

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, August 7, 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 4:05 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; Aaron Dunlap, Esq., Assistant Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Chevelle D. Nubin, Village Clerk.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was said during the Budget Workshop meeting held prior to the Village Council Workshop.

3. [17-1369](#)

EMPLOYEE OF THE MONTH FOR THE MONTH OF JULY 2017

Mr. Schofield said he received a request from Maria Vallejo, Provost for the Western Campus of Palm Beach State College asking to make a brief presentation tomorrow evening regarding the new dental program. He said he would add the presentation to the agenda as item 6A.

Council agreed to adding the presentation to the agenda.

At this point, Mr. Schofield introduced the Employee of the Month of July 2017- Adam Watson. This item is a recognition of the July 2017 Employee of the Month, Adam Watson.

Mr. Schofield introduced William Silliman, CIO.

Mr. Silliman introduced Mr. Watson. He provided an overview of Mr. Watson's history, service with the Village and the outstanding work he provides. He noted that Mr. Watson started with the Village in 2014 and is known for his follow up procedures. He is currently providing assistance to the GIS department and works with a large amount of network and computer security issues. He said Mr. Watson was paramount to the Village.

Mr. Watson thanked Council and staff and stated he has enjoyed working for the Village during the past 3 years.

At this point, Council congratulated Mr. Watson for being the Employee of the Month of July.

4. REVIEW OF COUNCIL AGENDA

A. [17-1377](#) APPOINTMENT OF VICE MAYOR

Mr. Schofield introduced this item. This item is for the Appointment of Vice Mayor of the Village of Wellington.

Mayor Gerwig said the appointment is a two year appointment. Mr. Schofield said that re-appointment is needed every two years.

Vice Mayor McGovern said he will stay on if that is Council's wish.

There were no changes recommended.

B. [17-1380](#) MINUTES OF THE REGULAR WELLINGTON VILLAGE COUNCIL MEETINGS OF JUNE 27, 2017 AND JULY 11, 2017

Mr. Schofield introduced this item. This item for Council's approval of the Minutes of the Regular Wellington Village Council Meetings of June 27, 2017 and July 11, 2017.

There were no changes recommended.

C. [17-1026](#)**AUTHORIZATION TO RENEW AN EXISTING CONTRACT WITH WESTERN COMMUNITIES TRANSPORTATION, INC. FOR SENIOR TRANSPORTATION PROGRAM SERVICES**

Mr. Schofield introduced this item. This item is for the authorization to renew an existing contract with the Western Communities Transportation, Inc. for senior transportation program services in the amount of approximately \$68,000.00 annually.

Mr. Schofield noted there is a significant increase in the riders this year and his recommendation is to have staff review other options because in the future it could be more cost effective to provide in house service if multiple rides at the same given time is not occurring. He said the request is to increase the amount to \$90,000 annually for the next year.

Mayor Gerwig asked for the amount that comes from the Community Development Block Grant (CDBG). Mr. De La Vega said \$15,000 comes from the CDBG funding and explained the total ride increased to 500 rides during the fiscal year at \$20 a ride. During the current year the funding was short because staff was not able to account for the large increase of rides. The transfer of \$12,000 will occur within the Neighborhood Services Department from extra monies available to cover the short fall.

Councilwoman Siskind asked for the monthly amount of rides allotted to each person. Mr. Schofield said that each person is allotted 8 one way rides a month. Mr. De La Vega said the rides are monitored by the card readers located in each vehicle.

Councilman Drahos asked if the seniors are happy with the service and if staff has received any complaints. Mr. Schofield said he has not received any complaints. Ms. Edwards explained the seniors are extremely happy with the service and for many this service is their only source of transportation to doctors appointments. She indicated the need for 3 vehicles is necessary due to many multiple appointments occurring during the 8:00 a.m. and 10:00 a.m. hours.

Vice Mayor McGovern said the increase is a sign that the program is working.

Ms. Edwards said the weekly average amount of riders is 100 to 125 which is double from the past years.

Mayor Gerwig said that some of the other municipalities have been using Uber or Lyft to provide services to their seniors and asked if that was a cost savings. She noted the service is increasing, the riders are happy because they are familiar and comfortable with the drivers. Mr. Schofield explained a new Palm Beach County regulation states that the rides can be provided to people that do not require physical assistance and said he is not sure how the requirement will impact the program. Mayor Gerwig said if the rider needs a certain type of assistance, they qualify for the Palm Beach County transportation. Mr. Edwards said the Palm Tram provides transportation for persons with disabilities.

