

# **Village of Wellington**

*12300 Forest Hill Blvd  
Wellington, FL 33414*



## **Action Summary - Final**

**Monday, May 21, 2018**

**4:00 PM**

**Village Hall - Conference Rooms 1E & 1F**

## **Village Council Workshop**

*Anne Gerwig, Mayor  
Michael Drahos, Vice Mayor  
John T. McGovern, 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 in Attendance: Anne Gerwig, Mayor; Michael Drahos, Vice Mayor; John McGovern, Councilman; Michael Napoleone, Councilman; and Tanya Siskind, Councilwoman.

**2. PLEDGE OF ALLEGIANCE**

Mayor Gerwig led the Pledge of Allegiance.

**3. [18-2082](#)**

EMPLOYEE OF THE MONTH FOR APRIL, 2018 – GABRIEL JIMINEZ, MAINTENANCE TECH II EQUESTRIAN TRAILS

Mr. Schofield introduced the agenda item. This was the recognition of Gabriel Jiminez as the Village of Wellington's Employee of the Month for April.

Mr. Jose Sanchez, Operations Supervisor, stated that Gabriel starting off working nights for over a year as a spray technician doing mosquito control, however, he has now shifted over to the day shift. He indicated that Gabriel performs at a high level regardless of the task, i.e., assisting with special events, mosquito control and also uses his talents as a chef. He said that he used his cooking talents helping out with the breakfast for the Relay For Life fundraiser. Mr. Sanchez said that it is a pleasure having him on their team, and his personality is a welcomed addition to the Village family. He extended his congratulations to Mr. Jiminez.

Mr. Jiminez extended his thanks to his parents for instilling good manners and work ethic, particularly his mother. He also extended his thanks to Mr. Sanchez, Mr. Wagner, and the guys on his team. He said that he was grateful for the recognition.

Council extended their congratulations to Mr. Jiminez and praised his acceptance speech.

**4. REVIEW OF COUNCIL AGENDA**

Mr. Schofield presented the agenda for the Regular Wellington Council Meeting of May 22, 2018.

**A. [18-2066](#)**

REPRESENTATIVE MATT WILLHITE: LEGISLATIVE UPDATE

Mr. Schofield introduced the agenda item. Representative Matt Willhite, District 86, will provide a Legislative Session Wrap-Up regarding the 2018 Legislative Session.

**B.**     [18-2130](#)           MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF MARCH 27, 2018 AND APRIL 10, 2018

Mr. Schofield introduced the agenda item. The was the approval of the Minutes of the Regular Wellington Council Meetings of March 27, 2018 and April 10, 2018. He advised Council to notify Ms. Nubin with any changes that may need to be made.

**C.**     [17-1723](#)           AUTHORIZATION TO AWARD A CONTRACT FOR THE PURCHASE AND INSTALLATION OF VARIABLE FREQUENCY DRIVES FOR PUMP STATIONS 4 AND 8

Mr. Schofield introduced the agenda item. This was authorization to award a contract to Grid One Electrical Construction, Inc., for the purchase and installation of variable frequency drives (VFDs) for Pump Stations 4 and 8 in the amount of \$133,000.00. He explained that Pump Station 4 is up on the C-51 canal and Pump Station 8 is at Ousley Farms and Pierson which pumps water out of the equestrian area. He said that this was a sealed bid/low bid and the bid was \$133,000.00. Mr. Schofield explained that when those pumps were originally installed they were single speed pumps noting that the variable frequency means they can be turned up and down. He said that when they pull water down behind them instead of turning them off and waiting for the water to come up, they can slow the pump down so it is moving the amount of water that is there. Mr. Schofield said that presently both pump stations were running at full speed. Staff recommended award to Grid One Electrical in the amount of \$133,000.00.

Mayor Gerwig asked if that was the amount the Village anticipated. In response, Mr. Schofield responded affirmatively. Mr. De La Vega said that Grid One has previously done this for the Village, and did a great job.

Councilman McGovern asked if the Village had already switched to this technology at other pump stations. Mr. Schofield said they have and they still have some more to go. Mr. Schofield indicated that there was a pump station in the middle of the Village that would not be done because it does not have enough problems to warrant spending the money, but they will do the pump stations that this will help. Councilman McGovern asked how many pump stations would have to be done after these two are completed. Mr. Schofield said that he did not have that answer, but would provide it prior to the Council Meeting.

Councilman Napoleone asked if the order the pumps were recycled was based on their age. Mr. Schofield said that it was being done based on the demonstrated need in the neighborhoods. He noted that the first one

done was Pump Station 7 which is the only station where there are three pumps and it takes most of the water down the C-8 canal along Flying Cow Road. Ms. Quickel added that Council probably also heard this during the budget process because it was included as part of the normal budgeting process.

