

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, October 23, 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.

Council Members Present: Anne Gerwig, Mayor; John McGovern, Vice Mayor, Michael Drahos, Councilman; Michael Napoleone, Councilman; and Tanya Siskind, Councilwoman.

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. EMPLOYEE OF THE MONTH**A. [17-1641](#) EMPLOYEE OF THE MONTH FOR THE MONTH OF OCTOBER 2017**

Mr. Schofield announced that Kristine Jarriel was being recognized as the Employee of the Month for October.

Mr. Bruce DeLaney said that he was proud to have Kristine as the Employee of the Month. He said she began her career in 2010 as a Part Time Recreation Assistant for Community Programs, was promoted several times and is presently a Project Manager in the Parks & Recreation Department. He expressed how valuable she is to the department and the Village noting the accomplishments she has made particularly in marketing and social media.

Ms. Jarriel thanked everyone for the recognition. She said that she was grateful for her position and the appreciation she has for the phenomenal staff she works with.

Mr. Schofield added that Ms. Jarriel is an integral part of the Village's Emergency Management Team.

Council expressed their thanks to Ms. Jarriel for her work.

4. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the Agenda for review and discussion.

A. [17-1640](#) PRESENTATION OF 2017 WELLINGTON TOP FIREFIGHTER AWARD

Mr. Schofield introduced the agenda item. This is recognizing the 2017 Top Firefighter of Wellington.

Mr. Barnes indicated that they have confirmed the recipient would be in attendance.

Vice Mayor McGovern asked if the Proclamation for the Wellington Seniors Club would be added to the Agenda.

Mr. Schofield indicated that the Seniors Club Proclamation would be added to the Agenda under Presentations and Proclamations.

B. [17-1652](#) MINUTES OF THE REGULAR WELLINGTON VILLAGE COUNCIL MEETING OF SEPTEMBER 26, 2017

Mr. Schofield introduced the agenda item. This is the approval of the Minutes of the Regular Wellington Council Agenda for September 26, 2017.

Mr. Schofield asked that Council advise staff of any changes that may need to be made.

C. [17-1537](#)**AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE HYDROGEOLOGIC CONSULTING SERVICES FOR GROUNDWATER MODELING SERVICES**

Mr. Schofield introduced the agenda item. This is the authorization to approve a task order to JLA Geosciences, Inc. to provide hydrogeologic consulting services for Groundwater Modeling Services at a cost of \$43,320.00. Mr. Schofield explained this was for some modeling for the well system which is needed to amend the South Florida Water Management District permit to increase the Village's allocation. He said that he was advised by Ms. Shannon LaRocque, Utilities Director, that the Village is coming close to the point where the amount of water that is being used requires an increase in the permit.

Mayor Gerwig said that the Village had discussed purchasing water from Palm Beach County last year. Ms. LaRocque said the Village has the opportunity to buy bulk water from the County which is not cheap; however, that is a remote back-up plan.

Ms. LaRocque advised Council that this is a standard course of business for the utility noting that they just need to increase the allocation as Mr. Schofield had indicated.

Councilman Napoleone asked if this would be sufficient when the Village has to supply water for additional areas in Royal Palm Beach. Ms. LaRocque said that was why this was being done. Mr. Schofield said that there will be things in the future planning where they are looking at changing some things internally and they would be required to do this as well.

Vice Mayor McGovern asked if the Village had ever done this before. Ms. LaRocque explained it is standard practice when a consumptive use permit is done. She noted the old permit used an outdated model that the District no longer accepts. Mr. Schofield added that the Village has done these in the past. He noted that the original water utility system was designed for a population of 45,000, but it was increased to 52,000. He said that currently the Village is designed for about 62,000 and based on things being added, the number could increase as high as 70,000. He said that whether they do it again depends on where the service boundaries end up.

There were no changes recommended for this item.

D. [17-1622](#)

AUTHORIZATION TO UTILIZE A MARTIN COUNTY CONTRACT WITH WHARTON- SMITH, INC., FOR HEADWORKS REPAIRS AT THE WATER RECLAMATION FACILITY

Mr. Schofield introduced the agenda item. This is the authorization to utilize Martin County Contract #RFB2015-2813 with Wharton-Smith, Inc., as a basis for pricing, for the headworks repairs at the Water Reclamation Facility in an amount not to exceed \$400,000.

Mr. LaRocque explained the headworks was the first stage in the process at the Water Reclamation Facility. She said that they have deteriorating concrete that needs to be fixed as it has been deemed unsafe for employees. In order to do that, she explained that they need to take part of the plant out of service which requires bypassing the plant. She further explained that it is a very coordinated, scheduled and careful repair which requires the contractor to be there 24/7. Ms. LaRocque said this item is in the budget and was originally part of the Water Reclamation Facility Expansion and Renewal and Replacement project; however, that project was taking longer than expected for the design. She noted that the original engineering firm had been terminated, and Kimley Horn took over the design which has been taking longer than anticipated. She said that she made the decision that they could no longer wait for that design to be completed because of the safety problem so they pulled this piece out of the package and will be doing it separately. She explained they went with the piggyback because of the emergency nature of the project noting that the contractor is very competent to do the work.

In response to a question raised by Councilman Napoleone as to the time of the repair, Ms. LaRocque said that it would take a little over a week to two weeks depending on how severe the deterioration is, but it will not affect the residents.

