

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, November 9, 2015

3:00 PM

Village Hall

Village Council Workshop

*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 3:00 p.m.

Council Members present: Bob Margolis, Mayor, John Greene, Vice Mayor, Matt Willhite, Councilman, Anne Gerwig, Councilwoman, John T. McGovern, Councilman.

2. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the Agenda for the November 10TH Council Meeting for discussion and review.

A. [15-668](#)

PRESENTATION BY LIZABETH OLSZEWSKI ON BEHALF OF HORSES HEALING HEARTS

Mr. Schofield introduced the item. This presentation is to present a five-minute presentation on behalf of Horses Healing Hearts.

Mayor Margolis requested to add an additional presentation for a long time PBSO employee, Jerry Nicholas who works in the Wellington district and who was recently diagnosed with brain cancer.

Council consensus was to add the item for Jerry Nicholas to the agenda as Presentations and Proclamations item 5B.

B. [15-268](#)

AUTHORIZATION TO UTILIZE A GENERAL SERVICES ADMINISTRATION (GSA) CONTRACT AS A BASIS FOR PRICING FOR THE PURCHASE OF A NEW TELEPHONE SYSTEM

Mr. Schofield introduced the item. This item is for the authorization to utilize GSA contract #GS-35F-0085U as a basis for pricing for the purchase of a new telephone system from Windstream Communications in the amount of \$197,534.82.

Mr. De La Vega presented the item.

Councilwoman Gerwig asked Mr. Silliman when the current telephone equipment was purchased. Mr. Silliman said that the current equipment was purchased in 2010 and the end of life cycle started in 2012 and the current software ended in 2015 and all the warranties and support services have ceased.

In response to Councilman McGovern's question regarding the life span of the new telephone system, Mr. Silliman explained that the promised life span was eight to ten years of use which was indicated on the warranty. The warranty would include parts and service and a yearly maintenance contract for support and upgrades.

Mr. Silliman provided details of the new telephone system's features and the benefits that the system would provide to all the Village offices. He explained that the equipment was selected due to: 1) the ease of use; and 2) the scalable nature that can go in four different directions if the Village decides to grow. He explained that the current telephone system was limited to thirty-eight

concurrent calls and the new telephone system allows up to one thousand calls concurrent calls along with a maximum of twenty thousand telephones and handsets and added that a computer would be able to be used instead of a hand set and the current usb telephone would not be needed. Currently, in order to use the telephone, staff's computer must be on and the employee must have logged on but with the new telephone system the telephone would always be readily available.

Councilman McGovern asked what the cost was for the current telephone system that was purchased in 2010. Mr. De La Vega explained that he did not have the information but would research it and provide Council with the information.

Mr. Schofield indicated that the item be postponed to the next agenda in order for staff to research the information requested and provide to Council. Ms. Quickel stated that the Finance Department was currently locating the information.

Councilman McGovern said that he did not feel that the item should be delayed and moved to the next agenda. He asked Mr. Silliman for the telephone system conversion timeline. Mr. Silliman explained that the conversion would occur the beginning of 2016, January or February. The latest projection would be for March due to upcoming holidays he was not sure of the availability of the engineers who would be providing assistance with the installation. Councilman McGovern asked if the entire installation of the system was included in the price. Mr. Silliman replied affirmatively and explained that the handout indicated the different phases that was part of the conversion.

Councilman Willhite asked Mr. Silliman for the length of time that the new telephone system would last and would the system have the availability for increased capacity, networks, buildable and other benefits in lieu of the need to purchase a new system in the future. Mr. Silliman explained that the reason for selecting the system instead of Cisco was the cost was less and he would not have to have two to three dedicated telephone staff members to work the system due to the high technical aspect. The claim of the telephone system that he was hoping to purchase was "simple but brilliant." He further explained that the system was scalable in many direction, the telephone servers could be built at no additional cost or licensing for the maximum use and they were purchasing the call center piece which would provide a log of who has been on a call, the length of time, amount of callers in que and run several reports and diagnostics in real time along with monitoring calls for coaching and training reasons and other capabilities. Outages due to lightning would not occur due to the old copper lines would continue to work and each Village site would run independently.

There were no changes recommended.

C. [15-822](#)

AUTHORIZATION TO USE A NATIONAL JOINT POWERS ALLIANCE (NJPA) CONTRACT AS A BASIS FOR PRICING FOR THE PURCHASE AND DELIVERY OF A CUES SEWER TV INSPECTION TRUCK

Mr. Schofield introduced the item. This item is for the authorization to use NJPA contract #022014-AMI as a basis for pricing, for the purchase and delivery of a CUES sewer TV inspection truck from Atlantic Machinery, Inc. in

the amount of \$179,500.

