Village of Wellington

12300 Forest Hill Blvd Wellington, FL 33414



Action Summary - Final

Tuesday, December 11, 2018

7:00 PM

Village Hall - Council Chambers

Village Council

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 7:00 p.m.

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

Council Members absent: Michael Napoleone.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Chevelle D. Nubin, Village Clerk.

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. INVOCATION

Reverend Peter Bartuska, Christ Community Church, Wellington, delivered the invocation.

4. APPROVAL OF AGENDA

Mr. Schofield indicated staff recommended approval of the Agenda as amended:

1) Add to Presentations and Proclamations a Presentation by Mr. Mark Bannon with the Palm Beach County Commission on Ethics.

by Councilman seconded A motion was made McGovern, by Vice Mayor Drahos, unanimously and passed (4-0), with Councilman Napoleone absent. to Agenda approve the as amended.

5. PRESENTATIONS AND PROCLAMATIONS

A. PRESENTATION BY MR. MARK BANNON WITH THE PALM BEACH COUNTY COMMISSION ON ETHICS

Mr. Schofield introduced the item.

Mr. Bannon stated he and his staff have not been to the Village in a long time, but the Commission on Ethics is still available if need be. He indicated he dropped off some books, his card and some other

information for Council. He stated the commission has not republished the book or produced a new training video, because they are doing some rewrites to the code.

Mayor Gerwig gave brief comments regarding the Commission on Ethics staff's accessibility and database.

6. CONSENT AGENDA

Mr. Schofield stated staff recommended approval of the Consent Agenda as presented.

A motion was made by Councilwoman Siskind, seconded by Vice Mayor unanimously Drahos, and passed (4-0),with Councilman Napoleone absent, to approve the Consent Agenda as presented.

Mr. Schofield indicated no public comment cards were received.

A. <u>18-2577</u> MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF OCTOBER 9, 2018 AND OCTOBER 23, 2018

This item approved on Consent.

B. <u>18-2094</u> AUTHORIZATION TO UTILIZE A STATE OF FLORIDA CONTRACT FOR SECURITY SERVICES, DURING THE CONSTRUCTION PHASE OF THE WATER TREATMENT PLANT RENEWAL AND REPLACEMENT PROJECT

This item approved on Consent.

C. <u>18-2291</u> AUTHORIZATION TO RENEW AN EXISTING CONTRACT WITH WESTERN COMMUNITIES TRANSPORTATION, INC. TO PROVIDE SENIOR TRANSPORTATION PROGRAM SERVICES

This item approved on Consent.

D. <u>18-2295</u> AUTHORIZATION TO RENEW EXISTING CONTRACTS FOR PLANNING, ZONING AND BUILDING INSPECTION SERVICES

This item approved on Consent.

E. <u>18-2308</u> AUTHORIZATION TO NEGOTIATE A CONTRACT TO PROVIDE A PARKS AND RECREATION MASTER PLAN

This item approved on Consent.

F.18-2476AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT
WITH SULLIVAN ELECTRIC & PUMP, INC., FOR REPAIRS TO ALL

TYPES OF PUMPS AND MOTORS

This item approved on Consent.

G. <u>18-2480</u> AUTHORIZATION TO UTILIZE MULTIPLE CONTRACTS FOR THE PURCHASE AND DELIVERY OF VEHICLES AND EQUIPMENT; AND AUTHORIZATION TO DISPOSE OF EXISTING SURPLUS EQUIPMENT

This item approved on Consent.

H. <u>18-2491</u> AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT WITH WYNN & SONS ENVIRONMENTAL CONSTRUCTION CO., INC. FOR THE FOREST HILL BOULEVARD BUS STOP DRAINAGE REPAIR

This item approved on Consent.

I. <u>18-2536</u> AUTHORIZATION TO UTILIZE A CONSULTANT TO PROVIDE ADDITIONAL GIS SUPPORT, DEVELOPMENT AND INTEGRATION

This item approved on Consent.

J. <u>18-2505</u> OUTSIDE LEGAL FEES AND COSTS

This item approved on Consent.

K. <u>18-2570</u> RESOLUTION NO. R2018-71 (FLORIDA FIXED INCOME TRUST INVESTMENT OPTION)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING THE FLORIDA FIXED INCOME TRUST RESOLUTION TO INVEST FUNDS IN CONCERT WITH OTHER PARTICIPANTS; AND PROVIDING AN EFFECTIVE DATE.

This item approved on Consent.

