

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, October 22, 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,

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. [18-2270](#)**EMPLOYEE OF THE MONTH FOR SEPTEMBER, 2018 – KIMBERLY HARRELL**

Mr. Schofield introduced the agenda item announcing that Kimberly Harrell was being recognized as the Employee of the Month for September.

Mr. Ryan Hagopian stated that Kimberly Harrell was being recognized as the September Employee of the Month. Ms. Harrell began her career with the Village of Wellington in 2004 as a part time Recreation Assistant. Because of her strong work ethic and ability to get things done, along with her great disposition, Kim was promoted in 2013 to a full time Recreation Specialist in Athletic Programs. Mr. Hagopian said that Kimberly is his right hand woman who helps him with all of the training for the part-time Parks employees, front desk staff, and assists with scheduling. He noted that her customer service is top notch and she is an integral part of their daily operation. He said that he was very glad that she is part of the Parks & Recreation Department.

Ms. Harrell expressed her appreciation for the opportunity to work with the Village of Wellington's Parks & Recreation Department.

Council extended their appreciation and congratulations to Ms. Harrell on her recognition.

4. [18-2440](#)**PRESENTATION BY DR. FRANK RODRIGUEZ, REGIONAL SUPERINTENDENT, SCHOOL DISTRICT OF PALM BEACH COUNTY, ON THE REFERENDUM ON THE NOVEMBER 6, 2018 BALLOT PROPOSING A 1.00 MILLAGE LEVY OF AD VALOREM MILLAGE FOR THE OPERATIONAL NEEDS OF THE SCHOOL DISTRICT**

Mr. Schofield introduced the agenda item. He said that Dr. Frank Rodriguez, Regional Superintendent for the School District of Palm Beach County, would be giving a presentation on the Referendum on the November 6, 2018 Ballot Proposing a 1.00 Millage Levy of Ad Valorem Millage for the Operational Needs of the School District.

Dr. Rodriguez thanked Council for the opportunity for him to share a little bit of the School District's Referendum. He shared a brief video, which

outlined what the approval of the Referendum would help to do regarding programs, security and teacher pay.

Dr. Rodriguez explained to Council that the Referendum would help with safety and security; art teachers, and teacher pay. He explained that teachers with one to four years would get about a \$1,000 increase; those with five to nine years would get a \$5,000 increase, and teachers with ten years or more would get \$10,000 annually. He said that the important piece for teachers is that when there is a stipend or something like that, it does not figure into FRS; however, this increase would. Dr. Rodriguez said that it is important for the community to know that this is a recruitment and retainment effort, as they want the best teachers for their students. He said that there is an independent review committee who will oversee how the money that is taken in is spent. He then noted that in four years it then goes back to the voters.

Mayor Gerwig asked how the committee was determined. Dr. Rodriguez said that he was not sure, but said that they received shining words from the members of past committees as to how the money was spent. Mayor Gerwig recommended a local resident, Bill Klein, who is very detail-oriented. Dr. Rodriguez said he could take that recommendation back and would provide the answer to Mayor Gerwig's question regarding the committee.

Dr. Rodriguez said that one of the questions that he often gets is how is this different from the sales tax that was passed not too long ago. He said that the dollars from the State sales tax was strictly earmarked and half of which was shared with municipalities and the County. Dr. Rodriguez said that the school's share could only be utilized for school repairs, renovations, classroom technology, and IT infrastructure. He noted that by law, the tax dollars could not be used for teacher's salaries or any other operational costs.

Dr. Rodriguez said that he is also asked about lottery dollars. He said that it is important for people to realize that most of lottery dollars goes to Bright Future Scholarships for graduating seniors. He said that what the District receives from Lottery dollars is enough to run the District's operating costs for two days so it is not enough to support the needs they have and that they are asking for.

Dr. Rodriguez mentioned that Florida ranks 44th in education funding, so this is an opportunity for them to keep their students first, bringing in safety and security, maintaining the arts and improving teacher pay.

Mayor Gerwig asked what happened at the end of the four years. In

response, Dr. Rodriguez said that by law, the referendum ends at the end of the four years and they would either have to come back to the voters and determine what the economic situation was at that time.

Dr. Rodriguez said that he believed there were 37 other districts across the street that put a referendum to their voters.

