

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Thursday, October 4, 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; Michael Napoleone, Councilman; and 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 October 9, 2018 meeting for review.

A. [18-2433](#)

RESOLUTION NO. R2018-56 FOR FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND AND RECREATION GRANTS SECTION FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT AND RESOLUTION NO. R2018-57 FOR A BUDGET AMENDMENT TO ALLOCATE THE GRANT

RESOLUTION NO. R2018-56 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND AND RECREATION GRANTS SECTION FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT

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 FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) FOR THE SCOTT'S PLACE PARK PROJECT; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. R2018-57 (FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT FUNDS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE FISCAL YEAR 2018-2019 CAPITAL FUND BUDGET FOR FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT FUNDS AWARDED FOR DEVELOPMENT OF THE SCOTT'S PLACE PARK PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was the approval of

Resolution No. R2018-56 authorizing the Mayor to enter into an agreement with the Florida Department of Environmental Protection for the Florida Recreation Development Assistance Program (FRDAP) grant and approval of Resolution No. R2018-57 for a budget amendment to allocate the \$50,000 in grant monies to the Governmental Capital Fund. He explained that the Village will be getting \$50,000 from the grant that will be applied to Scott's Place Park Project improvements.

Ms. Quickel explained that the funds had already been expended and this is the reimbursement of those funds. She said that the funds were used for landscaping, playground improvements and picnic facility improvements.

B. [18-1971](#)

FISCAL YEAR 2019 KEELY SPINELLI GRANT AWARDS

Mr. Schofield Introduced the agenda item. This was the presentation of the FY 2019 Keely Spinelli Grant Awards. He noted that representatives from all 11 schools will be present to accept their grants. He said that \$330,000 will be handed out in checks noting that each school would be receiving \$30,000.

There was no discussion by Council.

C. [18-2205](#)

PRESENTATION OF 2018 WELLINGTON TOP COP AND TOP FIREFIGHTER AWARDS

Mr. Schofield introduced the agenda item. This was the approval of the Public Safety Committee Recommendations for the 2018 Wellington Top Cop and Top Firefighter. He said that the Public Safety Committee selected Detective Dan Delia as Top Cop and Firefighter Captain Bob Dawson as Top Firefighter/ He noted that they will be in attendance.

There was no discussion by Council.

D. [18-2427](#)

MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF AUGUST 28, 2018

Mr. Schofield introduced the agenda item. This was Council approval of the Minutes of the Regular Wellington Council Meeting of August 28, 2018. He asked them to notify Ms. Nubin if they had any changes.

E. [18-2099](#)

AUTHORIZATION TO CONTINUE UTILIZING A CITY OF PLANTATION CONTRACT WITH ALLIED UNIVERSAL CORPORATION FOR THE PURCHASE AND DELIVERY OF SODIUM HYPOCHLORITE

Mr. Schofield introduced the agenda item. This was the authorization to continue utilizing a City of Plantation contract, as a basis for pricing, with Allied Universal Corporation for the purchase and delivery of Sodium

Hypochlorite in the amount of approximately \$396,000.00. He explained that there was an increase this year as last year's was \$362,000 and noted that the difference was due to new projects coming on line. Mr. Schofield said that they were still paying the same amount for the chemical itself.

Ms. LaRocque said that hypochlorite is chlorine that is also used for odor control.

F. [18-2289](#)

AUTHORIZATION TO UTILIZE EXISTING CONTRACTS FOR VARIOUS 2019 PUBLIC WORKS PROJECTS

Mr. Schofield introduced the agenda item. This was the authorization to utilize previously awarded and competitively bid Village contracts and Palm Beach County contracts, for 2019 Public Works projects with an approximate total of \$3,035,000. He said that this was divided into three sections. The first section was for paving, milling and striping noting that the biggest item is Lake Worth Road at \$761,000 which is the largest road that has cracked sealing. He explained that they have not done cracked sealing in a number of years and do not intend to do so. He said if they ever have a recession like the last one, he would recommend it to Council doing it again at that time. Mr. Schofield noted that the total for paving, milling and striping is \$1.57 million.

