

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, May 12, 2014

3:00 PM

Village Hall

Village Council Workshop

*Bob Margolis, Mayor
John Greene, Vice Mayor
Matt Willhite, Councilman
Howard K. Coates Jr., Councilman
Anne Gerwig, Councilwoman*

1. CALL TO ORDER

Mayor Margolis called the meeting to order at 3:00 pm.

2. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the Agenda for the May 13th Council Meeting for discussion and review.

A. [14-369](#) LEGISLATIVE UPDATE – RAMBA CONSULTING GROUP

Mr. Schofield presented the item. There were no recommended changes.

B. [14-363](#) WELLINGTON EDUCATION COMMITTEE PRESENTATION OF THE PALM BEACH COUNTY SCHOOL DISTRICT'S AREA 3 SUMMER MATH AND READING INCENTIVE PROGRAM

Mr. Schofield presented the item. Ms. Evangelista responded to Council's questions and indicated the Education Committee would be attending the Council Meeting to explain the program. No changes.

C. [14-361](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF MARCH 25, 2014 AND APRIL 8, 2014

Mr. Schofield presented the item.

Councilman Coates indicated there was a typographical error that could be corrected after the meeting.

D. [13-0424](#) RESOLUTION NO. R2014-28 (TENNIS CENTER MANAGEMENT AND MAINTENANCE AGREEMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING RENEWAL OF AN EXISTING CONTRACT WITH CHEATHAM, INC. TO PROVIDE TENNIS CENTER MANAGEMENT AND MAINTENANCE SERVICES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the item.

Vice Mayor Greene suggested this item be moved to the Regular Agenda. Council agreed. Mr. Schofield stated it would be moved to the Regular Agenda as item 8C.

Councilman Willhite stated the contractor asserted if they overlapped the building and construction phases of the tennis courts in their current location it could save the Village an extensive amount of time and cost. Mr. Barnes indicated Mr. Cheatham could discuss how it would impact his day-to-day operation, but in a few weeks the contractor would present a final compressed schedule and its maximum impact on tennis if there was an overlap in the schedule. Councilman Willhite noted his goal was not to impact tennis.

Councilman Coates indicated the first page of the memo stated full financial reporting in accordance with the agreement was conducted and a report of all findings was attached for reference, but he was surprised by the lack of detail. He said if Council is voting on this renewal tomorrow, he wanted to understand what the renewal was for, why it took an audit to identify the deficiencies and correct them, and what the numbers have been, so they could make a meaningful decision as to whether to stay with this provider for another year. Mr. Schofield stated staff could get the information for Council. He explained the internal auditor was auditing almost every department and tennis was audited in the normal sequence of events.

Mayor Margolis indicated Ms. Rogers would be taking care of this item tomorrow, because Ms. Cohen had a conflict. He also indicated Mr. Poag conducted the audit but was out of the office due to surgery. Mr. Schofield stated they could postpone it to the second meeting in May if Mr. Poag is not in attendance. Mayor Margolis wanted the information prepared and provided to Council. Mr. Barnes indicated Council would have the information regardless of whether they heard the item tomorrow or not.

E. [14-237](#)

AUTHORIZATION TO AWARD A CONTRACT FOR ROOT PRUNING AND ROOT BARRIER INSTALLATION

Mr. Schofield presented the item. Mr. Fleury reviewed the projects to be completed under the contract and replied to Council's questions. There were no recommended changes.

F. [14-242](#)

AUTHORIZATION TO UTILIZE A CITY OF BAYTOWN, TEXAS CONTRACT, AS A BASIS FOR PRICING FOR UTILITY BILL PRINTING AND MAILING SERVICES

Mr. Schofield presented the item. Ms. Quickel, Mr. De La Vega and Mr. Silliman responded to Council's questions.

Councilman Willhite asked Ms. Quickel to work with PNC Bank on direct deposit for utility billing. Ms. Quickel indicated that was one of the issues that needed to be addressed.

G. [14-258](#)

ORDINANCE NO. 2014-09 (PALM BEACH EQUINE)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE FUTURE LAND USE MAP DESIGNATION (PETITION NUMBER 2013-071 CPA1) FOR CERTAIN PROPERTY KNOWN AS PALM BEACH EQUINE SPORTS COMPLEX, TOTALING 11.94 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF PIERSON ROAD AND SOUTHFIELDS ROAD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the item. Mr. Stillings explained the amendment to Council and answered their questions.