Councilman Napoleone asked what the plans were if the referendum does not pass. Dr. Rodriguez noted that it would affect fine arts programs, teacher pay and security. He also noted that the law was passed after the Parkland shooting that required an officer at every school. He said that at the moment, they were having to work to increase law enforcement and were working with local law enforcement and municipalities to make sure they have one at every school, which they want to be able to do to ensure the campuses are safe. Dr. Rodriguez said that with the referendum, they are also looking to increase mental health counselors in the system so that they can perhaps deal with some of the earlier issues that some children face ahead of time before it becomes more problematic.

Councilman McGovern asked how many counselors the School District currently has and how many would they be adding. Dr. Rodriguez said that they are in the process of building their mental health counselors so he did not have the specifics on how many would be added. He said that would be part of building a department to have mental health counselors to support the needs of the schools.

Councilman Napoleone asked if this does not pass if the 1/4 mill went away. Dr. Rodriguez said that it would. He explained that any of the benefits of the 1/4 mill would cease to exist.

Councilman McGovern asked if this passed what would be the rollout period noting the disappointment with the rollout with the penny sales tax. Dr. Rodriguez said that much of what has been happening with the penny sales tax has been in the interior of the campuses, which cannot be seen from the exterior. He said that in terms of the rollout, they would ensure it is as efficient as possible. He said that they were already working towards hiring additional officers, which takes training and time. Councilman McGovern said that the money would not be collected until a year from now and then when would the teacher raises start. Dr. Rodriguez said that he does not have a specific date and once it passes, it would be a year before any of it would be finalized.

Mayor Gerwig thought that one of the things that was missing from the list was athletics noting they get calls from Wellington High about help with

their football program needs. Dr. Rodriguez said that not everything is necessarily impacted by this referendum, but what can happen is that it may free up some other dollars.

Mayor Gerwig said that high school football provides life lessons that are difficult to replicate. She thought it provided a service that should be acknowledged more. She said it was for all of the athletics and band. Dr. Rodriguez voiced his agreement noting that sports and athletics was an important part of his life.

Since there would be no presentation at the Council meeting, Mayor Gerwig asked if the video could be played at the meeting. Mr. Schofield said that would be done and would also be played on the government channel. He said that he took that as direction to amend the Presentations and Proclamations to add the video.

Dr. Rodriguez said that he was leaving the link to the video as well as handouts. He also extended his thanks to the Village for their support and partnership with their schools. He said that he was happy to share with them that every Village school is A rated.

Councilman McGovern asked Dr. Rodriguez if he could address the air conditioning problems at Binks that had been mentioned in the Palm Beach Post. Dr. Rodriguez said that he was speaking to his maintenance team and principal, but to his knowledge, any issues were being handled.

5. REVIEW OF COUNCIL AGENDA

Mr. Schofield introduced the agenda for the October 23, 2018 Regular Wellington Council Meeting.

A. [18-2458](#)

A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA RECOGNIZING AND PROCLAIMING THE WEEK OF OCTOBER 22, 2018 TO OCTOBER 28, 2018 AS "FLORIDA CITY GOVERNMENT WEEK" IN THE VILLAGE OF WELLINGTON

Mr. Schofield introduced the agenda item. This was a presentation by the Village Council recognizing and proclaiming the week of October 22, 2018 to October 28, 2018 as "Florida City Government Week" In the Village of Wellington. He said that he would also amend the Presentations and Proclamation to add the school referendum video

B. [18-2071](#) AUTHORIZATION TO CONTINUE UTILIZING AN EXISTING AGREEMENT WITH KRONOS, INC. FOR SUPPORT, MAINTENANCE, LICENSES AND RENTAL OF THE VILLAGE'S TIMEKEEPING AND PERFORMANCE REVIEW SYSTEM

Mr. Schofield introduced the agenda item. This was authorization to continue utilizing an existing agreement with Kronos, Inc. for support, maintenance, licenses and rental of the Village's timekeeping and performance review system, for \$35,880.00 annually. He said that this is a proprietary system that is sole source. He noted that there is a proposed cost increase that contractually allowed a 2.5% which is \$880.00 so the total for the next year is \$35,880.00. Mr. Schofield said that staff recommended approval noting that this is how the Village keeps track of the employees' time.