D. [18-2050](#)

AUTHORIZATION TO: 1) AWARD MULTIPLE CONTRACTS FOR DISASTER DEBRIS MANAGEMENT AND SUPPORT SERVICES; 2) AWARD A PRIMARY CONTRACT FOR DISASTER DEBRIS RECOVERY SERVICES; AND 3) UTILIZE CONTRACTS AWARDED BY SOLID WASTE AUTHORITY OF PALM BEACH COUNTY IF CONTRACTED DISASTER RECOVERY SERVICES VENDORS ARE NON-RESPONSIVE

Mr. Schofield introduced the agenda item. This was authorization to: 1) Award a contract to Thompson Consulting, LLC, as a primary vendor, and to Witt O'Brien, LLC, and Rostan Solutions, LLC, as secondary vendors, to provide the Village with disaster debris management and support services; 2) Award a primary contract to Tag Grinding, Services, Inc., to provide disaster debris recovery services in the event of an emergency; and 3) Utilize contracts awarded by Solid Waste Authority of Palm Beach County, if contracted disaster recovery services vendors are non-responsive.

Mr. Schofield said that for the first item staff was recommending the award to Thompson Consulting, and then secondarily to Witt O'Brien. He explained that the Village doesn't have these storms very often, so it doesn't pay to have the expertise and all of the equipment to do some of the electronic debris monitoring in some of the FEMA filing, so they will have a contract in place to do it.

Mayor Gerwig pointed out that the Village's staff did this for the last storm. Mr. De La Vega passed out the paper tickets for Council to see noting that all of the debris is all manual. He said that the Village has thousands of these tickets for Hurricane Irma. He said that going to Thompson allows the Village to use their electronic ticketing. He then directed Council to page 105 of the agenda packet which shows a sample of their report. He outlined everything the report includes which is done real time and day to day. Mr. De La Vega said that it also has a GIS component which allows the Village with the ability to know which areas have been picked up and those that still need pick up. Mr. Schofield clarified that there are two secondary contractors - Witt O'Brien and Rostan Solutions.

Councilman McGovern asked what was the cost of the contract. Mr. De La Vega directed Council to page 108 of their agenda packets. He explained that the cost is based on the event. He explained that when

they went out and bid and issued an RFP, they had to come up with a basis for what the storm was going to be like, so they chose one million cubic yards noting that they had just under 200,000 cubic yards for Hurricane Irma. He noted that the price was \$1,082,000 based on a one million cubic yard pick up. Mr. De La Vega said if they translated that to 200,000 cubic yards it would have cost \$200,000. He noted that the companies would have done all of the monitoring rather than the Village.

Councilman McGovern asked if they would have been at the Call Center. Mr. De La Vega said that this is for debris monitoring out in the field. Councilman McGovern then asked Mr. De La Vega what is a Call Center Operator that was indicated on page 108. Mr. De La Vega said that would be if the Village utilized all of what the company offers. He said that the Village can select what options they want. Mr. De La Vega further explained that if they look at \$1,000,000 cost with a million cubic yards it is roughly a \$1.00 per cubic yard. He said for Hurricane Irma it would have cost \$200,000 for the use of all the services, i.e., electronic monitoring.

Councilman Napoleone asked if this company works with the debris haulers. Mr. De La Vega indicated that was correct.

Councilman McGovern asked if this contract would then allow the Village to decrease the number of staff they are calling in and paying on an emergency basis. Mr. Schofield responded affirmatively. He explained that they had staff members following every truck as well as staff members at the debris site. He said that there was never any time that there was not at least a dozen people in the field. Councilman McGovern then asked if this cost could offset the cost, and by how much. He asked if it would be one to one. Mr. De La Vega believed it would be less. He said for the total amount of payroll for Hurricane Irma plus the the direct administrative costs they were at about \$700,000.

Vice Mayor Drahos asked if these costs can be reimbursed through FEMA. Mr. Schofield said the costs are reimbursable.

Mayor Gerwig said that the Village had used their code enforcement officers who could not do their jobs in order to do the tickets and follow the debris. Ms. Cohen also noted that a Code Hearing had to be postponed as a result of that. Mr. Schofield said that this would allow the code officer and other staff to be freed up to do other things. He said that staff will move from debris monitoring to do condition assessments and help residents as well as going back to look for actual hazards throughout the Village. He said that they come away from the debris and go back to doing the things that the Village couldn't get to for much later. Mr.

Schofield said that the Village was involved in this for three months. Mr. De La Vega noted that they are still in it with FEMA.

Councilman Napoleone asked if the Village could do this electronically like those companies do. Mr. Schofield said they could; but it doesn't happen often enough to justify the expense to buy the equipment.

Vice Mayor Drahos said that besides the technology, what enabled Thompson to be ranked first ahead of the other companies. Mr. De La Vega said this went to a Selection Committee and directed Council to page 92 which outlined the qualifications and experience. He said it shows all the accounts over the last five years where Thompson provided assistance and the number of cubic yards, noting they have done some very large accounts, i.e., Lee County, Manatee, Solid Waste of Palm Beach County.

Mr. Jesse Wright, Solid Waste Supervisor, advised Council that he had a chance to work with the company during Hurricane Irma. He indicated that they helped the Village immensely despite not being under contract. He said that they certified some of the trucks and worked on tickets. Mr. Wright said that they were very professional and are very good at what they do.

