFY ARTICLE 6, FOR CONSISTENCY WITH THE UPDATES TO THE COMPREHENSIVE PLAN, AS CONTAINED HEREIN; PROVIDING A

CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE;
PROVIDING AN EFFECTIVE DATE.

Mr. Barnes introduced the item.

Ms. Addie read the Ordinance by title.

Mr. Stillings presented the item and stated this is second reading of the ordinance. He indicated the Comprehensive Plan had been recently updated which prompted needed Land Development Regulations amendments to Article 6 to bring it into compliance and make it consistent with those changes. Article 6 establishes the zoning districts in Wellington and the changes to the Article make it consistent with the land uses that were established. Mr. Stillings stated they have also addressed minor clarifications. In July, the Planning, Zoning and Adjustments Board (PZAB) reviewed the proposed amendment and voted 5-0 for approval. Staff recommends approval as presented.

Councilwoman Siskind asked if there had been any changes to the ordinance since first reading.

Councilman Napoleone asked if there had been any public comments or questions since first reading.

Mr. Stillings stated there had been no changes, public comments or questions since first reading.

Public Hearing

A motion was made by Vice Mayor McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to open the public hearing.

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

A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0) to approve Ordinance No. 2021-12 Article 6 – Zoning Districts) as presented on first reading.

**C. 21-4632 ORDINANCE NO. 2021-11 (LWDD-LOTIS (0.35-ACRE)
ANNEXATION)**

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING THE VOLUNTARY ANNEXATION (PETITION NUMBER 2021-0001-ANX) OF REAL PROPERTY TOTALING 0.35 ACRE, MORE OR LESS, KNOWN AS LAKE WORTH DRAINAGE DISTRICT 25-FOOT WIDE RIGHT-OF-WAY, LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY A HALF MILE NORTH OF THE FOREST HILL BOULEVARD AND STATE ROAD 7 INTERSECTION,

IN PALM BEACH COUNTY, AS MORE SPECIFICALLY DESCRIBED HEREIN; DECLARING THAT THE VOLUNTARY ANNEXATION PETITION BEARS THE SIGNATURE OF THE PROPERTY OWNER; AMENDING SECTION 11 OF THE VILLAGE CHARTER BY REDEFINING THE CORPORATE LIMITS OF THE VILLAGE OF WELLINGTON; DIRECTING THE VILLAGE MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS ANNEXATION; DIRECTING THE VILLAGE CLERK TO FILE A COPY OF THIS ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT IN PALM BEACH COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF PALM BEACH COUNTY, AND THE FLORIDA DEPARTMENT OF STATE WITHIN SEVEN DAYS AFTER ADOPTION, IN ACCORDANCE WITH CHAPTER 171 OF THE FLORIDA STATUTES; 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. 2021-11, Ordinance No. 2021-15 and Ordinance No. 2021-16) are related; with a separate motion for each item. Ms. Addie read the Ordinances by title.

At this time, Ms. Cohen administered the oath to those individuals who wished to speak on the Items.

Ex-parte Communications

Councilman Napoleone: Councilman Napoleone disclosed he had no ex-parte communications other than speaking with staff.

Councilman Drahos: Councilman Drahos disclosed he had no ex-parte communications.

Mayor Gerwig: Mayor Gerwig disclosed she had no ex-parte communications.

Vice Mayor McGovern: Vice Mayor McGovern disclosed he had no ex-parte communications.

Councilwoman Siskind: Councilwoman Siskind disclosed she had no ex-parte communications.