There was no Council discussion.

C. [18-2323](#) AUTHORIZATION TO AWARD A CONTRACT FOR THE GREENBRIAR DOG PARK DOG WASH IMPROVEMENTS

Mr. Schofield introduced the agenda item. This was authorization to award a contract to CJ Contracting, LLC, for the Greenbriar Dog Park Dog Wash Improvements for \$68,900.00. He noted that there is alot of muck in that park and they have a dog wash that turns into a mud pool. He said that in order to demuck, they need to put in drain fields.

Mayor Gerwig asked if this would allow for both sides of the dog park. In response, Mr. Lundeen said that there are actually two wash-down areas with their own spigots fenced off in between. He said that the whole area is then fenced again so there are several gates they have to go in and out of. Mr. Lundeen said the slab drains into the middle and goes into the septic tank and then the drain fields.

Mayor Gerwig asked if there was no other way to do this. Mr. Lundeen directed Council to the last page of this agenda item that showed the site layout where the drain field is and the smallest box is the septic tank.

Councilman Napoleone thought doing this seemed very expensive just so people can wash their dogs. He asked if there was a cheaper way to do this. Mr. Barnes said that it is one of the areas within the park that receives the most criticism. He said that due to the flood conditions, and that no one expected its current use, it was only put in as a standard wash area rather than one that was either tied to a drain field or to the storm system. Mr. Barnes said that because of that, they end up with a muddy mess that negates the clean dog because of the conditions there. He said that this would at least alleviate that and solve the problem.

Mayor Gerwig asked if they could run this type of water into the storm system. In response, Mr. Barnes said no because it is the wash down of an animal.

Mayor Gerwig said this is not adding anything except making what they have better. Mr. Barnes said that it is adding a proper wash station. He did, stress that it is not a canine splash pad or something like that.

Councilman McGovern indicated that he thought they had just done extensive work at the dog park, i.e., pathways and drainage. Mr. Lundeen said that this is just a smaller concrete slab where they wash the dogs down, slops to a drain that then drains piped to a septic tank, then goes to a drain field and then into groundwater. Councilman McGovern reiterated Councilman Napoleone's question about whether this could be done cheaper than \$70,000. Mr. Barnes did not believe the cost was out of line, and he felt there was not a cheaper way to do this. He said this was bid out and they only received two bidders. He said that they were not uncomfortable with the contractor.

Councilman McGovern asked if there was actually a significant demand for this. He said that he has heard a lot of issues about the dog park, but this has not been the top one. Mr. Barnes indicated that this has been a recurring problem. He said that people wash their dogs before heading out of the dog park and one of the complaints is that this wash had not been set up properly.

Mayor Gerwig spoke about some measures that some visitors to the dog park had taken in the past to get away from the mud, i.e., bringing dog pools, etc. She said that she has received a lot of input from people at the dog park for a very long time regarding this who indicated they wanted something better. She felt this was a good use of public dollars. Mayor Gerwig then asked if this would be done in time for season, as it could be problematic if it was not. Mr. Barnes said he was not sure, but he would check. She thought they may want to hold off doing it if it was not going to be done in time.

Mr. Barnes said that while it may be two to three week's worth of work, the contract's substantial completion date is 30 days from the notice to proceed.

Councilman McGovern asked if it was a 20x20 pad divided between the two sides or was it one pad shared. Mr. Lundeen said that it was one 20x20 pad shared.

Councilman Napoleone asked if it was outside the fenced in dog park area. Mr. Lundeen responded affirmatively. Mr. Barnes said that it is off of the path where everyone generally ends up going.

Councilman Napoleone said that the plan says that existing dog fountains are being removed. Mr. Lundeen said that they would be removing them. Mayor Gerwig said that was because they are creating the mud.

Councilman Napoleone said that he wished it could be done cheaper.

Mayor Gerwig asked if the dog park people were asked about this. In response, Mr. Barnes said that they had not met with them. He said that they have an informal group that they meet with on a regular basis, but have not met with them recently but noted that this is an item that has come up. He

said that the dog park people have not been shy about voicing their concerns. Mayor Gerwig asked if staff believed this would satisfy their concerns. Mr. Barnes said that it will not meet their demand, but will meet the Village's needs. Mayor Gerwig said that she would have felt better if this had been run by those people.

