

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Tuesday, February 10, 2015

7:00 PM

Village Hall

Village Council

*Bob Margolis, Mayor
John Greene, Vice Mayor
Matt Willhite, Councilman
Anne Gerwig, Councilwoman
John T. McGovern, Councilman*

1. CALL TO ORDER

Mayor Margolis called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Margolis led the Pledge of Allegiance.

3. INVOCATION

Deacon Al Payne, St. Therese de Lisieux Catholic Church, delivered the Invocation.

1a. OATH OF OFFICE - JOHN T. MCGOVERN

Judge Barry Cohen administered the Oath of Office to John McGovern.

4. APPROVAL OF AGENDA

Mr. Schofield presented the agenda for approval with one amendment:

1. Move Consent Item 8B: Authorization to Award a Contract for the Purchase and Delivery of 24 inch PVC Pipe and Fittings and Mechanical Restraining Devices

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving the Agenda as amended.

5. PRESENTATIONS AND PROCLAMATIONS**A. [15-67](#) PALM BEACH COUNTY SHERIFF'S OFFICE DISTRICT 8 FY14 ANNUAL REPORT PRESENTATION**

Mr. Schofield introduced the agenda item.

Captain Jay Hart presented the Palm Beach County Sheriff's Office District 8 FY14 Annual Report. He responded to Council's questions relating to juvenile crime, number of crashes during season, texting and driving, property crimes, school zones, synthetic uses of drugs, golf carts, and school board police.

Councilman Willhite spoke about the safety/traffic issues at the school zones and asked Captain Hart if there could be additional police presence at the schools. He also requested that PBSO work with staff on educating the public concerning golf carts. He suggested that perhaps the Village staff could develop an informational flyer that the Sheriff's could hand out.

Mayor Margolis asked Mr. Schofield if he could request the policing statistics from the School Board.

9. PUBLIC FORUM

1. Glory Kelly, 15942 Cypress Park Drive. Ms. Kelly expressed her

appreciation to Council for giving her the opportunity to apply for the open Council position. She also extended her congratulations to Councilman McGovern on his appointment to Council.

6. CONSENT AGENDA

Mr. Schofield presented the Consent Agenda recommending approval as amended.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving the Consent Agenda as amended.

A. [14-649](#) UTILITY BILL PRINTING SERVICES

This item was approved on Consent.

C. [14-1039](#) AUTHORIZATION TO AWARD A CONTRACT FOR THE PIERSON ROAD SIDEWALK EXTENSION PROJECT

This item was approved on Consent.

D. [15-58](#) APPROVAL OF A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE FLYING COW ROAD GREENWAY PROJECT

This item was approved on Consent.

E. [15-62](#) RESOLUTION NO. 2015-13 FOR BUDGET AMENDMENT NO. 2015-016

RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING GENERAL FUND RESERVE BALANCES FOR FISCAL YEAR 2015 BY COMMITTING MONIES FROM GENERAL FUND UNASSIGNED RESERVES TO THE GENERAL FUND INSURANCE RESERVE IN ACCORDANCE WITH F. S. 112.08 THE STATUTORY REQUIREMENTS FOR THE VILLAGE MEDICAL INSURANCE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

This item was approved on Consent.

7. PUBLIC HEARINGS

A. [15-66](#) ORDINANCE NO. 2015-03 (AMENDMENT TO CHAPTER 3 OF THE CODE OF ORDINANCES ENTITLED SPECIAL ASSESSMENT TO CREATE A NEW SECTION 3-9 ENTITLED "PREPAYMENT OF SPECIAL ASSESSMENTS")

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 3 SPECIAL ASSESSMENT OF THE CODE OF ORDINANCES TO CREATE A NEW SECTION 3-9 TITLED "PREPAYMENT OF SPECIAL ASSESSMENTS" TO PROVIDE THAT

THE VILLAGE COUNCIL MAY, IN ITS DISCRETION, BY ENABLING RESOLUTION(S), PROVIDE FOR RESTRICTIONS OR LIMITATIONS ON, INCLUDING A PROHIBITION OF, THE PREPAYMENT OF SPECIAL ASSESSMENTS LEVIED BY THE VILLAGE; PROVIDING AUTHORITY TO CODIFY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Ms. Rodriguez read the ordinance by title.

