

# **Village of Wellington**

*12300 Forest Hill Blvd  
Wellington, FL 33414*



## **Action Summary - Final**

**Monday, October 10, 2016**

**4:30 PM**

**Village Hall - Conference Rooms 1E & 1F**

## **Village Council Workshop**

*Anne Gerwig, Mayor  
John T. McGovern, Vice Mayor  
Michael Drahos, Councilman  
Michael J. Napoleone, Councilman  
Tanya Siskind, Councilwoman*

**1. CALL TO ORDER**

Mayor Gerwig called the meeting to order at 4:30 P.M.

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

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Esq., Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Rachel R. Callovi, Clerk.

**2. PLEDGE OF ALLEGIANCE**

Mayor Gerwig led the Pledge of Allegiance.

**3. REVIEW OF COUNCIL AGENDA**

Mr. Schofield presented the Agenda for the October 13, 2016 Council Meeting for discussion and review. He also introduced Shannon LaRocque, Utilities Director.

**A. [16-0458](#)**

PROCLAMATION PROCLAIMING OCTOBER 23-31, 2016 AS "RED RIBBON WEEK" IN THE VILLAGE OF WELLINGTON

Mr. Schofield introduced the item. This item is to proclaim October 23-31, 2016 as Red Ribbon Week in the Village of Wellington.

Mayor Gerwig announced the Girl Scout Troop would be attending the Council Meeting, leading the pledge, and providing a presentation before the meeting.

There were no changes recommended.

**B. [16-0581](#)**

USA FIELD HOCKEY ASSOCIATION 2016 NATIONAL FIELD HOCKEY FESTIVAL REQUEST FOR CO-SPONSORSHIP

Mr. Schofield introduced the item. This item is for the approval of the Palm Beach County Sports Commission request for co-sponsorship of the USA Field Hockey Association 2016 National Field Hockey Festival and authorization for the Village Manager to execute the sponsorship agreement.

Mr. O'Dell indicated the USA Field Hockey Association made the same request two years ago and he believed the attendance at the upcoming event would be greater than in the past.

Mayor Gerwig asked if the mall would partner with the Village for additional parking for the event. Mr. O'Dell stated the mall has provided overflow parking for other events in the past.

There were no changes recommended.

**C. [16-0431](#)**

FY 2017 KEELY SPINELLI GRANT AWARDS

Mr. Schofield introduced the item. This item is a presentation of the FY 2017 Keely Spinelli Grant Awards.

Mr. De La Vega explained all of the schools provide feedback during the application process for additional funding for the following school year as well as submit a data summary outlining the manner in which their funds were spent during the current year. He said the schools have until December 31, 2016 to use all of their funds and the invoices listing the expenditures are submitted to the Village. He indicated representatives from all the schools will be present at the Council Meeting.

There were no changes recommended.

**D.**      [16-0577](#)

MINUTES OF THE REGULAR WELLINGTON VILLAGE COUNCIL MEETING OF SEPTEMBER 13, 2016

Mr. Schofield introduced the item. This item is for the approval of the Minutes of the Regular Wellington Village Council Meeting of September 13, 2016.

There were no changes recommended.

**E.**      [16-0430](#)

AUTHORIZATION TO: 1) UTILIZE A NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS (NASPO) CONTRACT, AS A BASIS FOR PRICING, FOR THE PURCHASE OF CISCO UCS BLADE SERVER EQUIPMENT; 2) UTILIZE A NATIONAL JOINT POWERS ALLIANCE (NJPA) CONTRACT, AS A BASIS FOR PRICING, FOR THE PURCHASE OF ADDITIONAL BACKUP STORAGE EQUIPMENT; AND 3) DISPOSE OF AN EXISTING DATA STORAGE SERVER

Mr. Schofield introduced the item. This item is for the authorization to: 1) utilize NASPO contract 43220000-WSCA-ACS with Presidio Networked Solutions, as a basis for pricing, for the purchase of IT Blade Server with switching hardware equipment at a cost of \$125,696.09; 2) utilize NJPA contract #100614 with CDW-G, as a basis for pricing to purchase additional backup storage equipment at a cost of \$58,294.00; and 3) dispose of an existing data storage server, pursuant to Village disposition policy.