Councilman McGovern said that by doing it this way would there be a cost savings both in efficiency and in the better use of manpower. Mr. De La Vega said was correct and it would also be reimbursable through FEMA. Mr. Schofield said that when they have the kind of wide spread impacts like there were in Florida last year, it is not usually found across the Gulf states as well. He said that one of the problems was that they had debris contractors in Texas and in the Gulf states cleaning up after those hurricanes, so everyone was hard pressed.

Mr. Schofield then addressed the second part of the agenda item which was to change their debris removal contract to Tag Grinding. He said their primary last year was unable to get here, so when they went to the second one and the response was slower, they then went to Tag who were here several days afterwards and did phenomenal work. Mr. De La Vega said the Village is under contract with all three of the companies noting that it was just being reordered because of the previous response.

Councilman McGovern asked if the Village was allowed to reorder the contractors under the old process. Ms. Cohen responded affirmatively noting that they were competitively bid and the Council has the ability to award the contract to whoever of the three are the most responsive and responsible. She noted that this can be done because two of them were

non-responsive when they were needed. Mr. Schofield noted that none of the pricing was changing.

Councilman McGovern asked how the Village was ranking the firms. Mr. De La Vega said they would be ranked as follows: (1) Tag; (2) Ashbrite; and (3) DRC. In the event none of those companies are available, they would move on to the next item on the agenda which is utilizing SWA contracts.

Mr. Schofield noted that the SWA contracts include four companies. He said that the Village's costs under these contracts are significantly less than the cost the County is getting for the same work. He said that they would only want to go to them in the event they could not get anyone else. He said that the intention is to go with the three contractors that were first tagged and then if they can't get to them, they would then go to the SWA contracts. He said that he did not expect to experience that problem again, but you don't know and felt it was best to be prepared for it.

Councilman McGovern asked if it was correct that the Village was under contract with these three companies back from 2016, and they were only reordering the contracts that were already issued. Mr. Schofield responded affirmatively.

With regard to Tag, Mr. Schofield said that looking at them on paper, the other two companies appear to have more experience. However, the Village's experience with them was that they were here quickly, worked quickly and the Village did not have any issues with them.

Councilman McGovern asked why the Village was keeping DRC when they left the Village in the lurch. Mr. Schofield explained that the circumstances that existed last year were very unique. He said he had never seen anything like it with the storms in Texas, Louisiana and in Florida. Councilman McGovern thought they had started and then the manager left 24 hours into it. Mr. Schofield said that there was a whole series of things that happened; however, they never started. He said that the Village had tried to get them, and there was a point quickly after that where they decided to go to Ashbrite who initially thought they could do it, but told the Village they did not have the resources.

Councilman McGovern questioned why the Village would keep the other two companies. Councilman Napoleone's understanding was they have these contracts throughout the state and they all got called in and they have limited resources. Mr. Schofield said that there weren't enough resources to go around. He said it was possible they could get that again, but he didn't think it was likely which was why he wanted the County back up for it as well

- E. [18-2118](#) RESOLUTION NO. R2018-23 FOR LAND AND WATER CONSERVATION FUND PROGRAM GRANT AND RESOLUTION NO. R2018-24 FOR A BUDGET AMENDMENT TO ALLOCATE THE GRANT

RESOLUTION NO. 2018-23 (LAND AND WATER CONSERVATION FUND)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURPOSE OF RECEIVING A GRANT UNDER PROVISIONS OF THE LAND AND WATER CONSERVATION PROGRAM FOR THE ESSEX PARK PROJECT; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 2018-24 (FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT FUNDS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE FISCAL YEAR 2017-2018 CAPITAL FUND BUDGET FOR FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT FUNDS AWARDED FOR DEVELOPMENT OF THE ESSEX PARK PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was the approval of Resolution No. R2018-23 authorizing the Mayor to enter into an agreement with the Florida Department of Environmental Protection for the Land and Water Conservation Fund grant and approval of Resolution No. R2018-24 for a budget amendment to allocate the \$200,000 in grant monies to the Governmental Capital Fund revenue and expenditures. Mr. Schofield noted that this was for Essex Park which was being shown on the screen. Ms. Quickel said that it would be very similar to Dorchester Park.

- F. [18-2123](#) (1) RESOLUTION NO. R2018-25 (PALM BEACH TRANSPORTATION PLANNING AGENCY INTERLOCAL AGREEMENT PER CAPITA DUES):

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING PAYMENT OF PER CAPITA MEMBER DUES TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY COMMENCING IN FISCAL YEAR 2019 AND EVERY YEAR THEREAFTER, AND PROVIDING AN EFFECTIVE DATE.

(2) COUNCIL DISCUSSION OF THE INTERLOCAL AGREEMENT PROVIDING FOR ADMINISTRATIVE SERVICES TO PALM BEACH

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COUNTY TRANSPORTATION PLANNING AGENCY TO OPERATE AS AN INDEPENDENT AGENCY.

Mr. Schofield introduced the agenda item. There were two components to this item: (1) Council consideration and approval of Resolution No. R2018-25 authorizing payment of per capita member dues to the Palm Beach Transportation Planning Agency commencing in FY 2019 and every year thereafter; and (2) Council discussion of the Interlocal Agreement providing for Administrative services to Palm Beach County Transportation Planning Agency to operate as an independent agency.