Mr. Riebe presented the item. He explained that a camera was hooked up to the sewer inspection truck which runs through all the sanitary sewer pipes to inspect for leaks and cracks. Both the vehicle and the camera have reached their life expectancy and have been a maintenance issue during the last two to three years because it was in the shop longer than in use.

Councilwoman Gerwig asked how many vehicles of this type the Village has. Mr. Riebe explained that the Village only had one vehicle. She asked if purchasing the vehicle was the most effective way for the Village to move forward. Mr. Riebe indicated that purchasing the vehicle was the most effective way because of the versatility and the vehicle was readily available.

There were no changes recommended.

D. [15-385](#)

RESOLUTION NO. R2015-91 (EMPLOYEE HEALTH INSURANCE)

A RESOLUTION OF WELLINGTON FLORIDA'S COUNCIL AUTHORIZING THE MANAGER TO (1) RENEW A MINIMUM PREMIUM AGREEMENT WITH CIGNA HEALTHCARE TO PROVIDE HEALTH INSURANCE TO ELIGIBLE EMPLOYEES, DEPENDENTS AND RETIREES; (2) RENEW EXISTING AGREEMENTS WITH CIGNA GROUP BENEFITS FOR LIFE, SHORT TERM AND LONG TERM DISABILITY; (3) CONTINUE WITH SELF FUNDED DENTAL INSURANCE UTILIZING DENTAL DECISIONS ADMINISTERED BY ANCHOR BENEFIT CONSULTING, INC.; AND (4) APPROVE HRA FUNDING FOR EACH ELIGIBLE EMPLOYEE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the authorization to (1) Renew an existing minimum premium arrangement agreement with CIGNA HealthCare to provide health insurance to eligible employees, dependents and retirees, at a cost of approximately \$4,641,621.24; (2) Renew an existing agreement with CIGNA Group Benefits for life, short term and long term disability at an annual cost of \$207,542.26, with no changes to premium or covered benefits; (3) Continue with self-funded dental insurance utilizing Dental Decisions administered by Anchor Benefit Consulting, Inc.; and (4) Approve HRA funding for each eligible employee at \$1065 per employee.

Ms. Quickel presented the item and introduced Mr. Bergstrom from the Gehring Group.

Mr. Christian Bergstrom from the Gehring Group provided an overview of the item. He explained that the current policy was a minimum premium arrangement, a hybrid of a fully insured and self-insured arrangement but in the State of Florida the arrangement was considered a fully ensured contract and the Village would not be in risk for any additional liabilities. He stated that the medical claims have increased significantly since the last renewal and his recommendation was to remain under the current minimum current arrangement because the liability was lower.

Councilman Willhite asked what the trend was for the increase of medical

claims. Mr. Bergstrom said that by comparing the past year to the current year, this year there were five claimants that exceeded one hundred thousand dollars and none during the past year and those claims were associated with prescription drug claims and new cancer treatment.

Councilman McGovern asked if the increase would be 17% if the coverage remained the same as it currently was. Mr. Bergstrom replied affirmatively.

Mayor Margolis asked if the coverage in the contract would remain the same; and the only change was the increase. Mr. Bergstrom replied affirmatively. He explained that his firm researched the market and all the other carrier's quotes with duplicate matching of the plans were higher.

Mr. Bergstrom explained that after negotiations Cigna reduced their increase from 34% to 17% after the negotiation process.

Councilwoman Gerwig asked if the Village would be paying a fine because the plan was a Cadillac plan. Mr. Bergstrom said that the Village currently would not have to pay a fine, but his office was monitoring the Cadillac tax applications. He noted that the issue was being discussed in Washington to stop the implementation in 2018 and they were optimistic.

Vice Mayor Greene asked if the reason for the increase in claims was basically due to five cases and prescription drugs. Mr. Bergstrom explained the cost of the new medications and treatments. He noted that they had favorable outcomes. They have noticed that the limitations that were in the plans in the past, because of the Affordable Act the limitations have been removed and the individuals were taking advantage of the change and having further health care delivered to them.

Councilwoman Gerwig asked if there was anything else that the Village could do to lower the premiums and to assist in the life style. Mr. Bergstrom said that they have introduced significant Wellness programs during the past year and the programs would be continued in order to obtain better outcomes. He stated that the changes take time and education.

Councilman Willhite asked when the last rate increase was for the employees. Mr. Bergstrom and Mr. Schofield stated that the employees have not had an increase in their premiums in a very long time. Councilman Willhite did not believe the Village could continue offering the same coverage at the same rates due to the escalating fees. He noted the 17% increase in costs, and felt that the increase would need to be staggered in order to offset the increase of the medical insurance costs. Ms. Quickel explained staff was currently discussing other alternatives as they started to plan for the following fiscal year's budget. Councilman Willhite stated that he would like to stay at a 10% increase, and although an increase was unfavorable to the employees it was the reality due to the increases; however, he did want the employees to have the medicines and treatment they needed. Mr. Schofield explained that one of the first things for the following year's proposal was to increase the deductibles in order to obtain a rate savings since all employees have the health saving accounts.