Councilman Napoleone said it is a great program but as the program continues to grow, staff needs to look into a more cost effective way to provide the

service. Mr. Schofield said staff is reviewing a solution and next year the comparative data will be included.

There were no changes recommended.

D. [17-1248](#)

AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE ENGINEERING CONSULTING SERVICES FOR BIG BLUE TRACE AND BARBERRY DRIVE LEFT TURN LANE AND CULVERT REPLACEMENT PROJECT

Mr. Schofield introduced this item. This item is for the authorization to approve a task order to Kimley-Horn and Associates, Inc. to provide engineering design and permitting consulting services for Big Blue Trace and Barberry Drive Left Turn Lane and Culvert Replacement project at a cost of \$81,062.50.

Mr. Schofield noted this was the second of the two projects and staff does not expect to start construction until summer of next year. The completion of the project will be prior to the start of the 2018 school year.

Mr. Barnes said the project will include work in the Big Blue Trace and Barberry Drive areas with roadway and turn lane improvements. Corrections to the edge of the pavement curbing from Silverbell Lane to Paddock will be included in order to accommodate improvements and discourage the use of the swale area for student dropoff, pick up and drive through.

Councilman Drahos asked if there was a bus stop in the vicinity. Mr. Barnes said there are multiple bus stops along Big Blue Trace and staff is working with the school district to try and have them use other areas; Latter Day Saints or St. Rita's church sites. He noted the school district is currently involved with the project and the current solutions because they are not able to accommodate anything on Wellington Elementary's property. He explained by adding the placement of the curbing as part of the design and construction, that will allow for the moving of the split rail fence located on the east side of Big Blue Trace within 2 feet of the curb which will prevent the use of the swale for vehicular use which currently is the biggest problem.

Councilman Napoleone asked if the scope of the project is the same as the current project on Big Blue and Wiltshire. Mr. Barnes said the project was different because the project will include a culvert and the upsizing of the existing culvert which will provide curb improvements. Mr. Schofield said the project was identified after Tropical Storm Isaac occurred because of the significant amount of flooding in the area and has been the most requested project in the budget after the storm.

Vice Mayor McGovern asked Mr. Barnes if the signage has been installed. Mr. Barnes said the discharge signage for the students and the markers to be located along the turn lanes will be installed before next Monday. Mr. Schofield indicated PBSO will be reminding the parents not to drop their children off in the middle of the travel lanes.

There were no changes recommended.

E. [17-1249](#)

1) AUTHORIZATION TO AWARD A CONTRACT FOR THE DRAINAGE IMPROVEMENTS FOR FOREST HILL BOULEVARD; AND 2) APPROVAL OF RESOLUTION NO. R2017-34 AMENDING THE BUDGET FOR THIS PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the authorization to award a contract to D.S. Eakins Construction Corp. for the drainage improvements for Forest Hill Boulevard in the amount of \$241,941.83, and approval of Resolution No. R2017-34 and associated budget amendment 2017-046 in the amount of \$242,000.

Mr. Schofield explained this was a sealed bid, low bid and the 3 low bidders are local vendors. Staff is recommending awarding the contract to D. S. Eakins Construction Corp. He noted the funding for the amended budget will not come from reserves but from the South Shore Boulevard project.

Councilman Napoleone asked for the timeline for the project. Mr. Schofield said the project will start in one month and will take one month to complete.

Councilman Drahos asked if there will be a significant amount of disruption within the area. Mr. Barnes said at times one lane will be closed. Mr. Schofield said the closure will not be as bad as the project next to the church was, but he felt one lane will be closed for the entire amount of time the project is being worked on. Mr. Barnes said he is confident the project will last only one month but that will depend on the weather conditions. The contractor usually stays on schedule and works very well with the Village.

Mayor Gerwig said she was in favor of the project just as long as the project is complete before the season. Mr. Barnes replied affirmatively and said staff's intention is to complete the project before the season starts.

There were no changes recommended.

**F. [17-1359](#) RESOLUTION NO. R2017-36 (FLORIDA POWER AND LIGHT
RIGHT-OF-WAY CONSENT AGREEMENT)**

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE RIGHT-OF-WAY CONSENT AGREEMENT BETWEEN WELLINGTON AND FLORIDA POWER & LIGHT COMPANY (FP&L) REGARDING THE USE OF EASEMENTS LANDS FOR BICYCLE AND PEDESTRIAN PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is the authorization to execute the right-of-way consent agreement between Wellington and Florida Power and Light Company.

