

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, April 24, 2017

4:00 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 4:00 p.m.

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

Advisors to Council: Paul Schofield, Manager; Laurie Cohen, Esq., Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Chevelle D. Nubin, Village Clerk.

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. [17-1123](#) EMPLOYEE OF THE MONTH APRIL, 2017 – CINDY DRAKE

This item was heard after Agenda Item 5C "American Stroke Month" in the Village of Wellington.

4. REVIEW OF COUNCIL AGENDA

A. [17-1125](#) A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA RECOGNIZING AND CONGRATULATING GRACE BOSTWICK AND LAUREN ALLEN ON WINNING FIRST PLACE IN THE LOCAL CONTEST OF THE AMERICAN WATERWORKS ASSOCIATION'S "DROP SAVERS" WATER CONSERVATION POSTER CONTEST AND GRACE BOSTWICK FOR PLACING THIRD IN DIVISION 2 IN THE STATE CONTEST

Mr. Schofield introduced this item. This item is a presentation of a Proclamation to Grace Bostwick and Lauren Allen, local winners of the American Waterworks Association's "Drop Savers" Water Conservation Poster Contest. Grace Bostwick is also being recognized as placing third in Division 2 in the State Contest.

Ms. LaRocque gave an overview of the contest: 1) Proclamation is presented annually during the month of April; 2) One elementary school participated; and 3) Grace Bostwick won at the state level and will be recognized by the American Waterworks Association. She said during the following year, staff is anticipating having all of the elementary schools in Wellington be a part of the annual contest. She indicated both of the winners along with the school's principal will be in attendance at tomorrow night's Council meeting.

There were no changes recommended.

B. [17-1142](#)

A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA RECOGNIZING AND CONGRATULATING WELLINGTON HIGH SCHOOL'S STUDENT GOVERNMENT ASSOCIATION ON THE SUCCESS OF THEIR DANCE MARATHON

Mr. Schofield introduced this item. This item is a presentation of the Proclamation for Wellington High School's Student Government Association.

Mr. Barnes explained the Wellington High School Student Government Association has been invited to attend tomorrow night's Council meeting in order to accept the proclamation.

Mr. Schofield said that the font size on the proclamation will be reduced in order to have the entire proclamation fit on one page.

There were no changes recommended.

C. [17-1133](#)

A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA PROCLAIMING MAY 2017 AS "AMERICAN STROKE MONTH" IN THE VILLAGE OF WELLINGTON

Mr. Schofield introduced this item. This item is a presentation of a Proclamation proclaiming May 2017 as "American Stroke Month" in the Village of Wellington.

Mayor Gerwig asked if a representative from Wellington Regional Medical Center would be attending to receive the proclamation at tomorrow night's Council meeting. She explained they were recently designated as a Comprehensive Stroke Center.

Council agreed to have staff contact the hospital to have a representative accept the proclamation especially since the department was newly formed and very unique.

Mr. Schofield said staff would contact Ms. Lee, the Chief Executive Officer of the hospital.

There were no changes recommended.

At this point, Mr. Schofield introduced the Employee of the Month of April 2017 - Cindy Drake. This item is a presentation of the April 2017 Employee of the Month Award to Cindy Drake, Senior Code Enforcement Officer.

Mr. Schofield introduced Steve Koch, Code Compliance Manager.

Mr. Koch introduced Ms. Drake. He provided an overview of Ms. Drake's history, service with the Village and ongoing volunteer work. He noted that Ms. Drake has been an employee of the Village for almost 19 years and a true asset to the department and the Village.

Ms. Drake thanked Council for the workplace leadership, support and training provided to the code compliance staff. She said she was honored for being nominated Employee of the Month of April 2017. Council extended their congratulations. Mr. Schofield congratulated Ms. Drake for her professionalism and a job well done for such a long time.

Mr. Koch mentioned that Ms. Drake was very knowledgeable due to her being a past president of the Florida Association of Code Enforcement which was a great benefit to the Village.

Ms. Cohen commended Ms. Drake for an outstanding job on behalf of the Village.

Ms. Drake said her next step was to run for the position of Secretary for the American Association of Code Enforcement.

D. [17-1151](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF MARCH 28, 2017 AND APRIL 12, 2017

Mr. Schofield introduced this item. This item is for the approval of the Minutes of the Regular Wellington Council Meetings of March 28, 2017 and April 12, 2017.

There were no changes recommended.

E. [17-0767](#) AUTHORIZATION TO UTILIZE MULTIPLE CONTRACTS FOR THE PURCHASE OF INFORMATION TECHNOLOGY SYSTEMS EQUIPMENT

Mr. Schofield introduced this item. This item is for the authorization to utilize: 1) U.S. Communities contract #440000664; 2) National Joint Powers Alliance (NJPA) contract #100614-CDW; 3) National Intergovernmental Purchasing Alliance (NIPA) contract #130733; and 4) State of Florida, Department of Management Services (DMS) contract #43211500-WSCA-15-ACS, for the purchase of Information Technology systems equipment, as necessary, during FY2017, in the amount not to exceed \$121,000 (annual budgeted amount).