Mayor Gerwig pointed out that the Palm Beach Transportation Planning Agency had not yet voted on this, but this was in preparation for that vote.

Councilman McGovern asked if there were any municipalities who intended not to pay this money if the vote goes through. Mayor Gerwig said that the Village wouldn't know that, but it might be difficult for some. She explained that not everyone is represented on that board noting that the Village does have a seat. She said that the question is if they would pay if they don't have a seat at the table. She said that one of the reasons to go independent was that more seats can be granted or where they may not have a seat at the table but still may be able to speak. Mayor Gerwig said that she had heard that everyone on the Board was willing to make their per capita investment.

Councilman Siskind asked if the dues included only the people who have a seat at the table. Mr. Schofield said that it is population based. Councilman McGovern noted that doesn't mean everyone will pay which could be adjusted. Mayor Gerwig reiterated that the Board had not yet voted on this, so this was only a step toward that process. Mr. Schofield pointed out that if the Board votes to do this, Wellington's first payment would be in October.

Councilman McGovern felt that they were voting this out of order. Mayor Gerwig explained that it was something for the Board to have in hand. Councilman Napoleone said it was for them to find out who wants to contribute so they can decide whether or not they want to do it. Mayor Gerwig said if they see that cities don't want to contribute, it may change their votes.

Mayor Gerwig said that the second part of this was fronting the money which hadn't been discussed much. Councilman Gerwig said they already have some cities on board for that. Mr. Schofield said that he doesn't know which cities are on board, but he did know that there were a couple. He said they were asking for three or four cities to make a revolving fund available of not more than \$300,000 so they can use it in

the first five years. He said they will reimburse the \$300,000 and the administrative costs once they start receiving funds. Mr. Schofield said that they were looking at around \$1 million of funding. Mayor Gerwig explained that the way they are structured is that they will get paid after the work is done. She said that at this time, the County is providing the service. Mayor Gerwig said that it was up to Council whether they wanted to do it. She felt there was no risk that they would not be paid back as they are federally funded.

Councilwoman Siskind asked how long would it take to be paid back. In response, Mr. Schofield said that it would take five years. Councilman McGovern questioned if there was any interest charged. Mr. Schofield said that he did not see that. Mayor Gerwig said it is interest free. Ms. Cohen explained that they would pay a monthly administration fee for the work that the Village would need to do in accounting for the funds and monitoring. She said that it does have two five-year renewals which is something that needed to be given some thought. She said that there were a few other terms included that she wanted to tweak on the Village's behalf. Ms. Cohen said if the Council was inclined to authorize them to move forward, then she would make some revisions to the agreement and send it back to them.

Mr. Schofield said that he felt they should encourage the TPA to become an independent agency so he believed that paying the monthly dues was something the Village should do if they voted to go ahead. He said if TPA voted to go ahead, then they could discuss whether they wanted to be one of the cities to give the \$300,000. He did not think that was a decision that needed to be made at this time.

Mayor Gerwig said that Wellington is the fifth largest municipality in Palm Beach County and probably one of the most able to accomplish this which was one of the reasons they should consider being part of the bank.

Councilman McGovern felt it was important to encourage them to become independent; however, in the meantime, whatever Legal has in terms of the agreement, they should start to discuss that and have it done by October, so they will know the exact decision they are making when a decision needs to be made.

Mayor Gerwig pointed out that page 376 had to be edited with regard to the Chair's name.

Councilman Napoleone agreed that Ms. Cohen needed to be comfortable with the verbiage in the agreement if they were willing to be

involved in the funding, but he did not believe they were at the point to have a detailed discussion because he wanted Council to be comfortable with the language prior to any discussion.

G. [18-2129](#)

RESOLUTION NO. R2018-26 (STATEWIDE MUTUAL AID AGREEMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A STATEWIDE MUTUAL AID AGREEMENT BETWEEN THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT AND THE VILLAGE OF WELLINGTON FOR CATASTROPHIC DISASTER RESPONSE AND RECOVERY; UPDATING THE PREVIOUS AGREEMENT DATED JANUARY 9, 2001; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was the consideration and approval of Resolution No. R2018-26 authorizing the execution of a Statewide Mutual Aid Agreement between the State of Florida Division of Emergency Management and Wellington. He said the Village first entered into this agreement in 2001 noting that there were several changes made to it. Mr. Schofield explained that this was a basic agreement in disaster circumstances that municipalities and local governments provide to each other which is done through the State. He noted that one of the changes being made was that presently in order for there to be aid, the Governor has to declare a state-wide emergency. However, this agreement allows that to happen without having to do something state-wide and can be done without activating the EOC. He noted that this does not commit the Village to anything new. Mr. Schofield explained that what it says was if the Village needs aid, they would ask for it and pay for it at their cost and vice versa. He said this is the basic framework where they all get assistance from other governments for things we or they might need.

Councilman McGovern asked staff to explain the changes. Mr. Schofield said that the principal change was that it allows aid for smaller events rather than having to do a state-wide declaration or activating the State's Emergency Operations Center. He said if it was something that only affected Palm Beach County or Broward County, then they could enact the aid based on that limitation rather than a state-wide event.