7. PUBLIC HEARINGS

A. <u>18-2468</u> ORDINANCE NO. 2018-10 (SMALL CELL WIRELESS ORDINANCE):

AN ORDINANCE OF THE VILLAGE OF WELLINGTON AMENDING THE VILLAGE CODE BY REPEALING AND REPLACING CHAPTER 23, "COMMUNICATIONS FACILITIES RIGHTS-OF-WAY ORDINANCE", TO PROVIDE FOR CERTAIN STANDARDS AND REGULATIONS RELATING TO THE LOCATION OF TELECOMMUNICATIONS TOWERS, ANTENNAS, AND OTHER STRUCTURES WITHIN THE VILLAGE'S PUBLIC RIGHTS-OF-WAY, CONSISTENT WITH FEDERAL AND STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING

FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item and stated staff is requesting to postpone the item time certain to the second meeting in January (January 22, 2019).

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (4-0), with Councilman Napoleone absent, to move this item to a date certain of the January 22, 2019 Council Meeting.

B. <u>18-2543</u> RESOLUTION NO. R2018-67 (WELLINGTON COUNTRYPLACE PUD DEVELOPMENT ORDER AMENDMENT)

RESOLUTION А OF WELLINGTON. FLORIDA'S COUNCIL. APPROVING A DEVELOPMENT ORDER AMENDMENT TO DELETE CONDITION NO. 4 OF RESOLUTION R2008-111. FOR CERTAIN PROPERTY KNOWN AS WELLINGTON COUNTRYPLACE PLANNED UNIT DEVELOPMENT, POD F, TO ALLOW THE CONSTRUCTION OF PERMANENT ROAD AND BRIDLE TRAIL IMPROVEMENTS FOR GENE MISCHE WAY PRIOR TO THE APPROVAL AND RECORDATION OF THE RELATED PLAT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. Ms. Nubin read the resolution by title.

Ms. Cohen administered the oath to those who wished to speak on the item.

Village Council disclosed any ex-parte communications.

Mr. Bob Basehart and Ms. Cory Cramer presented this item.

The applicant's representative was present for questions on behalf of the applicant.

Staff answered the Council's questions.

Public Hearing

A motion was made by Vice Mayor Drahos, seconded by Councilman McGovern, and unanimously passed (4-0), to open the Public Hearing.

There being no public comments, a motion was made by Vice Mayor Drahos, seconded by Councilwoman Siskind, and unanimously passed (4-0), to close the Public Hearing.

made Δ motion was by Vice Mayor Drahos, seconded by Councilwoman Siskind, and unanimously passed (4-0),with Councilman Napoleone absent, approve Resolution No. to R2018-67 (Wellington Countryplace PUD Development Order).

8. **REGULAR AGENDA**

A. <u>18-2565</u> A. APPROVAL OF RESOLUTION AC2018-07 OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT REPEALING A RESOLUTION ADOPTED SEPTEMBER 14, 1993 RELATING TO THE DISTRICT'S WATER AND SEWER UTILITY SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

> A RESOLUTION OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT REPEALING A RESOLUTION ADOPTED SEPTEMBER 14, 1993 RELATING TO THE DISTRICT'S WATER AND SEWER UTILITY SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

> B. APPROVAL OF RESOLUTION AC2018-08 OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT AUTHORIZING THE DISTRICT TO ENTER INTO AN INTERLOCAL AGREEMENT RELATING TO THE DISTRICT'S WATER AND WASTE WATER UTILITY TREATMENT SYSTEM BETWEEN THE DISTRICT AND THE VILLAGE OF WELLINGTON, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

> A RESOLUTION OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT AUTHORIZING THE DISTRICT TO ENTER INTO AN INTERLOCAL AGREEMENT RELATING TO THE DISTRICT'S WATER AND WASTE WATER UTILITY TREATMENT SYSTEM BETWEEN THE DISTRICT AND THE VILLAGE OF WELLINGTON, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

> C. APPROVAL OF RESOLUTION AC2018-06 OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT AMENDING THE WATER AND WASTEWATER FUND BUDGET FOR FISCAL YEAR 2019 IN ORDER TO PROVIDE FUNDING FOR WATER AND WASTEWATER SYSTEMS CAPITAL IMPROVEMENTS FINANCING; AND PROVIDING AN EFFECTIVE DATE.

> A RESOLUTION OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT AMENDING THE WATER AND WASTEWATER FUND BUDGET FOR FISCAL YEAR 2019 IN ORDER

TO PROVIDE FUNDING FOR WATER AND WASTEWATER SYSTEMS CAPITAL IMPROVEMENTS FINANCING; AND PROVIDING AN EFFECTIVE DATE.

D. APPROVAL OF RESOLUTION NO. R2018-69 OF WELLINGTON, FLORIDA'S COUNCIL FINANCING OF THE VILLAGE'S WATER AND WASTEWATER SYSTEM CAPITAL IMPROVEMENTS.