Mayor Gerwig asked if a MPO grant was obtained for the path. Mr. O'Dell replied affirmatively and said the area was located underneath FPL's power lines.

There were no changes recommended.

**G. [17-1312](#) ORDINANCE NO. 2017-09 (DRIVE-THRU ZONING TEXT
AMENDMENT [ZTA])**

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING SECTION 6.5.19.1.4.c OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS BY PROVIDING ALTERNATIVE DESIGN STANDARDS FOR DRIVE THRU WINDOWS AND LANES WHEN FACING A RIGHT-OF-WAY AND ELIMINATION OF THE RESTRICTION OF A SINGLE DRIVE THRU FACILITY; PROVIDING A CONFLICTS CAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for staff's recommendation of the approval of Ordinance No. 2017-09 Drive-Thru Zoning Text Amendment to amend Section 6.5.19.1.4.c. of Wellington's LDRs by providing alternative design standards for drive-thru windows and lanes when facing a right-of-way and eliminating the restriction of only one (1) drive-thru facility per business.

Mr. Basehart said the ordinance will assist in solving multiple problems that have been created by the current restrictions: 1) disturbs traffic flow; 2) disturbs pedestrian access to buildings; and 3) disturbs the parking efficiency. Staff wants to keep up with the times and feels the change will make significant improvements on how the drive-thru lanes of the future will look.

Councilman Drahos asked if the project went through PZAB and not ARB. Mr. Basehart replied affirmatively and said any proposed commercial building will go through ARB.

Councilman Napoleone asked for the origin of the request. Mr. Basehart said staff recommended making the changes from the time they had the Starbucks issue. He stated another Starbucks application will be submitted soon for Village Green and if the change is not made, the parking for Trader Joe's could be a mess. By rotating the building and having the drive-thru facing the Stribling Way side, the site will work very well.

Councilman Drahos said he liked having the additional landscaping but the language states: fencing and/or any other alternative design approved by the Planning and Zoning Director. He asked for the reason the Planning and Zoning Director will have the authority to approve the application in lieu of the ARB. Mr. Basehart explained all drive-thru facilities require a conditional use approval which includes going to PZAB and Village Council but the design of the facility will be approved by the Director. Mr. Schofield said that applications will continue to go to PZAB and ARB which can recommend a change to the design solution developed between the applicant and staff.

Vice Mayor McGovern asked why the statement states that the Planning and Zoning Director can approve the design. Mr. Schofield said the statement was added in order to provide flexibility for any unique circumstances; best way to access or screen the building.

Vice Mayor McGovern said after the alternate design is approved by the Director, the application will follow the normal process. Mr. Schofield replied affirmatively. Mr. Basehart said if Council does not like the solution provided

by the Director, Council will have the ability to make changes at the Council level.

Mayor Gerwig said the changes made at the Council level will be by means of additional conditions added to the application. Mr. Basehart replied affirmatively. Mr. Schofield said if the applicant does not adhere to the conditions then the applicant's application will not be approved but the Village tries not to add unreasonable conditions to the applications. Mr. Basehart said there must be a rational relationship between the applicant and staff.

Vice Mayor McGovern said the revision will permit the restaurants to have 2 drive-thru lanes. Mr. Schofield replied affirmatively.

Councilman Napoleone said the application will have to go through the normal approval process. Mr. Schofield replied affirmatively and reiterated that Council has the ability to add conditions that they feel are appropriate for the project.

Councilman Drahos asked how did Starbucks obtain their approval for their drive-thru lane. Mr. Basehart said the location is part of a shopping center and under an old Palm Beach County code, the drive-thru was approved.

Councilman Drahos asked where will the drive-thru lanes be located at the new bank site. Mr. Basehart said he believed the lanes will be facing the road side.

Councilman Napoleone asked if there will be multiple lanes. Mr. Basehart replied affirmatively and said he believes there will be 3 lanes but they will be facing the interior side of the shopping center and not the road side as he indicated earlier. Councilman Napoleone asked if the location was zoned for a bank. Mr. Basehart explained since the area in question is part of a shopping center and approved by Palm Beach County, several modifications to the application have been done which included for a bank.

