

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, February 12, 2018

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.

Notes:

Vice Mayor McGovern joined the meeting during the discussion of Agenda item 18-1854 (Resolution No R2018-08 (Meinse LLC Memorandum of Agreement)).

Councilman Drahos joined the meeting at the conclusion of Agenda item 18-1847 (Let's Move: Commit to Change Physical Activity Challenge Campaign Kickoff presentation)

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the agenda for the February 13, 2018 Village Council meeting for review.

A. [18-1867](#) PACK 125 ANNUAL PINWOOD DERBY INVITATION

Mr. Schofield introduced the agenda item. This is a request from Pack 125 to address the Mayor and Council to extend an invitation to them to participate in their Annual Pinewood Derby. He said that all Council members will get invitations to participate in the event.

B. [18-1847](#)**LET'S MOVE COMMIT TO CHANGE PHYSICAL ACTIVITY CHALLENGE CAMPAIGN KICKOFF PRESENTATION**

Mr. Schofield introduced the agenda item. This is a presentation of the Let's Move: Commit to Change Physical Activity Challenge Campaign by Representatives from Ultima Fitness. He noted that a short video will be shown.

At this point, Mayor Gerwig asked if they could re-order the agenda and move the Invocation before the Pledge of Allegiance. Ms. Cohen said that could be done, but noted that was one of the changes that is included in the Council procedures which should be presented at the next Council meeting. Mayor Gerwig then asked if they could just change the order this once prior to that to see if it flowed better. Mr. Schofield stated that he would change the order for tomorrow night's meeting since the cub scouts will be presenting and it would be easier if the order was changed.

At this point, the discussion regarding the agenda item resumed.

Mr. Barnes presented the Let's Move: Commit to Change Physical Activity Challenge short video.

Since Councilman Drahos joined the meeting after the video had been shown, Mr. Schofield advised him that they would show the video again at the end of the meeting.

C. [17-1517](#)**AUTHORIZATION TO AWARD A CONTRACT TO MULTIPLE VENDORS FOR SUPPLY, DELIVERY AND INSTALLATION OF LANDSCAPE MATERIALS**

Mr. Schofield introduced the agenda item. This is the authorization to award a contract to multiple vendors for supply, delivery and installation of native plants, aquatic plants, trees, shrubs and groundcover for various locations, Village-wide on an as-needed basis, in the amount of approximately \$45,000.00 annually. He noted that this was a low bid/sealed bid and is an award to three vendors. Mr. Schofield explained that they will go to the vendor that has the lowest price, and if they were not available, they would then go to the next available vendor who has the lowest price. He said they will always get the lowest price of the three vendors.

Mayor Gerwig asked who determines the products. In response to Mayor Gerwig's question, Mr. Barnes explained that most of it is based on the existing material that is in place at the different locations, i.e., parks, preserve areas, etc. He said the selection is made in conjunction with Mr. Hopper who is the Village's landscape supervisor and Mr. Wagner who is the Public Works Director. Mr. De La Vega directed Council to the Tertiary which is Alligator Landscaping, a Palm Beach County vendor. He explained that the reason they were included as a tertiary was because they had the third lowest price. In addition, if the Village is required to pick up the material, it may be less expensive to pick up in Palm Beach County than to go to Tamarac or Parkland which are the locations of the other two vendors.

There were no changes recommended for this item.

D. [17-1583](#)**AUTHORIZATION TO RENEW AN EXISTING CONTRACT FOR BUS RENTAL AND DRIVER SERVICES**

Mr. Schofield introduced the agenda item. This is the authorization to renew an existing contract with Bus One, LLC for bus rental and driver services in the amount of approximately \$43,000.00 annually. He said that in the contract the company has the ability to include a fuel adjustment; and in this particular RFP, they have requested an \$18.00 increase from \$77.00 to \$95.00. Mr. Schofield said that they checked with other people who use bus service and found that the Palm Beach County School District uses the same company and are paying \$115.00 per hour; and Palm Beach Gardens has a daily rate of \$585.00 maximum. Mr. Schofield said that he was going to ask Mr. De La Vega if the Village could get a maximum daily rate added to the contract. However, \$95.00 per hour was still considerably lower than any other service around. Staff recommended the renewal of the contract with the increase of \$18.00 per hour.

Mr. De La Vega explained that the Palm Beach Gardens contract is a \$585.00 flat fee for the day regardless of however long they use the bus for that day. He said that the Village has an hourly rate so they would only pay \$95.00 if it is approved. He said with the Palm Beach Gardens contract even if they only used the bus for four hours, they would still have to pay \$585.00 for the day. Mr. De La Vega said that in many instances, Wellington does not use the bus service for a full day, and in those cases, they would be substantially less than the \$585.00 daily rate that Palm Beach Gardens was just awarded. He said that they wanted to ensure that they were in line with the proposed \$95.00 rate which they are especially since the School District pays a higher rate with the same company.