Councilman Willhite requested the item be moved to Regular Agenda due to the value and importance of the item and additional discussion was needed.

Councilman McGovern asked for the budgeted amount for the health insurance. Ms. Quickel explained that the total was \$5.6 million which includes the employee's contributions and the total renewal was a little over \$5.5 million for all the various coverages.

Councilman Willhite asked for an explanation of the 17% if staff estimated the increase to be at a 10% increase and the quoted amount was \$100,000 less. Ms. Quickel explained that other portions of the coverage; dental, life; short term and long term disability did not increase in the same manner as the health coverage.

Mayor Margolis asked how many employees and their families were covered under the current health insurance. Mr. Bergstron replied that 282 employees were covered by the under the current health insurance and gave provided a breakdown; 1) Employee only – 116; 2) Employee and spouse – 39; 3) Employee and children – 52; 4) Employee, spouse and children – 75.

Council consensus was to move the item to Regular Agenda.

Mr. Schofield stated that the item would be moved to Regular Agenda as item 8D.

E. [15-653](#)

RESOLUTION NO. R2015-84 (VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES AGREEMENT WITH THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT FOR ELECTION SERVICES WITH THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR THE 2016 MUNICIPAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of the Agreement between the Supervisor of Elections Office and Wellington for Vote Processing Equipment and Election Services for the March 2016 Election.

Ms. Rodriguez presented the item. She pointed out that this was a standard agreement that was provided by the Supervisor of Elections (SOE) to all the municipalities. She explained that there were several revisions that were made on the agreement. Since this is a presidential primary, the duties and responsibilities that were normally carried out by the municipality would be conducted by the Palm Beach County Supervisor of Elections. If there was a runoff election, the duties and responsibilities would revert back to the municipality.

Ms. Cohen provided insight of her conversation with the Supervisor of Elections regarding the composition of the canvassing board; the standard practice of canvassing votes used by other municipalities; the application of election laws to the municipalities that were expressly stated and if not expressly stated, the elections laws would apply as long as there was a charter provision stating the contrary

Mayor Margolis referred to page 190 under Section V, Indemnity, and said that

he read that if there was any negligence each party to the negligence would be responsible for their own negligence. Ms. Cohen said that was correct.

Mayor Margolis asked if there was a limitation for any government entity. Ms. Cohen said that it was not waiving sovereign immunity and the limits that were statutorily imposed would apply.

Mayor Margolis referred to the 2012 election, and if a problem occurred and the responsibility was other than the municipality, this did not indemnify them. Ms. Cohen said that the Village would still bear our own costs.

Mayor Margolis asked if the fault came from the SOE's office would there be a vehicle in place to obtain legal fees. Ms. Cohen said that the claim was brought against the Village and it was based on something that was the fault of the SOE's office, they would indemnify the Village up to the sovereign immunity limit. She not feel it would provide any reimbursement or indemnity that Mayor Margolis was referring to. She added that if the SOE was to be sued and was caused by negligence on the part of the Village, the Village would indemnify the SOE and vice-a-versa. Ms. Cohen said that reimbursement would not be provided for the municipality's fees incurred but was an indemnification provision. If someone was to sue the municipality and it was caused by the negligence of the SOE, then indemnification could be sought.

Mayor Margolis asked if the candidate would be able to sue the offending party for legal fees. Ms. Cohen said that she was not aware of any provisions under the law that would provide for attorney's fees in that instance but if the judge awards the attorney fees and the fault was of the SOE then potentially the Village would be able to seek indemnification.

Councilman McGovern asked Ms. Cohen if the Supervisor of Elections would serve on the Village's Canvassing Board, if necessary. Ms. Cohen said that she did not discuss that with Ms. Bucher, but her sense was that the Village did not want her to serve on the Village's Canvassing Board. Councilwoman Gerwig said that the Supervisor of Elections had previously served on the Canvassing Board. Ms. Cohen said it was her understanding that since 2012, the Supervisor of Election was not interested in serving on the Village's Canvassing Board and the Council was also not interested in having her serve. She noted that the Village's Charter does not even permit the Supervisor to be part of the Canvassing Board.

Councilwoman Gerwig stated that her understanding was that the SOE was the custodian of the votes and the ballots. She asked if the SOE would continue to handle that duty. Ms. Cohen said that she thought that the SOE would continue to handle the duty. Councilwoman Gerwig asked if additional fees were paid for the SOE's time in 2012. Mr. Schofield said that the Village was not billed for additional fees. Ms. Cohen said that the SOE could have billed the Village additional fees but she did not.