Mr. Stillings presented the items and explained that they are all connected. The items consist of an annexation, comprehensive plan amendment and rezoning. Mr. Stillings entered the files into the record. He stated the applicant is Lotis Wellington, LLC. In addition, Lake Worth Drainage District (LWDD/co-applicant). Mr. Brian Terry, Agent/Insite Studio, Inc. was present on behalf of the applicant to answer any questions from Council. The request is for a 0.35 acre, undeveloped, 25-foot wide parcel just to the northeast of the Lotis property, south of the self-storage facility on State Road 7. This is an annexation into Wellington's boundary; changing the land use from Palm Beach County (PBC) designation to a Wellington Land Use designation;

and changing it from a PBC Zoning District designation to a Wellington Zoning designation to be consistent with the overall Lotis Development. Mr. Stillings showed Council a location map of the Lotis property boundary. He stated this would amend Wellington's boundary to include the parcel and will be reflected on the land use and zoning maps, if approved. This meets all of the required findings. The PZAB recommended approval of each request. He said staff would proceed with the second reading of the comprehensive plan 30 days following this hearing and the rezoning at the same time. Staff recommends approval as presented.

Mayor Gerwig asked if there was opposition from Palm Beach County or Lake Worth Drainage District.

Mr. Stillings replied LWDD is a co-applicant and that there was no objection from Palm Beach County.

Councilman Napoleone summarized what is taking place with the requests.

Public Hearing

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

There being no 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 Vice Mayor McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve Ordinance No. 2021-11 (LWDD-LOTIS (0.35-Acre) Annexation) as presented on second reading.

D. 21-4633 ORDINANCE NO. 2021-15 (LWDD-LOTIS (0.35-ACRE) FUTURE LAND USE MAP AMENDMENT TO THE COMPREHENSIVE PLAN AMENDMENT (FLUM))

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) OF WELLINGTON'S COMPREHENSIVE PLAN, (PETITION NUMBER 2021-0001-CPA), TO MODIFY THE LAND USE DESIGNATION FROM PALM BEACH COUNTY LOW RESIDENTIAL TO MIXED USE (MU) FOR CERTAIN PROPERTY KNOWN AS LAKE WORTH DRAINAGE DISTRICT 25-FOOT WIDE RIGHT-OF-WAY, TOTALING 0.35-ACRE, MORE OR LESS, LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY A HALF MILE NORTH OF THE FOREST HILL BOULEVARD AND STATE ROAD 7 INTERSECTION, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND

PROVIDING AN EFFECTIVE DATE.

Public Hearing

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

There being no 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 Vice Mayor McGovern, seconded by Councilman Napoleone, and unanimously passed (5-0) to approve Ordinance No. 2021-15 (LWDD-LOTIS (0.35-Acre) Future Land Use Amendment to the Comprehensive Plan Amendment (FLUM)) as presented on first reading.

E. 21-4634 ORDINANCE NO. 2021-16 (LWDD-LOTIS (0.35-ACRE) REZONING)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A REZONING (PETITION NUMBER 2021-0001-REZ) TO MODIFY THE OFFICIAL ZONING MAP OF WELLINGTON FROM PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT (MUPD) FOR CERTAIN PROPERTY KNOWN AS LAKE WORTH DRAINAGE DISTRICT 25-FOOT WIDE RIGHT-OF-WAY, TOTALING 0.35-ACRE, MORE OR LESS, LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY A HALF MILE NORTH OF THE FOREST HILL BOULEVARD AND STATE ROAD 7 INTERSECTION, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Public Hearing

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

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

A motion was made by Vice Mayor McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve Ordinance No. 2021-16 (LWDD-LOTIS (0.35-Acre) Rezoning) as presented on first reading.

F. 21-4631 ORDINANCE NO. 2021-17 (ADOPTING THE PRIVATE PROPERTY RIGHTS ELEMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT, IN ITS ENTIRETY, AS CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Mr. Barnes introduced the item.

Ms. Addie read the Ordinance by title.

Mr. Stillings presented the item and stated due to House Bill 59 that passed, all local governments are required to adopt an independent, standalone private property rights element. The legislation explained what the element should state. He referenced a model element that Thousand Friends of Florida distributed to some of the jurisdictions. Mr. Stillings said staff incorporated one of their policies and objectives as Objective 2.1 (one goal with 2 objectives) and it generally follows the language in the legislation.