Councilman Drahos asked if the shopping center is going to be repaved. Mr. Schofield said he has mentioned the repaving issue to the owner on multiple occasions. Vice Mayor McGovern said he was advised that the repaving will happen after the current construction is complete.

There were no changes recommended.

H. [17-1374](#)

ORDINANCE NO. 2017-13 (AMENDING QUALIFYING PERIOD FOR 2018 MUNICIPAL ELECTION)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE DATE OF THE QUALIFYING PERIOD FOR THE 2018 MUNICIPAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Ordinance No. 2017-13 amending the date of the qualifying period for Wellington's 2018 Municipal Election.

Mr. Schofield said this is a request from the Supervisor of Elections in order to meet the statutory requirements for mailing out vote-by-mail ballots to be sent no later than 45 days before each Presidential Preference election, Primary election and General election; and to each absent uniformed services voter and to each overseas voter who has requested a vote-by-mail ballot.

Mayor Gerwig said the Village's ordinance mentions Presidential Preference Primary but that will not occur this time.

Ms. Nubin explained the Supervisor of Elections is asking the municipalities that have closer qualifying dates, to change the dates. She wants the municipalities qualifying period to end at a minimum of 60 to 70 days prior to the election. Normally, the Village's dates would be January 30, 2018 through February 13, 2018 but the dates being proposed are 12 noon on December 5, 2017 through 12 noon December 19, 2017.

Vice Mayor McGovern asked for the reason Ms. Bucher is requesting the change. Ms. Nubin indicated that Ms. Bucher said the change will help her meet her deadline of sending the vote by mail ballots overseas since she is under a statutory mandate to do that. Her feeling is the earlier the municipalities get the ballots to her, the earlier she can get all of the ballot information completed in regards to the candidates or ballot questions from the different municipalities. Vice Mayor McGovern said Ms. Bucher made the same request with the same time frame during the last municipal election.

Mayor Gerwig said that was a presidential primary election and the 2018 election is not.

Vice Mayor McGovern said it seems that Ms. Bucher's request will be done on a regular basis with the purpose of preparing the ballots for the mail. Mr. Schofield replied affirmatively.

Ms. Nubin said to date, only 8 out of the 29 municipalities have committed to changing their dates.

Both Mayor Gerwig and Councilman Napoleone asked what is the downside if the Village does not change the date. Ms. Nubin said if Council does not approve changing the election date, the Village will provide Ms. Bucher with the election information on Friday after the qualifying period ends; February 13, 2018 for the March 13 election.

Mayor Gerwig said the Village has a choice and even if the changing of the date does not happen, Ms. Bucher will still run the Village's election. Ms. Nubin replied affirmatively.

Mayor Gerwig said the Village's Charter says differently from her request. Mr. Dunlap indicated there is a statute that allows the Village by ordinance to change the date as per the request currently received by the Supervisor of Elections.

Mayor Gerwig said she wanted to be informed of what the other municipalities were doing. Ms. Nubin said she will contact the other municipalities and keep Council updated since several of them were still considering whether or not to make the change.

Mayor Gerwig asked if there will be early voting this year. Ms. Nubin said she will alert Council as soon as she receives the information.

Councilman Napoleone asked if there is an advantage of making the decision now or deciding later. Mr. Schofield said if Council adopts the ordinance and the qualifying period changes by over a month, it is better to give people as much notice as possible. Ms. Nubin explained the change will effect the dates of the ads for the notices of election.

- I. [17-1373](#) RESOLUTIONS ADOPTING THE BUDGETS AND ASSESSMENT RATES FOR THE ACME IMPROVEMENT DISTRICT, WELLINGTON SOLID WASTE COLLECTION AND SADDLE TRAIL PARK NEIGHBORHOOD IMPROVEMENT DISTRICT; AND RESOLUTIONS ADOPTING THE BUDGETS FOR THE LAKE WELLINGTON PROFESSIONAL CENTRE AND THE WATER AND WASTEWATER UTILITY.
- I. RESOLUTION NO. AC2017-05: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE DISTRICT BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN; LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE DISTRICT AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF THE DISTRICT FOR CERTIFICATION OF THE DISTRICT'S NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.
- II. RESOLUTION NO. AC2017-06: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE WATER AND WASTEWATER UTILITY BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018; AND PROVIDING AN EFFECTIVE DATE.
- III. RESOLUTION NO. R2017-37: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE SOLID WASTE COLLECTION PROGRAM BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AND LEVYING THE NON-AD VALOREM ASSESSMENTS FOR SOLID WASTE COLLECTION AND DISPOSAL WITHIN THE JURISDICTIONAL BOUNDARIES OF WELLINGTON; PROVIDING FOR RATES AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON TO CERTIFY THE SOLID WASTE COLLECTION NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.
- IV. RESOLUTION NO. R2017-38: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE LAKE WELLINGTON PROFESSIONAL CENTRE BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018; AND PROVIDING AN EFFECTIVE DATE.
- V. RESOLUTION NO. R2017-39: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE SADDLE TRAIL PARK NEIGHBORHOOD IMPROVEMENT DISTRICT NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN; LEVYING