Mr. Ken Edward explained why this amendment was being proposed. This amendment amends Chapter 3 of the Village's Ordinances which had set forth a supplemental procedure for levying special assessments. This amendment now provides the Council by resolution to provide for restrictions or limitations on including a prohibition of, the prepayment of special assessments levied by the Village. The addition of this provision provides the Village with flexibility to improve the marketability of the bonds by reducing the uncertainty associated with bond offerings.

Council discussed this proposed amendment and expressed concern regarding removing the ability of people to make prepayments, how prepayments could cause others not prepaying to assume the interest, and that they wanted to make this equitable for everyone.

Ms. Cohen and Mr. Adams responded to a question raised by Vice Mayor Greene as to why it was now being stated that this would apply to Saddle Trail when it had been stated at a previous meeting that it had not.

Public Hearing

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

10 comment cards were received from members of the Public who either wanted to speak or provided comments they wanted read into the record.

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

Vice Mayor Greene felt that more research needed to be done, and that the Council should not vote at this time.

A motion was made by Vice Mayor Greene to table Ordinance No. 2015-03 and to bring it back for consideration at the last meeting of April.

Council discussed the problem in delaying it for consideration after the equestrian season is over. Mr. Schofield explained that absent direction to delay the project, they would continue using Chapter 170 regarding the Special Assessment.

A motion was made by Councilman McGovern, seconded by Vice Mayor Greene, and unanimously passed (5-0) approving Ordinance No. 2015-03 on

Second Reading as presented with one amendment: Section 3-9, remove verbiage "including the prohibition of".

B. [15-11](#)

ORDINANCE NO. 2015-01 (HEDGE HEIGHT ZONING TEXT AMENDMENT (ZTA))

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING SECTION 6.6.4E HEIGHT OF FENCES, WALLS AND HEDGES OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS; TO MODIFY THE HEDGE HEIGHTS BASED ON SIZE OF PROPERTY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the Agenda item. Ms. Rodriguez read the ordinance by title.

Mr. Stillings presented the staff report explaining the changes that were recommended by the Architectural Review Board and the Planning, Zoning and Adjustment Board which had varying heights for different sized properties.

Council discussed amending the current hedge heights in the Village. Vice Mayor Greene thought that they should not change their code, but if someone wants to should, they should apply for a waiver requesting a different size hedge. Councilman Willhite raised concerns about the impact it would have on Code Officers with the varying heights for different lot sizes. He had no issue with the differing heights as long as they were maintained. He thought they should go to a maximum hedge height of 10 and then get waiver and depicting how you would address the roots and that the real issue was maintenance. Concern was also expressed that this had never been reviewed by the Tree Board. Council agreed that maintenance appeared to be the bigger issue.

Public Hearing

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

1. Mr. Mike Curry. Mr. Curry, an 18 year resident, indicated tthat he maintains his hedges, has fought off the whitefly. He was upset that he had received a violation from the Village regarding his hedges over six inches. He thought the Villagle should help the citizens with the Whitefly problem. He also agreed that it was more about maintained than the height of the hedges.

Mr. Schofield explaiend that there is a grant program to help replace hedges due to White Fly that is administered by the Community Services Dept. He asked Mr. Curry to provide the Clerk with his telephone number and they would have Mr. Poag or a representative of the Community Services Dept. contact him..

2. Mr. Bart Novack. Mr. Novack agreed it was about the maintenance. He also felt they should address the setback from the property.
MW/McGovern - close

A motion was made by Councilwoman Gerwig, seconded by Councilman

McGovern, and passed (4-1) with Vice Mayor Greene dissenting, approving Ordinance No. 2015-01 with the minor changes that were presented.

8. REGULAR AGENDA

B. [14-1038](#) AUTHORIZATION TO AWARD A CONTRACT FOR THE PURCHASE AND DELIVERY OF 24 INCH PVC PIPE AND FITTINGS AND MECHANICAL RESTRAINING DEVICES

Mr. Schofield introduced the agenda item.

Mr. Riebe presented the staff report. He explained that this agenda item was for the purchase of materials to replace an existing water main within Little Ranches.

Council discussed this item and questioned whether the pipes could be buried and the cost, alternative designs, addressed residents' concerns about opening access to their neighborhood, the possibility of holding a town meeting to get input from all of the residents in Little Ranches, assurance that provisions were in place to lock the gates and fencing.

Public Comments

1. Jim Mantrozios. Mr. Mantrozios spoke in opposition to this project.
2. Jerry Spencer Mr. Spencer spoke in opposition to this project.
3. Tatiana Yaques. Ms. Yaques indicated that she was the volunteer attorney for Little Ranches and spoke in opposition to this project.
4. Denise Waller, Ms. Waller spoke in opposition to the project.
5. Dr. Kristy Lund. Dr. Lund spoke in opposition to the project.
6. Tom Kelly. Mr. Kelly spoke in opposition to the project.