Councilman McGovern asked who the group was. Mr. Schofield explained there is a group of regular users that they communicate with on a regular basis. He said that the only group that provides oversight on a formal basis is the Parks & Recreation Advisory Board. He said that these are only a group of dog park users who for the last decade or so have given staff their opinion on a regular basis. Mr. Schofield said that one of the things that they most often request is a dog wash. Mr. Barnes said that a consensus is often difficult to reach with the group, but he believed that most of the things that were put in have been ultimately good. He said that for the group, you won't have consistent attendance all the time. He said generally speaking the only thing they have not considered recently was any kind of water play area.

Mr. Schofield said that this is expensive, but a water play area is exponentially more expensive. He said that one of the significant portions of this is that there is muck out there. He spoke about how expensive it would be to take out all of the muck and backfill.

Mayor Gerwig felt that they should notify the dog park users that this is the plan.

Mr. Schofield said that he would have the Public Works Department place a sign at the Dog Park where the plan and a comment number would be posted.

Mayor Gerwig wanted to be sure they were not doing something that confused the users.

D. [18-2441](#)

RESOLUTION NO. R2018-54 (BINK'S COMMERCIAL CENTRE
REPLAT OF LOT 4 AND LOT 1A)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE BINK'S COMMERCIAL CENTRE REPLAT OF LOT 4 & LOT 1A LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF LOT 4, BINK'S COMMERCIAL CENTRE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 91, PAGES 21 & 22, AND A REPLAT OF LOT 1A, BINK'S COMMERCIAL CENTRE REPLAT OF LOTS 1, 2 & 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 113, PAGES 99 THROUGH 101, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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

Resolution No. R2018-54 accepting and approving the Bink's Commercial Centre Replat of Lot 4 and Lot 1A. He said that where the Home Away From Home Day Care is, it will add Lot 4 into that property so that the day care can be expanded. It also adds the easements and other things to let that development happen. He said that this is pretty straightforward and is ministerial.

Vice Mayor Drahos asked about this having a need for a turn lane. Mr. Schofield said that as Council will recall, they had a dentist come in before who did not want to develop it because of the cost of adding a turn lane. He said that the day care specifically put off their improvements to do that. He said that the requirements are still there and they don't go away because of the replat. He said that when they expand they have to pay. Mayor Gerwig noted that it had been a veterinarian who had come in. Mr. Lundeen explained that the veterinarian had put in the driveway and the Home Away From Home will add the turn lane.

E. [17-1682](#)

RESOLUTION NO. R2018-58 (FEDERALLY FUNDED SUBAWARD AND GRANT AGREEMENT – HURRICANE IRMA)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, APPROVING HURRICANE IRMA FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENT BETWEEN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT AND THE VILLAGE OF WELLINGTON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was the acceptance of the State of Florida Division of Emergency Management Federally Funded Subaward and Agreement for Hurricane Irma (DR-4337). He said that this is a reimbursement of \$7,756.97. He said that the Village received payment from their insurance carrier, but this also sets up the agreement by which those awards are paid out. He said that it also says that the Mayor can execute these in the future so that staff does not need to keep bringing these before Council. Mr. Schofield said that the Village submitted \$3.7 million in claims and expect reimbursement of about 3.6 million. He said these will come back over time but this is the basic agreement that they will all take.

Councilman McGovern said that the Village is anticipating 97% reimbursement but FEMA has not committed to that. Mr. Schofield said that is what the Village is anticipating and that is what the schedules were during the storm so he believed they will come pretty close to it.

Councilman McGovern asked over what period of time did the Village anticipate reimbursement. In response, Mr. Schofield said that generally that they take 3-5 years minimum and sometimes it can take longer. He

said that last year, they just finished cleaning up Wilma and that happened in 2005.