Councilman Napoleone then asked about the pricing with the Martin County contract. Ms. LaRocque felt it was fair as she had the engineer verify that the time allotted to the job and the repairs were in accordance with the Martin County contract. She said the Martin County contract was a man hour contract and they have proposals for materials noting the contract allowed for a 10% markup.

Vice Mayor McGovern asked if this work would it be incorporated into the later redo. Ms. LaRocque said that once it is repaired it is done.

Mayor Gerwig asked what was the cost difference in doing it now. Ms. LaRocque thought there was a slight premium because of the emergency nature, but it was not significant. She said it was in the same price range

that they would have expected if it had been rolled into the bigger package.

There were no changes recommended for this item.

E. [17-1624](#) APPROVE WELLINGTON WIZARDS RUGBY CLUB AS A RECOGNIZED SPORTS PROVIDER

Mr. Schofield introduced the agenda item. This item was the approval of the Wellington Wizards Rugby Club as a Recognized Sports Provider.

Mr. Bruce DeLaney, Director, Parks and Recreation explained that this item was to approve the Wellington Wizards as a recognized sports provider for Rugby for the Village of Wellington. He noted that Mr. Alan Lawson, President and Mr. Ron Vargo, Vice President of the Wizards were present to address Council's questions. Mr. DeLaney explained that they started as a provider with Wellington earlier in the year on a provisional basis and they have had very good dealings with the organization. He said that the Wizards went through the approval process with the Parks & Recreation Advisory Board who unanimously recommended them as the Village's 9th sports provider. Mr. DeLaney noted that the Wizards are fully aware of the Village's expectations, they have complied with the provisions of the agreement, and staff looked forward to a long and successful relationship with them.

Mayor Gerwig asked Mr. Vargo and Mr. Larson to speak about their program.

Mr. Vargo and Mr. Lawson spoke to the Council about their organization. They noted that they are the first club in the State of Florida to offer Rugby for young ladies U-14. They spoke about how that has expanded and how much they expect it to expand in the future. The Council was also advised of the scholarships that several of their girls have received and are expecting to receive. Council had a lengthy discussion with Mr. Vargo and Mr. Lawson who addressed questions relating to what fields will be used, how long the club has been in existence, that Rugby is one of the fastest growing youth sports in the United States, about the other Rugby Teams in Florida, who they compete against, the percentage of players who reside in Wellington, the number of injuries compared to other sports, and if players are cut because of the number of teams. Mr. Lawson and Mr. Vargo also spoke of the family atmosphere they foster for their teams and how they interact with teams that they play against. They advised Council that the State Championship has been hosted in Wellington at the Palm Beach Polo grounds since 2014, and that it will be permanently held there for the foreseeable future.

In response to a question raised by Vice Mayor McGovern, Mr. DeLaney explained what it meant to be a sports provider in Wellington and what would be required of them.

Mayor Gerwig questioned whether being a sports provider allows the

group to better market their program. Mr. DeLaney responded affirmatively. He then explained that it is a total relationship with the Village that provides the group with flexibility as to how they operate, they know what the Village expects of them and what they must do to continue being a recognized sports provider for the Village.

At Mr. Schofield's request, Mr. DeLaney explained the requirements outlined in the sports provider agreement, i.e., insurance, training of coaches, background checks, number of Wellington residents participating in program, board member requirements, code of conduct, financial reporting, and meeting minutes. He noted that they allow the providers the ability to manage their own programs. When disputes arise, they will be handled by the individual sports providers followed by an appeals process. He said that by being a Wellington sports provider, the groups are expected to conduct themselves as the Village does. Mr. DeLaney said that the athletic coordinators are each assigned to a specific sport that they will monitor.

Councilman Drahos asked if the Village is required to be a party on their insurance policy. In response, Mr. DeLaney advised Council that the provider is required to carry a \$1 million policy minimum coverage for all the participants. They sign a sports provider agreement. Mr. Schofield said that the Village also gets a binder.

Mr. Schofield explained that the Village uses the sports provider program because it allows them to provide a wider range of programming than could be provided with the Village's staff. The competitive programs have been very successful for the Village.

Councilman Drahos asked if the Village offered recreational rugby. Mr. DeLaney said that is not presently offered. Mr. Schofield believed that over time the program would be expanded, but this was the first step.

Council thanked Mr. Lawson and Mr. Vargo for their dedication with the sport.

There were no changes recommended for this item.

F. [17-1657](#)

RESOLUTION NO. R2017-54 (AUTHORIZING EXECUTION OF THE 1ST AMENDMENT TO INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY - HOMELESS RESOURCE CENTER)

A RESOLUTION OF WELLINGTON'S COUNCIL AUTHORIZING THE MAYOR OR VICE MAYOR AND THE VILLAGE CLERK TO EXECUTE THE FIRST AMENDMENT TO INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY TO REFER AND TRANSPORT HOMELESS INDIVIDUALS TO THE HOMELESS RESOURCE CENTER, AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This is the approval of Resolution No. R2017-54 authorizing the Mayor or Vice Mayor to execute the 1st Amendment to Interlocal Agreement with Palm Beach County (Homeless Resource Center). He explained that five years ago, the Village entered into an agreement with Palm Beach County providing assistance to homeless people. He said, through this agreement, the Village becomes a part of the larger county-wide agency. Mr. Schofield explained that in accordance with the agreement, the Village will refer and transport homeless people who require assistance to the County's Homeless Resource Center who provides services the Village does not have available. He pointed out that the transporting is almost universally done by PBSO, and the cost is reimbursed by the Village. Mr. Schofield explained that the agreement also requires that the Village will transport back to the Village any persons that want to return. He noted that the contract was for five years with three five-year extensions and this would be the first extension. He recommended that this agreement be approved for the next five years.