Councilwoman Gerwig asked Ms. Cohen for her suggestion if the Village did not have three members of the Canvassing Board for the runoff. Ms. Cohen explained that if the Village did not have the three members for the runoff it would depend on what happens with the ballot question. The reply from the Fifteenth Circuit was that they were not willing to have a judge serve on the Canvassing Board.

Councilman Willhite stated that staff needed to verify that the SOE was in agreement with the Charter Amendments' language revisions prior to Council voting on the item the following night. Ms. Rodriguez said that she would contact the SOE and provide Council with the results of her conversation.

Councilman McGovern stated that the last sentence on page 184 4.A.1. (b) written in purple, needed to be removed. Ms. Cohen indicated that she would remove the sentence and provide Council with the revised copy.

F. [15-746](#)

RESOLUTION NO. R2015-87 (NOTICE OF ELECTION)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL CONFIRMING THE DATE, TIME AND PLACE FOR THE ELECTION, AND RUN-OFF ELECTION, IF NECESSARY, AS WELL AS THE DATE, TIME AND PLACE FOR QUALIFYING FOR OFFICE; AUTHORIZING THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT ALL LOGIC AND ACCURACY TESTS FOR THE MUNICIPAL ELECTION; CANVASSING FOR THE MARCH 15, 2015 ELECTION; AND PROVIDING AN EFFECTIVE DATE.

This item is for the approval of a Resolution No. R2015-87 Noticing the Village of Wellington's Municipal Election.

Ms. Rodriguez presented the item. She indicated that the item specifies the seats that were open for election and qualifying period that starts on November 24th at noon through December 8th noon. At that point in time the name of the candidate would be submitted to the SOE. The resolution indicated the duties and the responsibilities of the SOE given that the election would be held during a primary presidential election. The resolution also specifies that it reverts back to the municipality for the runoff. She indicated that staff was asked to include the ballot questions that were being proposed.

Ms. Cohen stated that the ballot question could be changed regarding the Canvassing Board and if that were to occur the resolution would change. She suggested placing the ballot questions before the current agenda item.

Ms. Cohen explained that the ballot question from the prior agenda item and Public Hearing agenda item 7A Ordinance Approving Referendum Questions Amending The Village Charter would need to be revised and those revisions would need to be reflected on the current item.

Councilman McGovern suggested leaving the item in the Consent Agenda and passing the resolution in such a way that the language could be replaced with Council's passage under Consent Agenda and would make it self-executing.

Ms. Cohen said that Council would approve Consent Agenda with a caveat of the final ballot question outcome.

G. [15-800](#)

RESOLUTION NO. R2015-82 (PALM BEACH COUNTY SHERIFF'S OFFICE DISTRICT 8 WELLINGTON REQUEST FOR UTILIZATION OF LAW ENFORCEMENT TRUST FUNDS (LETF) FOR THE PURCHASE OF AN IN-VEHICLE SURVEILLANCE SYSTEM)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE PUBLIC SAFETY SUB-FUND BUDGET FOR FISCAL YEAR 2015/2016 BY COMMITTING MONIES FROM PRIOR YEAR REVENUES TO OPERATING EXPENSE FOR THE PURCHASE OF AN IN-VEHICLE SURVEILLANCE SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval of a request from the Palm Beach County Sheriff's Office District 8 Wellington for use of Law Enforcement Trust Funds (LEFT) for the purchase of an in-vehicle surveillance system and associated Budget Amendment #2016-005.

There were no changes recommended.

H. [15-810](#)

RESOLUTION NO. R2015-83 (DROWNING PREVENTION COALITION "BUCKS" CERTIFICATE PROGRAM)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE DROWNING PREVENTION COALITION OF PALM BEACH COUNTY TO PROVIDE FOR VOUCHERS FOR FREE SWIMMING LESSONS UNDER THE "BUCK PROGRAM" FOR FISCAL YEAR 2015-2016; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval of the FY16 Drowning Coalition "Bucks" Program.

In response to Mayor Margolis' question whether a representative from the Coalition would be providing a presentation, Mr. Schofield explained that there would not be a presentation at the following night's meeting although the coalition have provided Council with presentations in the past.

Councilman Willhite said that in the future he would like to see a representative from the Drowning Prevention Coalition provide a presentation in order to spotlight the program and provide an explanation of the benefits of the program to the community.

Council consensus was to have a representative of the Drowning Prevention Coalition provide a presentation of the program at an upcoming Council meeting.

Mr. DeLaney said that he would contact the representative and communicate Council's request.

Councilwoman Gerwig suggested having another presentation before school ends as a reminder of the importance of children knowing how to swim.