F. RESOLUTION NO. R2018-55 (EMPLOYEE HEALTH INSURANCE)

A RESOLUTION OF WELLINGTON FLORIDA'S COUNCIL AUTHORIZING THE MANAGER TO (1) AWARD A CONSUMER DRIVEN HEALTH PLAN (CDHP) AGREEMENT WITH CIGNA HEALTHCARE TO PROVIDE HEALTH INSURANCE TO ELIGIBLE EMPLOYEES, DEPENDENTS, AND RETIREES, AND APPROVING HRA FUNDING FOR EACH ELIGIBLE EMPLOYEE TO COVER COSTS ASSOCIATED WITH ANNUAL OUT OF POCKET MAXIMUM COSTS, INCLUDING DEDUCTIBLES; (2) AWARD A CONTRACT TO CIGNA TO PROVIDE DENTAL INSURANCE TO ELIGIBLE EMPLOYEES, DEPENDENTS, AND RETIREES; (3) AWARD A CONTRACT TO HUMANA TO PROVIDE VISION INSURANCE TO ELIGIBLE EMPLOYEES, DEPENDENTS AND RETIREES; (4) RENEW AN EXISTING AGREEMENT WITH AETNA RESOURCES FOR LIVING TO PROVIDE ELIGIBLE EMPLOYEES, DEPENDENTS, AND RETIREES WITH AN EMPLOYEE ASSISTANCE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was authorization to approve Resolution No. R2018-55 to (1) Award a Consumer Driven Health Plan (CDHP) agreement with CIGNA HealthCare to provide health insurance to eligible employees, dependents, and retirees, at a cost of approximately, \$5,065,158, and approve HRA funding for each eligible employee at a total cost of approximately \$944,000, to cover all associated annual out of pocket maximum costs, including deductibles; (2) Award a contract to CIGNA to provide dental insurance to eligible employees, dependents and retirees, at an annual cost of approximately \$331,590; (3) Award a contract to Humana to provide vision insurance to eligible employees, dependents, and retirees, at a cost of approximately \$34,544; (4) Renew a contract with Aetna Resources for Living to provide eligible employees, dependents and retirees with an Employee Assistance Program (EAP) at a cost of approximately \$11,363 annually.

Ms. Quickel said that this was the annual health insurance renewal. She said that representatives from the Gehring Group were also in the audience to answer any questions. She said that they included a summary of the various coverages for Council to review. Ms. Quickel said that the biggest change with the health insurance company was in the HRA Funding. She explained that currently the Village provides funding in the form of a benefits card to each employee with \$1,131.00. Ms. Quickel said that the funding of \$333,900 is budgeted, but they were proposing for that to be increased to \$944,000. She explained that the reason for this is the change in the health insurance policy as they are

proposing to go to a Consumer Health Driven Plan or a High Deductible Plan. She said this includes a deductible and out of pocket maximum for employees of \$1,500 and \$3,000 respectively, and a deductible and out of pocket maximum for employee and children or employee/family of \$2,000 and \$4,000 respectively. Ms. Quickel said that the Village was proposing to use the \$944,000 to fund those maximum out-of-pockets. She said that employees will no longer receive the benefits card. Ms. Quickel said that Cigna is still the same insurance provider. She said that there is no change in the payroll deductions and the same network of doctors, and felt it is very good insurance. Ms. Quickel said that not everyone uses the full amount of their insurance, and whatever is remaining of those funds will carry forward to next year to fund in future years. She said that the bottom line for all these insurances combined is an increase of 1.2% to the Village overall which is tremendous for the Village for budgeting purposes. She said that normally they include 5 to 10% in all of their insurance increases and they work to keep it in that range. Ms. Quickel noted that it usually comes in between 15-18% and they negotiate to get them down. She reiterated that she believed that this is still very good insurance for all of the employees and everyone will still be satisfied, but it does operate differently. Ms. Quickel said that when staff goes to the doctor, they will have a different insurance card and they will not have to pay the co-pay. She said that there may be a few mishaps, but that is how it is combined to word.

Councilman McGovern said that it is designed so that nothing is going to be paid by the employee. Ms. Quickel said that was correct. Councilman McGovern asked if this fully complied with everything that was discussed during the budget process. Mr. Schofield said that was correct. He said that the other thing that it does is that they believe that at the end of the year once they sweep those accounts, they will actually see a slight reduction in the total amount that they are paying. Councilman McGovern said that when they take last year's number at \$5.908 million to \$6.009 million that potentially could be a flat figure depending on what occurs or savings.