Mr. Silliman stated the physical Dell servers were currently reaching their end of life expectancy. He said the new equipment would assist in increasing the day-to-day usage, speed, and scalability as well as add real-time backup and recovery to the Village's network. He recapped the benefits: added storage, opportunity to grow and sustain for the future, support, virtualization, and the ability to make snapshots of the past should the Village encounter a virus. He explained the Dell servers that have not reached their life expectancy would be kept for virtual back ups and testing before placing patches or new programs on the live servers.

Mr. Silliman noted the amount was allocated in the budget for the purchase.

There were no changes recommended.

**F.**      [16-0472](#)

AUTHORIZATION TO UTILIZE TWO CITY OF WEST PALM BEACH CONTRACTS WITH HINTERLAND GROUP, INC. AND T.V.

DIVERSIFIED, LLC FOR LIFT STATION REPAIRS AND REHABILITATION

Mr. Schofield introduced the item. This item is for the authorization to utilize two City of West p[Palm Beach contracts with Hinterland Group, Inc. and T.V. Diversified, LLC for lift station repairs and rehabilitation services.

There were no changes recommended.

G. [16-0515](#)

AUTHORIZATION TO AWARD A TASK ORDER FOR ENGINEERING DESIGN SERVICES FOR THE WASTEWATER TREATMENT FACILITY BLOWER BUILDING AND ADDITIONAL DIGESTERS

Mr. Schofield introduced the item. This item is for the authorization to approve a task order with Kimley Horn and Associates, Inc. in the amount of \$149,750.000 to design a new blower building and additional digesters at the Wastewater Treatment Facility.

There were no changes recommended.

H. [16-0428](#)

AUTHORIZATION TO RENEW AN EXISTING AGREEMENT FOR LOBBYING SERVICES

Mr. Schofield introduced the item. This item is for the authorization to renew an exiting agreement with Coker Consulting to provide lobbying services to the Village in the amount of \$75,000.

Mr. Schofield indicated the firm and lobbyists have provided a very effective service for the Village and the increase in cost was for the upcoming Strazzulla wetlands and the Florida Department of Agriculture and Consumer Services best management practices projects. He thought a workshop in November would be helpful regarding the Stazzulla wetlands. Council agreed.

Councilman Napoleone asked if additional travel or miscellaneous expenses were included in the price. Mr. Schofield stated some minimal expenses were submitted for reimbursement and Mr. De La Vega would provide Council with those amounts.

There were no changes recommended.

I. [16-0432](#)

RESOLUTION NO. R2016-73 (WELLINGTON SENIORS CLUB AGREEMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A CONTRACT FOR SENIOR CITIZENS SERVICES BETWEEN WELLINGTON AND THE WELLINGTON SENIORS CLUB, INC.; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval of the Annual Agreement between Wellington and the Wellington Seniors Club, Inc. for FY 2016/2017.

There were no changes recommended.

- J.**      [16-0503](#)      RESOLUTION NO. R2016-70 (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 the item. This item is for the approval of Resolution No. 2016-70 for a 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.**
- Mr. Schofield stated this event has been held since 2013 and staff has not received any complaints.**
- There were no changes recommended.**
- K.**      [16-0523](#)      RESOLUTION NO. R2016-72 (SPECIAL USE PERMIT FOR THE JUST WORLD INTERNATIONAL FUNDRAISING EVENT)
- A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A SPECIAL USE PERMIT FOR THE JUST WORLD INTERNATIONAL FUNDRAISING EVENT UTILIZING OUTDOOR AMPLIFIED MUSIC TO BE HELD AT 3206 AND 3224 OLDE HAMPTON DRIVE ON JANUARY 13, 2017; AND PROVIDING AN EFFECTIVE DATE.
- Mr. Schofield introduced the item. This item is for the approval of Resolution No. 2016-72 Special Use Permit for the Just World International Fundraising Event utilizing outdoor amplified music to be held at 3206 and 3224 Olde Hampton Drive.**
- Mr. Basehart stated no complaints have been received in the past for this same request.**
- Mayor Gerwig encouraged everyone to visit the website and read about the event, since Just World International is a very good charity.**
- There were no changes recommended.**
- L.**      [16-0529](#)      ORDINANCE NO. 2016-08 (MIXED USE COMPREHENSIVE PLAN TEXT AMENDMENT)
- AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL; APPROVING A COMPREHENSIVE PLAN TEXT AMENDMENT (PETITION NUMBER 15-80 / 2015-47 CPTA) TO THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN LAND USE ELEMENT POLICY 1.3.25. MIXED USE; AMENDING THE REQUIREMENT FOR PARCELS WITH MIXED USE FUTURE LAND USE MAP