Mr. Silliman gave an overview of the equipment to be purchased: 1) Ipads; 2) laptops; and 3) desktops. He explained that purchasing was continuous and the cost of the items was budgeted. He noted some of the current desktops have been used since 2009 and several Ipads need to be replaced.

Councilman Drahos asked what was done with the old Ipads. Mr. Silliman said that he had several options: 1) AT&T could buy them back; 2) donate them as in the past; and 3) salvage and sell. He explained that once an Ipad is dropped or bent, it could not be replaced.

Mayor Gerwig said the Village has provided some of the equipment to different charities in the past, especially for the children in the hospitals to use. Mr. Schofield said the authorization to provide to the charities was currently in effect.

There were no changes recommended.

F. [17-0716](#) AUTHORIZATION TO UTILIZE A SOUTHEAST FLORIDA COOPERATIVE CONTRACT FOR THE PURCHASE AND DELIVERY OF SODIUM HYDROXIDE

Mr. Schofield introduced this item. This item is for the authorization to utilize a Southeast Florida Co-Op contract with Allied Universal Corporation, as a basis for pricing, for the purchase and delivery of sodium hydroxide in the amount of approximately \$32,000 annually.

Ms. LaRocque noted the sodium hydroxide was a standard used chemical.

There were no changes recommended.

G. [17-0717](#) AUTHORIZATION TO RENEW AN EXISTING CONTRACT TO PROVIDE LANDSCAPE MAINTENANCE SERVICES FOR UTILITY LIFT STATIONS AND POTABLE SUPPLY WELL SITES

Mr. Schofield introduced this item. This item is for the authorization to renew an existing contract with G&C Car Care, Inc., D/B/A Wellington Professional Lawn care, to provide landscape maintenance services for Utility lift stations and potable supply well sites Village-wide at a cost of \$31,800.

Mr. De La Vega noted that Wellington Professional Lawn Care has been doing excellent work for the Village, staff was very satisfied and there was no price increase since before 2014.

There were no changes recommended.

H. [17-0836](#) AUTHORIZATION TO AWARD A CONTRACT FOR THE WATER TREATMENT PLANT AERATOR REPLACEMENT PROJECT

Mr. Schofield introduced this item. This item is for the authorization to award a contract to Wharton Smith, Inc. for the Water Treatment Plant aerator replacement project in the amount of \$107,955.00.

Ms. LaRocque explained that the existing plant was nearing forty years old and the piece of equipment was a component of the lime softening plant which removes iron and hydrogen sulfite from the raw water. She noted the replacement of the piece of equipment was essential.

Vice Mayor McGovern asked if the cost of the equipment was included in the budget. Ms. LaRocque said that the cost was not included in the budget but the department's major maintenance fund would cover the cost involved.

Councilman Napoleone asked for the expected life span of the equipment. Ms. LaRocque said the life expectancy was 40 years and would exceed the life of the lime plant.

Vice Mayor McGovern asked when would the lime plant be replaced. Ms. LaRocque said the lime plant would be replaced within the next 10 years.

There were no changes recommended.

I. [17-0943](#) AUTHORIZATION TO UTILIZE A TERM CONTRACT WITH SEMINOLE COUNTY, FLORIDA FOR HYDRANT MAINTENANCE SERVICES

Mr. Schofield introduced this item. This item is for the authorization to utilize Seminole County term contract IFB-602347-15/GCM, with Hydromax USA, LLC, for hydrant maintenance services.

Councilman Drahos noted that he understood that a remaining balance in the amount of \$113,000 would be assumed in 2018 if the item gets approved.

Ms. LaRocque noted that hydrant system maintenance services are done annually. Mr. Schofield said that the Village works in conjunction with the fire department. Ms. LaRocque explained the Village has over 500 miles of underground pipe and thousands of valves, manholes and hydrants which make the maintenance very hard for staff to get to all of the sites to complete the maintenance. She noted outsourcing the service was very cost effective for the Village.

Vice Mayor McGovern asked Ms. LaRocque to explain the budget for the service. Ms. LaRocque explained that a portion of the maintenance would be done during the current year and additional maintenance the following year and afterwards, the services would be placed in the budget.

Vice Mayor McGovern asked for the annual budgeted amount for the service. Ms. LaRocque said the annual budgeted amount for the service is \$150,000.00. Mr. Schofield said that the amount was lower than having staff handle the work in-house especially since each and every fire hydrant must be opened and checked.

Vice Mayor McGovern asked if the amount of employees would be decreased if the service was outsourced. Ms. LaRocque said there was a large amount of work to be done and the amount of employees would not be reduced.