Mayor Gerwig said that the Village has historical information so they can predict a certain amount of that. Mr. Schofield noted that the Village never exceeded their payment to premium ratio. He said that they cannot guarantee it, but believe based on experience, this will be the case.

Ms. Quickel said that the overall increase of the 1.2% is the smallest increase they have ever budgeted which is where they believe the value will come from.

Councilman Napoleone said that was a maximum of \$100,000 over last

year's which they expect will be less than that because they won't expend the full \$900,000 allotted to cover the co-pays. Ms. Quickel said that they will have savings in the HRA funding which they will carry forward and apply to next year.

Councilman McGovern gave Ms. Quickel's staff and Mr. De La Vega and the folks from the Gehring group alot of credit.

Ms. Quickel thanked the Gehring Group. She noted that many other municipalities are going to this model, i.e., West Palm Beach, Naples and they have been very pleased with this. Ms. Quickel said they are anxious and believe that Wellington's staff will also be pleased with very good insurance coverage but also a very workable way to solve budgeting challenges.

Mayor Gerwig said that this doesn't take anything away from the Village's focus on prevention, healthier lifestyles. Ms. Quickel said that was correct.

Ms. Quickel noted that there were a few other changes, but the main one was the health. She said that they are also changing the dental to the Cigna Dental Program and some cost savings was also going to that program.

Ms. Quickel noted that staff meetings were being scheduled for later in the week to review the details of the plan noting that this will be effective on January 1.

Mr. Schofield said that over the past few years, the Village has been changing their insurance to become more self-insured. He said that in previous years where the Health Care Reimbursement Accounts were in the lower numbers at about \$1,000 and unused portions of that stayed in employee's accounts. He said that anything that is currently still in their account will stay there, but when they go to the higher number, the funds will not rollover for the employee, but will be used to offset the cost of insurance in future years. Mr. Schofield said that health care in the form that the Village had a number of years ago was not sustainable in terms of cost noting it is the single biggest employee expense outside of their salary. He said that he did not believe this would be the last change that was made to it over the next several years as they look to provide quality healthcare at a reasonable and affordable rate. Mr. Schofield said that most employees didn't realize the funds rolled over, but some employees as they get closer to thinking about what they were going to do post working years, know that the accounts could be used for medical expenses during retirement which are essentially tax free. Mr. Schofield

said that whatever is in the employee's HRA's on December 31, 2018 is theirs and the Village will not touch that.

G. AUTHORIZATION TO AWARD A CONTRACT TO PROVIDE ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE WATER TREATMENT PLANT WAREHOUSE, GENERATOR STORAGE, FIELD SERVICES BUILDING MODIFICATIONS, AND MISCELLANEOUS SITE IMPROVEMENTS PROJECT

Mr. Schofield introduced the agenda item. This was authorization to award a contract to Colome and Associates, Inc. to provide architectural and engineering design services for the Water Treatment Plant Warehouse, generator storage, field services building modifications, and miscellaneous site improvements project, for \$37,410.00.

Mayor Gerwig indicated she had not done any current work with Colome, but asked if Mock Roos was in the description. Ms. Cohen said that Mock Roos was listed on page 153. Mr. Schofield said that listing the subcontractors was a recommendation from the IG.

Mayor Gerwig said that because of past work that the firm that she owns one share of stock in has done work in the last 24 months with Mock Roos, she would be recusing herself to comply with the Palm Beach County Code of Ethics.

At this time, Mayor Gerwig left the Conference Room.

Ms. LaRocque said that this was site feasibility and conceptual drawings for the utility water treatment plant, portable generator storage facility, construction of a new warehouse and office space for the field services, utility, engineering and technology services division. She said that they have outgrown the existing space over the years and they need to plan for their ultimate demand. Ms. LaRocque said that this is a feasibility and conceptual project that will then be used to go to the Construction Manager At Risk that was selected to negotiate a contract and prepare a price to build the project. She said that the request was in the amount of \$37,410.00 to Colomone and Associates. She said that the Village has not previously worked with them, but she has and they have done an excellent job.

Councilman Napoleone asked what the cost was anticipated for the ultimate project. Mr. LaRocque said that the overall budget was \$5 million.

Ms. LaRocque said that this was part of the Village's ongoing capital improvement plan. She said that it is all the money that was budgeted last year and this year.