Mayor Gerwig asked if this was the same bus service the Village has been using, and if so, were there any complaints from the parents. Mr. De La Vega responded that this is the service the Village has been using and there have been no complaints.

There were no changes recommended for this item.

E. [18-1854](#) RESOLUTION NO. R2018-08 (MEINSE LLC MEMORANDUM OF AGREEMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MEINSE LLC CONCERNING INSTALLING A TURNING LANE ON SOUTH SHORE BOULEVARD, CONSTRUCTING BRIDLE PATHS ON 40TH STREET AND CONSTRUCTING A CUL-DE-SAC AT 130TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This is the approval of Resolution No. R2018-08 authorizing the execution of the Memorandum of Understanding between Meinse, LLC and the Village of Wellington. He said that this is a request from a large farm that is being constructed at South Shore and Lake Worth Road which is essentially 40th Street. Meinse Farms was requesting that the existing 40th Street shell rock road between South Shore Boulevard and the 130th Avenue South cul-de-sac be converted to a bridle path by closing the roadway to public vehicular traffic access. They also wish to construct a cul-de-sac just south of the intersection of 40th Street and 130th Avenue South.

Mr. Lundeen said that the shellrock road which is 40th Street comes in at the intersection of Lake Worth Road and when the Village closes that down it will make the entire intersection much safer. He showed the map showing the area where they would be building the cul de sac. He showed 130th Street which will be partially all gravel and the cul de sac will be paved. He showed where they wanted to close the dirt road. He reiterated that closing that off and making it a bridle path will make that intersection much safer than it is for any vehicular traffic. Mr. Lundeen said that the Village will still be able to use it for maintenance of the canal and FPL will be able to use it for maintenance. He said that the Village will need to put in trailheads and gates and showed where they would be installed. He said that the owner will be providing the Village with additional right-of-way for a right turn lane and showed that area. He said that the Village will assume the maintenance of the cul de sac once it is installed and accepted. Mr. Schofield clarified that 40th Street is really not a street, but it is a canal maintenance bank which is the C-24 canal.

Councilman Drahos said that if the Village wanted to expand Lake Worth Road would that affect their ability to do so. Mr. Schofield responded that it would not noting that there is sufficient right-of-way to expand Lake Worth Road if it needs to be. He also wanted it to be clear that the Village already maintains those roads and they were not assuming any maintenance that they do not already have. He further explained that the road does not extend further back to the east, there is a canal and the

only people who would be using that area would be that farm. He said that the bridle trail will still be there, but cars will not be coming out of it which is a place where they do not want cars coming out anyway.

Mayor Gerwig said that the Village was gaining a bridle path and not losing one. Ms. Cohen said in addition, the Village picks up some property to create a right-turn lane on to Lake Worth Road. Mr. Lundeen showed where that property would be.

Councilman Drahos asked if the applicant was going to build the right-turn lane or was it just an option. Mr. Schofield said that it was just an offer noting that the right-turn lane is not needed at this time; however, if it is required at some point, the Village would put it in. He also noted that the development does not trigger installing a right-turn lane. Mr. Schofield explained that under the current State rules for concurrency they would not be required to put in the turn lane, so there is not a method for extraction.

Ms. Cohen said that this was going to be fee simple, so they will own the property for future use if the Village needs it.

Vice Mayor McGovern asked if the applicant was deeding it to the Village. Ms. Cohen responded affirmatively.

Mayor Gerwig referred to page 162 stating that it showed the triangular piece that the Village would be gaining. She said that in the future the Village would have the ability to add a turn lane. Mr. Barnes indicated that was correct.

Mr. Schofield summarized that: the Village would not be giving anything up; a roadway that the Village does not want used, will not be used; they are putting in a cul de sac/turn around; owners of the property primarily use this; and it eliminates the other half of what was a very difficult intersection which was 40th Street immediately south of Lake Worth. He stressed that doing this will make the road safer.

Mayor Gerwig asked if the people who will now have the cul de sac were notified of all of this. Ms. Cohen said that they were all in agreement.

There were no changes recommended for this item.

F. [18-1853](#)**PALM BEACH CENTRAL HIGH SCHOOL AND WELLINGTON COMMUNITY HIGH SCHOOL PROJECT GRADUATION SPONSORSHIP**

Mr. Schofield introduced the agenda item. This is the approval of the sponsorship of Palm Beach Central High School and Wellington Community High School 2018 Project Graduation. He explained that in the past years, the Village typically donated \$500.00 to each school as well as providing the gym for their overnight activities which is done at the Village's cost under the Interlocal Agreement. He noted that normally this would have been on Consent, but since the Village has put so much emphasis on impaired driving, this was something they wanted the public to hear. Staff recommended approval of this item.