DESIGNATION, REQUIRING BOTH COMMERCIAL AND OFFICE LAND USE FOR MIXED USE PROJECTS MORE THAN 30 ACRES, DELETING THE 60 ACRE MAXIMUM LAND AREA AND REQUIRING FIVE (5) LAND USES FOR MIXED USE PROJECTS MORE THAN 60 ACRES; AUTHORIZING THE MANAGER TO AMEND THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval of Ordinance No. 2016-08, a Comprehensive Plan Text Amendment.

Mr. Basehart indicated the current item and the following item were companion agenda items and would be reviewed together. He stated the permitted land uses are: 1) Commercial; 2) Industrial; 3) Institutional & Public Facilities; 4) Residential; 5) Open space.

Mr Basehart noted a day care would be classified as an Institutional facility.

Councilman Drahos questioned why the applicant was asking for the change before providing further details on their upcoming project. Mr. Basehart explained the project and the plan could not move forward unless it was compliant with the code. He said the applicant has not reached their final design. Mr. Schofield explained the Village has been dealing with the property for the past fourteen years and has gone through several master plans, but they have not come to an agreement. He stated the current plans do not have staff's support and research has indicated the last thing needed on SR7 is more residential units.

Mayor Gerwig asked about the traffic approval. Mr. Basehart indicated the traffic approval was provided by Palm Beach County and the shelf life was one year, but it expired last August. He said all of the construction would need to be done by December 31, 2017 as per the Palm Beach County buildout requirements. He stated the applicant was working with the County to obtain an extension.

Ms. Cohen asked if the intent of the ordinance for the 25% minimum square footage was either for commercial or office. Mr. Basehart said no. He explained 10% of the project needed to be commercial use. But if there was more than 30 acres, the commercial use could not be for retail or office use. Ms. Cohen referred to page 124, paragraph 8, c3. Mr. Basehart stated the minimum building square footage allocation of 25% for commercial and 25% for office that shall be required for the commercial and office land use was correct, but a minimum allocation of 10% of the overall project was required to be designated as both commercial and office as noted in c2.

Councilman Drahos and Councilman Napoleone noted there was no minimum regarding open or green space requirements. Mr. Basehart indicated there has never been a requirement for that. Mr. Schofield explained commercial and industrial usually do not have open space requirements for parks and recreation, but the residential component does and they would have to meet that requirement -10 acres per 1,000 residents.

Councilman Drahos asked why an open space requirement could not be

added. Mr. Basehart explained the requirement was for a portion of the overall project, but the proposal designated a large 15 acre lake as open space. He stated he would provide Council with the updated plan that was submitted by the applicant.

Ms. Cohen noted both agenda items were of a Legislative nature and not Quasi-Judicial as marked on the cover sheet.

Councilman Drahos asked if a greater amount or percentage of open space could be required legally. Ms. Cohen said she was not sure. Mr. Basehart explained open space would be provided with any mixed use project that comes to the Village, because the applicant must meet the required number of uses. Ms. Cohen indicated the residential component currently has certain open space/recreation space requirements.

Councilman Drahos asked what the benefit would be to the residents and Wellington in regards to the change. Mr. Basehart explained the change would provide significant uses that were needed and not provided in Wellington today as well as an alternative housing style and a significant tax base increase.

Mr. Schofield stated Council was under no obligation to make either one of the changes. He thought the more flexibility the Village has with mixed use developments was an advantage, but staff could address the open space requirements if that is the direction Council would like to take.