Mayor Gerwig said this doesn't necessarily have to be for a hurricane, but could be something else. Mr. Schofield responded affirmatively.

Councilman McGovern questioned why this was not edited in any way since 2001 and why was it being done now. Mr. Schofield said that it hadn't really changed much since then, and the change was made in

order to make it available for smaller events.

Ms. Nicole Coates, the Village's Emergency Operations Manager, explained that the State recently provided this through the County noting that they had not updated it since 2001. She noted that it was a State-generated agreement. Councilman McGovern said the Village was part of the agreement in 2001. Ms. Coates said that it actually went back to 1996 noting that they always had a state-wide agreement. She said that, as Mr. Schofield has said, the major change was that they don't have to have the State declare an emergency in order to activate the agreement should they need aid from other municipalities or vice versa.

Councilman McGovern asked what now activated the agreement. Mr. Schofield said that anytime that the Village activates the Emergency Operations Center, then there is a declaration that is prepared that Council agrees to, then they can request aid through this agreement which was something they could not do before. He said that it has always been available to use; however, this was just making the agreement do, what in practice they do.

H. [18-2021](#)

ORDINANCE NO. 2018-05 (POST DISASTER DEBRIS RECOVERY)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES BY CREATING NEW ARTICLE IX, SECTIONS 2-362 AND 2-363 PROVIDING FOR POST DISASTER DEBRIS RECOVERY; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was the consideration and approval on first reading of Ordinance No. 2018-05 providing for post disaster debris recovery as part of Wellington's Disaster Debris Management Plan. He explained that they were amending Chapter 2 to provide for debris pick-up in private communities with the Right of Entry Agreement.

Ms. Cohen said that when they had Hurricane Irma, she had to draft an emergency ordinance to give the Village the responsibility to go onto private property to do debris removal. She said that, if they declared an emergency, this would be the ordinance where they would automatically have that responsibility. She explained that this was being done because FEMA requires: (1) demonstrate that you have the responsibility to remove the debris on private property; and (2) that you have a right of entry onto that private property which is what this ordinance represents. She said that the agreement was not part of the ordinance; however, it was being presented so that Council could see what would be the second component to the Village's ability to establish

the right to go onto the property to remove the debris.

Councilman Napoleone asked if that was the agreement where they have been successful in getting the HOAs to sign in advance. Ms. Cohen responded affirmatively. Mr. De La Vega added that to date they have received 29 agreements back. Vice Mayor Drahos asked out of how many agreements was the 29. Mr. De La Vega said that they are all gated communities and noted that they believe there are 30, but they have Community Services checking to ensure they were not missing anyone.

Councilman Napoleone said that they have one HOA who indicated that they won't be signing the agreement. Mr. De La Vega said that was correct. Mayor Gerwig said that community will then be managing their own debris. Ms. Cohen noted that the community was Equestrian Club Estates located on Lake Worth Road. She explained that last time, in their diligence to get everything cleaned up, they went in there notwithstanding the fact that they did not sign the agreement.

Mayor Gerwig said that by putting this in an ordinance there won't be any question about debris removal. Ms. Cohen explained that the Right of Entry agreement is a separate agreement and was not part of the ordinance. She said that the ordinance establishes the right and obligation of the Village to go on to the private property if there is a declared emergency. She reiterated that the agreement was not part of the ordinance, and has been provided to the HOAs and it is a form agreement that each HOA is being asked to sign.

Councilman Napoleone asked if the agreement could be attached to the ordinance because he felt it would be clearer that this was the standard agreement that had to be signed if a community wanted the Village to go into their private community and remove the debris. Mayor Gerwig said her concern was that it be a standard, uniform agreement so that all the communities know everyone was being treated the same.

Mayor Gerwig referred to Section 2-363 "Emergency Management Powers" and said that they decided that if the Village has a local emergency it would enact this. Ms. Cohen explained that they would probably not be removing disaster debris if there wasn't a hurricane, but it is not tied to the Governor's Declaration of Emergency as this is the Village's own internal declaration.

Councilman McGovern asked if the HOAs have to sign a new agreement annually. Ms. Cohen said that they would have to sign them every year regardless of how many storms occur during the year. Ms. De La Vega

noted that originally people were saying per event; however, they spoke with their attorneys and it would be one agreement per season.

Councilman McGovern said that this had to be done annually at the start of hurricane season. Mr. De La Vega said that was correct.

Councilman McGovern said that everyone will know that there will be no prioritization or they can't say they didn't know about it, etc. Mr. De La Vega said that was correct and thought more importantly, the Village was not having to chase these agreements down after the storm hits.

With regard to include the agreement as part of the ordinance, Ms. Cohen did not support including it because there could be a need to change something in the agreement, i.e., contact individuals. Councilman McGovern thought they would look at that every year as well. Ms. Cohen said that they would not be looking at the ordinance every year. She said that they could reference in the ordinance that they would need to complete a Right of Entry, an Emergency and Disaster Ingress Egress Agreement, but she didn't know if it was wise to incorporate the specific agreement into the ordinance.