Councilman Napoleone asked if there have been any problems with this program. Mr. Schofield indicated that it is a good program and they have not had any problems.

Vice Mayor McGovern asked how many times has the Village had to transport people. Mr. Schofield said that he did not know as this is almost always done by PBSO, but he would find out those numbers.

There were no changes recommended for this item.

G. [17-1547](#) ORDINANCE NO. 2017-20 (FY 2017/2018 ANNUAL CAPITAL IMPROVEMENT ELEMENT UPDATE OF WELLINGTON'S COMPREHENSIVE PLAN)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, UPDATING THE WELLINGTON COMPREHENSIVE PLAN BY INCORPORATING THE ANNUAL REVIEW AND REVISIONS TO THE CAPITAL IMPROVEMENTS ELEMENT TO REFLECT THE 2017/2018 THROUGH 2022/2023 FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR LEVEL OF SERVICE PROJECTS; AND UPDATING THE SCHOOL DISTRICT OF PALM BEACH COUNTY CAPITAL IMPROVEMENT SCHEDULE; PROVIDING FOR CONFLICT AND SEVERABILITY; AUTHORIZING THE MANAGER TO UPDATE THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This is the second reading of Ordinance No. 2017-20 updating the Capital Improvement Element (CIE) Schedule for Level of Service Improvements for Fiscal Years 2017/2018 to 2022/2023 (Table CIE 1) and the School District of Palm Beach County Capital Improvement Schedule (Table CIE 2) located in the Capital Improvement Element of Wellington's Comprehensive Plan. He explained this item simply incorporates the Palm Beach County School District's Capital Plan into the Village's plan, and noted there were no changes since First Reading.

Mr. Basehart explained that every municipality has to do the same thing so the School Board's Capital Improvement Program is adopted by 39 municipalities. Mr. Schofield added that 468 municipalities and 67 counties in Florida have to do this exercise every October. He said that he has asked why they have to do this since the municipalities have no control over the School District, and he was told that they want every municipality to be aware of what the School District's budget is and make sure nothing is done that conflicts with it. Mr. Basehart added that years ago when school concurrency was a requirement, there was an effort to make sure that school improvements were being recognized, but school concurrency was eliminated from state law a few years ago.

There were no changes recommended for this item.

H. [17-1567](#)**AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE ENGINEERING CONSULTING SERVICES FOR WASTEWATER PUMP STATION UPGRADES**

Mr. Schofield introduced the agenda item. This item is authorization to approve a task order to Mock, Roos & Associates, Inc. to provide engineering services to the Wastewater Pump Station upgrades at a cost of \$149,965.00

At this point, Mayor Gerwig announced that she had to recuse herself from this item because of other work not related to this item that her firm has done with this firm. She then left the Conference Room.

Mr. Schofield said that Utilities was getting ready to look at six lift stations noting that the amount of the contract was \$35.00 under \$150,000, so it is \$25,000 per lift station for the design and preparation to upgrade them. He noted that there are a total of 106 lift stations. Mr. Schofield said this is a regular part of scheduled maintenance, and they are funded as part of the regular budget. He noted that this would have normally been on the Consent Agenda, but was moved to the Regular Agenda due to Mayor Gerwig's recusal.

Vice Mayor McGovern said that previously the Village had people come and look at the lift stations. Mr. LaRocque explained that the Council had authorized the condition assessment on nine lift stations. She noted that the report was completed in September of this year, and as a result of that, the lift stations were prioritized. She noted that six will be done this year, and the other three will be rolled to next year. In addition, they are currently completing an assessment on all of the remaining lift stations.

Councilman Napoleone asked if this was just the design work, and not the actual work. Ms. LaRocque said that it was the design work which they will then take and bid it out competitively.

Vice Mayor McGovern asked in total what would the cost be to do one of the lift stations. Ms. LaRocque said that the cost would be between \$250,000 to \$350,000 per lift station. Vice Mayor McGovern asked if that included the assessment, the engineering and the work. Ms. LaRocque said that the cost was for construction only.

Councilman Drahos asked what was the lifespan of the lift stations. In response, Ms. LaRocque said that if they were well maintained they would last 20-25 years. Councilman Drahos then asked how they target which lift stations need to be done. Ms. LaRocque said that they target them after a full condition assessment is reviewed.

Mr. Schofield added that the oldest lift stations in the Village were built in 1973. As they are upgrading and replacing them, he said that there will never be a time when Council is not looking at assessment studies, redesign and construction in either the utilities or drainage system or the public works side. He explained if that is not done, the systems quit working which is far more expensive to repair. The Village does not believe in letting their systems deteriorate to the point where they cannot work.

Vice Mayor McGovern said that this is engineering and design of what will ultimately be a \$1.8 million construction project, and asked when it was anticipated the construction project would come to them. Ms. LaRocque said it would come to them in about six months. Mr. Schofield said that Council would be looking at them in this year's budget and some in next year's budget, but there will be lift station repairs in every single budget. Ms. LaRocque pointed out that these six lift stations were presently in the budget.

