

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, June 11, 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 Present: Anne Gerwig, Mayor; Michael Drahos, Vice Mayor; John McGovern, Councilman; and Michael Napoleone, Councilman.

Council Member Not in Attendance: Tanya Siskind, Councilwoman.

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the agenda of the June 12, 2018 Council Meeting for review.

4. PRESENTATIONS AND PROCLAMATIONS**A. [18-2156](#)**

A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA RECOGNIZING ZACH BEATTY, WYATT BOSWELL AND MICHAEL GAROFALO ON THEIR ADMITTANCE TO THE U.S. AIR FORCE ACADEMY AND NICOLE WANTLIN ON HER ADMITTANCE TO THE U.S. MILITARY ACADEMY AT WEST POINT

Mr. Schofield introduced the agenda item. This was a proclamation recognizing Zach Beatty, Wyatt Boswell and Michael Garofalo on their admission to the U.S. Air Force Academy.

Mayor Gerwig stated that Lisa Noel, Relay for Life, wanted to come to the meeting to thank the Village for their participation in Relay for Life. She thought she might be scheduled for the next meeting, but asked if she could present at this meeting since she was expecting a baby at any time. She noted that it would only be a three to five minute presentation.

Mr. Schofield indicated that the Relay for Life presentation would become item B under Presentations and Proclamations.

Councilman McGovern asked if there were any other students who had been admitted to a military academy

Mr. Barnes indicated that Ms. Wantlin, who had been recognized during the year for her Rugby pursuits, had been accepted to the Military Academy at West Point.

Mr. Schofield said that if she had not already left for Summer Camp, they could add her to the agenda. Mr. Barnes said that he would check on her availability. Mayor Gerwig said if she was unable to attend, they should at least mention her name.

5. CONSENT AGENDA

A. [18-1917](#) AUTHORIZATION TO AWARD AN ANNUAL CONTRACT FOR THE PURCHASE OF MULCH

Mr. Schofield introduced the agenda item. This was authorization to award an annual contract to a primary and secondary vendor for the purchase of mulch in the amount of approximately \$85,000 annually. He noted that the agenda stated that they were going to authorize a primary and secondary vendor; however, it actually meant that both will be authorized and the Village will buy from either one with the lowest unit price. He said they would only use the higher one in the event the lowest person did not have the material. Mr. Schofield said that this was a sealed bid/low bid. Mr. Schofield said that they expect to spend about \$85,000 per year on mulch. He recommended that they select these two vendors, and whenever they need mulch, they would buy it based on the lowest unit price listed.

Councilman Napoleone asked staff to remind those people watching the meeting why the Village has to buy mulch and can't use the mulch from the hurricane. Mr. Barnes explained that the mulch that is purchased goes through a process and treatment to ensure that the material is appropriate for use and doesn't contain noxious seed matter as well as any other insect or other material that might promote any other problems. He noted that there are different types of mulch depending on where it is going.

B. [18-2087](#) AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT WITH WYNN & SONS ENVIRONMENTAL CONSTRUCTION CO., INC., FOR THE UTILITY VALVE CONCRETE COLLAR INSTALLATIONS

Mr. Schofield introduced the agenda item. This was authorization to utilize Palm Beach County contract #R2018-0012 with Wynn & Sons Environmental Construction Co., Inc., as a basis for pricing, for the Utility Valve Concrete Collar Installations. Mr. Schofield said that they need to build about 300 at a cost of \$45,900.00. He explained that it was very important that they are able to find those valves because in some cases the concrete collars don't exist, in some cases they are buried, and in others they were removed. Mr. Schofield said if a line breaks, it is the valves by which the utility people seal things off and provide the ability to repair it.

Ms. Shannon LaRocque, Utility Director, showed pictures that had been included in the agenda item showing what they were trying to accomplish. She explained that they are in the process of locating all of the valves in the system. She noted that sometimes valves haven't been touched since they were installed 40 years ago. She said that during the course of that, they identified numerous valves that they were not able to locate because they were grown over, portions were physically removed, and irrigation piping was installed over them. She said that this will not only allow them to locate them quickly but will also let the homeowners know that it is something they should not touch.