OF THE NON-AD VALOREM ASSESSMENTS FOR THE AREA AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON FOR CERTIFICATION OF THE AREA'S NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Resolution numbers AC2017-05, AC2017-06, R2017-37, R2017-38 and R2017-39 as presented adopting the FY 2017/2018 budgets, assessment rates and appointing Mayor Anne Gerwig as the official authorized representative to certify the non-ad valorem assessment rolls.

Councilman Napoleone asked if the budget for Lake Wellington is the same as last year. Ms. Quickel noted the budget decreased slightly because the amount for the roof was included in last year's budget but the work has been completed.

Ms. Quickel said staff will provide a presentation regarding the 5 resolutions at tomorrow night's council meeting.

There were no changes recommended.

J. [17-1280](#) RESOLUTION NO. R2017-26 (FIVE YEAR CONSOLIDATED PLAN, ANNUAL ACTION PLAN AND CITIZEN PARTICIPATION PLAN)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND ADOPTING A FISCAL YEAR 2017/2018 THROUGH FISCAL YEAR 2021/2022 FIVE YEAR CONSOLIDATED PLAN, FISCAL YEAR 2017/2018 ACTION PLAN, AND CITIZEN PARTICIPATION PLAN, FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO PROVIDE THE PLANS TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This item is for the approval of Resolution No. R2017-26 approving and adopting a FY2017/2018 through 2021/2022 Five Year Consolidated Plan, 2017/2018 Action Plan, and Citizen Participation Plan for the Community Development Block Grant Program.

Mr. Schofield said the plan was an annual requirement due to CDBG funding received. He said the item was not a public hearing but a public comment agenda item.

Ms. Edwards explained HUD has determined that the Village qualifies as an entitlement recipient and is eligible to receive funds under the CDBG Program. As such, Wellington is required to submit a 5 year consolidated plan that sets the trends in terms of the needs of the community: 1) housing; 2) public services; and 3) economic development. She indicated that the document included in the agenda: CDBG Program, 2017/2018-2021/2022 Five-Year Consolidated Plan, 2017/2018 Annual Action Plan, Citizen Participation Plan, dated July 19, 2017 is very important for the Village and is an indicator of the different upcoming trends.

Mr. Schofield explained the funds are granted based on the population and income and for many years the Village signed over the funds received to Palm Beach County but later noticed that none of those funds were being spent in Wellington. The amount is just a little under \$300,000 but it takes a large amount of time and effort from staff to obtain the funds.

Ms. Edwards said during the current year the funds were reduced a bit because HUD wanted to take the funding away but the total amount to be received for the upcoming year is \$220,000.

Mr. Schofield mentioned the senior transportation, ADA compliant sidewalk connections to the roadways installed in the past, senior rehabilitation projects, youth programs and many other projects come out of the CDBG funds.

Mayor Gerwig said there are many different projects that can be done with the funds.

There were no changes recommended.

**K. [17-0971](#) AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE
HYDRAULIC MODELING SERVICES FOR A WASTEWATER
TRANSMISSION SYSTEM**

Mr. Schofield introduced this item. This item is for the authorization to approve a task order to Mock, Roos & Associates, Inc. to provide hydraulic modeling services for a Wastewater Transmission System at a cost of \$182,598.00.

Mayor Gerwig said she will have to recuse herself for this agenda item and the following agenda item since the firm that she works for has relations with Mock, Roos & Associates, Inc.

Ms. LaRocque explained the work will be for the wastewater transmission system and earlier this year Council approved a similar work order for the water system of which this agenda item is the companion. The work will: 1) help to proactively manage outages in the system; 2) look for inadequacies in the system; 3) assist with pressure issues; and 4) assist in evaluating the system as it relates to growth potential.