OF WELLINGTON, FLORIDA'S А RESOLUTION COUNCIL AUTHORIZING THE VILLAGE TO BORROW \$20,000,000 FOR THE PURPOSE OF FINANCING CAPITAL EXPENDITURES RELATING TO THE WATER AND WASTEWATER SYSTEM SERVING THE VILLAGE: AUTHORIZING THE EXECUTION OF PROMISSORY NOTES AND AGREEMENTS: **AUTHORIZING** LOAN EXECUTION OF AN INTERLOCAL AGREEMENT WITH ACME IMPROVEMENT DISTRICT: AND PROVIDING AN EFFECTIVE DATE.

E. APPROVAL OF RESOLUTION NO. R2018-70 OF WELLINGTON. COUNCIL AMENDING THE DEBT SERVICE FLORIDA'S FUND BUDGET FOR FISCAL YEAR 2019 IN ORDER TO PROVIDE FUNDING WASTEWATER FOR WATER AND SYSTEMS CAPITAL IMPROVEMENTS FINANCING: AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE DEBT SERVICE FUND BUDGET FOR FISCAL YEAR 2019 IN ORDER TO PROVIDE FUNDING FOR WATER AND WASTEWATER SYSTEMS CAPITAL IMPROVEMENTS FINANCING; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item.

Ms. Cohen indicated some of the resolutions are in the name of Acme and some are in the name of the Village of Wellington. She stated Mayor Gerwig will sign on behalf of Wellington and Vice Mayor Drahos will sign on behalf of Acme.

Ms. Cohen explained typically at the annual Acme Landowners Meeting, Council appoints the mayor as the president and chair of that meeting. She thought, for completeness and thoroughness, it would be appropriate to have a motion to appoint the mayor as president of Acme and the vice mayor as vice president of Acme in order execute the resolutions.

A motion was made by Councilwoman Siskind, seconded by Councilman McGovern, and unanimously passed (4-0), with

Councilman Napoleone absent, to approve Mayor Gerwig as president of Acme and Vice Mayor Drahos as vice president of Acme until the next annual Acme Landowners Meeting.

Ms. Quickel presented this item and indicated Mr. Raymond, bond counsel for Wellington, and Mr. Bennett of Spectrum Municipal Financial Services, financial advisor for Wellington, were in attendance to review the details of the financing.

Ms. Quickel, Mr. Raymond and Mr. Bennett responded to Council's questions.

Ms. Nubin read Resolution No. AC2018-07 by title.

A motion was made by Councilwoman Siskind, seconded by Councilman McGovern. and unanimously passed (4-0), with Napoleone Councilman absent. to approve Resolution No. AC2018-07 as presented.

Ms. Nubin read Resolution No. AC2018-08 by title.

A motion was made by Councilwoman Siskind, seconded by Councilman McGovern. and unanimously passed (4-0), with Councilman Napoleone absent. to approve Resolution No. AC2018-08 as presented.

Ms. Nubin read Resolution No. AC2018-06 by title.

A motion was made by Councilwoman Siskind, seconded by Councilman McGovern. and unanimously passed with (4-0). Councilman Napoleone absent, approve Resolution No. to AC2018-06 as presented.

Ms. Nubin read Resolution No. R2018-69 by title.

A motion was made by Councilwoman Siskind, seconded by (4-0). Councilman McGovern, and unanimously passed with Councilman Napoleone absent. to approve Resolution No. R2018-69 as presented.

Ms. Nubin read Resolution No. R2018-70 by title.

A motion was made by Councilwoman Siskind, seconded by Councilman McGovern, and unanimously passed (4-0), with

Councilman Napoleone absent, to approve Resolution No. R2018-70 as presented.

9. PUBLIC FORUM

There were no comment cards received for Public Forum.

10. ATTORNEY'S REPORT

MS. COHEN: Ms. Cohen presented the following report:

She mentioned the Village received an opinion today from the Circuit Court Appellate Division on the Polo West master plan amendment. She stated the court affirmed without opinion, so the Village prevailed in that action.

Councilman McGovern asked if that was only as to Polo West. Ms. Cohen stated the Village previously received the opinion, a PCA (per curiam affirmed) in the Palm Beach Polo matter, which she previously disseminated to Council. She said this was the next step. She stated she thought the court meant to issue it at the same time and for whatever reason it was served today. She said the ruling was the same and Wellington prevailed in both instances.

Vice Mayor Drahos asked if this put that litigation to an end at this point. Ms. Cohen stated that was true unless Polo filed a petition for cert with the Fourth District Court of Appeal. She said she thinks that is a difficult position for Polo to take given that no opinion was issued by the Appellate Division.