Mayor Gerwig re-entered the Conference Room at the conclusion of the discussion.

H. [18-2466](#) COUNCIL CONSIDERATION OF RESOLUTION NO. R2018-59 (AMENDMENT 1)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL CONCERNING AMENDMENT 1 TO THE FLORIDA CONSTITUTION WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA'S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS.

Mr. Schofield indicated that he did not have the information in his agenda books, so Mr. Barnes introduced the agenda item. this was Council Consideration of a resolution proposed by the Florida League of Cities regarding the iniquities in Florida's tax system if Amendment 1 passes. He said that the backup was what was provided by the League and the proposed prototype language that was transmitted. Mr. Schofield said that it is educational in nature and doesn't take a side one way or the other. He said that it basically says please read this and consider before you vote on it.

Mayor Gerwig noted that the Council is allowed to take sides. She indicated that she wrote a letter to the editor at the Palm Beach Post, but did not hear back. She was then advised that they don't publish letters to the editor unless they have an opposing view letter which surprised her. She said that she would provide a copy of her letter to Council.

Mayor Gerwig reiterated that they were allowed to tell their residents that out of all the amendments this is one that was put on by Tallahassee as a gift to the residents and it costs them nothing. She said that it only impacts local and county governments. She encouraged the State legislature that if they want to help the residents with tax breaks they can give it from the State because the local governments cannot provide the same services without the money that they presently collect. She said that some counties have said they won't be able to provide basic services. Mayor Gerwig said that they have already decided at the State level that might be a consideration so they will go ahead and grant money to the counties that can't afford to provide basic services. She said that Palm Beach County will continue to be a greater donor which is not only for municipalities but county government. Mr. Schofield asked it also included municipalities. Mayor Gerwig thought that it only had to do with County services.

Councilman McGovern said that the taxpayers will still be paying as it will be going somewhere else.

6. WORKSHOP**A. A PROPOSED ORDINANCE MODIFYING ARTICLES 3 (DEFINITIONS); ARTICLE 6, TABLES 6.4-1 (USE REGULATION SCHEDULE), TABLE 6.8-2 (PLANNED DEVELOPMENT DISTRICTS USE SCHEDULE), AND SECTION 6.4.4 (SUPPLEMENTAL USE STANDARDS) OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS TO CREATE REGULATIONS FOR USES DEFINED AS NIGHT CLUBS**

Mr. Schofield introduced the workshop item. He explained that the purpose of the workshop was to discuss amendments to various Sections of the LDR to revise definitions of restaurants and Cocktail Lounges, add a definition for Night Club, modify the Use Tables to add provisions for night clubs and to provide supplemental standards for the operation of night club businesses. This was also to authorize staff to schedule public hearings to consider adoption of the proposed ordinance.

Mr. Schofield said that PBSO asked if the Village would consider an amendment to the Code dealing with nightclubs noting that Royal Palm Beach had recently passed theirs. He said that he asked Mr. Basehart and his staff to take a look at the Village's Code and he has some proposed changes that will cover those items.

Mayor Gerwig asked what Royal Palm Beach had passed. Mr. Basehart noted that Royal Palm Beach had not yet had their final adoption. He explained that Royal Palm does not have conditional uses in their code which they call special exceptions. He said that they made nightclubs special exceptions in the commercial district. He said that the problem that they were having was that a Taco Restaurant has nightclub activity at night and it was in the neighborhood/commercial district. He said their ordinance reflects that their code doesn't have any provisions for what you do with a special exception that was approved and did not comply with the conditions of approval. In light of that, they have added a lot of language reflecting on it going back to Council for reconsideration. Mr. Basehart said that information is already in Wellington's Code.