Councilman Napoleone asked if the system is similar to a software program. Ms. LaRocque replied affirmatively and explained the engineering firm will gather all of the record drawing information and develop the hydraulic model and calibrate it. She said this will be a tool that staff will use continuously to manage the utility.

Vice Mayor McGovern asked how long will the tool be good for. Ms. LaRocque said the service will never have to be done again and staff's job is to maintain and keep the information up to date and accurate. Vice Mayor McGovern said this will be a one time expenditure. Ms. LaRocque replied affirmatively.

There were no changes recommended.

- L. [17-1311](#) AUTHORIZATION TO AWARD ANNUAL CONTRACTS FOR: 1) CIVIL ENGINEERING; 2) TRAFFIC ENGINEERING; 3) WASTEWATER PROCESS AND RECLAIMED WATER ENGINEERING; 4) ELECTRICAL, INSTRUMENTAL, AND CONTROL ENGINEERING; AND 5) HYDROGEOLOGICAL ENGINEERING, AND RELATED CONSULTING SERVICES

Mr. Schofield introduced this item. This item is for the authorization to award contracts to multiple firms for: 1) Civil Engineering; 2) Traffic Engineering; 3) Wastewater Process and Reclaimed Water Engineering; 4) Electrical Engineering; and 5) Hydrogeological Engineering, and related consulting services.

Mr. Barnes said the results shown were based upon the selection committee's recommendations. Staff included the contracts and the annual hourly rate for each individual position in the firm for approval by Council.

Vice Mayor McGovern said this agenda item follows up the authorization to negotiate approvals that Council gave in June which was step 1 and this contract is step 2. Mr. Barnes replied affirmatively.

Councilwoman Siskind asked if the contracts are used on an as needed basis when certain projects come up. Mr. Barnes replied affirmatively and explained the open contracts are for individual project task orders but should any task order exceed \$25,000, staff will come back to Council for authorization. Mr. De La Vega said the list was not project specific.

There were no changes recommended.

At this point, Mayor Gerwig rejoined the meeting.

5. WORKSHOP

A. [17-1224](#)**AMENDMENTS TO LAND DEVELOPMENT REGULATIONS (LDR) - PHARMACIES**

Mr. Schofield introduced this item. This item is a workshop to review proposed amendments to the LDR to add provisions to the Supplemental Development Regulations for retail developments with respect to pharmacy facilities. Changes will limit commercial developments to no more than 1 pharmacy in any project and require that pharmacy facilities be a minimum of 10,000 square feet. These 2 limitations will not apply to properties located along State Road (SR) 7. Compounding pharmacies and pharmacy product distributors not open to the public will be exempt from the limitations.

Mr. Basehart said the latest status of the State of Florida Legislation regarding the regulation of medical marijuana dispensaries is that they have to be treated the same way as pharmacies. Staff is proposing limiting the pharmacies in the Village to a minimum of 10,000 square feet and 1 pharmacy per commercial development throughout most of the Village except, for pharmacies located along SR 7. He explained those pharmacies will not be limited to 1 per development and will not be required to be 10,000 square feet or more. Staff has exempted certain types of pharmaceutical facilities that do not serve the walk-in public. Furthermore he indicated, distributorship of medical supplies, medical equipment and medicines, one being in the industrial park would not be affected by the regulation because it does not allow for walk-in traffic. There are a couple of compounding facilities that actually make the drugs and are located within the industrial park and they will be exempted.

Mr. Basehart questioned after analyzing the ordinance, if a medical marijuana facility was looking to locate to Wellington where would they go; the answer will be SR 7 since it will be the only place they will be permitted to be.

Vice Mayor McGovern asked pursuant to the LDR, if you were in the mall complex along Forest Hill Boulevard and not on SR 7 will that not be allowed. Mr. Basehart said the way the ordinance is written, the pharmacy must be located and have direct access to SR 7 or within a commercial development on SR 7 that has direct access.

Mayor Gerwig said the exterior properties to the mall will be allowed. Mr. Basehart replied affirmatively and explained there was a family type pharmacy in the same MUPD as Whole Foods. They are less than 10,000 square feet but they will be exempt from the size requirement and will not be made non-conforming under the ordinance.

Vice Mayor McGovern said the current existing pharmacies are grandfathered in from this. Mr. Basehart replied affirmatively.

Mayor Gerwig said she still has a problem with the entire issue because the issue is still federally illegal but Council is passing the ordinance in order to comply with the State of Florida. Mr. Dunlap explained under Chapter 2017-232 permits all regulation to the state except for dispensaries and in that instance you can either ban them or regulate them the same exact same way that you regulate pharmacies. Those are the 2 choices.