Councilman McGovern questioned Ms. LaRocque's comment that people have taken these out. Ms. LaRocque explained that people physically removed the top part of the valve as they did not know what it was and it was in the way of their irrigation system. Councilman McGovern asked if the new valves that they were buying were removable. Ms. LaRocque said that residents are not allowed by law to touch them. She said that residents need to contact the Village if there is a problem. Mr. Schofield referred to a drawing and said that they could be removed, but it is a lot of work. Mr. Barnes said that what happened in the past was that the valve did not have a concrete collar around it, the grass would grow over it and they would not be visible to anyone unless they were out there searching. In some cases, the extension that rises up above the valve would be removed by the homeowner so they could grow grass over it. He said that they went through this process on a smaller scale years ago and people complained.

C. [18-2120](#)

AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE HYDROGEOLOGIC CONSULTING SERVICES FOR GROUNDWATER MODELING AND APPLICATION FOR MODIFICATION OF VILLAGE OF WELLINGTON SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) CONSUMPTIVE USE PERMIT

Mr. Schofield introduced the agenda item. This was authorization to approve a task order to JLA Geosciences, Inc. to provide hydrogeologic consulting services for a Groundwater Modeling and Application for Modification of Village of Wellington SFWMD Consumptive Use Permit Modification at a cost of \$81,240.00. Mr. Schofield said that the utility is about 85% of utilization, and at that point, there is usually a regulatory requirement to go in and renew the permits. He said that the Village will need additional capacity because there are new things coming on line. Mr. Schofield said that one of the things that they are looking at is potentially supplying water beyond where they presently have in the Village.

Ms. LaRocque said that JLA Geosciences was engaged this year to

build the model, and this work authorization will build off of that. She noted that it will provide for the actual modification of the consumptive use permit. She said that the graphic that was in the agenda packet and was being shown on the screen shows the Utility Service Area. She noted that the red area was the Village's service boundary, the blue area is everything that the utility currently serves, and the pink area is the potential expansion areas. She noted that the expansion areas include areas outside of Wellington, such as Royal Palm Beach and unincorporated Palm Beach County, as well as area infill areas that are currently connected to the Village's utility and redevelopment areas both internal and at the southern end. Ms. LaRocque said that they are doing a comprehensive evaluation both water and wastewater to determine what the Village's ultimate demand requirements are to meet the future needs of both the water and wastewater plant. She said that as a function of that they are currently at 85% of their annual permitted allocation and they need to go to the SFWMD to see if they could get an increase to not only support what the Village currently has on line, but the future capacity as well. She noted that this company is very well qualified to do this work. She stated that this application can actually take over a year or two, but they have had preliminary meetings with the District and are hopeful to get where they need to go without any unforeseen issues. Ms. LaRocque said that it was their goal to have as many customers connected to the utility because it is good financially and also helps with water quality in the distribution system. She said that the more usage, the more the water flows and dependable the water quality is.

D. [18-2125](#)

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH AVOLVE SOFTWARE FOR PROJECTDOX UPGRADES

Mr. Schofield introduced the agenda item. This was authorization to enter into an agreement with Avolve Software, for ProjectDox upgrades, at a cost of \$82,750. Staff was requesting the following upgrades: (1) Upgrade current ProjectDox workflows to the new ProjectFlow workflow platform. Wellington upgraded to ProjectDox version 8.6 in September 2017 in anticipation of this move to support the new workflow platform. - \$47,750; (2) EnerGov Custom Integration with ProjectDox. Following the upgrade to the ProjectFlow workflow platform, Avolve will build a custom integration to the EnerGov system from Tyler to be able to continue using ProjectDox for plan review when Wellington goes live with EnerGov in May 2019. - \$10,000; and (3) Document Management System integration will allow for approved plans to be digitally archived. This is an alternate solution as we continue the ERP migration. We will have to evaluate whether to stay on the current Document Management System (Laserfiche) or move to another Document Management System- \$25,000.