Councilman McGovern thought a copy of the agreement should be attached as an example. Ms. Cohen said that they could say "in a form substantially similar to the attached". Mr. Schofield added the wording "as amended from time to time." Councilman Napoleone added that they could take out actual names and include titles.

Mayor Gerwig asked if there was a standard operating year for HOAs or were they different. She thought if they had a signature from an HOA President authorizing the agreement and then they were not the President, it could be a problem. Mr. Schofield said that would not change the validity of the agreement as it would be binding for the term of the agreement. Mayor Gerwig thought they would not have the right to rescind. Mr. Schofield said that in fact they would have the right to rescind.

Mr. Schofield explained that as staff was looking through their processes and procedures and they critiqued Hurricane Irma, they identified those things that were missing which was why they were seeing so many emergency agreements. He said they were getting all those things in place.

Councilman Napoleone said that Mr. Barnes and Mr. De La Vega had a very good meeting about this topic with the HOAs. He said there was a good turnout and people were appreciative of understanding the

process. He said that the HOA Presidents that were there spoke highly of the services they received from the Village last year during debris clean-up.

I. [18-2036](#)

ORDINANCE NO. 2018-06 (REPEAL AND REPLACE ARTICLE 8, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS TO REPEAL AND REPLACE ARTICLE 8, IN ITS ENTIRETY AS CONTAINED HEREIN; TO ESTABLISH SPECIFIC STANDARDS RELATED TO SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was the approval of Ordinance No. 2018-06 to repeal and replace Article 8 - Subdivision, Platting and Required Improvements in its entirety. He explained that this ordinance streamlines and clarifies Article 8. He noted that there were no real new requirements; however, there was one thing being moved from Article 7 to Article 8 - the maintenance and use documents which he said should have always been in Article 8. Mr. Schofield said that on page 441 in Section 8.5.4b, it sets the amount of the guarantee. He explained that the Village requires a bond in the amount of 110% of the cost of construction; however, it says 125% and it needs to be 110% as there is no other community that does that. He said that it was not reasonable to have someone post a bond in the amount of 125% and 110% is presently in the ordinance and it is typical of what is found in the County and other municipalities.

Mayor Gerwig asked if this was changing the requirements for platting. Mr. Schofield responded that it wasn't. Mr. Basehart explained that the sub-division code had been adopted from the County's Code which is confusing, there is a lot of duplication, references to County agencies that are part of the Village which they have removed. In addition, he said the streamlining part of it simplified the language so that someone who doesn't deal with a sub-division code or zoning code everyday can read it and understand it. He said that they also did some updates: (1) maintenance and use documents which were moved from Article 7 to Article 8; (2) increase bonding requirement; and (3) slightly modified the Waiver of Plat provision to allow for a waiver in the case of existing multifamily development where the owner may want to see individual units. Mr. Schofield explained that the principal change of the Waiver of Plat document is that based on the current ordinance, if you wanted to take units that had been legally built but did not meet the current plat requirements, they could be subdivided but they had to be done as a

condominium association which is difficult, so this allows them to create the documents as homeowners or property owners associations. Mr. Basehart add that one of the things the Village is trying to do in the older multifamily neighborhoods is to encourage ownership because that increases maintenance and reduces code violations.

Ms. Cohen directed Council to page 448, 8.788c3, and said that they may want to insert the word "existing" before the word lots. In addition, she said that even though they would be able to subdivide and create individual parcels, they would still be subject to a party wall agreement because there is no other way to ensure that common walls, common roofs and things of that nature were adequately maintained. She said that it is very common for municipalities to do a party wall agreement under that type of situation.

Mr. Schofield said that the actual ordinance changes began on pages 431 and ended on page 453. He noted that most of the package were two manuals which were incorporated by reference: (1) Engineering Manual; and (2) Utility Manual. He said that one of the things that they want to ensure is that everything be transparent and all criteria that the Village uses should be available on line and it is absolutely clear. He explained that these are the manuals that are currently being used and they incorporated them in as they were referenced in the ordinance. He said this was done so people know exactly what they are and when they are changed, they have to tell them.

Councilman Siskind asked if there was any way to get the ordinance and staff report, but receive the manuals electronically. Mayor Gerwig said that previous Councils have not wanted as much backup; however, the Council before them wanted everything. Councilman Napoleone said that he would prefer the backup electronically. Mr. Schofield said that they could do that.

Councilman Napoleone said that Article 8 was reduced to 21 pages, and asked how many pages was it originally. In response, Mr. Basehart said that it had been 69 pages. Mr. Schofield said that they haven't taken any requirements out of it noting that they were just easier to read, follow and understand.

Ms. Cramer said that if they compared it to the current manual, they will see it was organized slightly different as they put it in a sequence that makes sense.

**J. [18-2060](#)**

**COUNCIL APPOINTMENT OF BOARD AND COMMITTEE MEMBERS**

Mr. Schofield introduced the agenda item. This was Council's

appointment of board and committee members.