Councilman McGovern stated there was no opinion issued as to the Palm Beach Polo matter. Ms. Cohen said that was correct for both PCA's.

Councilman McGovern stated in this week's weekly, Council got a schedule of matters going forward to final hearing, the prior compliance date, etc. He said it seemed numerous items are still going forward in that process. Ms. Cohen stated that was correct for new violations. She said, for example, there is a violation regarding the "soccer fields" where the grass is overgrown and that is going to the magistrate this Thursday.

Councilman McGovern stated some matters seem to be older than that one, i.e., the caretaker and clubhouse matter at Polo West, clubhouse parking lot landscaping at Polo West. Ms. Cohen believed there was some discussion as to whether compliance has occurred and Mr. Basehart or Mr. Koch would have to address that. She stated it was not on the agenda for this hearing.

Vice Mayor Drahos stated he thought he saw some communication that Polo West was open for business. He said some of the fairways may have been cut. Ms. Cohen stated she did not know if Code had chance to verify that, but she did not believe it was scheduled for the agenda this week.

Vice Mayor Drahos thought they had a date certain by which they had to cut the grass. Ms. Cohen stated this was a different violation.

Councilman McGovern stated the North Course maintenance date seemed to have been by November 29, 2018. Mr. Schofield said he thought this was scheduled for the January hearing. He said he will get Council an updated list.

Ms. Cohen stated it is being put on the next available agenda that gives sufficient time to notice the hearing. She said Code was not intentionally skipping a month.

Vice Mayor Drahos stated the North Course was supposed to cut the grass by November 29, 2018, and did not. Mr. Schofield said that means they have a compliance date. He stated if the North Course does not cut the grass by that time, the Village will advertise it and schedule it for the next available Magistrate Hearing. He said he will get Council the dates between the notice and when the Village gets it advertised.

Councilman McGovern stated he continues to get asked about the Stribling berm, which he believed was going to final hearing on January 17, 2019. Ms. Cohen said that was incorrect. She stated a second Motion to Dismiss was filed. She indicated the only basis for that Motion to Dismiss was that Polo alleged that the Village was required but failed to attach copies of the notices of violations in the code enforcement proceeding. She stated the Village was not seeking any relief that relates to the code enforcement proceeding, as it was seeking injunctive relief in the Circuit Court. She said the Village's position was that those notices are not required to be attached. She believed it has been set for hearing in January 2019. She said once that is disposed of, the Village will get it to hearing as quickly as possible.

Councilman McGovern asked about the return to operation at Polo West. Mr. Schofield stated it was the Village's position that Polo West is not being operated as a golf course. He said unless and until it is, the restaurant cannot operate. He stated staff saw the same notice, reached out to the operator and informed him of the Village's position. Ms. Cohen stated, with respect to the 130 violations case in which the Fourth District Court of Appeals issued a show cause order, the Village filed that brief/response last week. She said the Village is waiting for the court's decision.

11. MANAGER'S REPORT

MR. SCHOFIELD: Mr. Schofield presented the following report:

He stated the next Regular Council Meeting will be held on Tuesday, January 8, 2019, at 7:00 p.m. in the Council Chambers.

Village offices will be closed Monday, December 24th, and Tuesday, December 25th, in observance of the Christmas holiday.

Village offices also will be closed Monday, December 31st, and Tuesday, January 1st, in observance of the New Year's holiday.

The Green Market and the lakeside event have been combined for Saturday, December 15th, beginning at 9:00 a.m., followed by a holiday boat parade on Lake Wellington at 6:25 p.m. as well as a free concert beginning at 7:30 p.m.

The Town Center Public Input Meeting will be held on Monday, December 17, 2018 at 7:00 pm at the Wellington Community Center.

The Village is accepting unwrapped toys for the Hometown Holiday Toy Drive until Tuesday, December 18th. See the Village website for more information.

Mr. Schofield stated he was asked for a brief update on the license plate readers. He said four of the seven locations have been installed and the others should be completed shortly. He stated the data is being sent to the PBSO crime center and Village of Wellington employees do not have access to this information. He said if anyone has any questions operationally, they need to be directed to Gun Club Road.

Councilman McGovern stated the license plate readers are being placed in the medians and roadways. Mayor Gerwig thought they were a bit noticeable.

12. COUNCIL REPORTS

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

She wished everyone a Merry Christmas and Happy Hanukah.