Vice Mayor McGovern asked how the Village arrived at the dollar figures. Mr. Barnes said that there was a period of time when the Village did not provide a monetary contribution, but several years ago, they resumed providing that contribution. He said that the amount was the level of sponsorship that the Council had previously approved.

Mr. Barnes reiterated that besides the monetary contribution and the use of the Village Park facilities, they also provide some staff.

Councilwoman Siskind said that being a Project Graduation Co-Chair for Wellington High School she believed that they very much appreciated the contribution noting that the funds go a long way.

Vice Mayor McGovern asked what the budget was for Project Graduation. Councilwoman Siskind said that she could not speak to Palm Beach Central's budget, but it was around \$20,000 - \$25,000 for Wellington High School.

There were no changes recommended for this item.

G. [18-1822](#)**AUTHORIZATION TO NEGOTIATE A CONTRACT TO PROVIDE ENGINEERING AND ARCHITECTURAL SERVICES FOR GREENBRIAR PARK AND SOUTH SHORE PARK**

Mr. Schofield introduced the agenda item. This is the authorization to negotiate a contract with Kimley Horn and Associates, Inc. to provide engineering and architectural services for Greenbriar Park and South Shore Park.

Ms. Cohen said that Mayor Gerwig would need to recuse herself on this item. She explained that if you look at the three highest ranked firms, Kimley Horn and Associates was the first one, and it was her understanding that Mayor Gerwig's firm and her husband's firm does not have a relationship with them, but they do have a relationship with some of the sub-contractors that were identified in their proposal. She said that it was unclear whether she actually has a conflict, but by the time they would be able to obtain an ethics opinion on that matter, the vote would have already occurred. In that case, Ms. Cohen said that she advised Mayor Gerwig not to participate in the discussion. Secondly, she said if for some reason they were not able to negotiate a contract with Kimley Horn, the next in line would be Engenuity who she said Mayor Gerwig has a relationship with. She said there is no opinion out there on this type of scenario.

Mayor Gerwig said that she had previously recused herself because if they do not award it to number one, then they would go to number two. Ms. Cohen said that she had advised her to recuse herself to avoid any possibility of a conflict. Mayor Gerwig said that they have asked for further opinions on it, but it is a unique situation each particular time. She said that it has no bearing on the function of the Village whether or not she awards the contract. She said that it is not a State conflict issue, but rather a Palm Beach County one. Ms. Cohen said that when she was speaking with the Ethics Commission, she asked if they could get an opinion for the future, but was told that once the vote has occurred, they do not really give advisory opinions at that point, so they are unlikely to issue any guidance for the future on this. Mayor Gerwig felt that they needed to explore some of these things so that she is not left out there making the decision because there is no benefit to her firm in any way in any of these contracts which was why it was not a State conflict. Mayor Gerwig felt that it makes it difficult for her if they will not give an opinion ahead of time. Ms. Cohen thought perhaps they could work on seeing what items were coming through the pipeline and be more proactive in then seeking a determination. Mayor Gerwig said that most of the contracts she has with these other firms are also public contracts and are publicly vetted so it feels a little duplicative. She asked that they ask the Ethics Commission even though they do not like to give these types of

advisory opinions, for an opinion and lay out these scenarios so that she has better guidance in the future.

At this point, Mayor Gerwig left the Conference Rooms.

Mr. Schofield said that residents came to Council who then identified a need for additional fields to be constructed. He said that they developed a plan for additional multi-purpose fields that are specifically designed so that Lacrosse could be accommodated. He said that the first direction was to find the property to do it, and they then developed a basic plan. He said that Council's previous action included transferring \$5 million for their construction. Mr. Schofield said that this awards the contract and he guessed within 90 or 120 days they will have plans and can go out to bid on this. He said that there is rapid progress being made on this from their first identifying the problem, identifying the land, transferring the funds, and now to the design. He said that the South Shore Park part of it that has been in the capital plan for a while and this is the beginning phases for the redevelopment of that. Staff recommended approval to negotiate the contract, and they will be back before Council after they have successfully negotiated a contract for their approval.

Vice Mayor McGovern asked if the Village was not able to negotiate a contract would they immediately move to Engenuity without any further action needed from Council. Mr. Schofield said that it was the Village's intention to negotiate the contract with Kimley Horn; however, if that was unsuccessful, they would then go to Engenuity, and if that fails they will then go to Simmons and White. He said that the only way they would be back before Council was if they could not negotiate a contract with any one of the three firms. Ms. Cohen noted that Council will see the contract that has been negotiated which they will approve. Mr. De La Vega said that item was scheduled for February 27, 2018.