Mr. Eric Juckett said that the Coalition's representatives visit the schools on a monthly basis to explain to the children the importance of knowing how to swim. However, he would communicate Council's request to have the Coalition representative attend a future council meeting.

There were no changes recommended.

I. [15-745](#)

ORDINANCES APPROVING REFERENDUM QUESTIONS
AMENDING THE VILLAGE CHARTER

Mr. Schofield introduced this item. This item is for the adoption of ordinances approving referendum questions amending the Village Charter.

Ms. Cohen presented the item. She explained that the 15th Circuit has declined the request that they serve on the Village's Canvassing Board. She indicated a memo was sent to Council with some alternative language. With regard to the Canvassing Board ordinance, Council can leave it as it is, or choose one of the following options: (1) judge; (2) uneven person shall appoint one additional member from the community by a majority vote; and (3) two employees.

Councilman Willhite questioned whether the Village Attorney or Assistant Village Attorney could serve on the Canvassing Board. Ms. Cohen did not feel it was a good idea for a member of the Legal Department be a part of that Board especially since they would be serving as the attorney for the Council.

Councilwoman Gerwig said it was previously discussed, but wanted to bring up the idea of having the Special Magistrates on the Canvassing Board. Ms. Cohen said there was nothing in the Village's agreement with the Special Magistrate to compel them to serve in that capacity.

Ms. Cohen said if Council chose any of the options regarding the Canvassing Board, a second reading of the ordinance regarding would be required at the first council meeting in December because it represented a substantial change from first reading.

Mayor Margolis asked Ms. Cohen if the next election would not be handled by the Village's Canvassing Board. Ms. Cohen replied affirmatively and said that that would change if there was a runoff.

Councilman McGovern asked about Ms. Cohen's conversation with the County Commission regarding a Commissioner serving on the Board. Ms. Cohen said that Mr. Merriman felt they would probably be willing to do that; however, it would have to be brought to the Commission at their December 1st meeting.

Councilman McGovern asked Ms. Cohen asked for Council's direction whether to add the term; super majority versus; simple majority to the ordinance.

Mayor Margolis asked Ms. Cohen for a copy of the statute regarding the composition of the County's Canvassing Board. Ms. Cohen said that she would provide Council with a copy of the statute.

Ms. Cohen read the revision that she would add to the Canvassing Board regarding candidates not up for reelection who could make endorse other candidates and that if there was an odd number of members, a community member and an alternate would be designated twelve months prior to the election.

Mr. Schofield said that Council would have to make the decision at every

election cycle and they would need to decide who the fifth person would be.

Council consensus was to revise the ordinance and use the term “super majority”.

Councilman Willhite asked Ms. Cohen to present the summaries to the ballot questions. Ms. Cohen said that she would make the revisions to the text that was part of the Charter along with the ballot summaries and would provide the final format to Council for their review the following night at the Council meeting.

J. [15-747](#)

RESOLUTION NO. R2015-89 (SADDLE TRAIL PARK SOUTH PROJECT ASSESSMENTS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE SADDLE TRAIL PARK (SOUTH) NEIGHBORHOOD IMPROVEMENT PROJECT; EQUALIZING, APPROVING, CONFIRMING, IMPOSING AND LEVYING CERTAIN NON-AD VALOREM SPECIAL ASSESSMENTS ON THE REAL PROPERTY SPECIALLY BENEFITTED BY SUCH IMPROVEMENT PROJECT TO PAY THE COST THEREOF; PROVIDING FOR THE PAYMENT AND COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE METHODS PROVIDED FOR HEREIN AND PURSUANT TO CHAPTER SECTION 3, AS AMENDED, OF THE VILLAGE OF WELLINGTON'S CODE OF ORDINANCES AND APPLICABLE PROVISIONS OF CHAPTERS 170 AND 197, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Resolution No. R2015-89 Authorizing the Saddle Trail Park (South) Neighborhood Improvement Project and the Provision for the Special Assessment.

Mr. Riebe and Ms. Quickel presented the item. Mr. Riebe stated that the fences, median and the two entrances were removed from the project.

At Councilman McGovern's request, Ms. Cohen explained the process for this item.

Councilwoman Gerwig asked Mr. Riebe how it came to light that the Village had the wrong fire assessment information. Mr. Riebe stated that the information was self-reported and staff discovered the information was incorrect. Councilwoman Gerwig said that the Village found the error and the error was being corrected by conducting another hearing.

Councilman McGovern stated that the new hearing was being done based on an abundance of caution. Mr. Riebe said that the new hearing was the right thing to do. They wanted to make sure everything was done correctly and legally and staff's job was to safeguard the process and follow the law.

Ms. Quickel explained that initially staff proposed the project be budgeted by using a special assessment for the Saddle Trail homeowner's. She indicated that the special assessment would remain but the difference was that the

guarantee would be coming from the Village of Wellington which reduced the interest and the assessment rates.