Councilman Willhite was concerned about the lack of connectivity for horses that tack from this facility to the show grounds. He thought there needed to be

identified and designated bridle trails connecting these properties that did not come along with the parking lot. He believed this needed to come out of this parcel, because the bridle trail stops prior to this property. Mr. Stillings indicated they were working with Dr. Swerdlin as part of the future realignment of that section of Pierson to move it closer to the canal and therefore provide an area for the bridle easement. Mr. Schofield wanted to make sure staff was aware the requirement for the bridle path, internal circulation and connectivity was a Council priority.

Mr. Schofield indicated they needed to revisit the Equestrian Preserve item that was part of their Visioning Session. He said in the Comprehensive Plan, level of service E is set for equestrian roads, which is one level lower than any other roadway section in the Village. He stated they may want to take levels of service lower than that to avoid four-lanes or paving of roads. He thought Council may want to address this on an overall basis or at least on the principal arteries to the Equestrian Preserve, which would be Pierson, South Shore, Lake Worth, 120th, South Road and 50th.

Councilman Willhite stated just because traffic meets the minimum, it does not mean the Village wants 176 more trips on a Sunday afternoon. He agreed congesting the roads slowed cars down, but it could take an hour or so to get in or out of polo. He asked if any other improvements could be made. He thought depositing the International Polo Club occupants onto Southfield would help the existing roads nearby. He suggested they look outside the application in front of them and consider the big picture when planning for this.

Mr. Schofield agreed that was the problem, as there are often times better ways to do things. But they were limited as a staff and an agency to their written criteria, and they could not tell them to do something else. He said if Council is not happy with the minimums as a municipality, they could change them.

Councilman Willhite questioned how many special events they could have on a Sunday afternoon or on one day. Mr. Schofield thought Council needed to address this, because they have two major event venues on that road and a third developing further down on South Shore and Lake Worth Road. He stated they needed to discuss the three remaining Visioning items, but the Equestrian item was first so they could address these issues in a meaningful way.

H. [14-301](#)

ORDINANCE NO. 2014-11 (REVISIONS TO CHAPTER 2, CODE ENFORCEMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING WELLINGTON CODE OF ORDINANCE CHAPTER 2 "ADMINISTRATION", ARTICLE IV "CODE ENFORCEMENT", DIVISION 1 "GENERALLY" AND DIVISION 2 "SUPPLEMENTAL CODE THROUGH CITATIONS", TO REFLECT REVISIONS OF VIOLATIONS; TO REINSTATE OMITTED CODE SECTIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the item.

Mr. Koch indicated this was a second reading. He mentioned there was one correction on page 179 of 251 regarding two references to the Code Enforcement Board and provided Council with a new copy.

Mr. Schofield indicated Mayor Margolis had a question during the Visioning Session as to whether the Special Magistrate could retain jurisdiction for the time period a cease and desist order was in place. However, staff did not have an answer yet. Mayor Margolis wanted to remind them of his question. Mr. Schofield stated it was on the task list from the meeting.

Councilman Coates asked where they left off with the Landlord registration at the Visioning Session. He did not want his comments to stop it from coming back before Council, because he thought it merited discussion. Mr. Schofield stated staff was putting together action plans for the 17 points listed and Council would be seeing requests for the next three individual meetings.

I. [14-319](#)

ORDINANCE NO. 2014-01 (UPDATED TRAVEL AND TRAINING REIMBURSEMENT)

AN ORDINANCE OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA AMENDING CHAPTER 2 "ADMINISTRATION" DIVISION 3 "REIMBURSEMENT FOR TRAVEL AND TRAINING" OF THE CODE OF ORDINANCES OF THE VILLAGE OF WELLINGTON; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the item and stated it was the second reading. He indicated Mr. Poag would be out the rest of the week due to surgery. There were no recommended changes.

J. [14-249](#)

ORDINANCE NO. 2014-19 (FIREARMS AND DANGEROUS INSTRUMENTS)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING SECTION 38-82 OF CHAPTER 38, ARTICLE III OF WELLINGTON'S CODE OF ORDINANCES RELATING TO FIREARMS AND DANGEROUS INSTRUMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the item.

Ms. Cohen explained the history of this code and the proposed changes.

Councilman Coates asked if bows, crossbows and slingshots were within the purview of the State. Ms. Cohen said she would see if there was a statute that regulated bows.

Councilman Willhite stated on line 33 she was striking "firearms and" and leaving "dangerous instruments." He asked how an arrow would not be a dangerous instrument or projectile that could be propelled by the bow. Ms. Cohen thought the statute talked about an explosive that projected, but she

would go back and review it.

Councilman Coates asked if 790.33 provided a definition of firearms and if that is where the propelled language came from. Ms. Cohen stated it did. She said the definition of a firearm is: Any weapon which is designed to or may readily be converted to propel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, any destructive device or any machine gun. The term firearm does not include an antique firearm unless the antique firearm is used in the commission of a crime.