Mayor Gerwig said that \$1.57 million was not all related to cracked sealing. Mr. Schofield responded negatively explaining that they would be doing the Isles' new drive, Barefoot Lakes Drive, paving and overlay at Greeview Shore 1 and 2, Sugar Pond Manor and Greenview Shores. He said that this was also the Neighborhood Milling and Overlay Program. Mr. Schofield said that the roads are graded every year, and although they may not have a specific paving schedule for them, they are based on condition. He said that once they get below 80%, they start looking at doing milling and overlaying. He asked Mr. Lundeen what was the lowest condition they would allow a road to get in before they repave, mill and overlay it. Mr. Barnes responded explaining that the cutoff is 85% and beyond that. He explained that they have some varying conditions with subsurface conditions in the roadways, and in some cases, even if the roads start grading out, they are trying to keep track of those and get to them faster.

Councilwoman Siskind asked when the last time the roads were paved. Mr. Barnes said that they could check although he did not know the answer at this time. Mr. Schofield noted that it has been more than 10 years for Lake Worth Road. Mr. Barnes added that Lake Worth Road was due to be paved about five years ago, and they picked up about three to four years with the cracked sealing. He said that in some sections of Greenview Shores 1 and 2 have not been paved since he has

been here. Mr. Lundeen said that they would like to do some of the swales in the subdivisions to pull the water away from the roadways so with that they will be doing the swales before the overlay and then they will look to fix the sidewalks.

Mr. Schofield directed Council to look at the next page to swale maintenance, which has about \$500,000. He said that this is something they starting doing about eight years ago as the Village had never previously done this. He said whenever they do an overlay; they go in and fix the swales so they do not have an ongoing problem with drainage.

Mayor Gerwig said that fixing the drainage and the swales was because of years of mowing, thatching, parking, etc. which was the reason it was not draining properly. Mr. Schofield said that Wellington residents are very good at maintaining their lawns, and over time, they will thatch and elevate sometimes multiple inches, which is when they get the complaints. He said that they get complaints that water is sitting in their driveway when the swales are not maintained which is why they do the swales when they do an overlay.

Mayor Gerwig asked if Lake Worth Road was an FDOT level project. Mr. Lundeen said that they follow FDOT requirements. Mr. Schofield said that they use the green book requirements and explained that this is just a standard pavement where they will use type 2 asphalt. He explained that what had happened with Forest Hill Blvd., was that since they were accepting federal funds they had to use a higher standard, which was the rubberized asphalt, but they are not using any of that on Lake Worth Road.

Mr. Schofield said that for swale maintenance, canal clearing and conveyance and canal improvements is \$1.2 million. He said that when they get to miscellaneous items such as sidewalk replacements, replacing meter boxes and pathways, there is \$250,000 that adds up to \$3.35 million. He noted that these were all budgeted items.

Councilman McGovern questioned the Eastwood item of \$650,000 to clean, inspect and repair lined drainage pipes. Mr. Schofield said that the Village is maintaining the public infrastructure there and doing alot of it so they have pipes to clean noting that Mr. Lundeen could provide specifics. He said that they would be cleaning canals and lining pipes most of which are approaching 40 years old. Mr. Lundeen said that many of them are corrugated metal pipes and some have holes in them. He said once they are fixed, they would be good for another 40 or 50 years.

Mr. Schofield said that the Village has capital maintenance plans where they are looking at replacing and ensuring that all the aging infrastructure in the Village is replaced on a regular basis so we do not face collapsed roads or drainage systems that do not work. He said that Council would see these types of projects every year for the near future. He said that he does not envision any year where they will not see any type of preventative maintenance on the canals and systems.

Mayor Gerwig thought they could use Acme funds for the canals. Mr. Schofield explained that Acme generates about \$6 million a year in revenue, and there are a lot of other things it can be used for and this would be a mix because the roadway dollars do not cover all of this. He noted that it would be a mix of general fund dollars and dedicated fund dollars.