Mr. Riebe explained initially the interest rate from the financial advisors was at 6.5% based on the project being self-funded by the property owners. Since the Village was currently participating the interest rate range was 3.5% to 4.5% and in the methodology report, staff was using the most conservative rate of 4.5% but the interest final rate would depend on the market at the time of obtaining the bonds.

Mayor Margolis asked for the cost savings per assessment. Mr. Riebe explained that the amount was significant; \$7.2 million versus \$6.1 million; the difference was in the amount of assessment not including the difference of the interest amount. He indicated that staff would provide Council with the information the following night at the Council meeting.

Councilwoman Gerwig asked if the people who had recently purchased their property have received a copy of the noticed assessment. Mr. Riebe explained that staff sent out letters, and the public notice has been listed in the newspaper twice.

Vice Mayor Greene explained there was not a seller's disclosure requirement. He further explained that there was no a requirement to advise the purchaser of a property that an assessment has been imposed. He indicated that there would be a separate form that the seller would have to provide in the case of an assessment but he would have to research the issue but not until the assessment was approved and was issued upon the property. Mr. Riebe added that currently the assessment had not been finalized and a lien has not been placed upon the property.

Councilwoman Gerwig asked if staff was tracking the community support for the project. Mr. Riebe explained that his department has not seen any significant outcry or difference from what transpired last April.

Councilman Willhite said that staff has not polled the community again. Mr. Riebe stated that staff had not polled the community again but they have not received information from any property owners who have changed their mind or wanted to vote differently. Ms. Cohen explained that earlier that day Mr. Meigs delivered a packet indicating the property owners who have changed their mind regarding the project since the original balloting but it seemed like the same packet was delivered at the prior public hearing.

Mayor Margolis said that in the past when the property owners voted in favor of project which entails a special assessment, the project moves forward. Mr. Schofield explained that there has been prior discussion regarding the votes and staff went through the balloting process. Any resident that did not turn in their ballot was counted as a "no vote". Furthermore, there was discussion about the property owners that changed their vote. Staff has been relying on the ballots and that was the process that would stand. Staff has not seen enough to indicate that the community does not support the project and Council has not provided direction for staff to do anything differently from what had already been done.

Mr. Riebe indicated that as of April 2015 the residents' results remained at 63%

supporting the project. The ballots were clear and were notarized.

Mayor Margolis indicated that the emails that Council has received were from people that indicated that they opposed the project; however, they do not live in Saddle Trail community and would not be affected by the assessment. Mr. Riebe explained that he had received that day an email from a resident who supported the project.

Vice Mayor Greene said that after the project was completed the property values would rise by 15% to 20% in the community and that a seller would recapture the assessment fee with the sale of the home.

Mr. Riebe mentioned that the community would have a shell rock bridle trail along the roads after the project was completed. None of the communities have that type of bridle trail.

Ms. Cohen stated that she received an email from Mr. Joseph Rice who said that he opposed the project and his comments were included in the packet that was provided to Council.

Mayor Margolis asked what was triggering the property owners changing their minds. Mr. Riebe explained that in April, staff had a special meeting with the neighborhood due to them receiving a large amount of misinformation and statements that were made that were not factual. He said that based on staff's observations, there was a grass roots group that was opposed to the project and they have blanketed the neighborhood and have been able to get some of the property owners to change their mind. He indicated (and showed) that several names of the list indicated a change and were currently indicative of their opposition towards the project; However, after staff contacted them, they said that they had not changed their mind and they were very surprised that they were on the list.

Mayor Margolis stated that some of the property owners had Mr. Rosenbaum serve as legal representation at the meeting. He asked if he was still presenting them. Ms. Cohen stated that Mr. Rosenbaum was still representing the Biggs family.

Councilman Willhite stated that Council needed to address and discuss the EZOD erosion situation and to include the surrounding developments, especially the development where residents were requesting pavement on the roads, bridle trails, potable water, fire safety and other benefits. He said that he did not want to take away an opportunity for the residents of 120th Avenue South to have a Bridle Trail and just move forward and pave the road. This community was obtaining both items; 1) a bridle trail and 2) paved road and to be equestrian friendly and have barns, large farm lots, and access to the equestrian areas and connectivity to the other bridle trails and a bridle trail within their own neighborhood.

Vice Mayor Greene said that different bridle trail designs have been presented and the feedback that he has received on the multi-path was that it would be going along the C-23 canal and Palm Beach Point. The path would be on the side where the homes were at and the bridle trail for the horses was closer to the canal. He said that the fear was that if a horse gets spooked it could accidentally go into the canal and due to that fear, the path and the trail should

be reversed. Mr. Riebe explained that the Engineering Department staff discussed the scenario that Vice Mayor Green mentioned and he indicated that the path was for pedestrian and bicycle use only.