Councilman Willhite asked if she was inadvertently deleting air gun, pellet gun and spring gun, because none had an explosion aspect to them. Mr. Schofield stated a reasonable definition of a firearm would include gas operated or something like a pellet gun. He said CO2 guns have very high pressure and are capable of inflicting damage like anything else. However, he did not think it extended to bows or crossbows.

Mayor Margolis stated Ms. Cohen could research that or Council could make a decision tomorrow night. Ms. Cohen stated Council could leave them in if they wanted to, as in her mind they were firearms.

Councilman Coates asked if the savings clause protected them if they did not intend to tread upon the state legislature's pre-emption. Ms. Cohen did not think so, as section 3B talked about acting in good faith was not a defense. Councilman Coates stated he was trying to figure out a way to maintain some protection. Ms. Cohen indicated she could add some language to that affect.

Mr. Schofield indicated there was a distinction in Federal Law between traditional BB guns, pellet guns and firearms. Ms. Cohen noted the state definition would control them. Mr. Schofield explained under the Federal Law, the states could not prohibit the sale of a non-powdered gun, but they could specifically prohibit the sale to a minor. Ms. Cohen asked if something exploded to cause the projectile. Mr. Schofield stated it was a compressed air spring, not an explosion. He said he would send her what he was reading, because non-powdered guns expel projectiles through the force of air pressure, CO2 pressure or spring annex and are different from firearms which use gunpowder to generate energy to launch a projectile.

K. [14-354](#)

ORDINANCE NO. 2014-24 (REMOVAL OF BOARD AND COMMITTEE MEMBERS)

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, SECTION 2.292(b) ENTITLED REMOVAL OF BOARD AND COMMITTEE MEMBERS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Schofield presented the item.

Vice Mayor Greene stated he was going to make an appointment to the Charter Review but wanted to be clear on the current ordinance. He said his appointment already served on one committee and this ordinance would not allow someone to serve on two boards or committees; however, board or

committee members may serve on a special task force. Ms. Cohen thought it made sense to call the Charter Review a task force, because they were being assigned a specific task to propose charter revisions and bring them back to Council.

Councilman Coates thought rather than trying to find a semantic difference for justification, he would attack the rule of having one person not serve on two boards. He believed any Council member should be able to appoint one person to serve on two committees. Ms. Cohen stated it was a policy decision for Council. Mr. Schofield thought it might be broader than that because members of boards or committees that are established by ordinance are prohibited against holding two offices at one time. He said they would have to look at the State and County ethics ordinance.

Ms. Cohen stated she would look at it, but she did not believe committee members were officers under the Florida Statute. Mr. Schofield thought there was more than semantics involved between a board established by their Charter and a committee or task force established for specific purposes, so they needed to look at that.

Ms. Cohen indicated the boards were created by ordinance and the committees were created by resolution, as outlined in their Charter. However, it is a policy decision if Council wanted to change it. She stated she would look to see whether the dual office holder applies to committee or board members. She said it may apply to some boards, such as PZAB or Architectural Review, but they would like at that distinction.

Councilman Coates asked, because they would have to pass a formal resolution to create this Review Committee or Task Force, if enacting the resolution they could simply exempt it from any restrictions applicable to dual service. Ms. Cohen indicated she would look at the State Statute, but if a State Statute prohibited it she would certainly not recommend them trying to avoid it.

Councilman Willhite asked if a removal would be brought up at a Council Meeting under comments. Ms. Cohen stated she would have to look at the procedure, but she thought they had to be given a 30 day notice and then an appeal process.

Councilman Willhite asked if there was an appeal process for removal of individual appointments by Council members. Ms. Cohen stated she would have to look at the language but thought the appeal process was for at-large removals by Council.

Councilman Coates questioned how there could be an appeal process if someone was removed without cause. Ms. Cohen stated she needed to look and see, as there is some appeal language in the procedure and she needed to make sure if it applied to the removal of each Council person's board members. She thought they may want to keep it in there just because it is a due process issue.

Councilwoman Gerwig suggested a Code of Conduct be discussed. Ms. Cohen indicated they were preparing a pamphlet for new board and committee members that included the Sunshine Law, quasi-judicial standards and public

records. She said if Council would like, she could draft up a Code of Conduct and present it to them for consideration to include with the pamphlet. Councilwoman Gerwig thought the Code of Conduct should address respectful conversation among the board and foul language.