Mr. William Silliman, Chief Information Office/IT Director addressed the

first item which relates to the work flow. He explained the software was upgraded and now the workflows need to be upgraded. He said that Project Dox, the current workflow system that the Village is presently on, will be decommissioned in December 2018. He said that they need to get to the newer version of the workflow. He said that they now only have one project workflow that multiple departments are sharing which can get interesting when one makes a change. He said that this will separate each department into their own categories. Mr. Silliman said that this also sets the Village up to get ready for the second item which is the ERP migration from Sungard to Tyler and getting the interconnectivity from Project Dox and Tyler to work correctly. He said that they need to be on that workflow in order to do that. He said that there is then the Phase 2 of that which will be the interconnectivity between the new ERP system and Project Dox. Mr. Silliman said that the last piece was that all that information that is in Project Dox, would go into what our records management system should be. He noted that Tyler does have a document management system built into it. He said that they will look at it and see how it goes, but if not, this has the component to bolt it in and extrapolate it out.

6. PUBLIC HEARINGS

A. [18-2132](#) 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 THROUGH 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 second reading of the ordinance. He noted that Ms. Rachel Bauch, Assistant Village Attorney, had something she needed to substitute.

Ms. Bausch said that Council should have already received an addition in their packets that showed the red-lined changes that were made last time regarding incorporating Exhibit A into the Ordinance. She noted that Exhibit A in Council's books did not reflect the changes that were made last time. She circulated the red-line and clean copy of the changes neutralizing Exhibit A, i.e., denotes Village Manager without putting a name.

Mayor Gerwig said that the changes were taking out the personal names and putting in the title. Ms. Bausch clarified they were the changes to the exhibit; however, the changes to the Ordinance were changing the work

city to Village and also incorporated the exhibit which is the Right of Entry Agreement into the actual ordinance.

7. REGULAR AGENDA

A. [18-2138](#) VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES' 92ND ANNUAL CONFERENCE

Mr. Schofield introduced the agenda item. This was the nomination and selection of a Voting Delegate for the Florida League of Cities' 92nd Annual Conference in Hollywood, Florida, from August 16th to 18th, 2018.

Mr. Schofield said that historically the Mayor has been their voting delegate when they have attended the conference. Mayor Gerwig indicated that they have had other people do it. She said that she will attend, but would be fine if someone else wanted to be the delegate.

Councilman McGovern said that it has been the standing practice of this Council that the Mayor be the voting delegate. Mayor Gerwig said that Councilwoman Siskind would be attending as well; however, she was not going to be in attendance at the Council meeting.

9. ATTORNEY'S COMMENTS

Ms. Rachel Bausch, Assistant Village Attorney, advised Council that in Ms. Cohen's absence she was available in the event they needed anything.

Councilman McGovern asked about the current status of pending hearings. In response, Ms. Bausch said that the hearing for the vegetation removal was rescheduled to June 28th at 8:30 a.m. based on the amendment and the Judge's order on Wellington's motion.

Councilman McGovern asked if there were any other motions that have been filed or were pending a hearing. With respect to the vegetation permit and to Big Blue, Ms. Bausch said that she needed to follow-up with Claudio Riedi who will be handling those matters; however, she indicated that she was not aware of anything that has been filed, but she would confirm that by the next evening.

Mayor Gerwig said that the Judge's order has been violated by there being clearing in areas that weren't supposed to be touched. Ms. Bausch said that if the Mayor was referring to the Big Blue then the answer was yes which Mr. Riedi will be handling. She said that she would speak with him today and provide Council with an update tomorrow night.

10. MANAGER COMMENTS

Mr. Schofield asked Mr. Silliman to address Council regarding the recent data breach.