COUNCILMAN MCGOVERN: Councilman McGovern presented the following report:

He congratulated and thanked the Central Palm Beach Chamber of Commerce for another spectacular annual Holiday Parade. He thought it was very large and well attended. He also congratulated Dennis Witkowski for being the grand marshal of the parade and for his long service to making this a hallmark event in Wellington. He said it was a lot of fun and the weather held out.

He hoped people will come out this weekend to see the Lakeside event combined with the Green Market. He said Council has wanted this to happen for a long time. He stated it will be exciting to see those two events occur at the same time and the people utilizing the entire space. He said the boat parade on Saturday has become a fun event as well.

He indicated he will be out of town in Washington, D.C., this weekend. He said he will miss the events, but he hoped everyone will attend and enjoy them.

He also hoped that everyone will attend the Town Center and Lakeside forum on Monday night at the Wellington Community Center, so the Village can get input from the community. He said this will give people a chance to share any creative ideas they may have.

He wished those who celebrated Hanukah a Happy Hanukah. He said it was nice to be with Council at the Tree Lighting and Menorah Lighting. He also wished everyone a Merry Christmas and Happy New Year. He reminded everyone to be safe as they start to celebrate and attend holiday parties.

Mayor Gerwig stated Councilman Napoleone would have been with Council tonight, but for an important business meeting that he could not avoid. She said he attended the Agenda Review meeting yesterday to get all of the important information about what was being discussed tonight.

VICE MAYOR DRAHOS: Vice Mayor Drahos presented the following

report:

He congratulated Dennis Witkowski on 35 years as a planner and organizer for the holiday parade, as it was quite a contribution to the community. He said he was glad to see Mr. Witkowski honored there. He stated so many people look forward to the parade ever year, as it generates such a sense of community pride. He said it was a great experience for him and his family, and he was glad to have been a part of it.

He stated he was also looking forward to a good turn out on Monday, December 17th, for the Town Center Public Input Meeting. He said he cancelled some plans to make sure he could be there. He stated he was looking forward to getting input from the residents and having a positive dialogue.

He wished everyone a Merry Christmas and Happy New Year.

MAYOR GERWIG: Mayor Gerwig presented the following report:

She stated Winterfest was a very nice event. She said thousands of toys were brought and given to the Little Smiles charity. She stated it was good the event was moved to the Palm Beach International Equestrian Center (PBIEC), because they needed the extra room.

She stated the parade was fabulous. She said she thought about the first time they were in the parade and the first time they went and watched it. She stated the parade is very unique. She said even though it is a Central Palm Beach County Chamber event, that partners with the Village, it is still their Wellington parade. She thanked everyone for all of their hard work.

She stated evaluation forms for the Village Manager and Village Attorney were circulated to Council. She asked if the Council members had filled out the forms and turned them in. Councilman McGovern indicated he was still working on them but almost done.

Mayor Gerwig stated the theory is to coincide with the fiscal year, which was October 1, 2018. She asked that they get done, so they can have the information. She said there may be areas where they can do better or work on together. Councilwoman Siskind stated she filled them out and then left them on her desk, but she did not know if someone picked them up.

Mayor Gerwig stated Council fills them out and turns them in, and then the information is circulated back to Council. Councilman McGovern stated he did not recall getting them back in previous years. Mayor Gerwig said that was part of the process. She stated if there are communication issues or if they are greatly satisfied, that is what the forms are for.

She indicated she had a couple of letters on her desk. She asked if the Equestrian Preserve Committee was aware that Mr. Granada was concerned about the current bridle trail work not being good for horses that are not shoed. Mr. Schofield stated he will put it in front of the committee. He explained Mr. Granada is usually concerned about the millings, but they are only used in and around the pillars or in areas where they are mixed deeply with sand and clay. He said he will get Council a follow-up memo on this.

Mayor Gerwig stated she also received a request for more visible PBSO patrols in Montauk Harbor around Sunset Point. Mr. Schofield said he will look at the letter and get with Captain Silva. He stated the patrol cars are monitored, so they can tell where they have been, when they were there, and if they need extra patrols. He said the Captain is always accommodating.

Mayor Gerwig stated when residents reach out to the Council members, it is their duty to pass on the information.

She stated she drove over to Meadow Wood to deliver an Amazon package that was inaccurately delivered to her. She said while she was there, a Waste Management truck picked up the garbage from two homes. She explained she watched them walk up to the side of the house to get the garbage, take it down to the truck and bring back the cans. She stated certain people cannot get their garbage to the curb and Waste Management will do that for them. She said she was amazed watching the guy happily do his job. She gave him kudos and said did a great job.

She wished everyone Happy Holidays. She said whatever anyone celebrates, she hopes it is a meaningful time for their family to be together.

13. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at approximately 8:20 p.m.