Councilman Napoleone said he is not happy with the choices the Village is left with and does not like the fact that we have to currently regulate pharmacies

and the location of the dispensaries. He stated he does not want to ban them because the residents voted overwhelmingly to have access. He asked if there is an expectation that the Legislature will be reviewing the issue once again in January to make a change. He indicated if they will be making a change, Council can put a moratorium in place until the Legislature does something else and permit each municipality to regulate their borders. Mr. Dunlap said everything is currently up in the air because the legislative session will be held in January or February but this will be the last session available directly before the next election cycle. The session will be very interesting and will have a large amount of movement regarding a number of issues including the current issue or the session could be a very basic tentative session.

Councilman Drahos asked when is Council expected to vote on the current issue. Mr. Basehart said the ordinances have been drafted and if Council advises staff to move forward today, the process will start. He indicated the process will start with the information going to PZAB and afterwards to Council for 2 readings. Mr. Dunlap said the ordinance will go to PZAB in September. Mr. Basehart said possibly in October.

Councilman Drahos asked if Council decides not to move forward, what will the consequences be. Mr. Dunlap said if Council does not change the pharmacy regulations, the pharmacies can be located anywhere and at any location.

Mayor Gerwig said she felt that Council needed to move forward with this issue. Personally she has concerns about the Village residents getting something that they voted for. The only way to obtain the product is by means of delivery but the biggest model that she sees is that the business is all cash, banks will not accept their deposits unless the banks are not federally regulated banks because the issue is not federally approved. She stated that she felt the Village needed to move forward in order to protect itself and noted that Royal Palm Beach moved to ban the pharmacies. She said the Village can take the same path, a dual path or make a determination based on public input. She noted, currently the substance is available in oil form only. Mr. Dunlap said under the statute smoking is not considered medical marijuana and is prohibited. They cannot dispense loose leaf dry product and the product must be in pill form, oil form for vaping or if they go through the right food safety requirements they can provide it in food products.

Vice Mayor McGovern said those formats are currently subject to litigation that recently commenced.

Mayor Gerwig said those issues are being challenged.

Mr. Dunlap said the challenge started with the Morgan lawsuit regarding the prohibition of smoking.

Mayor Gerwig said with the delivery method in place, none of the residents will be denied from obtaining the product even if the Village places a ban, but a retail establishment with piles of cash will not be permitted.

Mr. Dunlap explained in current legislation there are incredibly strict comprehensive security requirements including the requirement of 2 people being onsite 24 hours a day.

Mayor Gerwig asked if the 2 people are required to be armed guards. Mr. Dunlap said that requirement is not specified but a minimum of 2 people have to be onsite 24 hours a day even when the building is closed. Mr. Basehart said there are hours of operation limitations.

Vice Mayor McGovern said there are many other requirements. Mr. Dunlap said there is a very comprehensive regulation schedule that was passed in the legislation.

Councilman Drahos asked Mr. Dunlap to provide Council with the schedule that was passed in a summary format.

Mayor Gerwig asked if the information is located in Chapter 2017-232. Mr. Dunlap replied affirmatively and said it was 48 pages long.

Vice Mayor McGovern requested a copy of the 48 pages. Mr. Dunlap said he will provide to Council.

Councilman Napoleone asked if the same advertising requirements are necessary for a ban, moratorium or for passing the ordinance. Mr. Schofield replied affirmatively and explained the ordinance include a change to the zoning code. Councilman Napoleone asked if the process can move forward faster. Mr. Schofield said no.

Mayor Gerwig said she felt Council should take a dual path and make a choice based on public input. She said she is interested in what the county is doing and they may be moving forward with an ordinance allowing it, which can take some pressure off of the Village since the product could be accessible within the county's borders. She asked staff to research the delivery method requirements. Mr. Dunlap explained the statute indications are: delivery is home delivery or transport because of a need to seal 24 hour real time tracking system involved that indicates where the product is at any moment during the day; when the product is transported for home delivery, the product is transported in a separate locked container in the delivery vehicle; there must be at least 2 people in the vehicle; one person has to stay with the vehicle at all times; the product is delivered to the door; and the only people that can received the delivery is the registered patient or one registered caregiver who are signed up through the state and listed in the State of Florida database.