Mayor Gerwig asked if anyone had gone out to check Wellington Trace as the condition on one side of the road is rumble while the other side is not. Mr. Lundeen said that they repaired part of the swale and believed that might help the situation quite a bit. He said that it is a very high water table, which is what was causing that.

Mayor Gerwig thought when that happens there is an underlying issue. Mr. Lundeen said that it is a drainage issue and believed that was resolved with this last project.

G. [18-2313](#)

AUTHORIZATION TO AWARD A CONSTRUCTION MANAGER AT RISK (CMAR) CONTRACT TO KAUFMAN LYNN CONSTRUCTION, INC. FOR THE CONSTRUCTION OF GREENBRIAR PARK

Mr. Schofield introduced the agenda item. This was the authorization to award a CMAR contract to Kaufman Lynn, Construction, Inc., for the construction of Greenbriar Park, for \$68,728. He said that this is the work that is required in order for the Village to receive a "not to exceed" fee as they start the design. He said that the Construction Manager at Risk is responsible for working with the designers and they will all come back with a dollar amount that is guaranteed by them for delivery of the project. He said that if they exceed that amount, it is at their risk. Mr. Schofield indicated that the Village gets the benefit of cost savings as well.

Mayor Gerwig asked who the designers were for this project. Mr. Barnes said that Kimley-Horn is the prime consultant, and they have a team that has PGAL and others as far as building design and they have some other subs for some of the other design elements, but Kimley-Horn is the primary consultant. Mayor Gerwig requested to have that list. Mr. Barnes said that for this contract, it is only Kaufman Lynn as a stand-alone contract and it does not include any designers. Mr. Schofield said that because of one of Mayor Gerwig's inquiries, the Inspector General

requested that the Village provide a list of all sub-contractors. Mayor Gerwig said that the Executive Director of the Florida Commission on Ethics asked that instead of having a buried document that it be included. Mr. Schofield said that they would provide that. He explained that typically on many of these, Council does not get all of the documentation as a typical request for qualifications can garner thousands of pages of information. He said in the future, staff would be providing a list of anyone that is associated with the contract.

Mr. Barnes said that when the Village originally received authorization to negotiate with this firm from Council, it was requested that staff actually visit some of the parks that this firm had constructed. In response to that request, staff visited three parks that the firm had constructed: one in Boca and two in Broward County. He said that one was actually in construction while the other two were completed. Mr. Barnes said that they had spoken with the owner's representatives as well as their departmental reps and on-site field staff and all the reports yielded positive compliments where they were partnering with the design as well as during the construction phase based on the finished product.

H. [18-2350](#)

RESOLUTION NO. R2018-51 (WELLINGTON SENIORS CLUB AGREEMENT)

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

Mr. Schofield introduced the agenda item. This was the approval of the annual agreement between Wellington and the Wellington Seniors Club, Inc. for FY 2018/2019. He said \$51,500 is the same amount that the Village has been providing for the last several years for programming. He said that there have been some issues of late that have been resolved. Mr. Schofield said that he could sit down and discuss them individually with each of Council. Staff recommended approval of the contract.

There was no discussion by Council.

I. [18-2380](#)

RESOLUTION NO. R2018-50 (WYCLIFFE VACATION)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, VACATING A PORTION OF THE 12-FOOT WIDE SANITARY SEWER EASEMENT LOCATED AT 4650 WYCLIFFE COUNTRY CLUB BOULEVARD (WYCLIFFE GOLF AND COUNTRY CLUB) AS RECORDED IN OFFICIAL RECORDS BOOK 6990, PAGE 198, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, MORE SPECIFICALLY

DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was the approval of Resolution No. R2018-50 to vacate/abandon a portion of the 12-foot wide sanitary sewer easement within Wycliffe Golf and Country Club. He said that Wycliffe is doing an expansion to their club. He said that there is a line that is buried so Shannon and her staff proposed that the Village abandon that, give it to them for maintenance and it works well for both Wycliffe and the Village. He said that the Village is maintaining less and Wycliffe does not have a very costly relocation. Mr. Schofield thought this was a very novel solution.