Ms. Cohen indicated Mr. Torcivia's board or committee read a Pledge of Civility before each meeting, and she could send that out to Council if they were interested. Councilwoman Gerwig said she did not want a pledge repeated at the beginning of meetings but thought if it was supplied with some guidelines it would be good.

L. [14-357](#)

APPOINTMENT OF BOARD AND COMMITTEE MEMBERS

Mr. Schofield presented the item. Ms. Rodriguez reviewed the list of appointments distributed to Council.

Councilman Willhite asked for a cleaner list of appointments for tomorrow, as they did not need to know who appointed each person or who was in that position before. Ms. Rodriguez indicated Council would have a clean version tomorrow with only those appointments that have been made and those appointments that could be considered for an at-large appointment.

Ms. Cohen indicated Ms. Rogers checked the statute and there is an exemption under the statute for advisory bodies holding dual office positions. Mr. Schofield stated under their rules, the PZAB, Architectural Review Board, Tree Board and Construction Board of Adjustments & Appeals were the only boards with delegated authority. Ms. Cohen noted that also included the Special Magistrates.

M. [14-358](#)

RESOLUTION NO. R2014-30 (ESTABLISHING A CHARTER REVIEW COMMITTEE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ESTABLISHING A CHARTER REVIEW COMMITTEE TO REVIEW AND PROVIDE RECOMMENDATIONS ON THE NEED FOR ANY VILLAGE CHARTER MODIFICATIONS, PROVIDING AN EFFECTIVE DATE.

Mr. Schofield presented the item.

Mayor Margolis asked if the Charter Review Committee would have a staff liaison. Mr. Schofield indicated a liaison would be appointed. Councilman Willhite and Councilwoman Gerwig suggested Ms. Rogers for that role. Ms. Cohen indicated Ms. Rogers was going to be out for three months, but she herself could fill in for her.

Vice Mayor Greene indicated his appointment was Michelle McGovern, which is why he was inquiring about the potential conflict because she serves on the Education Committee.

Vice Mayor Greene asked if the board and committee members needed to go through the ethics training again if they had already been through the process. Ms. Rodriguez thought Ms. Rogers indicated everyone needed to go through the process, but she would check with her.

3. WORKSHOP**4. ATTORNEY'S COMMENTS****5. MANAGER COMMENTS**

Mr. Schofield stated two weeks ago Mr. Fleury was in front of Council talking about clearing the C-16 canal. He said they have started seeing a series of emails and their issues report for today included an aerial of that area. He indicated they were prepared to talk about it tonight as well as tomorrow and go through it with Council in more detail.

Mr. Schofield said Council has also seen a number of emails on bike lanes. He stated they put together a meeting for technical staff and they will provide Council with why and what they have as well as their options.

Councilwoman Gerwig indicated she had seen bicycles riding side by side in the bike lane. Mr. Schofield stated under Florida Statute they could ride side-by-side in a lane, but they could not ride more than two abreast. He said they were supposed to ride single file when there is traffic. Councilwoman Gerwig thought the bike lane was not wide enough and did not look very safe, as some lanes were not official. Mr. Schofield stated they did not have the diamond and bicycle marking some lanes because they were not wide enough to meet the state standard for bicycle lanes. Mr. Schofield stated he would get Council all that information.

Mr. Schofield stated there were three remaining items from the Directions Workshop, and he would like to schedule two-hour workshops for each item this month. He indicated Council would see action plans on each task list, as 17 items were submitted to them in an email and in their issues report.

Mr. Schofield indicated he received a call today from the owners of the Binks Golf Course, as they would like to come in tomorrow at 4:00 pm to have a conversation with him based on what they read in the papers. He said he would report back to Council as soon as he meets with them.

Mr. Schofield mentioned they had some private interest in the Boys and Girls Club site. He stated he has had a couple of meetings with an attorney, and he would be meeting with each Council member to discuss that site.

Councilman Willhite asked about the appraisals for the Wonderer's Executive nine-hole golf course. Mr. Schofield indicated those appraisals had been ordered.

Mr. Schofield stated they finally received some revised plans from the applicant on 40th Street. He said they also had a request from an adjacent property owner's attorney to speak to that in front of Council. He thought it would be their last meeting of this month or their first meeting in June before anything was brought before them regarding where to go with 40th Street, because some decisions had to be made.

Councilman Willhite wanted to hear the concerns of the adjacent owner before

the entire item was in front of them. He thought waiting until they were both on the same agenda would not be beneficial. Mr. Schofield suggested they schedule it as a regular item, because it is part of a land development application. He said anytime Council is making a decision that could affect someone's land development approval, the applicant has the right to be there.

6. COUNCIL COMMENTS