Councilman Drahos asked why the design was different per lift station. Mr. LaRocque explained how every lift station was different and used the lift stations located in the middle of medians in Sugar Pond and one in Polo on a lake as examples.

Vice Mayor McGovern asked the age of the six lift stations. Ms. LaRocque said that they vary in age, but at a minimum, they are over 20 years old.

There were no changes recommended for this item.

5. WORKSHOP

A. [17-1661](#) MEDICAL MARIJUANA DISCUSSION: COUNCIL WORKSHOP TO DISCUSS THE REGULATION OF MEDICAL MARIJUANA DISPENSING FACILITIES

Mr. Schofield introduced the workshop item. This item was discussed prior to the Council Procedures agenda item which was scheduled to be heard first.

Mr. Basehart explained that staff had previously provided Council with an ordinance that amended the requirements for pharmacies because under state law medical marijuana distributorships or dispensaries have to be treated like pharmacies. He said at that time Council also asked staff to come back with that ordinance as well as two other possibilities: one of which would call for a one-year moratorium for further study, and one that would prohibit them, which is allowed. Mr. Basehart said that they have now brought that group of ordinances forward for discussion so that a decision can be made to proceed with this.

Mayor Gerwig said that some of the surrounding cities have gone to a prohibition which does not mean they cannot get that type of treatment here. Mr. Basehart said that the prohibition would in no way prohibit people from using it if properly prescribed or obtained.

Mayor Gerwig thought there were two aspects to the medical marijuana issue: one is the dispensing and the other is the production. Mr. Basehart said that was correct. Mayor Gerwig asked if it was correct that the Village was not doing anything regarding the production because there are no areas in the Village where that could be done. Ms. Cohen explained that the definition of medical marijuana dispensing facilities also includes the facilities where they are grown. She said that allows for large tracts of land that have to be enclosed. She did not believe at this point that there were any suitable areas in the Village.

Mayor Gerwig asked if someone bought 15 acres in the Equestrian Preserve Area and wanted to grow marijuana would that be prohibited. She said that she was looking for what protections are in place in the Village's Code. Ms. Cohen indicated that she did not know if that was addressed in this ordinance as there are only seven entities that are licensed to cultivate and distribute marijuana. Vice Mayor McGovern asked if additional licenses were issued parameters during the special session. Ms. Cohen believed so, but said that this ordinance only addressed dispensing. She said the statute that addresses the ban talks about the ban of dispensing facilities, but it remained to be seen whether they were going to tweak the law. Ms. Cohen added that she did not believe the Village had any inquiries about cultivating the product in Wellington. She stated that there was the question whether it would be

considered agricultural, so there are a number of things that is not known about the possibility of that within the Village. Mr. Basehart noted that the only parcel in town that would be a possibility would be owned by the Village so the Village would control it.

Mayor Gerwig said that this product is now available in an oil which can be vapped or put into foods, and all are considered medical, but they do not allow the THC product. Ms. Cohen said that the low THC is the Charlotte's Web. She said that she knows that there was a recent lawsuit whether the law is required to allow it in smokeable form.

Mayor Gerwig said that no one wants to prevent anyone who is suffering from getting medical treatment; however, it is still federally prohibited. She raised concerns that this is difficult to control, it is an all cash business, and the fact that they cannot control the locations of any pharmacies leaves them in a precarious position. Mayor Gerwig said that she preferred to ban it outright knowing that anyone who needs this product can get it as a robust delivery. Council questioned whether it would be a robust delivery system. Mayor Gerwig explained that was guaranteed as part of the seven sites that were licensed.

Mayor Gerwig said that they were proposing vapping it to get measured doses because they cannot tell in an edible form how much can help the person since there is no medical data with those indications. She said once the dosage is determined, they will then be able to do it in edible form. She said that her biggest concern was having large amounts of cash on hand, and whether or not it can be deposited in the bank account since it is not federally approved. Mayor Gerwig reiterated that she did not want to prevent someone from getting a product that would medically help them, but they still have to be aware of the fact that it is still federally illegal. She then asked if the Village has a prohibition in the Employee Manual to prohibit employees from using it. Ms. Cohen said that was included in the Manual.

Vice Mayor McGovern asked if the Village's Human Resources Department checked to see if one of the employees gets the license from the state and is in compliance with the state law, if they would be in violation of the Employee Manual. Ms. Cohen responded affirmatively explaining that they have looked at that, and they were comfortable that their existing anti-drug policy is adequate, it does not need to be changed, and they can prohibit its use by the employees. Mr. Schofield added that they would not look at that any different as it is an actual defense.

Councilman Napoleone said that people will get the product anyway, so

he felt that focusing on how people are going to use it when they get it is not their issue. He said that his focus was not how it affects you when and if you use it, but how it is regulated in the Village if they allow it to be in the Village at all. He said that when they first talked about it, it was prior to the legislature putting in that they could be located in the same areas as pharmacies are allowed which he did not support. He said he had wanted to regulate it to be away from schools, churches and recreational areas, but that has now been limited because they can now be located where the pharmacies are. Councilman Napoleone thought the only way to allow them in the Village is to regulate where pharmacies are allowed. He said their other choices are to impose a moratorium or to outright ban it. Councilman Napoleone pointed out that the Village's residents voted overwhelmingly to allow this, so he supported finding a way to regulate pharmacies that makes it available to the residents who need it while still working towards the Village's goals.