Mr. Schofield said that they wanted to convey to the public that there is a sense of urgency on the part of Council regarding the fields. He said that they are moving things forward as quickly as they legally can.

There were no changes recommended for this item.

H. [18-1868](#)

RESOLUTION NO. R2018-11 (MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF WELLINGTON AND THE WELLINGTON COMMUNITY FOUNDATION TO PARTNER ON CERTAIN YOUTH AND SENIOR PROGRAMMING PROJECTS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF WELLINGTON AND THE WELLINGTON COMMUNITY FOUNDATION FOR PARTNERSHIP ON CERTAIN COMMUNITY PROJECTS AND ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This is the approval of Resolution No. R2018-11 and authorization to enter into a Memorandum of Understanding with the Wellington Community Foundation to partner on certain youth and senior programming projects.

Mr. De La Vega explained that this was a Memorandum of Understanding between the Village and the Wellington Community Foundation. He further explained that this enables the Community Foundation to provide funding for projects that they are working closely with. As an example, Mr. De La Vega said that they are working on a matching grant program with seniors to assist those who need improvements inside their home. He said that the Village envisions the Community Foundation coming in and matching the portion of the seniors portion in order for them to obtain the funds. He said that if there is a \$1,500 or \$2,000 issue in the home that needs to be repaired, then the Village can come in and give \$1,000 and the Community Foundation could match the balance. Mr. De La Vega said another thing they are looking at is youth services. He said that Mr. Barnes was working with Vinceramos so the Community Foundation could provide funding for a project like that.

Ms. Paulette Edwards, Community Services Director, explained that when she first came on board with the Village, she had an opportunity to meet with the Foundation who wanted to have someone who was able to vet the people in the community who were in most need, especially the senior population. She said that she had given them a tour, and as a result of that, one of the activities under the Great Neighborhoods Grant is going to be senior "Aging in Place" home modification which is the senior component that they will be able to match. Ms. Edwards said that as they identify seniors that need things like wheel chair ramps, doors widening and those basic modifications for them to safely age in place, they will present those families to the Foundation's Board who will make the determination as to which ones they will match funds for the rehab or

safety modification. She said that that would be the same process for the youth programs. Ms. Edwards said that the Foundation has historically been funding their income-challenged families for summer camp, and that they will continue to identify families that need support for youth programming.

Mayor Gerwig asked if this was going to include down payment assistance and those types of things. Ms. Edwards said it would not noting that it would only include senior safety modifications who want to age in place and any under privileged youth that needs scholarship support for academic or summer camp.

Mayor Gerwig asked if there was any income requirement in order to be considered for the grant. Ms. Edwards said that there will be an income requirement especially for the youth. She said that they will be looking at those seniors that will be in a hardship situation. Ms. Edwards said that the Foundation also specified that they would like to identify and assist veterans who need help. She noted that the age requirement for seniors is 65 years and up and for the youth it would be anyone under the age of 18.

Mayor Gerwig asked if this program is the Village's grant program. Ms. Edwards reiterated the the Foundation would be partnering with the Great Neighborhoods Grant program which includes three activities: (1) senior housing modifications; (2) occupied rehab; and (3) down payment assistance. She said that this particular Memorandum of Understanding only relates to seniors and youth so the Village will only present them with projects that relate to those two groups.

Councilwoman Siskind asked if there was any form or application that has to be completed. In response, Ms. Edwards said that she had advised the Foundation that they would need to get an application prepared which is what they will use to determine eligibility when presented with the cases.

Mayor Gerwig asked if the Village's Legal Department and the Foundation's Legal Department had concurred on this. Ms. Cohen stated that they have reviewed the Memorandum of Understanding and are comfortable with it; however, she had not been presented with any type of application to review.

Vice Mayor McGovern thought this was a good thing. He asked Ms. Edwards to walk him through this process. Ms. Edwards explained that as the Village goes out for their Great Neighborhoods Grant, they advertise what they are doing and that they have these matching grant

home modification programs. She said that if they go into a senior house and see things that need to be done that equate to \$2,000, the Village's grant will be \$1,000 and the other \$1,000 will be matched. She said if they are a hardship situation and the senior does not have the other \$1,000 then they will be presented to the Foundation as a potential applicant for them as part of this Memorandum of Understanding arrangement.

Vice Mayor McGovern asked if this fills the void for filling the other part of the matching grant. Ms. Edwards said that was correct. She noted if the senior has the funds to match the grant, then their case would not even be presented to the Foundation.