Mr. Silliman provided Council with a detailed account of the breach that had attacked the Village's Click2Go system. He noted that the breach was for one-time payments only that affected utilities, code, building, business licenses, parking tickets, and planning. He also advised Council of the immediate steps that staff had taken when they were first alerted of the breach, what steps they took through the process and what they were doing moving forward. At this point, they had sent the server out to a forensic firm for analysis and also were in the process of doing their own forensics.

After learning that the breach had impacted more than just the utilities, Council raised concern that the press release had only indicated a breach of the utilities and they wanted to be sure that the customers knew that it had also affected the other areas of that system. Mr Silliman said that he could not say if everyone knew, but indicated that it had been put on the web site, on social media and they responded to any inquiries. Mr. Schofield stated that when the initial press release went out they had only been advised that it was the utilities side. He said that it was their intention to notify everyone who used a credit card in any of those modules. He said that the customers will have to do exactly what the press release said: look at your credit cards statement; notify the issuing institution, and have that card cancelled and reissued.

Council also asked if staff would be notifying everyone who might be involved or did they have to go on social media or read it in the newspapers. Mr. Schofield said that the Village will do whatever they have to do to alert their customers. He said if the Village has enough information they will notify them directly, and if not, they will notify the banking institution.

Mr. Schofield also advised Council that he had checked with other communities, and it was a problem that was across the country. Mr. Schofield said that the cards that the hackers used may not be all that they have, but the Village doesn't know if they got any credit cards, if they have a lot or a few. He stressed that it was important for everyone to know that the Village has taken every step to address and rectify this problem.

Council wanted staff to be able to contact those people who used the system and wanted them to advise how severe this is, and to let them

know everything is under control. Mr. Schofield said that they will do everything possible. He said that Mr. Silliman will make a similar presentation at tomorrow night's Council meeting.

8. WORKSHOP

A. [18-2134](#) WORKSHOP FOR ORDINANCE NO. 2018-07 (CODE ENFORCEMENT PROCEEDINGS AND PENALTIES)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-199(a) OF WELLINGTON'S CODE OF ORDINANCES BY PROVIDING AUTHORITY FOR WELLINGTON'S SPECIAL MAGISTRATES, PURSUANT TO FLORIDA STATUTE § 162.09(2)(d) TO IMPOSE FINES GREATER THAN THOSE SET FORTH IN SECTION 162.09(2)(a), FLORIDA STATUTES AND PROVIDING CRITERIA TO BE CONSIDERED BY THE SPECIAL MAGISTRATES IN DETERMINING THE AMOUNT OF SUCH HIGHER FINES; CHANGING REFERENCES TO SPECIAL MASTER TO SPECIAL MAGISTRATE; UPDATING TABLE FOR CITATION FINES TO REFLECT CURRENT CODE SECTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

Mr. Schofield introduced the workshop item. The purpose of the workshop was to discuss an Ordinance approving amendments to Chapter 2, Article IV, Section 2-199(a) of Wellington's Code of Ordinances to provide authority for Wellington's Special Magistrates to impose enhanced fines pursuant to Florida Statute § 162.09(2)(d) and establishing criteria to be considered in determining the amount of such fines.

Mr. Basehart advised Council that staff had made an amendment to the staff report that was included in Council's packet. He explained that in the initial staff report they indicated that the majority of eligible municipalities for having higher code enforcement fine potential had adopted the provisions and State Statute that allowed for it. However when they checked and updated their calls to the municipalities, they found that everyone has adopted the higher fines. He indicated Chapter 162 sets limits for code enforcement fines and the current limits were up to \$250 per day for first violations; up to \$500 per day for repeat violations; up to \$1,500 for a one-time charge for irreparable violations. He indicated that the chapter also provides for municipalities of over 50,000 population the maximum fines that can be increased of up to \$1,000 per day per violation for a first violation, up to \$5,000 per day per violation for a repeat violation, and up to \$15,000 per irreparable violations. Mr. Basehart said that a super majority vote by Council was

required in order to adopt those fine limits.