Mr. Schofield explained additional residential development along the SR 7 corridor was not the direction the Village was moving, so he would not encourage additional residential development. He mentioned he met with the applicant and the purchaser several months ago and advised them the amount of units on the application was too much. He said in addition to the 434 units, a hotel and congregated living facility with the equivalent of 600 residential units would be placed in a small commercial space. Mr. Basehart stated staff advised the applicant when the request goes to public hearing, if the master plan is processed, staff's recommendation will be to have the commercial areas built first.

Mayor Gerwig asked if the County would grant them a 600 unit traffic standard. Mr. Basehart believed the County may grant the traffic standard, but it would cost the applicant significantly more than they want to pay.

Mr. Schofield said he and Mr. Basehart agree the amendments to the code and the comprehensive plan are workable and a good idea, but many problems with the site plan need to be worked out and staff will need to review if the code should remain in the current condition or be changed. He noted the Village has been working on several master plans since 2004 and the applicant was aware the current plan was not what staff was looking for due to several site conditions. He felt the conditions provided were reasonable for a mixed use plan in order to give the Village more flexibility with larger properties, but the specific project should be removed.

There were no changes recommended.

**M.**      [16-0532](#)

ORDINANCE NO. 2016-09 (MIXED USE PLANNED DEVELOPMENT DISTRICT ZONING TEXT AMENDMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL;  
APPROVING A ZONING TEXT AMENDMENT (PETITION NUMBER  
15-80 / 2015-46 ZTA) TO THE VILLAGE OF WELLINGTON LAND  
DEVELOPMENT REGULATIONS ARTICLE 6, ZONING DISTRICTS,  
CHAPTER 8 PLANNED DEVELOPMENT DISTRICT REGULATIONS,  
SECTION 6.8.7. MIXED USE PLANNED DEVELOPMENT DISTRICT  
(MXPDP); AMENDING THE REQUIREMENT FOR PARCELS WITH  
MXPDP ZONING DESIGNATION, DELETING THE 60 ACRE MAXIMUM  
LAND AREA AND REQUIRING FIVE (5) LAND USES FOR MXPDP  
PROJECTS MORE THAN 60 ACRES; PROVIDING A CONFLICTS  
CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING  
AN EFFECTIVE DATE.

**This item is for the approval of Ordinance No. 2016-09, a Zoning Text  
Amendment.**

**This agenda item was reviewed and discussed with the prior agenda item,  
Ordinance No. 2016-09 (Mixed Use Planned Development District Zoning Text  
Amendment).**

**There were no changes recommended.**

**N.     [16-0273](#)**

ORDINANCE NO. 2016-19 (AMENDMENT TO CHAPTER 2, ARTICLE  
IV, SECTION 2-198 "HEARINGS"; SECTION 2-199 "FINES;  
IMPOSITION OF LIENS"; AND SECTION 2-201 "SERVICE OF NOTICE;  
METHODS")

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL  
AMENDING CHAPTER 2, ARTICLE IV, AMENDING SECTION 2-198  
ENTITLED "HEARINGS"; AMENDING SECTION 2-199 ENTITLED  
"FINES; IMPOSITION OF LIENS"; AMENDING SECTION 2-201  
ENTITLED "SERVICE OF NOTICE; METHODS"; PROVIDING FOR  
CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR  
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Mr. Schofield introduced the item. This item is for the approval of Ordinance  
No. 2016-19 amending Sections 2-198 relating to hearings, Section 2-199  
relating to fines and Section 2-201 relating to service of notice methods for  
certified mail and publication to conform to Chapter 162.12, Florida Statutes  
and to clarify that Motions for Rehearing or Reconsideration are not permitted.**

**Ms. Cohen referred to the revised ordinance provided to Council regarding the  
rehearing. She indicated, Council's suggestion regarding the financial ability  
of the violator to pay the full amount of the fine not being a proper  
consideration for setting the amount of the fine was not one of the factors set  
forth under the Florida statutes, Chapter 162. She said the revision on page 201  
eliminates that as a factor for consideration.**

**Councilman Napoleone indicated the revision notes a reduction of the fine and  
not the amount of the fine. Ms. Cohen agreed.**



Mr. Schofield explained on a homesteaded property with a collection of liens was valid during the refinancing or sale of the property as per the provision of the statute.