With regard to the delivery options, Councilman Drahos said the Village has no ability to monitor that in any way. He questioned whether they would have some monitoring ability if they went with the ordinance option where they zoned the locations of pharmacies. In response, Mr. Basehart said that they have the ability to control where they will go. He further explained that the Code has a use matrix and an amendment to that matrix would be done as in Exhibit A and B. He said that they would add some provisions to the supplementary requirements found in Section 6.4.4. Mr. Basehart said that currently under the Village's Code, pharmacies are a permitted use in any retail district. The proposed amendment would still make pharmacies a permitted use in any retail district; however, it would require that pharmacies be a minimum of 10,000 square feet. He said that the smallest size for standard pharmacies, such as Walgreen's and CVS is about 11,000 as well as bigger models. He said that the amendment would also limit the number of pharmacies in any retail development to one.

Councilman Drahos asked about the hours of operation. In response, Mr. Basehart said that the Village is not allowed to regulate that. Ms. Cohen added that they do not regulate pharmacy hours of operation. Mr. Basehart explained that in general any business in a PUD is required to close by midnight, but extended hours can be approved administratively.

Councilman Drahos asked if there would be any location in the ordinance where they would be allowed near a park, school or church. Mr. Basehart said that no free standing medical marijuana facility would be allowed to go in any of the commercial centers because they all already have one pharmacy except for the old Wellington Mall.

Mayor Gerwig questioned whether a pharmacy could be located there if the old Wellington Mall was redeveloped. She said if the legislature let the municipalities make the good decisions, she would be on board with what was being proposed. She then asked if there was an additional cost for delivery, and if so, she felt it would then place an additional burden on the users. She thought the biggest problem was that you now have a 10,000 feet requirement, and questioned if they could join with another business.

Vice Mayor McGovern asked for clarification about the 10,000 square feet. He thought it was that you must have 10,000 square feet, one per retail establishment or they can be exempt from those if they have frontage to 441. Councilman Napoleone said that it was unclear to him. Vice Mayor McGovern felt it was confusing but believed that was what it said.

Councilman Drahos asked why they could not include some requirements where they could not have one close to another as was done with the bed and breakfasts. Mr. Schofield explained that most of the shopping centers have a restriction where they cannot have two pharmacies in one center.

Ms. Cohen pointed out some things that were contained in the State law which would not necessarily be included in the Village's ordinance. She said that there are strict limitations on things like advertising, transportation, it has to be in separate locked containers in the vehicle, dispensing can only occur in a private consultation area, products or delivery devices cannot be displayed in a waiting room, cannot dispense between the hours of 9 p.m. and 7 a.m., and there has to be two people on the premises 24 hours a day. Ms. Cohen said that the statute contains a lot of safeguards and security precautions. She said that if the Council was not in favor of an outright ban, the best that they can do is to try and regulate it so that it is not in the areas that they do not want it to be.

Councilman Drahos asked why the ordinance does not include language that says it cannot be within 1,000 feet of a church, school and the like. Mr. Basehart explained that under State law the most you can do is not within 500 feet. Ms. Cohen said that the statute has some limiting language on exactly how you can regulate it including separation requirements.

Vice Mayor McGovern asked if they take care of that by saying that pharmacies have to be in retail establishments.

Mr. Basehart pointed out that they cannot require separation from residential.

Ms. Cohen said that the statute specifically states that a medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises of public or private elementary schools, middle schools or secondary schools. It also states that municipalities can ban, but a county or municipality that does not ban dispensing facilities under the subparagraph may not place specific limits on the number of dispensing facilities that may locate within the county or municipality. She said that as provided in paragraph "c" a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations of pharmacies.

Councilman Napoleone thought that Councilman Drahos' point was that if the State law says it has to be a minimum of 500 feet from schools, can the Village say a pharmacy must be 1,000 feet from a school. He thought that any pharmacy that was presently within 1,000 feet of a school would be allowed to stay. Mr. Basehart did not believe they had any pharmacies that fit that requirement. Mr. Basehart said that under the provision that says you cannot regulate medical marijuana dispensaries different than pharmacies, it also says that you cannot require them to be more than 500 feet. Ms. Cohen said that requiring a greater distance would be more restrictive. Councilman Drahos understood that to mean that you cannot have pharmacies being treated better than dispensaries. He questioned if the Village could allow a greater distance for dispensaries by changing their Code as it relates to pharmacies.

Councilman Napoleone was of the opinion that you could regulate the distance to being further than 500 feet as long as it applies to pharmacies as well. Ms. Cohen said they will look at that.

Mr. Schofield added that there is one commercial property within the Village that does not currently have a pharmacy on it that would be entitled to one, that being the property located at the corner of Greenview Shores and South Shore. However, that property could not have a medical marijuana dispensary because of its proximity to a school noting it borders New Horizons Elementary School.

Mayor Gerwig asked staff to check on the delivery system because she did not want it to be problematic for someone who really needs it. Ms. Cohen explained that the product is not delivered by mail. Mayor Gerwig said that according to what was presented to the League, it was the

robust idea that they would manage that rather easily. She wanted to know if there was an additional inconvenience for a person who needed it. Ms. Cohen did not believe that staff could answer that question. She said that the State statute has specific requirements and she assumed that anyone who has a license to distribute will want to make their business as successful as possible by complying with the transportation requirements. She said that it would be a business decision whether the company was going to charge a delivery charge when they begin operating.

Councilman Napoleone said that he wanted to see the regulating ordinance clarified. He asked if staff could see if they could add the 1,000 feet restriction and also to clarify "c" about being on State Road (SR) 7 which he thought was unclear. Mr. Basehart explained that meant that they do not have to be free standing sites that can either have direct frontage on SR7 or they can be in the retail development on SR7. Mr. Schofield recommended an easy fix to that problem. He said if in "c" it says retail pharmacy facilities proposed to be located along SR7 either on individual sites or in larger retail developments, if they reverse where SR7 is then you know that it applies.

Councilman Napoleone referred to the other two ordinances which apply to a ban and moratorium include definitions as to what a medical marijuana dispensing facility is and a medical marijuana treatment center. He asked if those definitions also needed to be added to the regulating ordinance. Mr. Schofield said that they could add those definitions.

Mayor Gerwig said if Wellington was to ban the facilities could they come back at a later date and remove the ban. She thought that either the moratorium or the ban can be revised. Vice Mayor McGovern said that the moratorium said that the Village was expecting the legislature to take this up again. Ms. Cohen clarified that the moratorium was intended to say that it was something that was not currently in the Village's Code and they need to give it further thought as well as to determine how they will address this issue in their specific community. It is intended to provide the Council with the time to develop a solution that works best for their community. She added that it cannot be unlimited in nature and it is generally for a short duration of six months or a year.

Mayor Gerwig asked if the Village was currently susceptible to someone coming in and just putting a dispensary somewhere. Ms. Cohen said that at this time there is nothing in the Village's Code that addresses it, so they needed to do something. Mr. Schofield added that they would be regulated as pharmacies are which means they can be located any place

where a pharmacy is allowed.

Mr. Schofield suggested that Council not consider a moratorium, but that they either regulate by providing pharmacy regulations or simply do an outright ban. He pointed out that they can always come back and amend the ordinance if they choose in the future to do something different. He noted that the problem with the moratorium is that it expires and the legislature may do more to pre-empt the cities.

Councilman Napoleone said that he wanted to get things done before people can do whatever they want.

Mayor Gerwig said that she would not be on board with allowing it just because it is problematic wherever it is located. She said it is problematic because it is federally illegal, it is dealing with large amounts of cash, and it requires people to be armed on site to protect their business and product. She said she found it more acceptable to have it available via a delivery method.

Councilman Drahos indicated that he wanted this to be presented to Council as soon as possible. Mr. Schofield said that the earliest that Council could see this was the November meeting. He pointed out that the agenda was heavy as the Flying Cow ordinances are scheduled for that meeting; however, the master plan for the runway will not be coming before them at that time.

Councilwoman Siskind asked if the Village heard from any residents regarding the ordinance. Mr. Schofield said that they have heard from people who have an interest in the industry. Mayor Gerwig indicated that she heard from residents on both sides as did Vice Mayor McGovern.

Vice Mayor McGovern said that in February, he requested the Clerk circulate the precinct votes in Wellington for the medical marijuana issue. He said that they have 30 precincts in Wellington and noted that this issue passed in every single precinct in Wellington. Councilman Drahos indicated he would like that information provided again.

Mayor Gerwig said that when the voters voted on it, they did not say it would not be regulated, or that it would not be controlled or zoned. Vice Mayor McGovern pointed out the extensive regulations in the statute. Ms. Cohen agreed; however, she pointed out it does not give the cities the ability to determine where within the community they want it to be. With regard to the votes, in that election, Ms. Cohen said that there was a total of 40,478 registered voters who live in Wellington and of that amount 71.32% participated in the last election and of that amount 72.445%

approved the votes, so it was 20,913 votes in favor.

Mayor Gewig believed it gets messy with medical treatment for marijuana because your doctor cannot write you a script for it if they are not one of the doctors who have gone through the State protocol. She said that she understood people want the product, but she did not believe that banning locations in Wellington would prevent them from getting it. She did not think it makes it difficult for people needing it to get it through delivery, and it also does not impact a neighborhood.

Vice McGovern said that the ordinance that they were talking about essentially says that they can only go on 441. Mayor Gerwig noted that it could go in the old Wellington Mall property if redeveloped or on some other undeveloped property that could be subdivided. Mr. Schofield said that they could go on any of the commercial parcels that exist. Vice Mayor McGovern added that they could go into properties that were redeveloped as in the case of the old Wellington Mall and in the commercial parcels if any of the present pharmacies closed.

With regard to the old Wellington Mall, Councilman Drahos asked if they could or could not include language that says you cannot have them within 1,000 feet if there is a pharmacy across the street, i.e., Schaefer Drugs. Ms. Cohen said that she would have to go back and research that. Mr. Basehart added that they could not make a legal interpretation, but they could put the requirement in if it applies to pharmacies. Ms. Cohen said that ordinarily this type of a change in the zoning code would have to go through PZAB so that may present a problem for getting it on the November 14th agenda and it may have to go on the December agenda.

Vice Mayor McGovern asked if Ms. Cohen could advise them by the next day whether this had to go before PZAB. Ms. Cohen responded affirmatively. She said that their Code normally requires it to go to PZAB, but Council may be able to direct that it not go there. She will also look at the other changes required.

B. [17-1599](#) COUNCIL PROCEDURES WORKSHOP

Mr. Schofield introduced the item.

Ms. Cohen said that they have been thinking about revising Council procedures for some time. She said that one of the reasons for that was because there were several things that needed to be clarified, such as incorporating the fact that the public is able to speak on items even for Consent. Even though it has been the Village's policy to do that, she thought it would be good to have that incorporated in writing in the Council procedures as well as for the Village's boards and committees particularly for public hearings and quasi-judicial hearings. In addition, she said that the Village has always abided by Robert's Rules of Order as the procedural or parliamentary procedure. However, in a practical matter, those rules are extremely cumbersome and is not intended for small boards and committees. Ms. Cohen felt that it has the potential to be abused and she thought it would be better to have a simplified process for handling public meetings and rules of debate and motions of that nature as are set forth in this proposed Council procedures. She indicated that they have not changed the procedures since 2011. She noted that another change was placing the Invocation before the Pledge which is done in most other municipalities. Ms. Cohen said that they had prepared this and previously sent this out, but she wanted to see if Council had any questions or issues, and if not, she wanted to place it on a future agenda for adoption.

Vice Mayor McGovern indicated that he wanted to see a red-lined version. Ms. Cohen indicated that this was done from scratch.

Mayor Gerwig addressed invocations and thought that they needed to have protective criteria for them. Ms. Cohen said that they could do that as it has been a source of challenge in the past. She described a case that took place several years ago in the Town of Greece, New York where someone challenged the Invocation process. The court's decision was if there was a policy in place and they were not dictating to the particular clergy what they are supposed to be saying, and it was intended just to remind Council why they were there, then it did not run afoul of the Constitution. She said that the Village's policy complied with that Town of Greece case even before that case came out.

Mayor Gerwig thought if they were going to revise procedures they should include that religious establishments within the borders of Wellington would be in the rotation to present the invocations. Ms. Cohen suggested that they do that by actual written policy. Mayor Gerwig questioned the difference between procedures and policies. Ms. Cohen

explained that this is in a resolution and is something that binds the Council. She said that the internal policy sets forth the process on how it is handled. She indicated that they only permit or request clergy within the boundaries of the Village to do the invocation. Ms. Cohen said that the Village does not dictate what the clergy say, and the policy that is currently written does comply.

Councilman Napoleone asked if he could see a copy of the policy. Ms. Cohen indicated that the Clerk's Office does not currently have a written policy, but they only have a practice.

Vice Mayor McGovern asked if there was any urgency to this. Ms. Cohen responded that there was none. Vice Mayor McGovern said that Ms. Cohen had indicated that prior Councils had adopted procedures in 2011. Ms. Cohen said that there is a resolution that outlines the Council procedures. Vice Mayor McGovern asked if there was something prior to 2011. Ms. Cohen responded affirmatively. Vice Mayor McGovern said that he wanted to see the first version and the current version so that he could compare them to this proposed version. Council agreed with Vice Mayor McGovern's request.

Mayor Gerwig said that Council has attempted to do this several times explaining that the idea was to avoid any conflict with Robert's Rules. She said that no one really studies parliamentary procedure to know the nuances of that practice.

Vice Mayor McGovern noted that Mayor Margolis had provided the County Commission's procedures as well as other Administrative Transmittals. He said it was hard for him to compare this one if he could not see what they had historically done in the Village. Ms. Cohen said that this was not changing a lot of the current way that the Council functions, but it just adds some things, reorganizes it, and develops their own rules of debate that serve the community as opposed to relying on Robert's Rules.

Mayor Gerwig also felt that it was important to include the ability to vote remotely on quasi-judicial hearings since that could now be done which could make them subjected to a legal challenge. Ms. Cohen stated that she had included a provision that says members cannot participate in a quasi-judicial matter remotely. She said that was not previously included and there are Attorney General opinions that say you can participate in meetings remotely, but quasi-judicial procedures is not addressed which are different. She said that since you have to rely on evidence presented as well as weighing the credibility of the witnesses, it makes sense not to be able to do that remotely because you may or may not be able to do

that and it would provide an avenue for it to be challenged.

With regard to Council's request for prior versions of Council procedures, Ms. Cohen said that she would provide any prior versions to Council for their review. She said that they can then bring this back another time.

Councilman Napoleone said that they have previously discussed the definition of an interested party which is not defined. Ms. Cohen said that the Village is in the process of revising its Code, and an interested party will be defined in that document. She said that as they are going through the revisions, additional terms may come up that need to be defined so they are waiting until the end to present the definitions. Ms. Cohen said that there is some case law that construes what an interested party is when dealing with a comprehensive plan which is very broad. An Interested party for other types of land use matters is not necessarily addressed in case law, so they will develop a definition that will define that and provide some parameters.

Councilman Napoleone asked if there was any way to limit the number of interested parties per application. Ms. Cohen said that Council can certainly limit the time, but she would not suggest making it too much different from what the applicant is given. As a practical matter she said that she could not remember a time when they have had more than two interested parties for any particular matter. Ms. Cohen explained that an interested party is someone who would be directly affected by the application, and not just a resident who wants to be heard longer. Councilman Napoleone suggested stating that interested parties can have up to 15 minutes rather than they can have 15 minutes so that Council can lower the time.

Mayor Gerwig also thought there was a problem stating that the meetings start at 7:00 p.m. because there were times when they have been held earlier than that. Mr. Schofield said that the Council could not have a meeting unless they officially directed staff to do that. Ms. Cohen said that she wanted to check the Charter to see if it specifies when the meetings start.