Vice Mayor McGovern said that the recurring expense for the services was \$150,000.00 and the amount would be placed in the utility budget going forward. Ms. LaRocque replied affirmatively and explained that the Village's utility system was aging which would require additional maintenance services.

Councilman Drahos asked what type of maintenance was done on an annually basis. Mr. Schofield said the hydrants were checked for fire flow which was a requirement in order to obtain fire and utility certifications. He indicated that some the hydrants in the Village have never been used other than from the annual testing but the service was required in order to maintain the Village's fire insurance at a lower cost.

Councilman Drahos asked if every hydrant is tested annually. Ms. LaRocque replied affirmatively and said that the annual testing is cost effective.

Councilwoman Siskind asked if an issue was found, the repair cost was not included in the listed amount of \$151,000.00. Ms. LaRocque replied affirmatively and said repairs would be handled in-house by Village staff and those funds were part of the operational budget.

Councilman Drahos asked for the current plan for hydrant maintenance since there was only \$38,000 in the budget. Ms. LaRocque said that the \$38,000 would cover the balance of the hydrants that needed to be maintained during the fiscal year that ends on September 30th.

There were no changes recommended.

J. [17-0942](#)

AUTHORIZATION TO UTILIZE A NATIONAL JOINT POWERS ALLIANCE (NJPA) CONTRACT FOR THE PURCHASE AND DELIVERY OF A CUES LAMP II LATERAL LAUNCH SYSTEM

Mr. Schofield introduced this item. This item is for the authorization to utilize NJPA contract #022014-AMI, as a basis for pricing, for the purchase and delivery of a CUES Lamp II lateral launch system from Atlantic Machinery, Inc. in the amount of \$89,450.00.

Ms. LaRocque said the equipment was an attachment to the television camera equipment that allows staff to video the underground sanitary sewer collection system. She explained the equipment was needed in order to be pro-active while investigating the various neighborhoods to ensure there were no lateral breaks and prioritize the Village's renewal and replacement cycles.

Councilman Napoleone asked if the Village currently has the equipment. Ms. LaRocque said that the equipment would need to be outsourced and was less costly to do in-house instead of contracting out.

There were no changes recommended.

K. [17-0969](#)

AUTHORIZATION TO UTILIZE A FLORIDA SHERIFFS ASSOCIATION CONTRACT FOR THE PURCHASE AND DELIVERY OF HEAVY-DUTY MOBILE GENERATORS

Mr. Schofield introduced this item. This item is for the authorization to utilize the Florida Sheriffs Association (FSA) contract #16-VEH14.0 as a basis for pricing, for the pricing and delivery of five (5) heavy-duty mobile generators, in the amount of \$154,500.00 from Kelly Tractor Company, and to dispose of surplus equipment pursuant to Village policies and procedures.

Ms. LaRocque explained that the generators would be used at high flow lift stations during emergency situations: loss of power and hurricane preparedness. The existing generators were developer contributed assets that were no longer serviceable and these would replace those.

Mayor Gerwig asked what was a developer contributed asset. Ms. LaRocque said when the developer built the lift station they provided the generators and currently these generators are very old.

Mr. Schofield said the generators were normal replacement items and are budgeted.

There were no changes recommended.

L. [17-0939](#) AUTHORIZATION TO AWARD A TASK ORDER, TO PROVIDE ENGINEERING CONSULTING SERVICES, FOR THE SUGAR POND AREA WATER AND WASTEWATER CONDITION ASSESSMENT AND INFRASTRUCTURE IMPROVEMENT EVALUATION

Mr. Schofield introduced this item. This item is for the authorization to approve a task order to Keshavarz and Associates, Inc., to provide engineering consulting services for the Sugar Pond Area Water and Wastewater Condition Assessment and Infrastructure Improvement Evaluation, at a cost of \$102,965.50.

Ms. LaRocque explained that staff was trying to be proactive in order to identify the neighborhood re-investment plan over the next 10 years for water and sewer. She noted that most of the Village's infrastructure was over 40 years old which was usually the time to start planning for the infrastructure's future renewal and replacement. She indicated that each study would take 4 to 5 months and the results should indicate that the current infrastructure would last for at least another 10 years, and staff's recommendation would be to delay the improvements for those 10 years.

There were no changes recommended.

M. [17-1079](#) AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT WITH ENVIRONMENTAL FINANCIAL GROUP, INC. TO CONDUCT A UTILITY RATE STUDY

Mr. Schofield introduced this item. This item is the authorization to utilize Palm Beach County contract #14-013/LAC with Environmental Financial Group, Inc., as a basis for pricing, to conduct a utility rate study in an amount not to exceed \$108,450.00.

Mr. Schofield explained the Village conducted the last comprehensive utility rate study in 2009.