Vice Mayor Drahos asked if they have enough applicants to fill the board and committees noting that last year they did not have enough for the Construction Board. In response, Mr. Schofield said that they have sufficient applicants for each of the boards and committees. He said that they go through the selection process and ask for applications; however, he did not believe that the ordinance precluded Council from appointing someone who wasn't on their list.

Councilman McGovern asked if there were specific requirements for one to serve on the Construction Board. In response, Mr. Schofield said that there are recommendations as there are times when they will have qualified people and times where they won't, but he believed that they have sufficient qualified people. He said that those were questions that he could get Mr. Tomasik to speak to Council about individually.

Mayor Gerwig encouraged people who were interested and had not yet submitted their application to do so at this time.

At this point, Mr. Schofield addressed Council's earlier question about the Pump Stations. He said that Pump Stations 4 and 8 were the last two to be converted, and Pump Station 2 will not be converted because it is used very infrequently and Pump Station 9 goes into Section 24.

## **5. WORKSHOP**

NONE

## **6. ATTORNEY'S COMMENTS**

Ms. Cohen said that the Village did get the order from the Fourth DCA on the Lapi West case. She said that those two cases were consolidated with the same panel. She said that they received a 14269 Order, but they did not receive the Lapi West order until today. Ms. Cohen said that they expected it to come, and will likely just consolidate that with the other.

She further reported that the Court has set a hearing tomorrow at 2:00 p.m. in the vegetation removal that has been going on in Palm Beach Polo. She said that Council will be advised of the outcome of the hearing hopefully by the next evening. As background, Ms. Cohen said this began happening on Wednesday or Thursday when both she and Ms. Bausch were out of town. She said that she got back on Monday and drafted a complaint for Injunctive Relief and for an Injunction Without Notice given the nature of what was going on and inability to replant or regrow easily. She said that was denied without prejudice and the Court

asked them to call for a hearing after the complaint was served. Ms. Cohen said that they served the complaint that day, called for a hearing, and the Court did not get back to her until Thursday at which time she was out for her son's graduation. She said that the Court's Judicial Assistant asked if the activities were happening right then at which time, a Code Officer was sent out. She said that it was wet that day and nothing was happening at that time, and they had to report that back to the Court. She said that they received an order setting the hearing for June 7th or June 8th. She said that when they saw that activities had resumed on Friday, she notified the Court's Assistant and filed an Emergency Motion for Temporary Injunction which was scheduled for Tuesday.

Vice Mayor Drahos asked Ms. Cohen if she was anticipating opposition to the Motion at the hearing. Ms. Cohen said that she expected the property owner will be there and will be represented. She noted that the hearing was scheduled for 2:00 p.m. for one hour and Judge Small would be presiding.

Councilman McGovern asked Ms. Cohen who would be accompanying her at the hearing. Ms. Cohen said she would be accompanied by Mr. Bausch, Mr. Basehart, Mr. Koch, Mr. Newell, and Mr. Khalil.

Vice Mayor Drahos thanked Ms. Cohen for her efforts. He said that he assumed she tried speaking with this landowner but had not been able to reach an agreement. Ms. Cohen said that she would be happy to send Council a copy of the complaint that has affidavits attached to it. She noted that Mr. Basehart had a meeting with the property owner, Mr. Straub and his attorney, Mr. Galle. He told them that the activities had to stop until a tree and vegetation removal permit was obtained. Ms. Cohen said that Mr. Straub informed Mr. Basehart that he was not going to stop. She indicated that she did not think there was anything to discuss as they were given a cease and desist order, emailed and told to stop what they were doing, had a face-to-face meeting and were told to stop yet the activity continues.

Vice Mayor Drahos asked if Mr. Straub provided the Village with an explanation as to why he was doing this. Mr. Basehart said that originally the Village was contacted by one of Mr. Straub's employees who said they were contemplating doing some vegetation removal along the berm. He said that Damian Newell, Planning Department, went out with Mr. Nelson and they went up and down the site. Mayor Gerwig asked if this was in response to a code enforcement violation relating to vegetation that was in the right-of-way. Mr. Basehart said that there was as there is vegetation some of which is invasive in the Village's right-of-way and in

some cases approaching and overhanging the road. He said that the Village initially told them that they had to clear that back for safety purposes. Mr. Basehart said that when they went out to look at it, Mr. Nelson indicated that there was some other vegetation that they wanted to remove to clear up hurricane damage and to eliminate some of the invasives. However, based on what you could see on the berm and in the buffer, they were told that a vegetation removal permit was required and they could not just do it. He said that before they knew it, they were doing it.

Councilman McGovern said that it looks even more haphazard when you pass by it as it appears the debris that was being removed was left there. He said that it now appears, they are cutting behind some layer that was previously all being cut and is problematic. Mr. Schofield said that Mr. Straub has not indicated why he was doing that. He said that there are times when the vegetation encroaches the road, he is called, but he didn't think that at the time Mr. Newell had that conversation, they had actually issued the violation. Mr. Basehart said that there was not a violation issued for encroaching the right-of-way. Mr. Schofield said that they did issue a violation for clearing without a permit.

Ms. Cohen said that she wanted Council and the public to know that the Village has done everything they could reasonably do, but sometimes it takes the courts a while for a hearing.