Mayor Gerwig noted that Wycliffe is not located in municipal borders, but are in the Village's service area for utilities.

The Council was advised if they had any other questions relating to this agenda item to contact either Mr. Schofield or Ms. LaRocque.

J. [18-2408](#)

ORDINANCE NO. 2018-08 (ARTICLE 7 OF THE LAND DEVELOPMENT REGULATIONS)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO REPEAL AND REPLACE ARTICLE 7, IN ITS ENTIRETY, AS CONTAINED HEREIN; TO ESTABLISH SPECIFIC STANDARDS RELATED TO SITE DEVELOPMENT; 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. 2018-08 to repeal and replace Articles 7 - Site Development Standards in its entirety.

Mr. Basehart said that, as Council was aware, staff was rewriting the entire Land Development Regulations Code. He said to date, Council has reviewed Articles 1, 2, 4, 5, 8 and 9 and 3, 6 and 7 still have to be reviewed.

Ms. Cramer explained that Article 7 is related to the site development standards, which includes such things as archaeological resources, excavation, driveways and access, parking, lighting, critical resources, tree protection, landscaping and signage. She said that this article has been simplified and reorganized which allowed them to remove duplicates or conflicts from other sections of the Code and remove any obsolete references to outside agencies. Ms. Cramer said that the original Article 7 was 100 pages and it was reduced to 59. She said that

not much had changed as it has been a lot of removal, duplication, etc. She said that the parking section had been updated in 2016, so there were only minor changes. She noted that the excavation section had been reduced, as there were multiple places for excavation that do not exist and probably never would. Ms. Cramer said that the signage section was overhauled to address the context neutrality and branding requirements to comply with federal and state regulations. In addition, with regard to signage, staff went out and took pictures of the different types of signage throughout the Village and in the Code, and they will include a graphical section in the Development Review Manual. She said that it is still a work in progress as they want to include those, which were not previously included. She said that it would come back at the end of this entire process to readopt the Development Review Manual since they were making additions. Ms. Cramer explained that the landscape section was modified to address conflicts. She indicated that they also established the Wellington Tree Fund, which is a general requirement and the program is being generated behind the scenes. She said that this fund would help to protect and enhance the tree canopy Village-wide as well as to fund the installation of trees on Village-owned property.

Mayor Gerwig asked how the money in the Tree Fund would be generated. In response, Ms. Cramer said that they have found that most of the landscaping that was originally installed have matured. She said that one of the biggest complaints and problems from the residents is that they do not now have room to plant another tree explaining the work that is involved when a tree is removed. She said that if the landscaping has matured, they have met the landscape requirements noting that the Village does not require the resident to replace the tree as long as they meet the code requirements. Mayor Gerwig asked if it was due to the tree being dead, damaged or causing damage. Ms. Cramer said that would be a reason for removal. She said if it was a requirement for a tree based on the lot size, then they would be required to replace it. She said if there was some type of physical constraint on the property, staff wanted to give an option for the resident where they would go through a justification for it not being replaced, and then they would have the option to pay into the Tree Fund, which is \$100.00. Ms. Cramer said that they had talked about the number of trees, and the Village wanting to maintain the tree canopy. As such, they included some criteria that if the homeowner does not have any physical constraints on a lot, but do not want to replace the tree, then they could pay a higher rate. She said that would encourage on-site mitigation because many times, it will cost more to pay the \$600 fee than to plant a tree for \$250.00. Ms. Cramer said that they did not want to just give a flat rate when there is a property owner who really does have a physical constraint. She said that money

would be used to plant trees on Village property.

Mayor Gerwig said that there have been many residents who have had difficulty with bigger oaks that are too close to sidewalks or driveways. She asked if this is what this Tree Fund was trying to address. Ms. Cramer said that they would probably try to encourage them to replace it with a different type of tree. She said that when she was in the private sector, the mahoganies and live oaks were Wellington's required recommended street trees. She said that they found a lot of problems with the root systems not having enough room so they are trying to look at the varieties of trees that would replace those types of trees.