Ms. LaRocque explained that standard procedures included conducting rate studies and analysis every 5 to 10 years and she felt that the present time was the appropriate time to move forward with the study since the economy was coming back, the utilities were self-financed, no tax monies were received and the utilities were totally based on user fees and charges. She said the report would include the following information: 1) historical billing consumption; 2) true cost of service; 3) revenue requirements to fund the 7-10 year capital program; 4) connection fees were adequately set for growth; 5) rate structures which included different tiers; 6) miscellaneous fees and charges; 7) connection fees.

Vice Mayor McGovern asked for the length of time to receive the results. Ms. LaRocque said the results of the study should be received in 5 months.

There were no changes recommended.

N. [17-1132](#) RESOLUTION NO. R2017-15 (13624 COLUMBINE AVENUE VACATION / ABANDONMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, VACATING AN 18 FOOT PORTION OF A 25-FOOT MAINTENANCE EASEMENT, APPROXIMATELY 1,278 SQUARE FEET, LOCATED ON LOT 22, BLOCK 29, SUGAR POND MANOR OF WELLINGTON PUD (13624 COLUMBINE AVENUE); AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Resolution No. R2017-15 to abandon/vacate an 18-foot portion of a 25-foot maintenance easement, approximately 1,278 square feet, located on Lot 22, Block 29, Sugar Pond Manor of Wellington PUD.

Mr. Basehart referred Council to pages 456 and 457 of the agenda packet which includes the survey and the site plan. He said the applicant's request was to add a pool and pool enclosure in the indicated area.

Mayor Gerwig referred to page 449 which includes an aerial picture of the property. She said that many of the houses on the block have a pool, and have abandoned the maintenance easements. Mr. Basehart said that those properties abandoned the easements prior to Wellington incorporating. Mr. Schofield said at that time abandonments were not required but a letter would have to be sent to Acme requesting the abandonment, and if there was no objection, the permit would be issued.

Mr. Barnes said that staff was working on a procedure for properties especially in the Sugar Pond area that have encroaching easements. The easements were in existence before Wellington incorporated, but the easements have not undergone a vacation or abandonment process. He noted that staff was in the process of creating a global approach to address those areas instead of having the owners request the change during the sale of the property.

There were no changes recommended.

- O. [17-1098](#) ORDINANCE NO. 2017-01 (AMENDMENT TO CHAPTER 36, ARTICLE II, AMENDING SECTION 36-21 ENTITLED "DEFINITIONS" AND AMENDING SECTION 36-22 ENTITLED "PROPERTY MAINTENANCE STANDARDS")

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING CHAPTER 36, ARTICLE II, AMENDING SECTION 36-21 ENTITLED "DEFINITIONS"; AMENDING SECTION 36-22 ENTITLED "PROPERTY MAINTENANCE STANDARDS"; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is the approval of Ordinance No. 2017-01 amending Sections 36-21 relating to definitions and 36-22 relating to property maintenance standards.

Ms. Cohen explained that the ordinance was amending Sections 36-21 relating to definitions and 36-22 relating to property maintenance standards.

Councilman Napoleone asked if there were any comments or reactions received from first reading. Ms. Cohen said she has not received any comments regarding the ordinance.

There were no changes recommended.

- P. [17-1077](#) AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE C-11 AND C-15 CANAL CULVERT CROSSINGS AND BRIDLE TRAIL IMPROVEMENTS

Mr. Schofield introduced this item. This item is the authorization to approve a task order to Mock, Roos and Associates, Inc. to provide engineering consulting services for the C-11 and C-15 Canal Culvert Crossing and Bridle Trail Improvements at a cost of \$49,522.00.

Mayor Gerwig said she would have to recuse herself from this item because the company she works for and owns one share of stock in, has outside contracts with Mock, Roos and Associates, Inc. However, nothing to do with this item. At this point, she left the room.

Mr. Barnes said that part of the brown trail was funded by a Florida Department of Environmental Protection Recreational Trails Program matching grant in the amount of \$200,000.00 and directed Council to the map on the screen.

Councilman Napoleone said the map that was shown was very useful. Mr. Barnes said staff would revise the agenda packet and add the map.

There were no changes recommended.

At this point, Mayor Gerwig rejoined the meeting.

5. WORKSHOP

None.

6. ATTORNEY'S COMMENTS

Ms. Cohen said she provided Council with a copy of a agenda item that she wanted to add to the agenda: Escrow Agreement - Winding Trails.

She explained that the agreement was part of the Tri-Party Agreement for the Winding Trails project which was previously approved by Council. She said the agenda item was for an escrow agreement with the title company to hold the deeds in escrow and record in the proper order and noted the attorneys for both parties have approved the agreement. She stated she would ask Council at tomorrow night's meeting to approve Mayor Gerwig executing the agreement on behalf of Acme.

Council agreed with adding the agenda item.

Mr. Schofield said the item would be added to the Regular Agenda as 8A and the current Regular Agenda Item 8A would change to 8B.