Councilman Napoleone asked for the statute the Village was trying to mirror. Ms. Cohen indicated it was F.S. 162.09.

At this point in the meeting, information requested by Council for Agenda Item 16-0428 - Authorization to Renew and Existing Agreement for Lobbying Services was provided. Mr. Schofield indicated the amount Coker Consulting submitted for reimbursement during the FY2016 was \$285.79.

There were no changes recommended.

O. [16-0493](#)

ORDINANCE NO. 2016-22 (BOARDS AND COMMITTEES)

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, 2-292 ENTITLED "REMOVAL OF BOARD AND COMMITTEE MEMBERS"; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This item is for the approval on first reading of Ordinance No. 2016-22.

Ms. Cohen asked Council to review the ordinance on page 206, particularly the last sentence of Section 2, and compare it with the revised ordinance that was handed out. She explained the revision was to clean it up and add an additional basis for absenteeism: (V) absence resulting from events reasonably beyond the control of the board or committee member.

Vice Mayor McGovern asked if the chairman or the staff liaison makes the determination. Ms. Callovi stated the staff liaison makes the determination. She explained normally the committee member leaves a message stating they are not able to attend the meeting, which makes it very difficult to know if the absence falls under one of the four categories for unexcused absences. She mentioned, in the past, a board member called with a situation beyond his control, but the excuse did not fall under any of the categories. She said staff's decision was to make it an excused absence, since he could not control the situation.

Council agreed a follow up call to the member would be needed in order to classify the absence as excused or unexcused. Ms. Cohen stated the staff liaison would record the absence correctly and the member would need to call staff in order to provide the reason for the absence. She said the revision was up to Council to approve and address. She explained she was bringing the issue to Council, because of an issue that happened in the past.

Mayor Gerwig thought the council member who appointed the board member should be the person to make the removal. She said in the past she was not notified when a board member she appointed had an ongoing conflict. She felt staff needed to communicate these types of matters with Council.

Councilman Drahos assumed the Clerk would advise the councilmember if there was a problem with their appointee. Ms. Callovi indicated that practice was done in the past, but in 2014 the appeal process was removed and the ordinance was revised. She emphasized the importance of knowing if the absence is excused or unexcused. Ms. Cohen stated the Village revised the code provision several years ago after other communities were canvassed. She said Council could change the procedure if that was their desire.

Ms. Cohen noted the person who makes the final decision regarding the excused or non-excused absence would be the staff liaison. Council agreed the staff liaison would make the final decision regarding the absence and follow through as indicated in the policy.

Mr. Schofield suggested the staff liaison make the final decision after obtaining approval from the Clerk in order to obtain consistency across all boards and committees. Ms. Callovi recapped the current practice: If the board member does not attend the meeting and does not call, the absence is marked as unexcused unless the staff liaison hears from them. She was not sure if the staff liaison tries to contact them in order to find out the reason for not attending the meeting.

There were no changes recommended.

### **3. WORKSHOP**

None.

### **4. ATTORNEY'S COMMENTS**

Ms. Cohen mentioned each council member should have been contacted by Ms. Kelly regarding the shade session on October 25, 2016 at 6:00 P.M.

Mr. Schofield indicated Ms. Kelly was to contact council members regarding a Town Hall meeting with Commissioner McKinlay the evening of October 27, 2016. Ms. Kelly explained the topics to be discussed were surtaxes and the amendments on the November 8th ballot. She stated the entire community was invited. Vice Mayor McGovern thought Ms. Andrews from the School Board should be invited. Mayor Gerwig said the other members of the School Board should be invited as well. Mr. Schofield agreed.

### **5. MANAGER COMMENTS**

Mr. Schofield mentioned several months ago he spoke to Council about creating an ordinance to proactively deal with the medical marijuana topic. However, at that point, Council did not wish to proceed. He explained he received a request for the creation of the ordinance once again and was asking for Council's direction.

Council agreed to have Mr. Schofield move forward with the ordinance and bring back it to Council with different options.

### **6. COUNCIL COMMENTS**

None.

**7. ADJOURN**