Mayor Gerwig said that the red mahogany is a beautiful tree but drops the pods. Mr. Basehart also noted the problem with the black olives. Mayor Gerwig questioned whether they were now prohibited, and Mr. Basehart responded negatively. Mr. Barnes thought that you couldn't plant them anymore when you do landscape palettes. He said that there are still a lot of black olives in various lots in Wellington.

Councilman McGovern asked if the parking standards were the same as Council had changed them. Mr. Basehart said that there was an amended parking ordinance in 2015, but they have now organized it better and eliminated duplication. He said that the Code says that for retail uses you need one space for every 200 square feet of floor area to 5 spaces per 1,000 square feet. He said that the Code listed all the various types of retail stores so they removed all of that and left it at just retail.

Mayor Gerwig asked if the number of parking spaces had changed previously based on the type of retail. Mr. Basehart said that it had not.

Ms. Cramer added that you have the parking standard and the loading standard and part of the language was identical so they went through it and said they could reduce it by calling it offstreet parking and loading and included the general requirements that are universally applied. She said that then you got into specific sections where it might be a little different. Ms. Cramer said that in itself eliminated about five pages. Mr. Basehart said they simplified the language which is what they were trying to do all along. He said that these are the sections including the one Council is currently looking at that were approved on first reading including the Development Review Manual. He said that the current Code was about 1100/1200 pages.

Mr. Schofield explained that the whole goal in this project was to take out the repetitiveness as well as to make the language readable and

understandable by the average person. He said that he has been a professional planner for over 40 years and they have done something here that he has never seen done. He said that they gave their Code to people who don't deal with it everyday to see if they understood what was being said. Mr. Schofield reiterated that it is a more understandable and readable Code, and it doesn't reduce protections for residents. He said that yes there may be places where you will need professional help, but the average person can pick it up and understand it. Mr. Schofield said that Wellington cares about tree canopy. He said if a tree is actually damaging your home, you can take the tree out. He said that if you want to take a tree out and you are above the minimum, you are okay. He said that it works for the homeowner and for the Village.

Mr. Schofield said that these changes are long time coming and the reason they were seeing 6 and 7 last was because they are the hardest elements and they are where the real details of the Code are.

Mr. Basehart said that when staff finishes Articles 3 and 6, they expect that the Code in total will be about 300 pages.

With regard to the black olive trees, Mr. Barnes corrected the previous statements explaining that the latest County requirement was that they may be planted under controlled conditions. He said that they can't be planted within 15 feet of any vehicular use area, sidewalk or pathway or bike path.

Mayor Gerwig asked if the Village had any authority over parking requirements for public schools. Mr. Schofield said that when it comes to a public school, the Village has absolutely no more jurisdiction inside as they are subject to the state requirements for educational facilities, commonly referred to as SREF. Those requirements would not apply to private institutions. He said that there was some question in staff's minds whether they apply to charter schools that are regulated by the District or the State. He reiterated that public schools are specifically by Statute exempt from the Village's Code as they have their own.

Mayor Gerwig asked Ms. Cohen if the regulations for Charter Schools depends on who owns them. Ms. Cohen said that she had not looked at it. She said that it is a public school because it is a charter school, but it is usually developed by a private organization, but she would have to look at the statute.

Mr. Basehart said that the Village has applied the Code to charter schools that have come into the Village and they have complied with it.

Councilman McGovern thought that it probably came down to the ownership of the land. Mr. Schofield responded affirmatively.

Councilman McGovern asked Mr. Basehart to confirm that there were no substantive changes that Council needed to review. Mr. Basehart responded that there were none.

Councilman McGovern said that it has been a continuing goal of this Council to finish this project, and it appeared that it was well under way. He noted that it was a great job.