7. MANAGER COMMENTS

Mr. Schofield said he was prepared to provide Council with an update regarding the happenings of the Pine Tree Water Control District (PTWCD) as requested. He noted that the 270 day notice period that was provided to them last year, would soon reach the deadline. He explained that over the last several years there has been a growing sentiment within the PTWCD community to become self managed, where the votes are not controlled by a government entity, which can and does happen now. He explained that back in 2004, in the initial agreement with PTWCD, part of the agreement was that they would become a dependent special district and cease to operate as an independent district but the Board voted not to become a dependent district and wanted to stay independent. Mr. Schofield said over the last several years he has received a growing number of comments from the residents not from the Board, stating that they wish to become independent of Wellington and because of that request, staff has been moving down that path. He explained that during the past year, South Florida Water Management District (SFWMD) decided they were no longer going to pay their assessments that totaled \$50,000 and due to the change, there has been a great deal of discussion at the Board level, regarding staying with Wellington or not.

Mayor Gerwig asked Mr. Schofield to explain the issue regarding SFWMD and the change of the relationship with PTWCD which included not paying the assessments. Mr. Schofield said there were a number of complaints sent to the Governor's office. Those complaints were then sent to the SFWMD Executive Director who recognized that they were paying for assessments but were not receiving any benefits. At that point, SFWMD decided to move forward with not paying the assessments because paying the assessments was not a requirement and no recourse would be incurred especially since the Village was not able to foreclose on property that was owned by SFWMD and the U.S. Army Corp of Engineers. He explained that SFWMD provided notice to the Village earlier last year stating that they would not continue to pay the assessments but their communication regarding the issue was not received early enough to get the failure to pay into the PTWCD budget. The current year's budget indicates a transfer of money and Ms. Quickel will provide the exact details. Mr. Schofield said it was because of neighborhood activism that caused SFWMD to step out and no longer vote and his understanding was, that they would be stepping down from the Board at the upcoming election. He stated that the next election would be controlled by the people which are the residents that live there; the one acre, one vote process. He said in the past SFWMD at times have cast 3,500 votes but during the last couple of elections, they have cast a little more than 2,500 votes. He indicated there was one SFWMD employee on the Board. Mr. Schofield said there were several services that would continue to be provided when PTWCD separates from Wellington.

Mayor Gerwig said Wellington is a property owner in PTWCD but does not receive services or pay assessments. Mr. Schofield replied affirmatively and explained Section 24 is located in PTWCD and does not receive any services from PTWCD. He said the Acme water is stored in a storage and water filter area and placed back into an Acme canal, and because of that procedure, there are no benefits received from PTWCD and no assessments are paid to PTWCD.

Mayor Gerwig recapped: 1) The Village does not vote; and 2) SFWMD does not vote. Mr. Schofield said it was his understanding that SFWMD would no longer

be voting. He said when the new Board is in place, they could consider an amended agreement with Wellington and Acme.

Mr. Schofield stated the notice of separation was provided on October 26, 2016. The board was advised at that time that the regular municipal services the Village currently provides to everyone would continue which included mosquito spraying. He said that Wellington would consider maintaining their roads but a contract with PTWCD would be needed since the maintenance is the responsibility of the entity. He said if PTWCD wanted to enter into a contract, Wellington would agree. However, beyond that point, all the other services would be up to the residents, which is similar to any other neighborhood or a gated community which controls within their confines of the gates. He said he felt that the majority of the residents should receive what they want and he believes the change is the right thing for the PTWCD Board. He reiterated, if the circumstances change in the future, he will be happy to evaluate the situation and provide his recommendations to Council at that time.

Mayor Gerwig said the neighborhood is not gated and the roads are for public use.

Mr. Schofield said the roads are for public use but the maintenance is the responsibility of PTWCD because they are privately owned by each individual property owner.

Mayor Gerwig said the only exception is that the public could drive on the roads. Ms. Cohen replied affirmatively and explained that the roads were open to the public and one of the reasons that Wellington has been able to maintain the roads in the past was because Wellington identified the roads on the gas tax map and in the interlocal agreement with PTWCD. She indicated technically the lots go to the center of the road and she felt that Wellington should treat PTWCD as any other community with similar roads; the public is able to access the roads and the road maintenance is the community's responsibility. She said if Council is inclined to say that Wellington should continue to maintain the roads, her recommendation is for staff to handle that obligation via some sort of contract.

Vice Mayor McGovern asked staff for other similar neighborhoods that would serve as examples. Ms. Cohen said Via Toscana was a similar neighborhood. Mr. Barnes said there were other neighborhoods that were not gated and the roads were privately owned and within those communities, Wellington does not perform any maintenance. He noted the roads were accessible to the public for access, transportation and traffic circulation.

Mayor Gerwig said the roads that Mr. Barnes was referring to were all paved. Ms. Cohen said that the roads that Mr. Barnes was referring to, were not on Wellington's gas tax map.