Vice Mayor Greene read the following comments cards into the record. All cards indicated opposition to the project.

1. Rudy Ladicani
2. Alan Guerrero
3. Lauren Tharp
4. Pat Spencer
5. Steve Hainline
6. Toby Welsh

A motion was made by Councilwoman Gerwig, seconded by Councilman Willhite, and unanimously passed (5-0) to authorize the contract for the purchase and delivery of the 24 inch PVC pipe, with the understanding that the guardrail stays intact, the barbwire is intact and the security measures are in place.

9. PUBLIC FORUM

1. Bart Novack. Mr. Novack raised concerns about traffic safety at the high school, installation of A-frames regarding golf carts, questioned the amount of times Council was going to change the terms of the solid waste contract, problems with Channel 18, Village's health insurance plan, and support of purchasing Binks Forest Golf Course.

10. ATTORNEY'S REPORT

Ms. Cohen presented the following report::

1. Closing arguments were held in the preliminary injunction for the Polo West case which was denied because the Village could not show that the violations still existed on or just prior to the hearing. The Village's position was that they could not access the property to inspect. Court permitted them to access the property and the case is still pending. She pointed out that the horses and partitions had been removed, and it was represented to the Village that the maintenance building had been restored to its prior condition.
2. Regarding the Palm BEach Polo versus Chukker Holdings case, there was a Writ of Certiorari and an order to show cause. A motion was filed by Chukker Holdings to dismiss the case based on mootness and the Vilalge joined in that motion. Court ruled and denied the motion to dismiss so the Village Will prepare an order to show cause.

11. MANAGER'S REPORTS

Mr. Schofield presented the following report:

1. Mr. Schofield announced the next regular Council Meeting is scheduled for Tuesday, February 24th, at 7:00 pm in the Chambers.
2. He stated Village offices will be open for business on President's Day, Monday, February 16, 2015.
3. He congratulated the Public Works Department for becoming the only accredited Public Works Department in Palm Beach County and one of only 98 in the country. He stated in talking with the accreditation team, it normally takes four or five days to get through a municipality of this size and they completed it in about a day-and-a-half. He indicated the American Association of Public Works has adopted four practices used by the Village's Public Works Department as National Best Management Practices. He thanked Jessie Wright and Susan Trzepacz for the work they did.
4. He said they had a lengthy discussion at yesterday's Agenda Review on the solid waste contract/RFP. He stated he came away with the basic consensus to amend the experience requirement to one and one, but he needed formal direction at this time to make that change.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and passed (4-1), with Mayor Margolis dissenting, to amend the experience requirement to one and one for the solid waste contract/RFP.

12. COUNCIL REPORTS

Councilwoman Gerwig presented the following report:

1. Councilwoman Gerwig welcomed Councilman McGovern to the Council. She mentioned she had great respect for his wife, Michelle McGovern, for doing the yeoman's work of reorganizing the Education Committee and for what she has done on behalf of the children. She thanked Councilman McGovern for being a part of Council. Congratulate John McGovern. Great respect for wife yeomen works in reorgazning Education Committee.

Vice Mayor Greene presented the following report:

1. He welcomed and congratulated Councilman McGovern.
2. He indicated he would like to start talking about senior housing at the next

Agenda Review or following Agenda Review. Mr. Schofield indicated he had direction to bring some things back to Council. He stated he would invite the Planning Department and get an agenda out with their agenda packets.

•3. Vice Mayor Greene mentioned he had an appointment to make for the Charter Review noting that Michelle McGovern would be sorely missed. He said he has had some discussions and will be making a formal announcement or final decision on his appointment to that Committee within the next week.