Mayor Gerwig asked who were the people that staff asked to look at the Code. Mr. Schofield said that they started with people on staff who don't deal with the Code, i.e., administrative assistants. Mr. Schofield noted that the Planning Board reviewed them. Mr. Basehart also noted that the Equestrian Preserve Committee has reviewed the equestrian sections. Mr. Schofield said that those were not the people they sent it to review for understandability. He noted that there had been some discussion among some staff that they need to have as much included as they could so that people had to rely on staff to interpret the Code. He said that he and Mr. Basehart had discussed this over the last several years and explained that anytime you have to go to the agency that wrote the rules in order to figure out what they mean, you probably don't have a code that is doing what you want. Mr. Schofield said that in past years, they used to have a discussion about people not always knowing what standards they would apply. He said that there is now a Village-wide policy that if whatever standard that is being used is not available on the Village's website, they cannot apply the Code. He said if they do and he finds out about it, it is immediately stopped. Mr. Schofield said that he doesn't want people to be surprised when they come into the Village. He said that they have taken many of the things on the utilities and engineering side and put them into codified handbooks that are now published and available.

Councilman Napoleone said that besides PZAB, did the Architectural Review Board look at the signage issues and the Tree Board look at the landscape issues. Mr. Schofield responded affirmatively. Mr. Basehart said that the Tree Board has looked at the landscape code, ARB has looked at the sign code and architectural standards. Ms. Cramer explained that the sign code was a little more technical because they still had to meet context neutrality and branding.

Mayor Gerwig said that she noticed mirrors popping up at intersections. She asked if they were not able to go back and get the safe sight lines. Mr. Barnes said that what they were doing was basically an operational issue related to the Code. He said that what they were seeing in a lot of

communities was that based on the design criteria for the road requirements, the stop bar is set back far enough. However, what is happening, was that however, there is such heavy usage of sidewalks that even when nothing obstructs your view, people will cheat out and creep over the line. They do not see someone coming which was why they were trying out those mirrors at a couple of locations based on some complaints. He said that when they get a complaint, they will investigate it to see if maybe this will work.

Mayor Gerwig said that it doesn't mean that the Village is not able to enforce the safe sight. Mr. Barnes said it had nothing to do with that as it is trying to enhance the visibility because they have had some complaints.

4. WORKSHOP

None

5. ATTORNEY'S COMMENTS

Ms. Cohen announced that there will be a Shade Session on Tuesday at 4:30 p.m. to discuss the Pine Tree lawsuit that was filed.

Mayor Gerwig noted an email she had received and asked if there was any type of response that she could provide that she couldn't response to his question due to the litigation. Ms. Cohen said that she would prepare a response.

Ms. Cohen said that Council received an invitation to the Harbor Chase Grand Opening noting it was in Wellington. She said that was brought to her attention as well as to Council's by Mr. Klein. She said that she would be happy to send out a cease and desist letter similar to what they sent before.

Mayor Gerwig was unsure about sending a cease and desist letter because they were not doing something illegal. She said that they don't necessarily like it because it is taking the Village's branding and extending it way beyond the borders.

Councilman McGovern thought this created an even deeper confusion. He said that they had an agenda item where it was noted that Wycliffe was not in Wellington and now they were going well toward the Turnpike to get to this location that is now calling itself Wellington.

Mayor Gerwig pointed out that the zip code is similar to sections of Wellington which was how people say they are located in Wellington.

Councilman McGovern said that all of the neighborhoods in that area around that facility do not call themselves Wellington, but Lake Worth.

Vice Mayor Drahos thought that this was particularly awkward because they were invited to the Grand Opening. He said that he was not planning on attending because it is not in Wellington. He said that he had concerns when you have a business that is near Wellington that are marketing themselves as being a Wellington entity and then there is a competing business in Wellington paying Wellington taxes which seems an unfair practice. He did not think it was ethical for them to be marketing themselves as a Wellington business.

Ms. Cohen believed that they certainly should not be marketing themselves as a Wellington entity. She said that if they are using Wellington because of the zip code, she did not believe they could prohibit them from doing so. She said that they have dealt with this issue before.

Councilman Napoleone said that your zip code doesn't define where you reside. He felt the Village should advise them about not marketing they are in Wellington.

Mayor Gerwig thought they should just send a letter about not marketing themselves in Wellington. She then noted another business called "Wellington Crossing." She said that it noted Wellington FL 33449. Ms. Cohen said that she had not seen that.