Councilman Willhite stated that the sign indicating “no bicycles allowed” needed to be removed. Mr. Riebe explained that the engineering staff took the scenario to the Equestrian Preserve Committee (EPC) after lengthy discussion and asked for their preference. The reply from EPC was that it would be better to have the children and the bicycles further away from the canal in order to protect the human beings. The horses would be on the canal side knowing that if the horse gets spooked it could travel from the bridle trail to the multiuse path since there was not a fence separating both paths. Mr. Riebe emphasized that mini bikes were not allowed on either of the paths because that was illegal.

Mayor Margolis asked if there were any other neighborhoods in the EZOD that were requesting that their roads be paved. Mr. Riebe said that he had not received any requests.

Councilwoman Gerwig said that there were random lots on the other side of Saddle Trail that have contacted her and have expressed that they were in favor of having their roads paved.

Vice Mayor Greene asked how soon the Village would need to move forward with the project in order to obtain the listed interest rate. Ms. Quickel explained that if Council approved the project at the following night’s Council meeting, staff would move forward with the next step in the process and Mr. Riebe and staff would commence with the issuance of the RFP which would take them to the early spring of 2016. The interest rate was not currently locked in but the process would run parallel with the issuance of the RFP.

There were no changes recommended.

K. [15-811](#)

RESOLUTION NO. R2015-90 (EXPRESSING INTENT TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR THE VILLAGE OF WELLINGTON SADDLE TRAIL PARK (SOUTH) NEIGHBORHOOD IMPROVEMENT PROJECT)

A RESOLUTION OF THE VILLAGE COUNCIL FOR THE VILLAGE OF WELLINGTON EXPRESSING THE INTENT OF THE VILLAGE OF WELLINGTON TO USE THE UNIFORM METHOD OF COLLECTING NON AD VALOREM ASSESSMENTS AS AUTHORIZED AND PERMITTED BY SECTION 197.3632, FLORIDA STATUTES; EXPRESSING THE NEED FOR THE LEVY OF NON AD VALOREM ASSESSMENTS AND SETTING FORTH THE LEGAL DESCRIPTION OF THE REAL PROPERTY WITHIN THE VILLAGE OF WELLINGTON'S JURISDICTIONAL BOUNDARIES THAT MAY BE SUBJECT TO THE LEVY BY THE VILLAGE OF WELLINGTON OF NON AD VALOREM ASSESSMENTS.

Ms. Cohen introduced this item. This item is for the approval of Resolution No. R2015-90 (Expressing the Intent of the Village of Wellington to Use the Uniform

Method of Collecting Non-Ad Valorem Assessments for the Saddle Trail Park (South) Neighborhood Improvement Project.)

Ms. Cohen presented the item.

There were no changes recommended.

L. [15-748](#)

RESOLUTION NO. R2015-88 (SADDLE TRAIL PARK SOUTH BOND ISSUANCE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL INITIALLY AUTHORIZING THE ISSUANCE IN ONE OR MORE SERIES OF NOT EXCEEDING \$5,820,000 BONDS TO FINANCE THE COST OF IMPROVEMENTS WITH RESPECT TO THE SADDLE TRAIL PARK (SOUTH) NEIGHBORHOOD IMPROVEMENT PROJECT; PROVIDING THAT SUCH BONDS SHALL BE PAYABLE SOLELY FROM SPECIAL ASSESSMENTS LEVIED BY THE VILLAGE PURSUANT TO RESOLUTION NO. R2015-88 ON CERTAIN PROPERTY AS DESCRIBED THEREIN AND OTHER MONIES AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES, AND REMEDIES FOR THE OWNERS OF SUCH BONDS; PROVIDING FOR THE CREATION OF SPECIAL FUNDS AND ACCOUNTS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

This item is for the Approval of Resolution No. R2015-88 Authorizing the Issuance of Bonds, not exceeding \$5,820,000, for the Saddle Trail Park (South) Improvement Project and Providing the Framework for the Bond Issuance.

Ms. Cohen presented the item and explained the process for the issuance of bonds for the project.

There were no changes recommended.

M. [15-815](#)

RESOLUTION NO. 2015-85 (SPECIAL USE PERMIT USPA INTERNATIONAL CUP POLO TOURNAMENT 2015)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A SPECIAL USE PERMIT FOR THE USPA INTERNATIONAL CUP POLO TOURNAMENT 2015 EVENT UTILIZING OUTDOOR AMPLIFIED MUSIC TO BE HELD AT 13444 and 13450 SOUTHFIELDS ROAD; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the Approval of Resolution No. R2015-85 Special Use Permit for the USPA International Cup Polo event utilizing outdoor amplified music on November 28, 2015 from 9:00 am to 8:00 pm.