Mayor Gerwig said it was not a simple process to have the product delivered. Mr. Dunlap said no it is not an easy process and the product cannot be sent via Fed Ex.

Councilman Napoleone asked Mayor Gerwig what she meant by dual path. Mayor Gerwig explained she meant having an ordinance that will ban the product and having an ordinance that will provide for the zoning. Mr. Schofield said he will have staff provide Council with both ordinances.

Mayor Gerwig said after speaking to the public and listening to resident input, Council can make a decision at that point. She noted that if Council does not make a decision we are leaving the Village wide open when they could have passed a moratorium. Mr. Dunlap said at this point in time, the moratorium would have been over and the Village would have been back to where it

started.

Mayor Gerwig said some communities are putting the ban in place and others are actively embracing the issue. Mr. Schofield explained part of the problem of not having the moratorium was because no one was sure that the legislature was not going to do it and then they went into a special session and did it weeks later.

Councilman Drahos asked if the ordinance is staff's creation or is the Village using a model from another community. Mr. Basehart said the ordinance was created by Village staff after reviewing the statewide ordinances, they came up with a solution that works best for Wellington. Mr. Schofield said part of the solution is that staff looked at how the vote went, the majority of the Wellington residents voted to allow it to happen. When staff started looking at locations, the most appropriate place appeared to be the State Road 7 corridor which is the commercial corridor. The corridor has the least impact on schools and houses, is accessible and is not in the middle of the neighborhoods.

Councilwoman Siskind said she felt that the ordinance is a really effective and innovative way to handle the situation.

Councilman Napoleone asked if there is a reason to have a ban versus a moratorium. Mr. Dunlap explained a moratorium is a defined time period.

Vice Mayor McGovern asked if the moratorium is still allowed under the statute. Councilman Napoleone said he was told that the moratorium is allowed.

Councilman Drahos asked if the ban is subject to a constitutional challenge. Mr. Dunlap said a ban is specially allowed.

Mr. Schofield said that a ban can be undone at any time. Mr. Dunlap said a moratorium will expire and depending on what does or does not happen with the session, the Village will either be back in the same situation where they currently are or possibly be facing certain restrictions on what can be done after the next legislative session. They can say: any municipality that has not acted yet, these are more restrictions on how to regulate versus currently having the opportunity to select.

Councilman Napoleone said that is the reason for not having a moratorium in the first place because the Village wanted to pass its own ordinance.

Mr. Schofield said at staff level it is preferred to not to have to regulate pharmacies either but that is the choice that the legislature has given us; no regulations; or the same and exact regulations that apply to a pharmacy. He said the ordinance comes as close to the requirements as possible while listening to what the residents are saying.

Mayor Gerwig said she and the manager are signed up to be at the League of Cities Marijuana Forum next week in Orlando. She hopes to hear of other innovative ways to move forward.

Councilman Drahos asked if staff advertises as an ordinance or a ban does

Council still have the flexibility to go to a moratorium in the future. Mr. Dunlap said all 3 would have to be advertised.

Councilman Napoleone asked if there is a downside to advertising all 3. Mr. Schofield said there is just the expense to run the ad. The longer the ad is the more expensive it will be. He said he is not concerned with the expense but getting the ordinance right.

Councilman Drahos suggested advertising the 3 options. Mr. Schofield recapped the items that will be advertised: 1) current ordinance; 2) prepare an ordinance for banning; and 3) prepare an ordinance for a moratorium.

Mayor Gerwig said she thought she heard that the state said no more moratoriums are allowed. Mr. Dunlap said he did not note that no moratoriums are allowed included in the current legislation but he will double check and report back to Council.

Mr. Schofield explained even if it turns out that the Village cannot do a moratorium, any ordinance that we write, that gets approved, banned or places a moratorium are all reversible because they are all done by ordinance. Once Council passes an ordinance with a land development regulation, staff will go back through the entire process including PZAB. He said the most sensible thing to do is to prepare all 3 and advertise them. Council will be able to select which to use.

Mr. Basehart said there is a forth option which is to do nothing.

Councilman Napoleone said doing nothing is not what this Council wants to do.

6. ATTORNEY'S COMMENTS

None.

7. MANAGER COMMENTS

None.

8. COUNCIL COMMENTS

Mayor Gerwig said the girl scouts will be here tomorrow night to provide the Pledge of Allegiance.

9. ADJOURN

There being no further business for Village Council to discuss, the meeting was adjourned at 5:20 p.m.