Mayor Gerwig said that they were not trying to imply that there was something improper about the business as they do provide service to residents, but it doesn't mean they are in Wellington. She questioned if they marketed the property when they were selling it that it was located in Wellington.

Councilman McGovern said that long before them, they had many entities who said that they are located in Wellington, i.e., Walmart, Hurricane Wings, Publix, Bonefish, CVS and any number of housing developments who claimed they were in Wellington. He thought it was an odd thing they were doing so based on the position on the map.

Councilman Napoleone thought that they needed to be consistent and if they are not in Wellington and they are advertising they are in Wellington, that they should tell everyone who does that they are not in Wellington.

Councilman McGovern believed that their claim is just for a marketing

purpose. He thought that they should use same the letter that was sent to Arden.

Vice Mayor Drahos wanted to be clear that he did not wish any ill will on this company and hope they do well. He said that he just takes issue at the fact that it was not fair to use the Wellington name, and he hoped that they would take the letter seriously and respond accordingly.

Mr. Barnes added that the notice also came from the Wellington Chamber about the particular location.

Mayor Gerwig said that Bolay is technically in Royal Palm although a portion of that plaza is in Wellington. Councilman McGovern thought that the difference is that you don't even know that the canal that separates the plazas separates the two communities.

Mayor Gerwig said that they may not know it since they are near the Wellington Prep school they are in Wellington. Vice Mayor Drahos hoped that their realtor is an attorney who did all their due diligence for this property. Councilman McGovern thought that the many documents that they signed made it clear that they are not in Wellington.

Vice Mayor Drahos asked if any of Council was planning to go to the ribbon cutting event. Councilman Napoleone indicated that he could not make it. Mayor Gerwig indicated that she was out of town on that day.

6. MANAGER COMMENTS

Mr. Schofield said the bad parking behavior around the schools has started to pick up again, so PBSO is out in force and will be reminding parents that they should not be blocking people's driveways, etc. He indicated that next week will be mostly educational, and if it doesn't stop, PBSO will start issuing tickets.

Mr. Schofield said, per Council's direction, he has staff setting up community meetings in November on the Town Center.

Mr. Schofield said that they begun getting some complaints from the neighborhoods. He said that several weeks ago, he sent a list of the neighborhoods that Code Enforcement staff was going to be in doing their annual inspections. He said that they have one resident who filed an insurance claim for having to clean up their code violations on their property.

A revised application for the Flying Cow Ranch Project was received. He noted that it reduces the number of lots from 30+ to 23 and they were

still deciding whether that can be processed.

Ms. Cohen said that there is a hearing that will be held next week on our Motion for further clarification from the Bankruptcy Court. She said that the issue that they are uncertain about is whether the contract purchaser, Flying Cow, actually has standing to process the application if the owner does not agree. She explained that when the Bankruptcy Court orders them to close or to reject the contract, and on the date on which that was to occur, they did not close and instead appealed. Ms. Cohen said that according to the Village's Code, you have to be either the contract purchaser or the agent or somehow authorized to move forward with the application. She said that in light of the procedural posture of the case, the question is whether they actually do have standing. She said that hearing will be next week and they should have further confirmation after that whether the Village will proceed with the application.

Mr. Schofield said that a few weeks ago he sent to each of Council a request for the things that they think they might look at for state funding on. He said that he has to start putting together the legislative package for next year as he has a lobbyist coming down this month. He said that there were a lot of funding bills that the legislature passed, but very few that the Governor actually signed. Mr. Schofield said they have to get those things together if they are going to look for funding as they have to be ready for the legislative delegation by November. He said that they are working on two local bills and will get the latest updated ex-urban plan so they can see where they are going which he said he would send to Council the next day.

Mayor Gerwig asked if they were going to be able to put Amendment One on the agenda for discussion. Mr. Schofield responded affirmatively noting that it would be on the next agenda.

Mr. Schofield said that Council will also be getting a request from PBSO for a nightclub ordinance.