4. Vice Mayor Greene announced he had attended the executive leadership breakfast for the American Heart Association. He mentioned Robbin Lee, the CEO at Wellington Regional, chaired the event, as they have taken a strong position in promoting heart health. He explained he was given a kit and some information to pass along to Human Resources, and he and Mr. Schofield had met with Ms. Kim Gibbons. He said the Village was doing most of what was already in place and that he would be very active in seeking members throughout the community. He indicated a heart walk was scheduled for September, which he will continue to promote along the way. He said with so many health initiatives, this is a benefit to their employees and community as well as a very important cause to him

Councilman Willhite presented the following report:

1. Councilman Willhite wanted Council to give policy direction on their parks staying open on holidays. Mr. Schofield stated the parks will be open. Councilman Willhite said he wanted to see a direction to make the parks open and available on every normal holiday when people are off work.
2. Councilman Willhite indicated he spoke a few meetings ago about bringing back the discussion to get some form of student government or debate team involved with the Council. He said he also talked about starting a Youth Committee to get the high school students to participate. He knows Civics 101 has done it in the past, but they need to come back a few times a year and sit up with Council as they talk about issues.
3. He wanted to see the senior house presentation that had previously been scheduled be presented to Council so that they can continue their discussion on that topic.
4. Councilman Willhite announced the seniors' luncheons have been relocated to the Village Gym. He asked Mr. Schofield to have a staff member at the Community Center to direct the seniors to the new venue.
5. He stated he did not get Channel 18 at his home, but Comcast had come out and he now gets it. He noted Channel 18 works in most homes with Comcast and it can be watched on Apple TV. Councilwoman Gerwig noted she just found out that Boca carried their community channel on AT&T, but she did not know why AT&T did not carry the Village's community channel. Councilman Willhite said they could check on that.
6. In response to an earlier comment, Councilman Willhite indicated the signals or flashing lights on Greenview Shores were not for the high school but for the elementary school around the corner. He stated he was worried about the students crossing, but State Law did not pre-empt the Village from putting crossings at high schools.
7. Councilman Willhite said he looked at the storm drain they were installing today off of Southfields Road. He stated it was a good project internally, as they did a lot of good work to get it done, and he thanked Mr. Schofield and staff.
8. He said at a previous meeting it was mentioned that Mr. O'Dell hired Lucido & Associates to work with staff. Councilman Willhite indicated the trails have been very important to him and he wanted to meet with this group. Mr.

Schofield stated he would set up a meeting.

9. He stated the Charter Review Committee asked for and was given a lot of information about equestrians. He thought this was good data for them to have, but it was the first time he was seeing it.

10. Although he had thanked them in person, Councilman Willhite publicly thanked the Public Works staff for their accreditation.

11. He did not think there was a formal ethics opinion given on a family member being on a board, a committee or an ad hoc committee. He thought maybe they needed to write a policy to make sure they were not precluding any family members or relatives from serving on their boards if it is not a conflict of interest. He thought they should get an opinion before their Ethics Officer leaves.

11. He wished everyone a happy President's Day.

12. He congratulated Councilman McGovern. He thought he would do a great job. He said he has known him for a long time. He believed his past work and his family would set him up for doing great work here. He appreciated his willingness to serve the community.

Councilman McGovern presented the following report:

1. He thanked the Councilmembers, Village Attorney and Village Manager for their support. He also thanked the other distinguished and very qualified applicants who applied for the Council seat noting he had encouraged them to continue to be involved in the Village. He indicated his policy is to always have an open door and to be available to speak to anyone at any time about the community he loves. He said his goal was to serve the community with one hundred percent dedication, to make every decision with great seriousness and open mindedness, and to preserve the way of life here and make it as great as it can be from now and on into the future. He thanked Judge Cohen and Mrs. Cohen for being there as it meant a lot to him. Councilman McGovern also appreciated the warm welcome he has gotten from everyone.

2. Regarding the Charter Review Task Force, he told Council on behalf of his wife and himself, while they understand she could have stayed on the Charter Review, Michelle thought it was important for her to step away from that so they could be totally unbiased and there would be no question in that regard.

3. He appreciated Council's comments and knows she will appreciate them as well. He stated Councilwoman Gerwig was particularly gracious, as they had a great time at the Great Charity Challenge which was a tremendous event. He congratulated all of the charities that participated in the event. He stated it was great to learn more about them and to encourage them to continue doing their great work not only in the Village but throughout Palm Beach County.

Mamyor Margolis presented the following report.

1. He congratulated Councilman McGovern on his appointment.

2. He understood Council made a decision on the solid waste contract, and asked if they were still under a cone of silence. Ms. Cohen stated that was correct, as the cone of silence became effective as soon as the RFP was issued on the Wednesday following their last Council Meeting.

3. He knew everyone on Council probably received a copy of publication with the "Can't We All Just Get Along" article. He stated if anyone thought they were the only Council who had disagreements, he would give them a copy of this publication because this goes across State of Florida. He said when you have very difficult decisions things can get heated.

13. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned.