

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Friday, October 6, 2017

1:30 PM

Village Hall - Conference Rooms 1E & 1F

Village Council Workshop

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

1. CALL TO ORDER

Mayor Gerwig called the meeting to order at 1:30 p.m.

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

Council Members Not in Attendance: John McGovern, Vice Mayor

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the agenda for review.

A. [17-1244](#)**FISCAL YEAR 2018 KEELY SPINELLI GRANT AWARDS**

Mr. Schofield introduced the agenda item. This is the presentation of the FY2018 Keely Spinelli Grant Awards.

He advised Council that this year's awards to all of the Wellington public schools totaled \$295,000.44. He indicated the checks would be presented to each of the schools as well as photographs taken.

Mayor Gerwig questioned why some of the awards being presented were lower. Councilman Drahos also noted that there were balances for some of the schools. Mr. Barnes explained that the balances were carryforwards and the amounts listed for each school were what the schools had submitted.

There were no changes recommended.

B. [17-1581](#) MINUTES OF THE REGULAR WELLINGTON VILLAGE COUNCIL MEETING OF SEPTEMBER 12, 2017

Mr. Schofield introduced the agenda item. This is the approval of the Minutes of the Regular Wellington Village Council Meeting of September 12, 2017.

Councilman Napoleone indicated that he had some corrections; however, he did not have them with him. Mr. Schofield advised Councilman Napoleone to send the changes to the Village Clerk who would make the corrections.

Councilman Napoleone's changes will be incorporated into the Minutes.

C. [17-1231](#) AUTHORIZATION TO ENTER INTO A SOLE SOURCE AGREEMENT FOR DIGITAL COMPREHENSIVE COMMUNICATION ARCHIVING SERVICES

Mr. Schofield introduced the agenda item. This is authorization to enter into a sole source agreement with Smarsh, Inc. to provide digital comprehensive communication archiving services at a cost of approximately \$26,000 annually. Mr. Schofield explained that the Village utilizes a company called Smarsh, Inc. to archive texts, social media and those types of things. This is a sole source contract in the amount of \$26,000. Mr. Schofield said that it was found that the cost to put together one public record when it is not archived costs more than this. He said that now anything that is on the Village's phones are archived and can be reproduced.

Mayor Gerwig questioned whether all the Village business that is done on their personal phones should also be retained. Mr. Schofield responded that was correct, and recommended that Council not use their personal phones for Village business because the information would have to be provided if requested.

There were no changes recommended.

D. [17-1510](#)**AUTHORIZATION TO AWARD A CONTRACT FOR THE PATRIOT MEMORIAL TRELLIS STRUCTURAL REPAIRS**

Mr. Schofield introduced the agenda item. He indicated that they would be withdrawing it from the Agenda. He explained that in looking at this item, he noticed that it said "trellis" however they are actually replacing the entire pergola. Mr. Schofield said that the amount indicated was \$99,721 which he felt was too high. He said that they looked at doing the work internally and believe it can be done that way for much less. He said they would be rejecting this bid, and would re-bid it if it becomes necessary.

Mayor Gerwig raised concerns about using aluminum noting the problems with it. She wanted to be sure they were not doing something that would create a maintenance obligation since the original structure was built with wood. Councilman Drahos hoped they would not aesthetically be downgrading this in any way. Mr. Barnes assured Council that it would look as good as it presently does or better. He thought that aluminum would be an upgrade.

This item will be withdrawn from the agenda.

E. [17-1575](#)**RATIFICATION OF EXPENDITURES FOR EMERGENCY DEBRIS PICKUP AND DISPOSAL**

Mr. Schofield introduced the agenda item. This is the ratification of expenditures for emergency debris pickup and disposal in the amount of \$2,000,000. He noted that Mr. Barnes would be providing a report on this after the meeting. However, he explained that when this item had been prepared, the costs had been about \$1 million but they currently total \$2.3 million. He further explained that the Village has received two proposals to remove debris from the canals: Murray Logan at \$768,000 and the other is from Tag Grinding at \$1.2 million. He said that figure was not included in this item. Mr. Schofield said that staff believes the total will be somewhere in the \$4 million plus range. He said that the upside of this is about \$7 million although he did not believe it would go that high. In full disclosure, he reiterated they are at \$2.3 million in total expenses. He said that they are about 65% complete on debris removal and 80% done on first pass, second pass will start the next week. Solid Waste has started taking bulk so there are two bulk trucks out everyday. He explained that when they start the second pass that will include bulk pickup. Mr. Schofield said that one of the things they have noticed in a lot of areas that were done on first pass there are brown spots and there are large debris piles right next to them. He said that after a third pass, they will be marking the streets advising that this was the last time they would be in there to make the collection. Mayor Gerwig questioned how the streets would be marked. Mr. Schofield explained that they would put placards on the street.

Mr. Schofield said that next week Mrs. Coates will be in Tallahassee as the Village is part of a larger emergency response team. He explained that the Palm Beach County All Hazards Team was asked to help staff the State Emergency Operations Center because there are many parts of the State that were very hard hit that need a lot of help. He believed her presence there was a good idea since it will give the Village better contacts at the State level and it is also part of the Village's joint participation in the Emergency Response Systems.

Mayor Gerwig asked if this was similar to Palm Beach County sending fire rescue to the Keys. Mr. Schofield responded affirmatively. He explained that Mrs. Coates was asked to go with the Response Team to the Keys but the Village could not spare their Emergency Management Director at that point in time. They are now at a point where the Village is in a more routine operation which is debris removal and they can let her go for that period. Mr. Schofield said if they asked again in two months it would be very difficult once they get in the point of trying to recover money from FEMA.

Mr. Schofield added that their experience has been that they are three to four years away from getting reimbursements completed. He explained that reimbursement is usually 75% Federal and 12.5% State; however, the President signed an order making reimbursement 90% Federal for 30 days from the time of the disaster declaration, and he believed they just exited that period, so they will be back to the lower rates and divided rates.

Regarding the Disaster Declaration, Mayor Gerwig said that she had told other cities that they could contact Wellington about the Village's agreement with private communities since she believed the Village had complied with FEMA's requirements. She hoped that would not cause a problem for the Village. Ms. Cohen did not believe it was a problem.

Mr. De La Vega indicated the Village had received the closeout letter from Hurricane Wilma this week. Mr. Barnes explained that included not only debris but the actual authorization for actual facilities' damage. Mr. Schofield said that Wellington, as well as other Florida cities, learned the term federal deobligation post Wilma. He explained that was money that was paid to the Village from FEMA, which they then asked for it back. Mr. Barnes said that Wellington did not have any money to return because nothing that was deobligated was originally granted to Wellington. Ms. Cohen added that there is no limitation period. Mayor Gerwig said one of the things the League of Cities was asking for was at what point should they reconsider their upcoming budget when they might have this imaginary claw back years down the road. She noted that from ten years ago, cities are still trying to determine how they are going to pay back the money in their budget every year. Mr. Schofield pointed that the Village is very good at documenting and providing what is requested which is why they don't get many comments back from the federal government.

Mr. Schofield stated that he has been getting some complaints questioning why Village vehicles are following the debris trucks. He explained that the staff in those trucks are doing the actual documentation which is needed so that the Village gets reimbursement. He further explained that if that is not done, then there is no reimbursement.

Mr. Schofield said that when the Village went through the last hurricanes, there was a very limited area that was hit. When Wilma hit, it hit the west coast and came across and went back out into the ocean. However, every single county in the State of Florida was damaged by Hurricane Irma, some significantly more than others. He noted that the damage in Palm Beach County is relatively light considering the damage incurred by some of the other cities, especially on the west coast and the flooding in

Jacksonville and north. He said that the assets are now spread across the entire state and the clean up in Texas still hasn't been complete so there are two states that have debris management people working on them who normally aren't there.

Councilman Drahos also noted the hurricane that hit Puerto Rico. Mr. Schofield said that Puerto Rico is receiving aid; however, there is no particular way to get the trucks over there that are helping with the hurricanes that hit the United States. He noted the federal government activated several battalions of army engineers and Navy CBs as they have the equipment and will go down there. He suspected that the states will be losing things to them in the near future.

Ms. Cohen said that she believed the debris monitoring is what has been taking Code Enforcement away from their duties. She said there would be another code enforcement hearing cancelled this month as a result of that because the officers have been reassigned to monitor measuring debris. Mr. Schofield added that it would also be difficult to explain to people why the Village would be citing them for things during the debris removal process.

There were no changes recommended.

F. [17-1539](#)

RESOLUTION NO. R2017-52 (WELLINGTON SENIORS CLUB
AGREEMENT)

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

Mr. Schofield introduced the agenda item. This is the approval of the Annual Agreement between Wellington and the Wellington Seniors Club, Inc. for FY2017/2018. He said that the Village has given \$51,000 to the Seniors Club for a number of years who provide a wide variety of services. Mr. Schofield thought this was a good agreement for both the Village and the Seniors Club as the Village could not provide the same services for the same cost in-house.

There were no changes recommended.

- G. [17-1602](#) RESOLUTION NO. R2017-53 (AUTHORIZING THE SALE OF THE PARK-N-RIDE CIVIC SITE TO BIRCH DEVELOPMENT, LTD. AND AUTHORIZING EXECUTION OF THE PURCHASE AND SALE AGREEMENT):

A RESOLUTION OF WELLINGTON'S COUNCIL AUTHORIZING THE SALE OF THE REAL PROPERTY KNOWN AS THE WELLINGTON GREEN CIVIC TRACT A/K/A THE "PARK AND RIDE" PROPERTY TO BIRCH DEVELOPMENT, LTD.; AUTHORIZING THE MAYOR OR VICE MAYOR AND THE VILLAGE CLERK TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TO EXECUTE ALL OTHER DOCUMENTS INCIDENT TO CLOSING, AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This is the approval of Resolution No. R2017-53 authorizing the sale of the Park-N-Ride civic site to Birch Development, Ltd. and authorizing the Mayor or Vice Mayor to execute the Purchase and Sale Agreement. He explained that of the 140 spaces at that site, the hotel will be getting 90 of them. He said that 48 spaces will be left in perpetuity for the use of the Park and Ride, and 100% of the maintenance obligation will transfer to the hotel. Mr. Schofield pointed out that the appraisals came in at \$834,000 and there is a \$207,000 reimbursement to FDOT for the grant which then gives the net proceeds of the sale to the Village of \$626,000. He noted that the number is lower than the original appraisals because they are keeping 48 spaces in perpetuity.

Councilman Drahos asked how many of the appraisals were done noting that the selling price was the same as the appraisal price. Mr. Schofield said that three appraisals had been done. Ms. Cohen explained that one of the three appraisals was considerably lower than the other two, so the sale price is the average of the two highest appraisals.

Mayor Gerwig asked why the lowest appraisal had been thrown out. Ms. Cohen explained said that it looked like an outlier noting it was the same appraiser who completed the appraisals when the Village was considering purchasing what ultimately became Winding Trails. Mayor Gerwig thought some of the appraisals were based on different theology, i.e., highest and best use, as is, etc. Mr. Basehart explained that the comparables that were used were different and in the Village's opinion not as appropriate.

Councilman Drahos asked if the Village will keep utilizing that company for appraisals since they keep coming in as an outlier on the low end. Mr. Schofield said that the company has been in business a long time, but this would have an impact on whether they are used for appraisals in

the future. Mr. Basehart stated that it was not uncommon in these types of appraisals where you take the highest or lowest two.

There were no changes recommended.

H. [17-1545](#)

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 approval of First Reading 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 that the Village is required by State law to include the School District's Capital Plan in the Village's Comprehensive Plan noting that the Village has no influence over the School District's Capital Plan. Mr. Schofield said that this is usually done with the budget; however, the School District did not have their plan done at that time.

There were no changes recommended.

I. [17-1476](#) RESOLUTION NO. R2017-44 (WELLINGTON ELDER CARE 2
CONDITIONAL USE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A CONDITIONAL USE [PETITION NUMBER 17-92 (2017 - 52 CU 1)] TO ALLOW A TYPE 2(B) CONGREGATE LIVING FACILITY IN A PLANNED UNIT DEVELOPMENT ZONING DISTRICT SUBJECT TO CONDITIONS OF APPROVAL FOR CERTAIN PROPERTY KNOWN AS WELLINGTON ELDER CARE 2; CONSISTING OF 0.34 ACRE, MORE OR LESS, LOCATED AT 14115 LILY COURT; AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This is the approval of Resolution No. R2017-44, A Conditional Use to allow a Type 2(B) Congregate Living Facility (CLF) in a Planned Unit Development Zoning District. He noted that Mr. Basehart and Ms. Cramer would explain the item.

Mr. Basehart indicated that Council was familiar with this operator who has a Type 2B facility on Lily Court. He explained that Type 2B facilities are limited to the care of the elderly while the other assisted living/congregate living facilities are not limited to that requirement. In addition, Type 2 is limited to 14 patrons while the Type 2B can have 21 patrons. Mr. Basehart pointed out that the senior care facilities have the least amount of impact on the surrounding properties. He said that when this applicant applied several years ago, the Type 2B amendment was done. In addition that type of designation was recently amended again to allow them to be clustered. He pointed out that clustering is not allowed for any of the other types of assisted living facilities. Mr. Basehart explained that at this time, the applicant is proposing a Type 2B facility next door to the facility he currently operates. He noted the Village has received no complaints from anyone regarding the current facility, and that it is a very-well run facility. Mr. Basehart stated that the the Planning, Zoning & Adjustment Board unanimously recommended approval subject to nine conditions. He said that one of the conditions was a requirement that the owner comply with the Governor's order for generator power. Mr. Basehart explained that the facility that he currently operates had a generator during Hurricane Irma and there was no loss of power to their facility because of the generator and they were able to maintain the temperature in the facility and keep the food good. He further noted that they used a portable generator for that as there was no requirement for a permanent generator; however, they are in the process of seeking a permit to install a permanent one there. He said the new facility will have a permanent generator and fuel supply as well. Mayor Gerwig asked if it

will be a whole-house generator. Mr. Basehart responded affirmatively.

Mayor Gerwig asked what the Governor's requirement was regarding generators for these facilities. Mr. Basehart said that the Governor is requiring them to have power generation that is adequate to keep at least enough of the facility cool to 80 degrees for a five-day period. Councilman Drahos asked if that was for all levels of assisted living facilities. Mr. Basehart and Mr. Schofield responded that it is for all levels. Councilman Drahos asked if it was in the Village's power to put similar language in its ordinances when there is an opportunity to do so. Mr. Schofield said they did not have to do that as long as it is part of the state law. He noted it would ultimately become part of the Building Code.

Mr. Basehart said that the Village has established expedited permitting for these generators, and have sent out a letter to all assisted living facilities and owner-operators explaining the Village doesn't regulate the generators as it is a state requirement, but the Village will expedite the permits for them. Ms. Cramer added that the facilities have a small window to comply, so the Village is doing all they can so that they are not being held up when they apply for a permit.

Mayor Gerwig asked if the Village had any larger facilities, and questioned whether they had a generator. Mr. Basehart said that there is one larger facility which is Nu Vista. He explained that they have a permitted generator at that facility which is powered by natural gas. However, under the new rule they will have to have on-site storage of sufficient amounts which means they will have to switch that to propane and storage sufficient to handle five days. Mr. Basehart said that operators will have to ensure that their storage containers are full and they have an adequate supply for five days when there is an approaching storm.

There were no changes recommended.

4. WORKSHOP

NONE.

5. ATTORNEY'S COMMENTS

NONE.

6. MANAGER COMMENTS

Mr. Schofield said that the McCarthy property, located at the end of Flying Cow Road, has had a Development Order for some time. He noted this property is divided between two drainage districts: the Village (Acme Improvement) and Pine Tree. Mr. Schofield said that they had a discussion several weeks ago with the owner's attorneys advising that the property needed to be in one district, and the Village's preference was for it to be in the Pine Tree Water Control District; most of it is already in that District. Mr. Schofield explained said that it would be a burden to Pine Tree to lose that revenue; while it would not be such a burden for the Village who will recover that in the increases in Ad Valorem taxes. He further explained that the bill that was filed with the legislative delegation had the transfer coming into Acme and not to Pine Tree so they would have to amend the development order for the change. He said that this is something that if the property is moved out of Pine Tree, it could actually hurt that District. Mr. Schofield said that the legislature needs to be told that the property should go to Pine Tree. He said the Village was very clear when they talked to the attorneys about putting it into Pine Tree.

Mayor Gerwig asked what was the percentage of property that was located in Pine Tree. Ms. Cramer said that it was a little more than half, but not much more than that. Mr. Schofield said that it is too expensive to split the drainage. He said there is enough capacity in the Pine Tree system which works well, and worked well during the last storm. He felt that leaving it in Pine Tree was the right thing to do. Mr. Schofield said that he spoke with their attorney, and he believed they understood the issue, but he will also speak with Representative Willhite as well.

Mayor Gerwig questioned whether Pine Tree was not trying to remove them. Ms. Cohen did not believe they wanted to give up that acreage because it represents income or assessments to them. Mr. Schofield indicated that Mr. Barnes would be having that discussion with Mr. Kurtz as well. Ms. Cohen said that they had briefly touched on that during their earlier conversation.

Mayor Gerwig asked if neither the Village nor Pine Tree knew that the bill had been sent identifying Acme. Ms. Cramer said that the property owner was following the old annexation agreement that said at some point they would potentially come into Acme so they went forward with it. Mr. Schofield pointed out that the annexation agreement was more than a decade old, and circumstances have changed since then.

Mr. Basehart noted that the Equestrian Preserve Committee considered

that at their meeting on Wednesday evening. He said there is a Condition of Approval that was written that gives them three options for drainage: (1) annex the part that is not in Acme into Acme; (2) annex everything into Pine Tree; or (3) they can do a split system. He said that determination will have to be made before they can begin to get development permits. Mr. Schofield added that any change in boundaries requires an act of the legislature. He said that given where they are at, he thought it would be a good thing to go to the legislative delegation with a unified front saying that this belongs in Pine Tree where he really believes it belongs.

Mayor Gerwig asked how the legislature got the bill indicating it belonged in Acme. Mr. Schofield said that it was written by the owner's attorney Lewis, Longman & Walker, P.A. He said that the Village had spoken to them on several occasions and was very clear about what the Village wanted. Mr. Schofield said that once the bill was filed, the Chair of the legislative delegation sent a copy to the Village which was the first time the Village had seen it. He indicated that he was not aware that they had spoken to Pine Tree prior to filing. Ms. Cramer said that staff would present a modified condition of approval for Council. Mr. Schofield said that the Village's issue can be easily corrected as it is just a modification of the condition of approval, the bigger problem is getting it corrected in front of the legislative delegation. He said if both districts object, the change won't happen which will delay the project more than a year. He indicated that he would discuss that with each councilmember individually.

7. STAFF COMMENTS

Mr. Barnes presented an update on the debris removal.

He showed a video with pictures of debris collection in the different areas of the Village, the collection site at the Dog Park, areas where canal restoration was previously done, vegetation near waters edge and how they will need to collect it. Mr. Barnes noted that it will be problematic if the debris that is in the water continues to move down. Mr. Schofield noted that there are about 23 areas that they have to get in to. Mr. Barnes said that price that was noted earlier varies from \$768,000 and \$1.2 million for 23 specific tree and waterway areas. He noted staff rode with a contractor and evaluated those areas and that is tentative pricing for that particular debris removal. He explained that the largest cost of that is that it has to be done from the water because in some cases you can't get the equipment you need through the sides. Mr. Schofield explained that in some cases, they will take the shortest route down which is down the canal; however, in some cases, it is cheaper to use a barge.

Councilman Drahos asked if the Village would do more clearing than just remove debris from the water. In response, Mr. Barnes explained that when they are looking at the 23 areas that is where there are actual problems in the water although they are not the only areas where there is vegetation along the water's edge,. He said that the policy question is hazard mitigation along those canals rights-of-ways or easements. He noted that they are strictly looking at right-of-way that are areas owned by the Village or Acme as opposed to private property easements. He said the question is do they continue on the original program that was initially implemented which is the hazard mitigation program of removing anything within the 25 foot area. Mayor Gerwig thought that would capture all the docks. Mr. Barnes explained that the docks were for the most part on the water side but they are not blocking anything. He further explained that the key is twofold: (1) the potential for vegetation to end up in the water; and (2) being able to continue to do more maintenance along that right-of-way which the docks don't generally preclude them from doing, but the vegetation could do that. He said that the docks are generally permitted within the parameters in the code as projects as a hold harmless agreement and are the responsibility of the property owner and not the Village's if they are harmed.

Councilman Drahos addressed the clear canal banks that had been shown and asked if that was an area that the Village had mitigation or one that did not have vegetation before the storm. Mr. Barnes said there are areas that were shown that had been done, noting that they had

completed about 1/3 or 1/2 of the Village until they got into opposition with the clearing in the Sugar Pond neighborhood. He said there are some areas that by happenstance are clear and void of any vegetation within the limits of the right-of-way while others are the result of the Village's hazard mitigation that had been done several years ago.

Councilman Drahos referred to the estimate given by Mr. Barnes to clear the obstructed waterways, and asked if that would be the same cost if there was no storm and they were doing pre-emptive clearing. In response, Mr. Barnes indicated that would not necessarily be the case. He explained that the 23 areas that Council was looking at was just to remove vegetation from those areas and they were not hitting everything.

Mayor Gerwig stated that the way she would proceed was that they would have to clear all of it in order to get to something. She said that the residents had previously said that if their trees hadn't come down, there was no reason to remove them, but she believed there was now a reason. Mayor Gerwig did not believe they should be removing native trees or Palm Trees or things that aren't falling down; however, they would have to come down if they were in the way. She said that they also know which trees should never have been put on property that the residents did not own. Mayor Gerwig pointed out that the non-native varieties are not holding up well.

Councilman Drahos asked if it was correct that staff was not looking for a specific directive at this point. Mr. Schofield said that was correct, but indicated that staff would be coming back to Council to discuss what should be done as a matter of policy. He said if the cheapest way to go in is to start from the closest access point, take out the minimum they need to get to the areas, that's what they will do. He said this will be done in the most cost-effective way. In the long-term, they will have to make a decision about what to do with the Village's rights-of-ways. He agreed that they do not have to clear every tree out of the right-of-way, but they do need to have enough room to safely be able to drive down them. Mr. Schofield did not recommend that they do this wholesale at this time because the Village can't afford that. However, when they are in the process of cleaning and maintaining the canals, it is about \$10,000 if they have to remove one tree by hand, so they will have to decide what to do and how they will come down. He recalled the previous argument with residents was that they have lived there for a certain number of years and their tree has never come down. Mr. Schofield said that the maximum sustained winds from Hurricane Irma was 90 mph and they got more rainfall than they normally get with a hurricane. He said that in this case, not every tree came down but when they go in and do the canal maintenance and they have the barge in there, it would be easy to take

down the tree.

Mayor Gerwig noted that the size of some of the trees are big enough that even if they are on private property they could be impeded. Mr. Barnes said that it is very situational explaining that they had higher winds in some cases with Frances, Jeanne and Wilma and trees did not come down. He said that some of the material is growth pointing out that material in Buena Vida and Olympia that did not come down during those hurricanes was because they were fairly small compared to their present size. He also noted that alot of the ficus was lost.

Councilman Drahos noted that the trees were still down in Olympia, and asked if the Village was in contact with them. Mr. Barnes said that staff is working very closely with their HOAs. He said that they have done first pass in Olympia noting there are individual residences and some common area where they have collected and stockpiled debris. He said that the HOAs are getting permission and forms to be able to access some of the areas because while some may have dropped within common areas, some of the common areas' trees dropped on private property. He said the HOA has cleaned their major roadways, but they have not reached the point of doing their landscaped buffers. Mr. Barnes said that the Village will continue to work with them.

Referring back to the canals, as Mr. Schofield had mentioned, Mr. Barnes stated staff is not looking to doing the wholesale policy issue or wholesale or selective clearing now, but the intent is to approach the 23 water areas as part of the debris damage from Irma so they can maximize the reimbursement potential from FEMA to recover the cost.

Councilman Drahos said if they are actively going through these canals now, will they have to clear a tree if it is in the way. He said he was assuming that the Village will contact the residents personally and tell them the tree will be removed. Mr. Schofield responded affirmatively. Mr. Barnes indicated they had not yet started that process explaining that they have done the inventory which is the basis for the pricing that was received.

Mr. Schofield explained that the impact of the storm depends on the wind speed and how much rain you get. With Frances, Jeanne and Wilma, Wellington had between 4 to 4 1/2 inches of rain so the ground was not as saturated. However, with this storm, they went into it with a saturated ground and they got 11 inches of rain which will take alot of trees down. He said that they learned some lessons from this storm particularly in areas like Buena Vida and Olympia. He said in those areas, almost every banyan and mahogany tree came down because they have shallow

root systems. He explained when the ground is saturated, those types of trees will come down. He said that one of the things that the HOAs were worried about was what they were going to be required to replace that landscaping with. He said that staff will be asking them to take down trees like the mahogany, the ficus and the banyans and say those are no longer acceptable trees. He said that the Village will not ask them to go in and put in mature trees, but rather something reasonable that will grow slowly. He said the Village will want to see them put in something that is more native that is more resistant to wind and has deeper root systems, so that not so many trees are lost the next time there is a storm.

Mr. Schofield further explained that when the Village went through Frances, Wilma and Jeanne, the pine trees were stressed and they were under more stress with this hurricane. As a result of that, they expect to lose a significant number of pine trees over the next five years. Mr. Schofield said that David Flinchum is working on what can be done to replace that canopy with trees that are more resistant to pine bore noting that he has developed some ideas. He said that for Wellington pine trees are an absolute necessity.

Mr. Barnes directed Council to a map on the screen which showed that a majority of Wellington (pink) were areas that were already picked up on first pass. The two areas with white background that still showed pink streets were areas that, in an effort to get everything done, debris was picked up even though the forms had not been turned into the Village. He said that the Village will go back to those locations, and tell them that the Village will not be making second or third passes for construction or demolition debris or other mixed debris until the right of egress forms are executed that are required pursuant to FEMA regulations.

Mr. Schofield noted that there are some HOAs that do not want to sign the forms. Councilman Napoleone said that he had heard that and wanted to know why. Councilman Drahos said that at the Council Meeting he wanted the residents to know why the Village was not going in there.