Mayor Gerwig asked what would happen to the Village's portion of the grant if the senior passed away. In response, Ms. Edwards said that all of the grants are five-year deferred loans which are pro-rated over that time period. She said that during that time period if they pass away or sell the house, then the Village will hopefully be in the second position to any other loans on the property. Ms. Cohen added that the loan is forgiven at 20% per year. Mayor Gerwig said so essentially it would be closed at the end of five years, but before that time the Village could recoup something back from the sale to put back into the program. Mr. Schofield indicated it would go back into the general fund with the intention to keep it available for this program. He said like all expenditures they come from the general fund but are allocated to a specific account, which requires approval by Council to move from one fund to another.

Vice Mayor McGovern said that this Memorandum of Understanding essentially allows the Village to connect their applicants with the Community Foundation to fill a need. Mr. Schofield added that it enhances the program. Mr. Barnes noted that it is not specific to the housing. He said that the agreement is all encompassing with their partnership with the Community Foundation and allows them to be part of the Village's program where they are able to assist seniors and youth.

Vice Mayor McGovern believed that this was exactly what Council envisioned when they kept the Community Foundation alive.

Mayor Gerwig said that as they look forward to this, she felt that it was a way for the Foundation to market what they are doing. She said that people are always asking her what they can do, so she can now direct them to the Foundation.

Mr. Schofield said that this is a very good program. Mr. De La Vega

said that the Foundation would be in attendance at the Council meeting.

Mayor Gerwig remarked how much the Board of the Foundation has expanded. Ms. Edwards said that the Foundation did a great fundraising effort at the end of the year and utilized this program as part of their fundraising efforts. She said that there is a need and she already has a list of people for the grant.

There were no changes recommended for this item.

4. WORKSHOP

5. ATTORNEY'S COMMENTS

Ms. Cohen reminded Council that they would be having a Shade Session tomorrow evening at 5:00 p.m. where they would be discussing the 14269 BT LLC case and then following that, they will be discussing two cases related to Palm Beach Polo: (1) Big Blue enforcement case; and (2) 130 violations case.

Ms. Cohen also indicated that there was a challenge to a staff interpretation regarding whether stabling or keeping of horses was permitted in Paddock I outside of the EOZD (Equestrian Overlay Zoning District). She said that went to hearing last month and the Planning and Zoning Board upheld staff's interpretation. She said that the applicant who challenged the interpretation was Mary Sue Jacobs on behalf of her daughter Kelly Jacobs who is the property owner. Ms. Cohen said that they have filed a Petition for Certiorari. She said that she understood that there have been requests to meet with Council regarding these issues. She said since it is currently pending before the court, she recommended that Council declines to meet with the property owner or her mother.

Vice Mayor McGovern asked if Ms. Cohen was recommending that they not have those meetings at all versus having her present at them. Ms. Cohen said that her recommendation was that Council not have those meetings at all. She said even if Ms. Jacobs' attorney was planning on being present, she still would recommend that they avoid meeting because this is a Cert petition and not where they are actively doing discovery or anything like that. She said that this is something that is pending before the Court and they will see whether the Court issues an order to show cause, and if they do the Village will respond.

Vice Mayor McGovern said that he received that request and his policy in general is that he meets with anyone who requests a meeting with him. He asked Ms. Cohen if her advice was that they not meet with them now or while this matter is pending at any stage. Ms. Cohen responded affirmatively and reiterated her recommendation that they not meet with the property owner while this matter is pending.

Mayor Gerwig said that she has always abided by that when there are issues because she would not want to put them in a difficult situation.

Councilman Napoleone asked if there was any material he should have in advance of the Shade Session that it be provided to him. Vice Mayor McGovern indicated that he would consider that a group request. Ms. Cohen said that she would re-send the court's opinion to them on the

142369 case.

Mayor Gerwig stated that she had called Alex Domb on Saturday to ask if there were plans for the property on Stribling because people have been asking her about the clearing and the situation on Stribling. She said that she requested if they do have plans for the property that they try to get in front of it and do what is needed. She said that he advised her that they were only putting in grass and cleaning up.

Ms. Cohen said that there was also a Petition for Cert filed for both the Palm Beach Polo and Polo West applications that came before Council.

Councilman Drahos asked if the Village was handling those in-house. Ms. Cohen said that if the court issues the show cause order, they will likely handle that in-house, but that will be dependent on whether she has an assistant or not.

Vice Mayor McGovern asked what was the status of Ms. Cohen hiring an assistant. Ms. Cohen said that she has finished conducting interviews and was currently finalizing her decision.