Councilman McGovern asked if they were using the Village's right-of-way to do this clearing. Mr. Schofield said that they were, and they had PBSO out there, so they have not done that since PBSO went out there to tell them not to use the Village's right-of-way.

Councilman Napoleone said that Mr. Schofield said that Mr. Straub was cited for clearing without a permit. He asked if he sought a permit, what would he be allowed to remove. Mr. Schofield said that if Mr. Straub had applied for a permit, the Village would have allowed him to remove most of what he has been removing. He said that he is taking out mostly exotics, i.e., sea hibiscus.

Councilman McGovern said that there now appeared to be large patches where everything has been taken out. Mr. Schofield said that if it is exotics, they would let him take those out. He said that what the Village wants to see is what he will be replacing. Mr. Schofield said that Mr. Straub has submitted an application, but there is no detail with it.

Vice Mayor Drahos asked if there was a timeframe when he is required to put something back in. Mr. Schofield said that typically the planting

plan would be twice as long as the plan to remove it. He said that they will give him a permit to remove exotics and invasives, but they want to see the restoration plan.

Ms. Cohen said that the settlement documents in the FMIT case have been executed and delivered to FMIT. She said that once that is signed, they should receive shortly thereafter settlement funds which after payment of attorney fees will represent \$300,000 to the Village that they would not have previously received.

## **7. MANAGER COMMENTS**

Mr. Schofield said that, depending on where you are, the lowest rainfall total they have received is about 9 1/2 inches and in some cases, it is over 12 inches in the last week or so. He said for that time period, the Village's system is designed to remove about 7 inches of water. He said right now, between Southern Blvd and Pierson Road, Wellington's water levels are about 13 1/2 feet mean sea level from Pierson Road South, they are about 14 1/2 feet mean sea level, and as you get into the Equestrian Preserve, particularly towards the southern end, there is widespread flooding of lands. Mr. Schofield said that South Florida Water Management District's rainfall projections for Tuesday, Wednesday and Thursday are up to one inch per day, but they haven't projected beyond that. He said that Ms. Coates has been speaking with the National Weather Service who is projecting that for Friday, we could be getting between one and two inches of rain, and for each of Saturday and Sunday, between one and three inches of rain. He said that if the Village gets the minimum on each of those days, they will be able to keep up; however, if they get two inches on Friday, two or three inches on Saturday and Sunday, there will be flooding in the Village. Mr. Schofield said that they will not flood any homes, but they will have some low lying road flooding, but they should be passable. He said that without some reduction in the rainfall, and based on the numbers he was seeing, it was likely that they would see flooding on the weekend. Mr. Schofield said that they had two places where they had roadway flooding. He said there were things done things at the Winding Trails site which was resolved and cleared.

Mr. Schofield said that last week, there was some flooding on Southshore which was caused by vegetation in the inlet, and once that was cleaned, it drained. He said that on 60th Street, the roadway collapsed and there was a culvert coming out of private property that needed maintenance that had not been done. He said that yesterday, the Public Works Department crushed that culvert closed so it could not flow, and they backfilled it and put rock on it and the patches held. He noted that Wynn and Sons would be out there doing a permanent

replacement the next day. He said that any place where there has been flooding it has been something extraordinary that wasn't a Village owned or operated facility. Mr. Schofield said that if they get 6 to 7 inches of rain over the weekend, they will not be able to discharge that, and there will be water. He said that they haven't elevated Barberry and Big Blue yet and it will happen there. He said that the Mayor asked him to look at the culvert near the Wellington Elementary School, and it flows across the road, so they will have to figure out how to fix that. He said every single pump in the Village is working at full speed. He said that they are pumping into Section 24. Mr. Schofield guessed that either tomorrow or Wednesday morning, it will be full and they will stop that pumping. He pointed out that the West Palm Beach canal's water level is about within an inch to an inch and a half of the Village's internal water level so it is not going any where.

Mr. Schofield said there was an article where Royal Palm Beach was saying that they were not having drainage problems, and they are not. He explained that the reason for that was that the Acreage was flooding right now. He said that the Acreage and Royal Palm Beach were all owned by the same company and when they were developed, the private property owner did exactly what he was entitled to do and that was allocate 1/2 inch of drainage a day through the Acreage and gave the rest of it to the incorporated Village of Royal Palm Beach. He said while Wellington is limited to one inch a day, Royal Palm's permit is actually for 3 1/2.

Mr. Schofield said that besides Acme in the Village, there are two other drainage districts: Pine Tree and Lake Worth Drainage District. He said that Pine Tree is operating their system exactly the way they are supposed to. He said that there is inundation in there, but they are moving water quickly as is Lake Worth Drainage District. He said that Lake Worth Drainage deals with the parts of the Village that are east of SR7, ie., Olympia, Buena Vida and Village Walk. He said that SFWMD has been very good to work with so everyone who can move water is doing so as quickly as possible.

## **8. COUNCIL COMMENTS**

NONE

## **9. ADJOURN**

There being no further business to be discussed by Council, the meeting was adjourned at 5:15 p.m.