Mr. Barnes explained that there are a number of HOAs who have not yet returned their forms, and the Village has been going back and forth with them. He said there are some smaller ones where the form may not be needed as they are largely multifamily and in some cases do not have regular curbside collection. Mr. Barnes said that the three peach locations on the map, Monterey on the Lake, Wellington Lakes, and the Equestrian Club Estates have not been picked up as the Village has not received their forms. In addition, they have not received the form from Southfields and the Wellington Equestrian Club although in the Village's

haste, they picked them up on first pass. Mr. Barnes said that with the exception of the Equestrian Club who have spoken with the Legal Department, the balance have either indicated from their property manager that they don't want to sign or in some cases, it is taking longer to get executed. He said that Monterey on the Lake was the most recent one who did not think they needed to sign it because it was part of the regular pick up, but the Village has not picked up in that location. Regarding the blue areas, he suspected they would be completed this weekend.

Mr. Schofield indicated that there are some people who want some modifications made to the form; however, there is only one form that complies with the manuals. He said that the biggest cost of debris removal is getting it chipped and hauled out. He said that one of the concerns from the HOAs was damage by the Village. He said that whatever minor damage might be done, the cost of repairing that is far lower than the cost the Village would incur to pick it up and move it away. Mr. Schofield said that the Village is doing what they need to do in order to have special permission from the feds to do. Mr. Schofield said that he was not recommending that they modify that form. Ms. Cohen added that it is a form that has been previously used and accepted by FEMA which is also being used state-wide, it contains the hold harmless and indemnification language that FEMA is requiring. She said that the risks that the Village runs if they tinker with the form to appease individual HOAs is that the Village may not get the reimbursement from FEMA and the cost will then have to be passed on to the residents. She reminded Council that the debris that is being picked up is being picked up on private roadways which is not covered under the normal solid waste contract. Ms. Cohen said that ordinarily FEMA would not pay for that unless there is some risk to the health, safety and welfare of the public. She further stated that there are very specific requirements that the Village has had to show in order to justify FEMA reimbursing them for picking up debris from private property. She said that is what is required in the manual, and there have been letters that had to be drafted which was the purpose for the emergency ordinance that was adopted after the hurricane as well as the purpose for the emergency declaration. She said all of those things have to occur and in the proper order or else there is the risk of the Village not being reimbursed.

Councilman Napoleone asked who developed the form that was being used state-wide. Mr. Barnes said that the Village received the initial template from the Solid Waste Authority, but he was not sure if they did that in concert with the Division of Emergency Management. Ms. Cohen reiterated that it was being used state-wide. Mr. Barnes said that initially Ms. Cohen and her staff had actually tried to limit the extent of the scope

of that letter, but then after discussions with the Solid Waste Authority, local staff and the State, they actually expanded it to include what was required in previous storms that had already been accepted by FEMA that the private owners had to indemnify and hold harmless the federal government. Ms. Cohen agreed that the form is broad, and she would raise the same issues if she was the attorney for the associations, but she said that there is no choice because the alternative is for the HOAs to pay for it themselves. Mr. Schofield added that half of the communities in Wellington are in private communities. If the Village doesn't get reimbursement for the gated communities, they are out \$3.5 million instead of \$350,000.

Mayor Gerwig asked if the reason they did not want to pay was why the HOA did not want to sign the form. Ms. Cohen thought the broad release and indemnification as well as having to pay was the reason they don't want to sign. She said that they are worried about damage, injury and those types of things.

Councilman Drahos asked when it was anticipated that the staging area would be completely cleaned out. Mr. Barnes said that he did not have an answer at this time. Mr. Schofield thought it would be a minimum of two months. Mr. Barnes added that it was a three part process where they had to haul debris from different locations and either bring it there or to the Solid Waste Authority. He said that site afforded the Village with the opportunity to move faster which makes residents happy. He said that at the site, the debris is chipped and mulched but it still has to find a final resting place which is the third part of the process. Mr. Barnes said that the desired place to bring it is Aquarius Recycling which is an approved site and within the Village's contract.

Mayor Gerwig asked if that would cost less than taking it to the 20-mile bend. Mr. Barnes explained that the mulch material is already mulched so it would not be accepted there. He said that the Village looked at the option of taking it out to someplace in the Glades that had a site available, but Aquarius is actually closer, so costwise it was the route to take.

Mayor Gerwig asked what the facility would do with the mulch. Mr. Barnes said that he did not know. He explained that is a permitted facility and the Village does not get involved with that. Mr. Schofield said that the Village does have the option of burning it on site which is an air curtain incinerator, but the problem would be running for weeks and the complaints they are getting now would be significantly increased.