Mayor Gerwig asked if the Village was required to have a zoning for nightclubs. Mr. Schofield said they are not required to have one. Mayor Gerwig questioned whether it made sense to zone it in a different way where it is not near neighborhoods. Mr. Schofield said that they looked at that a number of years ago and the problem with that is that you can be a regular restaurant for most of the time and then at some point transition to what is essentially a nightclub but you still meet all the standards based on sales and food service to be a restaurant. He said part of what they are trying to do with that ordinance is that at that point where you transition to essentially a nightclub, then you would then have to have

security, specifically sworn law enforcement officers on site.

Mayor Gerwig thought it needed further discussion on the Council's part whether they would even allow that. Mr. Schofield indicated that he had sent a draft ordinance and will send another one, and would schedule it for the next Agenda Review Workshop.

Mayor Gerwig asked about the request from the School District supporting their Ad Valorem tax. She felt at the very least they should inform their residents of what it is so that people know what the taxes are and what they will go for. She said that this is for programming, teachers and security.

Mayor Gerwig said that the November ballot will be a big one that is causing a lot of confusion. She said that she had posted a link to the League of Cities regarding the State amendments.

Mr. Schofield said that he would have staff pull Ms. Garrison's email and supporting documents and send it to Council, and then either under Council or Manager's Comments they can bring that up so that he can receive direction from Council.

Council McGovern suggested that perhaps the School Board wanted to send a representative to talk about the Referendum at the next Council meeting. Mr. Schofield said that they could do that.

Mr. Schofield spoke about political signs and said that when they go up, the Village does not tell people what to do on private property, but the Village will mark the public areas. He said that the Village's policy has been that two weeks prior to a vote, they will mark them out.

Mayor Gerwig noted that in the Palm Beach Post there was a picture of Tiger Shark Cove and thought the shark look a little ragged. Mr. Barnes said that he would let Mr. Wagner know about that. Mayor Gerwig said that she wanted to be sure they engaged the Art Society to do the painting because it was done originally with shading.

7. COUNCIL COMMENTS

Mayor Gerwig reported that she returned the previous day from Washington, D.C. and the Fast Fly In. She said that while they were there, the bill that they have been pushing for seven years, the FEMA Call Back, made it through the Senate and is waiting for the President to sign and they don't anticipate any problems with that. She indicated there was a lot of enthusiasm about its passing noting that the Village was not affected by that, but they could in the future. Mayor Gerwig explained that there

was no time limit for FEMA so they could go back many years and review your paperwork and say that something wasn't done right and ask for the money to be returned. Mr. Schofield said that FEMA tried to pull back \$450,000 out of Wilma. He noted that they put it in FMIT's hands to handle. Mayor Gerwig said that now every city has the benefit to know that after three years from the date of the project closing there won't be any additional fines, additional information that is required, or or to disallow things that they had previously allowed.

Mayor Gerwig said that there is a federal pre-emption of small wireless infrastructure. She said that there was some rule writing that may even pre-empt the State on that. She said that they were asking for clarification on that as there is a 90 day time period that Congress has to review that after the rule writing happens.

Mayor Gerwig said that there were a couple of other things that affected not necessarily Wellington, but other cities, but when they stand together, they make us all stronger. She thanked Council for allowing her to go.

Mayor Gerwig said that she also got to sit at the table with a high-level staffer on EPA and sent her card to Mr. Schofield so that they have that contact. Mayor Gerwig said that the EPA is working on turning more of the Army Corps duties over to the FDEP so they may see a quicker response time on some of those issues on environmental permitting where Army Corps had some deadlines. She hoped they would see some good progress with that in the long run.

Mr. Schofield explained that most of what they do with the Army Corps is delegated from EPA and asked if the staffer was specific talking about whether it was the EPA delegation or the Army Corps. Mayor Gerwig explained that it was the EPA going to DEP instead of the Army Corps. She said that they were still working on water issues. Mayor Gerwig said that she received updated White House contacts for the Intergovernmental Affairs Office.

8. ADJOURN

There being no further business to be discussed by Council, the meeting was adjourned at 5:05 p.m.