Mayor Gerwig asked where the assistant attorney position was advertised. Ms. Cohen said that it was advertised on the governmentjob.com website, the local government section of the Florida Bar, the Florida municipal attorneys association and probably one or two other places.

6. MANAGER COMMENTS

Mr. Schofield reported that he has asked the Palm Beach County Sheriff's office to increase their presence in and around the area of Wellington Landings Middle School, specifically on Paddock and Greenview Shores. He indicated that there have been some questions about large groups of kids coming in and being disruptive, so there are more PBSO deputies out there.

Mr. Schofield said that the lighting and shade structures at Scott's Place were complete. Vice Mayor McGovern asked when the lights are operational. Mr. Barnes said that they should now be operational. Vice Mayor McGovern asked what times during the day are the lights turned on and off. Mr. Barnes said that he would have to check with Mr. DeLaney as to the actual hours of operation because in some cases, there are days when there are certain events where the park is usually closed because of the disruption between the Amphitheater event and that event, but indicated he would check on it. Mayor Gerwig said the idea was for it to be open during the events. Mr. Barnes said that was the thinking before; however, there was some disruption in the past, but lighting may help that disruption.

Mayor Gerwig said they may find a way to lock gates noting that the gate on the parking lot side should be locked so that people can only go in and out by the bathrooms if the lights are on. Mr. Barnes said that generally what will happen is from the interior, the gates are egress accessible so when they do that someone could pop the gate open, hold it open and leave it open, but it can be locked from the outside so it cannot be accessible from the parking lot. Vice Mayor McGovern asked if that was because of a fire hazard. Mr. Barnes said he was sure they could keep it locked, but that was how the actual apparatus is set up noting that it is a panic bar in case of an emergency. He said there is no fire requirement for it being that it is an outdoor space, but there is panic hardware. Vice Mayor McGovern said that there was no reason that could not be done. Mr. Barnes indicated that was correct. Council thought there could be a sign indicating when the gate would be locked. Mayor Gerwig said that since the Amphitheater was done, parents have asked that the park be open during the events at the Amphitheater.

Mr. Schofield said that whatever the operational issues are they will solve them over the first couple of weeks that they have the lights on and working. If there is a specific event that requires them to be closed, it will be noticed far in advance.

Vice Mayor McGovern said that as they made the announcements

relative to this work being completed, there has not been an announcement of the new hours and that type of thing. He believed that should be done in conjunction with this, i.e., social media, etc. Mr. Schofield said that they will begin seeing those things as he had been a little hesitant because of the moving date when it was going to be completed.

Mayor Gerwig said she was glad to see the shade at that park noting that this has been the most well-shaded park. She said that one of the things parents keep asking about is more shade at parks which is problematic as it is expensive when it is not part of the original design. She noted that shading was added only over the swings in Tiger Shark Cove. Mr. Barnes explained that Tiger Shark Cove has a lot of shade to begin with. Mayor Gerwig said that as they look at their parks, parents have been asking for shade since she has been on Council. She said that it is problematic with trees so these shade structures are a way to combat that and comply with the residents' requests.

7. COUNCIL COMMENTS

Councilman Drahos asked if staff could provide an update on White Pine.

Ms Cohen said that the Village was a party to the foreclosure on that property and she filed a Motion with the court to require the property owner to either repair the property or alternatively to require the bank to protect its collateral. She said that the hearing for that was scheduled for tomorrow . Ms. Cohen indicated that she has spoken with the bank's attorney, and his office has spoken with the property owner's attorney and all three will be there. She said that it is an 8:45 a.m. hearing. Ms. Cohen noted that they are not really required to ask the court's permission to demolish a structure that is found by the Building Official to be an unsafe structure; however, she wanted to give the bank an opportunity since it is in foreclosure to come in and do the repairs if that is what they ultimately choose to do. She said that unfortunately there are still families living there, and she was going to ask the court to have the premises vacated by March 1st. Ms. Cohen said that she had a conversation with Ms. Edwards and they are working as best as they can to give assistance to these families. She said that the difficulty was that the property owner has refused to refund any of their deposits which are significant.

Mayor Gerwig asked if it was illegal to rent out something that the Village has condemned. Mr. Schofield said that you cannot rent something out once it has been condemned; however, the people who are living there were there prior to the condemnation notice. Mayor Gerwig said that she was told that one of the people came in after the notice. Ms. Cohen said that had not happened to the best of her knowledge. Mr Schofield said that there is at least one case where the previous tenant moved out because of mold and then they rented the apartment; however, it was before it was noticed.

Councilman Drahos asked if there was a criminal investigation on this. Mr. Schofield said that there was a criminal investigation pending on that, case numbers have been issued and the Village is proceeding down that pathway as well. Mr. Schofield said that investigation is moving as quickly as possible noting that he had spoken about it with Captain Silva earlier in the day.