Mr. Basehart said that the Sheriff's Office had provided a copy of the County ordinance and requested that the Village create provisions where a specific zoning approval needs to be necessary in order to open a nightclub; they also provided the definition of nightclub which has been incorporated. He said they looked at what the County did and they needed to make a couple of minor revisions to the definition of a cocktail lounge and restaurant and add a definition of nightclub. He said that they

used the definition that the Sheriff had suggested. He said that they had recommended that they make nightclubs conditional uses which they have done and added them to the use tables. Mr. Basehart said that specific operational requirements and limitations that were suggested were added to the supplemental requirements which is Section 6.4.4 of the Code. He said that in terms of what actually constitutes a nightclub, they used the check list approach where you might be a nightclub if ... He said if you list three out of the list then you are a nightclub. He said that they added requirements for security that every 150 people requires one security person who is a certified or off duty sheriff's deputy. Mr. Basehart said that they did not want to affect some of the charity events in the equestrian area so if the operation is a special event that gets a special use permit then they are exempt from the nightclub requirements. He said they also put provisions in for the age of people that can go to nightclubs. He said that the way they have written the provisions someone can be a nightclub part of the time and just a restaurant at other parts of the time. He said that for periods when the facility is functioning as a nightclub they put in an age requirement, but there is no age limit when it functions as a restaurant. He said they made a reference to Articles 5 and 14 of the Code which already takes care of the enforcement when they don't comply with the conditions that were set forth. Mr. Basehart said that they also put recognition that any nightclub that is function at the adoption date of this code will be considered conforming. He said that they won't make it retroactive so that existing businesses have to come in and get a conditional use in order to continue operating; however, they will be subject to the operational requirements.

Mayor Gerwig said if they have an event where they don't sell alcohol, but are charging to get in and have live entertainment then they would be considered a nightclub. She asked to look at the most recent event that they had with the rap event that was held. She said that they sold tickets, they did not sell alcohol and asked if they would have hit the description to require the additional security. Mr. Schofield said that they would have. He said that they have a dance floor, the establishment was open between 12 am and 8 am and there were advertisements that the establishment features a platform and musical staging area, and they also hit the capacity. He said that the only thing they did not hit was alcohol sales.

Councilman Napoleone said that the cover charge alone makes it a nightclub. Mr. Schofield responded affirmatively.

Mayor Gerwig felt that they needed to get some public input on this. Mr. Schofield said that staff was looking for direction. He said that a good

deal of this had already been covered; however, the security was not. He said that before they bring forward an ordinance through the process, staff wanted to first get Council's comments.

Councilman Napoleone said that the significant change is requiring security for 150 people and the age restriction.

Mayor Gerwig said that it also wasn't including any zoning restrictions. Mr. Basehart reiterated that ones that presently exist will allowed to be conforming.

Councilman McGovern asked which current establishments would be considered conforming. In response, Mr. Basehart said it would include JoJo's among others. Mayor Gerwig asked if there was any establishment in the Mall. Mr. Schofield said that staff will look at existing restaurants that could meet this and provide a list to Council.

Mr. Schofield said that since this is an amendment to the Land Development Regulations, it will go to PZAB before coming to Council.

Mayor Gerwig said that she wanted to be sure they notify local parties that may want to have input on this.

Councilman McGovern asked if it would apply to the Wanderers Club, Wellington National and places like that. Mr. Basehart said that if they conduct special events, they would get a special use permit and would then be exempt. Councilman McGovern said that this doesn't apply to a rentals, i.e., wedding, bar mitzvah. Ms. Cohen said that they needed to look at that language because she believed that Suri West rents out the space.

Mayor Gerwig said that they don't want to make it difficult for businesses. Councilman McGovern said that they were not saying they don't want to have these events. Councilman Napoleone added that they wanted to be sure that if they ended up in the Village that they are safe.

Mr. Basehart asked if Council also wanted this to go to the Equestrian Preserve Area as this will involve the Equestrian Preserve area.

Councilman McGoven thought if it was reviewed by any board, it should go to Public Safety and PZAB.

7. ATTORNEY'S COMMENTS

None

8. MANAGER COMMENTS

Mr. Schofield had no report; however, Ms. Quickel advised Council of the following:

*At 5:30 p.m., Council could step into their Chambers for Civics 101 as the class was having their mock Council meeting.

*At 6:00 p.m. the next evening, photographs will be taken with the Fire and Rescue equipment for City Government Week.

*Reading for the Record was on Thursday.

Mr. Schofield said that there was a suggestion that they maybe read a little of the book at the Council Meeting.
Council supported that idea.

Mayor Gerwig said that she wanted the community to know the commitment they have to literacy in the community.

9. COUNCIL COMMENTS

None

10. ADJOURN

There being no further business to be discussed by Council, the meeting was adjourned at 5:20 p.m.