Mayor Gerwig asked how many municipalities in Palm Beach County had a population of over \$50,000, and how many had adopted the higher fines. Mr. Basehart said that there were seven municipalities and Wellington was the only one who hasn't imposed the increase fines. He said that the County is also eligible because they are over \$50,000 and noted that they also have adopted those fines.

Mr. Basehart said that the purpose of the amendment was to enhance code compliance specifically for perpetual repeaters or serial violators. He indicated that it was also for those that commonly violate Village codes because they know that the fine they would pay would be minimal to what they would make from an event. Mr. Basehart felt that would reduce the tendency for some people to make those kinds of violations if the fine was higher. He said that staff was bringing this before Council with a request to authorize them to advertise for public hearing.

Mayor Gerwig indicated that this would be the third time that staff was presenting this to Council. Mr. Basehart said that was correct noting that the first time it was presented there was a 3-2 vote in favor of adoption, and the second time it was killed at a workshop. He stated that this was the first time that this Council had seen this.

Mayor Gerwig asked when this State Statute came into effect. Mr. Basehart said that it has been on the books for at least 15-2 years. Mayor Gerwig said that it has been available for a long time, but people weren't using it. Mr. Basehart said that alot of people were using it, but it never came up in Wellington. Mr. Schofield noted that in order to adopt this they had to get past the population requirement.

Mayor Gerwig said that once this is approved, it will be applied to everyone. She questioned whether a higher fine would make a difference to those people who indicated they would make more money from their event than the cost of the fine. Mr. Basehart said that he could not answer that question.

Mr. Basehart said that with the current fines, first time violators could yield a \$250.00 per day fine. However, if you look at the Special Magistrates Hearings, most fines that are levied are only \$25.00 to \$50.00 per day. Mayor Gerwig said that keeps happening until the violation is corrected. Mr. Bashart explained that when you go to the Special Magistrate, they will establish a compliance date and the fines will start after that date. He noted that the Special Magistrates will give a reasonable amount of time for the violations to be corrected. Mr. Basehart said that he looked at the

figures for 2018, and they were running consistently year after year. He said that 98% of all the violations are either corrected before they go to the Magistrate or are corrected within the compliance deadline. He said that there are 2% that go beyond that, but in terms of continuing violations it is 1%.

Mayor Gerwig reiterated her concern that this applies to everyone rather than to just those people who don't follow the rules.

Councilman Napoleone said that they were not saying that they were changing the fine from \$250.00 per day to \$1,000 per day, but that they were only changing the ability to charge \$1,000 based on the facts and circumstances of the violations. He said that the Magistrate has the same discretion, but this allows the Magistrate with more enforcement power to apply a higher fine on that violation that is egregious that needs to be corrected.

Mr. Basehart said that there are specific requirements in the Statute that sets the fine: (1) gravity of the offense; (2) whether or not the violator has made attempts to correct the violation; and (3) previous record of the violator. He said that those are the factors that are to be used not only for the increased fines, but for any fines.

Mayor Gerwig felt that the Magistrate is doing that now as they are trying to get compliance. She said that she understood they were looking to get another tool to get compliance, but she found it hard since it applies to everyone.

Councilman McGovern said that this ordinance simply talks about raising the maximum, but it says nothing about the minimum. Mr. Basehart said that it does not raise the minimum at all. Councilman McGovern said that most people who are fined either comply or even if they don't, the fine is generally speaking \$25.00 per day or \$50.00 per day until compliance occurs. He said that this would be unchanged in that regard. Mr. Basehart said that was correct.

Vice Mayor Drahos asked if Mr. Basehart was looking for Council to provide staff with some guidance in order to advertise and move forward. Mr. Basehart indicated that was correct. Vice Mayor Drahos thought they should advertise and move forward. Councilman Napoleone and Councilman McGovern voiced their agreement.