Mayor Gerwig stated this is ministerial and we have adopted it to something that fits Wellington.

Mr. Stillings reiterated that the Village is required to adopt this prior to the next evaluation of the comprehensive plan or the next comprehensive plan amendment.

Councilman Napoleone asked about the practical effect of the element.

Mr. Stillings stated it more specifically stated the purpose and intent. It will not change the way the Village operates.

Mayor Gerwig stated the Village has always been cognizant of this issue and this maintains private property rights within the Village.

Vice Mayor McGovern asked if this complies with the state statute.

Ms. Cohen stated the ordinance complies with the law.

Public Hearing

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

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

A motion was made by Councilwoman Siskind, seconded by Councilman Drahos, and unanimously passed (5-0) to approve Ordinance No. 2021-17 (Adopting the Private Property Rights Element) as presented on first reading.

G. 21-4643 ORDINANCE NO. 2021-20 (SUBAREA F MAXIMUM STALL ALLOWED FOR UNIFIED LOTS)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO MODIFY SECTION 6.8.9.C, BARNs AND STABLES, TO MODIFY THE MAXIMUM STALLS ALLOWED FOR UNIFIED LOTS WITHIN SUBAREA F, AS CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Mr. Barnes introduced the item.

Ms. Addie read the Ordinance by title.

Mr. Stillings stated this is a zoning text amendment that amends LDR Section 6.8.9.C and allows a maximum of four (4) stalls per acre, up to 20 stalls on lots that are unified within Subarea F of the Equestrian Overlay Zoning District (EOZD). He showed Council a location map indicating Subarea F which is a part of Winding Trails. He provided the Subarea F (A/K/A Winding Trails) history.

Vice Mayor McGovern asked if the 90 stall total limit remains.

Mr. Stillings stated it does. He explained the proposed zoning text amendment and referenced agenda review discussion.

Councilman Napoleone stated right now this change only affects the two lots previously discussed.

Mr. Stillings stated that is correct. The Equestrian Preserve Committee (EPC) and PZAB recommended approval.

Mayor Gerwig asked if there was additional notification provided to the area.

Mr. Stillings stated zoning text amendments do not require notifications. However, in the interest of informing the public, staff sent mailers to all properties within 500 feet of Winding Trails and the homeowner associations. Staff has not received any communication or correspondence.

Public Hearing

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

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

Councilman Drahos stated he has reservations about changing this.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and passed (4-1; Councilman Drahos dissenting) to approve Ordinance No. 2021-20 (Subarea F Maximum Stall Allowed for Unified Lots) as presented on first reading.

8. REGULAR AGENDA

At this point, Mayor Gerwig recused herself from Items 8A and 8B and left the dais.

- A. 21-4402** AUTHORIZATION TO NEGOTIATE CONTRACTS WITH MULTIPLE FIRMS FOR: 1) WATER AND WASTEWATER TREATMENT ENGINEERING; 2) UTILITY GENERAL CIVIL, WATER DISTRIBUTION AND STORAGE, AND WASTEWATER COLLECTION ENGINEERING; 3) CIVIL ENGINEERING; 4) TRAFFIC ENGINEERING; AND RELATED CONSULTING SERVICES ***(THIS ITEM FORMERLY ITEM 6B)***

Mayor Gerwig disclosed a conflict of interest and left the dais.

Mr. De La Vega stated staff is seeking authorization to negotiate contracts with multiple firms for the Village's annual engineering services contracts. Staff issued an RFQ on May 26, 2021 and received 16 proposals across four different disciplines: Water and Wastewater Treatment Engineering; Utility General Civil, Water Distribution and Storage, and Wastewater Collection Engineering; Civil Engineering; and Traffic Engineering). He discussed the committee's recommendations for each discipline. He said all of the chosen firms are firms that the Village has worked with in the past and provided great service throughout the years. The term of a negotiated contract is for three (3) years with two (2) additional one-year renewal terms. Mr. De La Vega indicated that if this were approved, staff would present contract awards within two weeks.