Mr. Barnes said that notwithstanding the minor problems they had with

some HOAs and gated communities, the Village has had great cooperation from other gated communities in Wellington. In addition, to Code staff, Parks and Recreation staff has also been working on debris. He also noted that they have had great success with their contractor. He said that a lot of contractors decided not to respond because they were getting greater pricing elsewhere. Mr. Barnes said that this vendor is from Georgia, they responded, showed up when they said they would and have continued to respond.

Councilman Drahos hoped that the Village would consider for future proposals, those vendors who were not cooperative. Mr. Barnes responded that would absolutely be noted.

Mr. Barnes said that the Village had three vendors that they could use explaining the vendor they are using was tied for number two and there was not much difference in the unit pricing. Mr. Schofield added that Tag had been exceptional and the other company that has come through who are subcontractors to Tag has been Jett Hauling. Mr. Barnes said they are local and residents, and stepped up as a subcontractor. Mr. Schofield said that they do the Village's normal bulk.

With regard to bulk collection, Mr. Barnes said that Solid Waste Authority is now open for bulk; however, the Village has not resumed its regular bulk schedule yet. He said that they are doing Village-wide collection starting at different points in the Village and picking up everything they can which will take time. He asked that the residents please bear with them. He recommended that the residents not put out their bulk at this time, but it is fine if they have already put it out. Mr. Barnes said that it is difficult to predict when pick up will resume based on the volume. Mr. Barnes added that staff has been more actively involved in the debris removal process because they have had equipment operators and drivers running the Village's equipment doing debris pick up which has helped a lot.

Mayor Gerwig referred to the trees planted in the Village's rights-of-ways, and asked whether there was any way that the resident is responsible for that tree removal if the resident has indicated they planted the tree. In response, Ms. Cohen believed that was a policy decision that Council could make. Mayor Gerwig said that the Village does let people know not to plant anything there. Mr. Schofield said that if the tree is in the Village's right-of-way and it is down, the Village will get it out. Mayor Gerwig felt the residents need to be notified and told about any future policy regarding it. She felt that there needed to be a policy not to plant anything there because if the Village needs to get to something, they will go out and take it out. She said that she did not want people to be

confused by it. Mr. Schofield said that they would be cleaning up from the storm at least until the first quarter of next year. He said at that time, staff will come back to Council with a policy. He said that staff will not recommend clear cutting the right-of-way, but they will recommend that there is sufficient room to get to something. He said that would be a discussion they should expect to have the second quarter of next year.

Mayor Gerwig asked what impact Puerto Rico's emergency declaration had on Wellington. Mr. Schofield said that there are a lot of things that kick in with those declarations. He said that for the period of the declaration plus six months many things are extended. He did not know how long the Puerto Rico declaration would be in place. He said that the Irma declaration has not been lifted yet, but once that occurs, every development order will be extended for six months and it will extend further depending on how long the Puerto Rico declaration stays in place. Mr. Schofield indicated that the Governor issued another declaration that day for 29 counties on the West Coast for the new storm. Mr. Schofield pointed out that October is the most active month of the hurricane season, and Wilma was a late October storm.

Mayor Gerwig said other communities have been doing hurricane charettes, wrap-ups and town halls. She requested staff get in touch with FPL. Although they were phenomenal in getting power restored, she felt that their communication could have been better, particularly for those people who had left town. She raised issues with the smart meters, the wooden poles versus the concrete poles, and potential for underground lines. She wanted to have a charrette to discuss all those things

Mr. Schofield said that after every one of these incidents, the Village prepares a post mortem outlining what was done right and wrong and what could be done better. He said that they will do the same with Council and then if they want, it will be taken out to the community.

With regard to the underground lines, Mr. Schofield said that when Wellington was first developed there wasn't any widespread push to have power lines underground, but after the late 70's early 80's, everything that was built after that had all of the infrastructure underground. He said the biggest problem for FPL becomes transmission lines and regional distribution. He said FPL states that in terms of the transmission lines, it is much better to have them above ground because if something goes wrong they can fix them. He said they will have that conversation with them. Mr. Schofield spoke about how much sooner people had power after Irma as opposed to after Wilma. He said that they have not seen those wide-spread power outages. Mr. Schofield said that it was remarkable how quickly power was restored to the 4.5 million customers

in Florida who were without power after the hurricane. He said that FPL performed significantly better than in previous storms and they will even say they can improve.

Mayor Gerwig said that FPL did what they could do. She was not trying to reprogram anything just thought if it were better if maps were live.

8. COUNCIL COMMENTS

NONE.

9. ADJOURN

There being no further business to come before Council, the meeting was adjourned at 2:50 p.m.