Mr. Schofield said Rustic Ranches came to exist by taking advantage of a process that existed in Palm Beach County through the 60's, 70's and mid 80's, by means of an Affidavit of Exemption. By filing the affidavit, they were stating that they were not going to subject themselves to the county's normal subdivision regulations but they had to identify someone who would be responsible for maintaining the roads since the lots were five acres and the

properties end at the middle of the roadway. He explained currently there is one property owner where a portion of his property was taken off of the tax roll.

Mayor Gerwig said she spoke to that property owner. She explained that their title company accepted that roadway and have reached the conclusion that the property does belong to the property owner.

Mr. Schofield said the affidavit was very specific and states there was no recourse by annexation to Palm Beach County or Wellington for maintenance of the roads and drainage systems and suggested that Wellington could contract with PTWCD to handle the road maintenance.

Ms. Quickel explained Wellington entered into the interlocal agreement when PTWCD was considering becoming a dependent district and the requirement was to have a referendum vote. All of the landowners received the ballots and they all voted overwhelmingly against becoming a dependent district.

Vice Mayor McGovern asked if they would have moved forward with the referendum, would they have become a dependent special district similar to Acme. Ms. Quickel replied affirmatively.

Mayor Gerwig asked if the Wellington Council would have been their Board if they were a dependent special district. Ms. Quickel replied affirmatively.

Vice Mayor McGovern said the residents chose not to become a special dependent district by an overwhelming number of votes. Ms. Quickel replied affirmatively.

Ms. Cohen said that Wellington could take over their roadways but if that was done, Wellington would be taking away property from those lots and making the lots non-conforming lots. Afterwards, Wellington would have to go through the process of amending the neighborhood plan to account for that land, because the current neighborhood plan calls for 5 acre lots. She said that Council would obtain a fair amount of objections from the property owners because that was their property of which they own. She said the alternative was to: 1) continue to do road maintenance via a contract and have them remain on the gas tax map; or alternatively, 2) take them off the gas tax map and turn the responsibility to maintain the roads to the property owners. She indicated that is the method used in other communities that have roadways that are accessible to the public but owned by the property owners.

Vice Mayor McGovern asked how Wellington handled the issue in the past. Mr. Schofield said usually in gated communities, when developed, certain standards were put into place. Many of the council members live in gated communities and once you enter through the gates, Wellington does not maintain the roads, lights or drainage but the only thing that was maintained was the water and sewer systems. Vice Mayor McGovern said that Wellington does the mosquito spraying in the gated communities. Mr. Schofield replied affirmatively and said Wellington would continue to provide that service along with law enforcement services and code enforcement.

Mayor Gerwig said in times of emergency Wellington has managed drainage in gated communities and have assisted in significant ways. She explained that

she has spoken to several of the residents and asked if the other Council members have spoken to any of the residents.

Vice Mayor McGovern said that he spoke to one resident.

Councilman Drahos said that he has not spoken to any of the residents.

Mayor Gerwig said that the residents that she had spoken to felt Wellington was divorcing them.

Vice Mayor McGovern said that the process has been in the works for a long time period.

Mayor Gerwig replied affirmatively and stated during the current time is the only time that Council is able to share comments with each other due to the rules that govern their conversations. After meeting with several of the residents, the main benefit that they find to be important is the road maintenance which was a major improvement from the time that Wellington took over. She said other than that critical issue, she felt that they would be able to handle and manage everything else. She reiterated that the roads are used by the public and she uses them when she visits residents in that community.

Mr. Schofield explained during emergencies Wellington would be there as in every other neighborhood and if there was a need that they were incapable to handle, Wellington would be there to assist. During the last really big tropical storm Isaac, staff surveyed several of the gated communities in order to make sure that their structures were working and at one location, staff removed silt barriers that were obstructing the drainage. If there was an emergency, their Board and Council would have the authority to declare an emergency and staff would be there to assist because they were still Wellington residents and would obtain the same treatment as every other Wellington resident. He said that Wellington would not forget them.

Councilman Napoleone asked when is their election going to occur. Ms. Quickel said the next meeting and election will be held on June 19, 2017.

Councilman Drahos asked for the official date that Wellington is going to withdraw the relationship. Ms. Quickel said that the official end date expires on July 23, 2017. Mr. Schofield said Wellington will continue to provide all services through the end of September which is the end of the fiscal year. Ms. Quickel explained that the proposal discussed is to continue with the road maintenance through September 30, 2017 due to the gas tax list. The other two contracts in question were for the mowing and aquatic weed control. Both of those vendors have agreed to issue an amendment between the vendor and PTWCD under the same terms and conditions with Wellington. Several of the residents have spoken and stated that they wanted to address those services themselves. She noted that Ms. Cohen attended the last meeting and heard them speak about that issue. Originally, staff was thinking about transferring the contracts at the end of June and issue a new agreement effective July 1, 2017 with the same terms. She indicated the contracts could be continued until a different date.