Mr. Basehart asked Council if they wanted this also to be put before the Planning, Zoning and Adjustment Board (PZAB). Mayor Gerwig voiced her support of sending the ordinance to PZAB for their input. She noted

that she had not voted for this in the past because she did not believe it fixed the problem this is aimed at, but she was willing to discuss it and get every tool they needed.

Mr. Barnes pointed out that this is not something they would normally send to the PZAB. Vice Mayor Drahos asked if it was required to go through that Board. Mr. Barnes said that it was not required, but if they were looking for more input perhaps they could obtain some comments from the Magistrates. Mr. Schofield noted that sending this to PZAB would add 30 days to the process.

Councilman McGovern questioned whether the PZAB had any general rule with code enforcement at all. Mr. Schofield indicated that they did not.

Mayor Gerwig thought it would be helpful for the board that consisted of seven good people to look at it to see if it is appropriate and used properly.

Vice Mayor Drahos agreed that the board consisted of good people, but he did not know if it was worth the delay. He did not believe he was looking for any extraordinary guidance on this especially since seven out of eight municipalities have already adopted these higher fines.

Councilman Napoleone also did not agree with this ordinance going before PZAB. He thought if the board members had any comments, they could come to the Council meeting to address it. He didn't know what having another public hearing would add to Council's decision.

Councilman McGovern agreed with Vice Mayor Drahos and Councilman Napoleone. He requested the dates of the last two times this was before Council so he could watch the videos. Mr. Schofield said that he would provide that to him.

Mayor Gerwig reiterated that the previous Council had discussed it and her personal opinion was that it was not going to really impact the repeat offenders. She noted that the previous Council had not voted for it because it would affect everyone.

Mr. Schofield said that they have put this before Council several times. He said that he thought those people who were accumulating multimillion dollar fines will not change, but it does get the Village to the point of having a more enforceable tool. He said that the bottom line is they will need it to be on some of the most egregious ones to get the fines in place and then go forward with the liening process. He said that the

Village has some fines that are enormous, but they have taken a while to work their way through the court system.

Mayor Gerwig said that she knew of several people who came before the Magistrate who have had difficult circumstances for different reasons, corrected the offense, but didn't call in the inspection. She said that they did not know the fine was accruing, they went to sell their house several years later and found they had a \$22,000 fine on their property. Mayor Gerwig felt that those types of people will also be captured in this.

Mr. Schofield said that in those cases, staff has the ability to negotiate away 80% to begin with, and staff will bring the really difficult cases to Council. Mr. Barnes noted that it was around the same time when such a case was brought to Council, and they then had a reluctance to support the ordinance.

Mr. Schofield said that the number of people who end up as repeat violators on the same thing is even smaller than the number Mr. Basehart had given. Mayor Gerwig said that it could be something as small as a car blocking a sidewalk when friends come over.

Mayor Gerwig encouraged Council to watch some of the Magistrate hearings because she saw people she knew talking about their personal circumstances. She did not think this was a simple process, she understood they wanted the biggest hammer in the tool kit, but it has not been her way.

Ms. Bausch reminded Council that if they chose to increase the amount, it is not a mandatory maximum and there are the three factors that Mr. Basehart mentioned that have to be taken into consideration when deciding the amount of the fine. She said that the fine did not have to be the \$1,000 per day, but more of the \$25.00 per day which seems to be more customary.

Councilman McGovern said that he did not have a concern about this being applied across the board because the maximum will be applied across the board regardless of what the maximum is. He said that they were not setting a criteria where the maximum had to be used as that is still wholly discretionary.

Mayor Gerwig said that she was asking to have PZAB review it for their input not because it was required, but because there were seven people who understand the community. She was fine if the rest of Council wanted to skip the ordinance going to them, and they could just put it on a Council agenda.

11. COUNCIL COMMENTS

NONE

12. ADJOURN

There being no further business to be discussed by Council, the meeting was adjourned at 5:30 p.m.