Mayor Gerwig wanted to capture opportunities that could be challenged. She thought as Council goes through the procedures they should identify anything they view that could be problematic and then bring them up for discussion.

Ms. Cohen asked Council to call her if they have any other questions. She said that she wanted to bring it back to Council sometime in the future.

6. ATTORNEY'S COMMENTS

Ms. Cohen said that Council has or may have received copies of another letter from the Wellington Equestrian Club raising issues about the non-hurricane related bulk trash. She said that the acceptance of bulk trash was suspended by the Solid Waste Authority so the Village was unable to pick up bulk trash that was even unrelated to the hurricane. She said that when Solid Waste resumed accepting bulk trash which was last Monday, the Village again began picking it up according to everyone's regular schedule. She said that the bulk trash was in fact collected from the Equestrian Club on Saturday. She said that Mr. Wright drove through the neighborhood today and was able to confirm that the bulk trash was picked up. Ms. Cohen said that she responded to the letter since it was copied to other parties including the Attorney General's Office and Inspector General's Office. She said this is a non-issue at this point.

7. MANAGER COMMENTS

Mr. Schofield announced that Mr. Barnes would be providing a brief update on Hurricane Irma.

Mr. Barnes said that the Village has completed all passes. He said that the only thing remaining for ongoing activity is the actual use of the debris site and the mulching operation. Mr. Barnes said that they expect they will continue at that site until the end of November. He said that the only remaining item that has to be completed away from that debris site is the contract for the canal access debris removal that was discussed at the prior Council meeting. He said that they had a meeting with the National Resource Conservation Service (NRCS) last week and they hoped to obtain some preliminary determination from their office whether it is eligible for the NRCS program. He noted that if it is eligible for that, then it would not be eligible for FEMA reimbursement. Mr. Barnes said that the issue with NRCS, notwithstanding eligibility, funding usually is a cycle behind that determination, so the Village would still have to complete the paper work for reimbursement for funding after that. He said they feel that they will recommend moving forward with that project regardless once they have the initial determination from NRCS, they will not wait due to the fact that 23 site locations identified are critical to the operation of the system. He stated if they wait further since there is no guarantee as to the timing of the funding should it be determined to not be FEMA eligible or NRCS eligible, it would be indeterminable at this point that they would recommend moving forward with that project.

Mr. Barnes said that the cost at this point for debris removal and recovery, is that they will be close to the original \$4 million estimate, without finalizing all internal costs they will be in the neighborhood of \$550,000 for internal costs. The contract work estimated for the contractor for debris should be around \$1.9 million, and they would add to that the cost of the canal base debris removal work which was estimated at about \$1 million. Mr. Schofield added that they believe they are going to be around \$4.25 million.

Vice Mayor McGovern asked where the money was coming from. In response, Ms. Quickel said it was coming out of the Solid Waste Fund. She said that they have reserves of approximately \$7 million in the Solid Waste Fund itself. She said that the contract for Waste Management is a little over \$3.5 million. Using the Council's policy that reserves need to be maintained at 25-30%, they will need to maintain reserves at approximately \$1 million in that fund which leaves \$6 million to be spent. She said they will be charging all of this to that fund, and they will also set up an Accounts Receivable for the reimbursements that come in.

Vice Mayor McGovern asked if any was coming out of the Disaster Fund. Ms. Quickel said that part of the internal costs will, but the real work for the debris is coming from Solid Waste.

Mayor Gerwig noted that the Community Center building had some issues during the storm, and asked if any of it was under warranty. Mr. Barnes responded affirmatively. He said that they actually had very limited water intrusion noting that a lot of that was related to doors and things and the contractor was working with staff to resolve those issues. Mayor Gerwig said that Village Hall did not have any issues. Mr. Schofield said that the Village Hall building was fine. He said that when they did the value engineering on the Community Center, that they value engineered the generator out to put in Porte Cochere and the extension on the other side. He said that they will value that back in an upcoming budget.

Mayor Gerwig asked why they would want a generator in that building. Mr. Schofield said that there could have been plenty of uses for it. He said that one of the things that they had intended was to house PBSO because their building is not hurricane rated, but when that did not happen, they then intended to move them to the gym. However, part of the generator at the gym worked fine, but the switching system did not work, so they were housed at Village Hall.

Mayor Gerwig said that if they were going to talk about another PBSO facility, they might then not need to use the money on the generator. She wanted to be sure if they were going to have everything hardened and ready that they have a purpose for it.

Mr. Schofield said that the Community Center is an important enough facility and that regardless they would suggest it has a backup power supply. He said that once they took it out, it was always intended to be put back in, but it was not a priority enough to put it back in the budget. He reiterated that they will pick it up in the next several budget years as funding allows.

Vice Mayor McGovern thought if they were looking at a new substation for PBSO, he would be balancing those two.

Mr. Schofield said that they will be doing a analysis of what was done well, what was done wrong and changes that they need to make in the future. He then praised the Emergency Management Team on their work during the hurricane.

Mayor Gerwig said that it was difficult to feed the people that were being expected to stay here because the stores and restaurants were not open. Mr. Schofield said that was on the list for things to talk about.

8. COUNCIL COMMENTS

Councilman Drahos announced that he would not be in attendance at tomorrow night's Council meeting as he has a family obligation that cannot be changed.

9. ADJOURN

There being no further business to come before Council, the meeting was adjourned at 6:00 p.m.