Vice Mayor McGovern inquired about the process for the bids and negotiation. He asked if the negotiated contracts would come back to Council.

Mr. De La Vega explained the process and threshold for bringing the contracts back to Council.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (4-0; with Mayor Gerwig recused) for Authorization to Negotiate Contracts with Multiple Firms for: 1) Water and Wastewater Treatment Engineering; 2) Utility General Civil, Water Distribution and Storage, and Wastewater Collection Engineering; 3) Civil Engineering; 4) Traffic Engineering; and Related Consulting Services as presented.

B. 21-4415 AUTHORIZATION TO RENEW A CONTRACT TO PROVIDE PROPERTY AND CASUALTY INSURANCE SERVICES *(THIS ITEM FORMERLY ITEM 6D)*

Mayor Gerwig disclosed a conflict of interest and left the dais.

Mr. Barnes introduced the item.

Mr. De La Vega stated this an annual contract expires on September 30 and will be effective October 1. He said it is for general liability, property and casualty and worker's compensation. The contract is with the Florida Municipal Insurance Trust (FMIT). The proposal shows an increase of \$113,366 more than FY 2021 premium. The total cost is \$1,225,645.00. He explained the reason for the increase.

Councilman Napoleone asked if the 10% increase is competitive with the market.

Mr. De La Vega replied the increase is consistent with what the Gehring Group has seen across the board with all of their clients. Mr. De La Vega stated this is the renewal.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (4-0; with Mayor Gerwig recused) for Authorization to Renew a Contract with FMIT to provide Property and Casualty Insurance Services).

C. RESOLUTION NO. R2021-57 (PINE TREE PRE-SUIT RESOLUTION) *(THIS ITEM ADDED TO THE AGENDA)*

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL DECLARING THAT WELLINGTON'S SIGNIFICANT LEGAL RIGHTS WILL BE COMPROMISED IF A COURT PROCEEDING DOES NOT TAKE PLACE BEFORE THE PROVISIONS OF CHAPTER 164, FLORIDA STATUTES, ARE COMPLIED WITH BASED ON PINE TREE WATER CONTROL DISTRICT'S FAILURE TO COMPLY WITH WELLINGTON'S REQUEST TO INSPECT AND COPY PUBLIC RECORDS MADE PURSUANT TO CHAPTER 119, FLORIDA STATUTES; DIRECTING THE VILLAGE ATTORNEY TO ADD A CLAIM FOR VIOLATION OF FLORIDA'S PUBLIC RECORDS LAW TO THE ALREADY PENDING LAWSUIT STYLED VILLAGE OF WELLINGTON V. PINE TREE WATER CONTROL DISTRICT, CASE NO. 2021-CA-005867; AND PROVIDING AN EFFECTIVE DATE.

Mr. Barnes introduced the item.

Ms. Cohen presented the item and stated the Village has a pending lawsuit with Pine Tree Water Control District regarding the assessment matter. She stated the Village made a public records request and followed it up with a five-day safe harbor letter and never received a response. She said Florida Statute Chapter 164 requires a pre-suit conflict resolution process. Ms. Cohen stated staff recommends approval of the resolution.

Mayor Gerwig asked about the insurance coverage and fees to defend this.

Councilman Napoleone stated the Village fits within the meaning of the statute and pre-suit resolution with this particular entity has not been fruitful.

Councilman Drahos asked if there is a fee shifting option.

Ms. Cohen discussed public records violations and stated Chapter 119 contains a fee provision. In addition, Ms. Cohen indicated that the attorney for Pine Tree was also copied on the public records requests. Ms. Cohen stated there has been no response dating back to July.

A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0) to approve Resolution No. R2021-57 (Pine Tree Pre-Suit Resolution) as presented.

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 in the pending assessment case, Pine Tree has placed the Village back on their assessment roll for next year and staff will need to include a claim against the Tax Collector.
- Ms. Cohen stated that Pine Tree had filed a motion for rehearing on the summary judgment in the roads case and provided an update. She stated she would inform Council if Pine Tree files an appeal.