Ms. Cohen said that ultimately the Village's role is to protect the health and safety of the residents. She said that they are trying to assist in any way they are able to in trying to help relocate these families.

Councilman Drahos said that there was a bigger message to send out on this because they discussed this during Council's visioning session which was what they are doing about these aging rental communities. He said that he was frustrated that there is a corporate landowner that is renting these at a high price offering Wellington schools and parks, but not living up to the Wellington standard of living. He said that he commended staff for identifying this issue. Councilman Drahos said that as they discussed during the visioning session, they should turn up the heat on these corporate landowners and see if they can find more examples like this. Councilman Drahos said that these tenants are scared to come forward, so they need to be advocates for them.

Vice Mayor McGovern said that while he appreciated the fact that these people need to move out by March 1st, this is highly unsafe and they will still be living there for 2 1/2 more weeks. Ms. Cohen said that the Village has no power. Mayor Gerwig said that the people are out of a significant amount of money pointing out that some are out \$4,000. Ms. Cohen added that some of the people are out \$6,000. She said that without getting an order from the court to require them to vacate, the Village has no authority to go in and physically move them.

Vice Mayor McGovern asked if there were other properties in the Village that are owned by this landlord. Ms. Cohen said that to her knowledge the owner does not own any other property noting that these are under the corporate name. She said that he may own other properties under his individual name. Ms. Cohen said that this particular property and this particular landlord, in his individual capacity, had come to the attention of the Village in the 2013/2014 timeframe because he was renting the property to people and there were balances on the water accounts and the new tenants were being required to pay them in order to get the water to be turned on. She said that this has been a problem landlord for the last four or five years.

Mayor Gerwig said that the tenants come in to get the water turned on and they are told there is a balance on the water so they are told by the Village that it has to be paid. She said that the people not having any other option, end up paying it. Ms. Cohen said that is a larger conversation, and that Ms. LaRocque would want to be part of it because it has to do with what the Village requires with respect to the water accounts and whether they are required to be in the name of the property owner or the tenant.

Councilman Drahos asked how difficult it would be to pull the owner's name and advise Council if they own other properties either in the corporate capacity or individually. Ms. Cohen said that they have already

looked and would send out that information to Council.

Ms. Cohen said that when you think of corporate ownership this is really an individual who has formed an LLC and owns a few properties in his individual name and this one property under the LLC. She said that they were not talking about a conglomerate who is buying up tons and tons of properties in the Village.

Vice Mayor McGovern asked when the LLC was formed. Mr. Barnes said that the LLC purchased the units in 2012.

Mayor Gerwig said that she knows this is difficult, but it is important because it is a safety hazard.

Ms. Cohen indicated that the Village had a similar situation with another unsafe structure, the blue tarp house, which was handled very much the same. She said that the difference was that this property is actually occupied. Mayor Gerwig said that it took a long time to demolish the blue tarp property and they were given time to protect their property. Ms. Cohen explained that the blue tarp house existed for a long period of time, but once the Village filed the motion, and got an order, they were given a limited period of time to come forward with a plan on how they were going to repair the house. She said that when they did not submit anything, the Village went ahead and demolished the building. She said that from the time of the court hearing until the time of the demolition, it was really only about 35 days. Ms. Cohen said that the house had been existing and the neighbors had been complaining about it for some time.

Mr. Schofield said that he wanted everyone to be clear that in these types of cases, code enforcement is not quick as the Village does not have the ability to walk into that unit and physically remove the tenant. He said that the processes are months long, and they are accelerating this one as much as they can. He said that the fact that the tenants invited the Village in and they were able to go in and do things which is not typical for municipalities to do. He said that they heard this Council's direction very loud and clear to make their units habitable and up to a Wellington standard. He said that is what they were doing here. Mr. Schofield said that any expectation that they are going to solve this quickly is probably not going to happen. He said that his guess was that they were still a couple of months into this, but they are working to get those residents moved and to make sure they have the resources to do it. Mr. Schofield said that part of the reason they had PBSO to open up a criminal investigation was because that is a step further. He said it is a much faster process than the code process.

Ms. Cohen said that they do have some code enforcement proceedings against this particular property, but what is happening the next day and the unsafe structure that has been issued by the Building Department is not related to those code proceedings. She said that the Building Official has powers under the Florida Building Code and by the Village's Code that code enforcement officers do not have in order to protect the health, safety and welfare of the residents. She said so those are the powers that have been invoked in this particular case and those are the powers that she will be bringing up tomorrow.