In order to clarify, Vice Mayor McGovern asked Ms. Quickel if some of the

residents desired to manage some of the contracts themselves. Ms. Quickel replied affirmatively.

Councilman Drahos said Wellington's obligation ends on July 23, 2017 and the Village has met the notice requirements.

Councilman Drahos said PTWCD will hold their election on June 19, 2017 and it would be incumbent on them to issue some sort of proclamation on what they want to do. Afterwards, they can come to Wellington with their projected ideas. His concern is that staff wanted to formally extend certain obligations and not others. Ms. Cohen said that PTWCD will have to formally bring a request before Council to approve and no informal changes will occur.

Councilman Napoleone said he felt that Council should wait until PTWCD elects their new Board and have them communicate to Council what they want, if anything.

Mayor Gerwig said the residents have expressed to her that the roads are their main concern and she agreed that the Council should wait until the election since the Board would be the controlling member. She said that Council needs to be prepared for how much Wellington is willing to participate. She stated it was not fair to place the Wellington staff in certain types of situations and said if Wellington can collect the gas tax and perform the road maintenance, that would go a long way for those residents.

Councilman Napoleone said Wellington could collect the gas tax and maintain their roads only if that was what they wanted.

Mr. Schofield said if the Board wants to offer a contract, Wellington should consider the contract.

Vice Mayor McGovern asked Mr. Schofield what he meant by offering a contract and what would the terms be. Mr. Schofield said the road maintenance work would be done based on the gas tax list which would be the offer on the contract.

Vice Mayor McGovern said when staff says that they are going to put them on the gas tax roll, is that option provided to other HOAs in Wellington. Mr. Schofield indicated that there are some issues with some of the HOAs that have not been setting up the reserves needed. He stated units of development can be created for special assessments and once they have the assessments, then they would be able to be placed on the gas tax rolls but those mechanisms still need to be created.

Mayor Gerwig said that they could not go on the gas tax roll if they are a gated community. Mr. Schofield said if the community was gated, Wellington could enter into a contract. He said the problem with gated communities is the only way Wellington would accept a roadway from a gated community is if the gates were eliminated. For the communities that are open, a unit of development would be created and they would be assessed for the service and the cost would be part of each property owner's annual tax bill.

Vice Mayor McGovern asked how the gas tax procedure operates. Mr. Schofield explained if Wellington is responsible for certain roads, those roads

would be added to the gas tax roll but that would not happen until the unit of development was created. He said PTWCD is currently setup in the affidavit of exemption as a maintenance entity and has the authority to contract the services from anyone. He said Ms. Cohen would provide Council with additional information regarding the gas tax statute. Ms. Cohen said an entity would have to enter into an interlocal agreement with the municipality for dispersing those monies between the County and the municipality. Wellington was a party to that interlocal agreement for two taxable amounts and money was received from the gas tax and those funds could only be spent on certain things such as roadway maintenance. If a roadway is listed on Wellington's gas tax map, Wellington collects funds for that and is able to use the funds to make road repairs. This is what staff has been doing with Pine Tree Water Control District.

Ms. Cohen further explained that PTWCD has their own engineer, attorney and is its own independent special district similar to Northern Palm Beach Improvement District and Loxahatchee Groves. She noted that it is a separate, functioning independent district with all of the powers that entails. Wellington has been handling the administrative services which includes: 1) budget; 2) sending out notices for assessments; 3) transcribing the minutes; 4) coordinating the meetings; 5) creating and maintaining the website; 6) mowing; 7) aquatic weed control; and 8) road maintenance. These services were part of the interlocal agreement provided by Wellington with the expectation that PTWCD would become a dependent district, but that never happened. Afterwards, Wellington never reviewed the agreement or made a determination to terminate or continue moving forward. She noted recently, when the issue was brought to Council, Council made the decision to move forward and terminate the agreement. She stated that there has been a great deal of criticism towards Wellington from the PTWCD residents and they have made many statements stating that they do not want anything to do with Wellington. She said that at one point in time, Wellington's Manager may have stated that the Board was the entity that wanted to terminate the agreement with Wellington but what he really meant was the sentiment was from the residents.

Mr. Schofield said he wanted to be very clear about the statement, and said that the Pine Tree Board has not requested separation from Wellington but the growing sentiment for separation was from the majority of the residents that attend the meetings. He said that they were a self-governing group and they needed to have the opportunity to do so and not have a government agency attending their meetings and casting 2,500 votes against the residents' 150 to 200 votes. He indicated that the Village owns nearly 400 acres but does not cast votes to avoid controlling the PTWCD elections. He said when the new Board is seated they should be able to decide what type of relationship they would like to have with Wellington moving forward.