Vice Mayor McGovern stated that otherwise the matter is concluded.

Ms. Cohen stated that is correct. It is concluded in the Village's favor.

Councilman Napoleone stated, for clarification, that the reason the Village would add the tax collector to the lawsuit as a defendant is to get complete relief in the lawsuit.

Ms. Cohen explained the tax collector's legal position regarding the tax certificates. She summarized the actions that her team will take.

11. MANAGER'S REPORT

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

- The Next Regular Council Meeting will be held on Tuesday, September 28, 2021 at 7:00 p.m. He stated the Agenda Review would be held on Monday, September 27, 2021.

12. COUNCIL REPORTS

COUNCILMAN NAPOLEONE: Councilman Napoleone presented the following report:

- Councilman Napoleone encouraged everyone to follow the school drop off/pick up rules and traffic patterns. In addition, he urged everyone to stay off his or her cell phones in a school zone. He stated PBSO could write tickets for the cell phone use.
- Councilman Napoleone congratulated the Utility Department on winning the award for "Utility of the Future". He commended Ms. Shannon LaRocque and her team for doing an excellent job and stated it has been money well spent on utilities. The projects have been proactive to keep the aging infrastructure updated and running smoothly.

COUNCILMAN DRAHOS: Councilman Drahos presented the following report:

- Councilman Drahos commended staff on the 9/11 Ceremony and stated it was exceptionally well done.
- Councilman Drahos stated the Village's COVID testing site is being very well run. He complimented staff for the site and discussed how the testing results are received.

VICE MAYOR MCGOVERN: Vice Mayor McGovern presented the following report:

- Vice Mayor McGovern thanked everyone who came to the Village's 9/11 Remembrance Ceremony and commended the Palm Beach County Association of Fire Chiefs for their 9/11 Remembrance Ceremony. He stated both events were very moving and well attended. He stated that on this 20th anniversary of 9/11, he was glad that everyone was able to come together and share that time.

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

- Councilwoman Siskind stated that Wellington's 9/11 Remembrance Ceremony was beautiful. She said the Palm Beach County Association of Fire Chiefs 9/11 ceremony was a fantastic event, very touching and uplifting.
- Councilwoman Siskind commended Ms. Shannon LaRocque and her team for the Utility of the Future award. She provided some information about the award indicating Wellington's Utility was selected as one of 39 utilities across the nation.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- Mayor Gerwig stated she heard that the 9/11 ceremony was very well done and thanked everyone. She was not able to attend due to not feeling well. She thanked Mr. Barnes for responding to Mr. Tansey's email and apologized on behalf of the Village for the oversight. Mayor Gerwig commented about 9/11 last year when the Village could not meet as a community due to COVID. She asked that Mr. Tansey be made aware of when next year's ceremony will be held.
- Mayor Gerwig inquired about school parking/traffic and stated this is at every school. She indicated the Village is trying to work with the schools to solve the problem.

Mr. Barnes stated staff is in regular contact with each of the schools in Wellington. He said this is a countywide issue. Staff and the schools are reviewing solutions. Mr. Barnes stated the onsite security measures have changed at the schools.

- Mayor Gerwig asked about the additional communications poles, utilities poles and the design of the poles.

Ms. Cohen stated that the design for some of the 5G poles is unable to comply with the ordinance because of the configuration of that technology. She stated Mr. Patrick Barthelemy would be able to better explain.

Mr. Barnes commented on the Village's ordinance and stated the owners of the poles have fairly free rein regarding their poles. He stated that according to law, the Village has limited ability to restrict the location and require certain designs.

Ms. Cohen stated she would speak with Mr. Barthelemy and the Village's consultant regarding design.

- Mayor Gerwig thanked everyone for covering for her at events due to her not feeling well and stated the next Council Meeting would be held in two weeks.

13. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned at approximately 8:36 P.M.

Approved:

Anne Gerwig, Mayor

Chevelle D. Addie, Village Clerk