At this point in the meeting Councilwoman Gerwig recused herself. She stated that the engineering firm that she works with handled the engineering work at

the site that was requesting the permit.

Mr. Basehart presented the item explaining the request for a Special Use Permit for the USPA International Cup Polo Tournament.

Vice Mayor Greene asked Mr. Basehart if staff was moving forward in assisting the applicant with the master plan amendment to obtain the legality of the access point off of Lake Worth Road which was used during events for egress and ingress access. Mr. Basehart replied affirmatively and explained that the applicant submitted a PUD master plan amendment to establish access and to abandoned portions of the limited access easement and establish access on Lake Worth Road. He explained that most of the culvert work has been completed and the only thing that prevents the clear access was the limited access easement. Only the horses and trailers enter via Lake Worth Road, the event attendees enter via Southfields but after the event everyone has the choice to use the exit that they would like.

There were no changes recommended.

N. [15-801](#)

RESOLUTION NO. R2015-81 (SPECIAL USE PERMIT FOR THE SMOKE INN WELLINGTON CIGAR LOUNGE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A SPECIAL USE PERMIT FOR BURN ANOTHER ONE, LLC D/B/A SMOKE INN WELLINGTON CIGAR LOUNGE OUTDOOR EVENTS UTILIZING AMPLIFIED MUSIC LOCATED AT 11924 FOREST HILL BOULEVARD, SUITE 7; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the Approval of Resolution No. 2015-81 Special Use Permit for the Smoke Inn Wellington Cigar Lounge for events utilizing outdoor amplified music to be held in the parking lot directly in front of 11924 Forest Hill Boulevard, Suite 7.

At this point in the meeting Councilwoman Gerwig returned and joined the meeting.

Mr. Basehart presented the item. He explained that this was the third year that they have asked for the permit and there has never been any complaint. Staff was approving the permits with conditions that were applied in the past.

Councilwoman Gerwig stated that she has received complaints regarding the cigar smell from nearby businesses but not regarding the event.

There were no changes recommended.

O. [15-841](#)

DISCUSSION OF VILLAGE MANAGER'S CONTRACT

Mr. Schofield introduced this item. This item is for discussion of the Village Manager's contract.

Ms. Cohen stated that on the first page of Exhibit A under Term of Employment the four (4) did not look like a four (4) because a portion was stricken, and asked Council to take note.

Councilman Willhite requested the initial chart with the lined items that listed items be included as part of the contract. Ms. Quickel said that she would provide Council with the chart.

Council consensus suggested a clause stating that the Village Manager should reside in the Village of Wellington.

Ms. Cohen stated that the revision would be the following: In the event the Village Manager changes residences during the term of the contract, the Village Manager agrees to live within the boundaries of the Village of Wellington.

Mr. Schofield explained that he did not have a problem moving to Wellington and when an opportunity arises to sell his current home in order to down size, he would do so and move to Wellington. He felt that the negotiated contract was acceptable.

Councilman Willhite stated that he made an addition to the contract that stated that the Village Manager's performance evaluation should be performed during the month of August which was prior to the budget season. He said that the same procedure needed to be added the Village Attorney's contract.

Councilman McGovern asked if there was going to be one reading on the item. Ms. Cohen replied affirmatively.

Mr. Schofield said that Ms. Cohen would change the language in the contract and provide Council with the revised copy at tomorrow night's council meeting.

Vice Mayor Greene asked if he or any of the council members provided Ms. Cohen with additional revisions and if she would be able to make the changes in time for the council meeting.

Councilman McGovern said that the only recommendation that he had was to cap the MIL and make the amount the same as all the other Village employees. Mr. Schofield said that his original proposal was to uncap both the PTO and MIL amounts. Councilman McGovern said that he would be satisfied with changing the base annual salary to \$225,000.00 in order to compensate the capping of the MIL amount.

Council consensus was to cap the MIL amount and revise the Village Manager's contract to indicate the base annual salary to be \$225,000.00 and provide a revised contract at tomorrow night's council meeting.

Ms. Cohen said that she took note and would provide Council with the revisions.

3. WORKSHOP

NONE

4. ATTORNEY'S COMMENTS

NONE

5. MANAGER COMMENTS

Mr. Schofield said that the agenda was light and he didn't have anything else scheduled for the current month. He said that there was only one meeting in December.

6. COUNCIL COMMENTS

Councilman Willhite reminded Mr. Schofield about agenda items regarding golf carts, mini bikes, senior housing and increase of fines.

Mr. Schofield said that those issues were part of his Weekly Issues Report and he would place them on the schedule.

7. ADJOURN

There being no further business, the meeting was adjourned.