Councilwoman Siskind asked if the criminal investigation will help the tenants get their security deposits back. Mr. Schofield said that he did not know what the outcome would be noting that PBSO was not going to disclose details on ongoing criminal investigations.

Mayor Gerwig said that she did not want people not to invite them inside their homes. She pointed out that these are people who invited staff into their homes, let them inspect and determine it was unlivable.

Vice Mayor McGovern felt that was why the Village's assistance to help these people relocate was so important.

Councilman Drahos thought that was one half of the equation, but that there were things they should consider as a Council proactively to give code enforcement the tools to recognize these things. He said, for example, he talked with Michael O'Dell about possibility setting up a license for rentals or mechanism to look at these properties more frequently.

Mr. Schofield said that they do that now although it does not allow staff to go inside. He said that when the rental licensing program came in place a couple of years ago, one of the things they wanted to do was to require annual licensing and inspections. He said that Council, at that time, elected to say that the Village would not do internal inspections and that annual licensing would be automatic unless there was a violation. He said that there is a one-time fee which he believed was \$100.00 and as long as there are no violations, the Village does not go into the building. Mr. Schofield said that he would provide Council with the rental licensing ordinance which they can review. He said that they can change it as a matter of policy, but the current policy does not permit internal inspections.

Ms. Cohen explained that the reason it was limited to the exterior inspections was that there is some case law that found that a rental ordinance that allowed you to actually go into the premises was

essentially a search.

Councilman Drahos said that he was asking for Council to review this ordinance again. He said that he will advocate to his colleagues to try taking a more aggressive approach.

Mayor Gerwig said that she was on Council when that ordinance was passed and she said that they did not want the good landlords to be captured with the bad which was the idea behind the one-time fee. She said that all of the information was to know who the landlord was and if they had complaints which was the one-time registry.

Mayor Gerwig then addressed questions from residents on vacation rentals and airbnb and how were they being controlled as she thought they were pre-empted from that. Ms. Cohen explained that currently the Village is not pre-empted from that, but they are only pre-empted from regulating the duration and frequency of the stays. She said that the Town of Hollywood has implemented a vacation rental registration ordinance and depending on what happens, the ordinance that they enacted may become unenforceable. She said if they did not have a vacation rental ordinance on the books prior to 2011, then you were not grandfathered in. She said that Wellington like other communities did not have such an ordinance.

With regard to the rental licensing ordinance, Vice Mayor McGovern asked if the Village has the power to re-insert the inspection requirement under the law. Ms. Cohen said that the Village cannot require that they submit to an internal inspection. She reiterated that there are some court cases that found that would be an illegal search. She said that what Wellington's rental ordinance did was say that they can inspect the outside, but cannot force them to allow staff to go into the property and inspect inside.

Councilman Napoleone said he believed the next Council meeting in February was light and asked if they could do a workshop as to what tools they have to look at this. He asked if Council could be provided with some information prior to the meeting and then have a more meaningful discussion.

Mr. Schofield said that they will give Council the ordinance that they have, i.e., rental licensing. He said that the thing that is more usable is the minimum housing code that is in the Building Code. He said that the airbnb keeps coming up. Mr. Schofield said that the Village Code provides that the homeowners have the ability to have a border or renter in their home, but has no provision against renting. He said that it also

provides that not more than four unrelated people can live in a home, but never found a mechanism to enforce that. Mr. Schofield said that there is a provision in the code that recognizes someone's ability to have a border or tenant which means one and the code does not prevent them from renting. Mr. Schofield said that they are really allowed to deal with duration. He said that the other thing that they do that relates to airbnb and those types of sites is that the Code Enforcement Division monitors those on a regular basis. He said that the last time he looked at it, there were several hundred ads which boiled down to about 50 properties which ranged from a single room to a whole house to a garage room as well as an RV. He said that the Village has had very few complaints on them and will provide Council with that information. Ms. Cohen said they will put together some information and then Council could have a discussion on it.

Mayor Gerwig asked Ms. Cohen to also look at what HOAs and POAs are allowed to do because she believed they actually had more power than the Village. Ms. Cohen said that they do depending on what their restrictive covenants say. For example, in many communities you cannot rent out your property to anyone without the approval of the HOA as there is a whole vetting process. She said that because that is a private contract that is not government-action then it is enforceable. Councilman Napoleone pointed out that the HOAs and POAs can be more stringent than the Village. Mr. Schofield said he has no ability to enforce the restrictive covenants of an HOA.

Vice Mayor McGovern asked if there were other governmental bodies that have a role in this. Mr. Schofield responded affirmatively noting that the Village has done its best to involve them.

At this point, the "Let's Commit " video was shown again.

8. ADJOURN

There being no further business to be discussed by the Village Council, the meeting was adjourned at 5:10 p.m.