Ms. Cohen said PTWCD interviewed management companies that provide those administrative services that are currently provided by Wellington. She stated they would either hire one of the management companies or form a company among the residents to handle the administrative services. She noted the only hesitation that they had are the two contracts that Ms. Quickel mentioned earlier and the road maintenance. Ms. Cohen stated that Council would have to make a policy determination in regards to those issues.

Vice Mayor McGovern said that the road issues were PTWCD's largest expense. Ms. Quickel noted that currently the cost is not an expense item in their budget because Wellington has been providing the service. She stated PTWCD's upcoming budget concern is: 1) Total budget was \$120,000; 2) \$20,000.00 from reserves; 3) and \$100,000 remains. She indicated that in the past SFWMD paid \$50,000 annually but would no longer be paying the amount. Due to that issue, an emergency budget amendment was issued for an additional \$30,000 from the reserves in order to pay PTWCD's bills throughout the rest of the year. She noted the assessments that they would be voting on at the June 19, 2017 budget meeting for TRIM will increase significantly because of the lack of payment from SFWMD.

Vice Mayor McGovern asked for the increased amount that each resident would be paying. Ms. Quickel said the assessment would be double the amount that they have been currently paying.

Mayor Gerwig said they were currently paying \$85 per unit. Ms. Quickel replied affirmatively and said she anticipated the amount would be double.

Vice Mayor McGovern said the assessment rate to be paid would go from \$500 to \$1000. Ms. Quickel replied affirmatively.

Councilwoman Siskind asked for the amount of residents in PTWCD. Ms. Quickel noted the total amount of residents was less than 200 residents.

Mr. Schofield explained that the minimum lot size was 5 acres but there were other lots that were combined into larger properties.

Mayor Gerwig stated the Acme assessment was \$230 per acre. Mr. Schofield replied affirmatively. Ms. Quickel stated that they would be paying less than Acme.

Vice Mayor McGovern asked when did the vote take place to not become an dependent district. Ms. Quickel stated the vote occurred in 2005 or 2006.

Vice Mayor McGovern asked if the mechanism for PTWCD to vote to become a dependent district was still available. Ms. Quickel said that option was no longer available due to it being a legislative action that died due to the expiration date. She explained that Mr. Dunlap researched that option and he indicated that a special act from the legislature would be needed to start the process once again.

Mayor Gerwig said that the process was a one time offer. Ms. Cohen explained that special legislation was required.

Vice Mayor McGovern asked if there was an open window at some point in time. Ms. Cohen said they had needed to conduct their referendum by a time certain date but since they voted against the procedure, the window of time was closed. She delineated the process: 1) go back to the legislature and obtain a special act; 2) have a referendum; and 3) vote to become a dependent district. She noted, based on what she knows and seen, she does not think that would be successful.

Mayor Gerwig asked if all the residents needed to be in agreement. Ms. Quickel

said the majority of the residents would have to agree.

Mayor Gerwig said that a 298 District has the ability to piggyback Wellington's contracts. Mr. Schofield replied affirmatively and stated they can piggyback off of the contracts as any other government entity. He stated that staff and Council would know the direction PTWCD would be moving in after the June 19, 2017 meeting.

8. COUNCIL COMMENTS

Mayor Gerwig stated Dr. Akel from Perfect Smile Dentistry won a prize, a special plant, at the Families First for Palm Beach County Denim Day event. The event was held to bring attention and focus on Child Abuse Prevention during the month of April. She said it was a pleasure to have participated in the event and asked everyone to see the special plant which was gifted to the Village by Dr. Akel and located in the lobby.

Mayor Gerwig stated that Bill Klein said that he was willing to serve on the Citizens Advisory Committee for MPO.

Mayor Gerwig stated she spent the weekend at the MPOAC Institute and she felt that it was very important that we have a citizen on the committee. She said she was not sure why the Village does not have anyone on the Technical Advisory Committee. Mr. Barnes said that the past engineer was on the committee but he was not sure if the position has been filled. He said he would check further and report back to Council.

Mayor Gerwig further stated that she felt having a staff member on the committee was very important because the MPOAC controls the pots of money that the federal government allocates for transportation. She said that she brought back her binder in case anyone would like a copy of the material which was very interesting. She noted that the interstate transportation was built primarily for economic vitality and to secure our nation. They provide for the Village's pathways and Flying Cow Road was completed with grants and currently there were several grants for Wellington opened by TAP. In addition, Mayor Gerwig said that she felt that Mr. Klein would embrace the MPO Citizen training because he was very smart, was a retired engineer and as he said, he has time on his hands to embrace the information.

Council agreed to have Mr. Klein serve on the Citizens Advisory Committee for MPO.

Mr. Barnes stated staff would contact Mr. Klein and coordinate for the upcoming MPO meeting.

Councilman Napoleone stated there was a Shade Session tomorrow at 6:00 p.m. Ms. Cohen replied affirmatively and said the topic was the Bond Case.

9. ADJOURN

There being no further business for the Village Council to discuss, the meeting was adjourned at 5:22 p.m.