

# **Village of Wellington**

*12300 Forest Hill Blvd  
Wellington, FL 33414*



## **Action Summary**

**Monday, September 9, 2019**

**4:00 PM**

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

## **Village Council Workshop**

*Anne Gerwig, Mayor  
Michael J. Napoleone, Vice Mayor  
John T. McGovern, Councilman  
Michael Drahos, Councilman  
Tanya Siskind, Councilwoman*

**1. CALL TO ORDER**

In Mayor Gerwig's absence, Vice Mayor Napoleone called the meeting to order at 4:00 p.m.

Council Members Present: Michael Napoleone, Vice Mayor, John McGovern, Councilman, Michael Drahos, Councilman and Tanya Siskind, Councilwoman.

Council Members Not Present: Anne Gerwig, Mayor

**2. PLEDGE OF ALLEGIANCE**

Vice Mayor Napoleone led the Pledge of Allegiance.

**3. REVIEW OF COUNCIL AGENDA**

Mr. Schofield introduced the agenda for the September 10, 2019 Regular Council Meeting for review.

**A. [19-3119](#) PRESENTATION OF 2019 WELLINGTON TOP COP AND TOP FIREFIGHTER AWARDS**

Mr. Schofield introduced the agenda item. This was approval of the Public Safety Committee Recommendations for the 2019 Wellington Top Cop and Top Firefighter.

**B. [19-2647](#) AUTHORIZATION TO RENEW AN EXISTING CONTRACT FOR THE PURCHASE AND DELIVERY OF SPORTS UNIFORMS**

Mr. Schofield introduced the agenda item. This was authorization to renew an existing contract with Scotty's Sport Shop, Inc., for the purchase and delivery of sports uniforms, in the amount of approximately \$67,000 annually. He said that they are the one local vendor that the Village uses.

Mr. Ed De La Vega said this item was for sports uniforms. He said that Scotty's Sport Shop has been doing this for the Village for about 20 years. He said that this is the first renewal option of a three-year option. He said that they were looking to exercise this option with no increases.

**C. [19-3146](#) AUTHORIZATION TO AWARD A CONTRACT TO PROVIDE PROPERTY AND CASUALTY INSURANCE SERVICES**

Mr. Schofield introduced the agenda item. This was authorization to provide general liability, property, casualty, and workers' compensation insurance at an estimated net annual cost of \$1,016,761. He announced that this would have to be removed from the Consent Agenda and placed as item 8B since the Mayor serves on the Board of Trustees and will have to recuse herself.

Mr. Schofield said that there is a proposed increase of 9.9% which is down about 5% from the original proposal. He said that this is in the ballpark since most municipalities are getting an increase of between 9% to 10%. He said that this will be the first year that the Village does not get a return of premium. Mr. Schofield said that given where they are at, and considering the lateness in which this was received, staff was recommending that they renew it. Mr. Schofield said that because of the significant change in how they do business, he recommended that next year they should do a solicitation in June or July.

Councilman McGovern said that the return of premium previously happened, and now it has not. Mr. Schofield said that because of the hurricanes two years in a row, they don't have it to return. He said that the rate increases have to do with hurricanes noting that municipalities are getting hit in large number with issues over land use as well as ADA liability suits that are being paid out. He said so there is a reason for the increase and the 9.9% is in the range they are doing it for everyone. Mr. Schofield said that without the return of premium, they really needed to give a significant thought to putting it out on the street again.

Vice Mayor Napoleone said that based on the timing, there was no time to do that this year. In response, Mr. Schofield said that they did not.

Councilman McGovern questioned why this came back to the Village so late so they don't have that option. In response, Ms. Quickel said that they began talking to them in mid to late August and with the hurricane last week killed their chances to discuss it with them.

Mr. De La Vega said that they asked them to market test it to ensure our increases were in line. He noted that Charlotte County had a 13% increase, Greenacres 17%, Mangonia Park 9%; and Tequesta 10%, Wellington had it right at 10%. He said that really was only Jupiter Island, which was really not a comp, had it at 5%. Mr. De La Vega said that across the 10% was in line. He said that he was thinking that even if it hadn't gone out, this was what the market dictated. Councilman McGovern asked who those other municipalities were insured with. Mr. De La Vega said it was Florida League of Cities. Ms. Cohen added that the Village has a number of claims pending.

Councilman Drahos said the Village had taken an adverse position to the Florida League of Cities, and asked if that had any effect on this. Ms. Cohen said that she did not believe it did. Mr. Schofield said that the Village did not take an adverse position to them which they would not had if they had not done it first to the Village. There were other thing which he would talk individually to Council about.

Mr. Schofield said that besides market testing, they also talked to some of the other people who provide this and the prices were any better. He said that next year even if the Village stays with Florida League of Cities, they need to go to the market and let them know they will at least consider that option.

Councilman McGovern thought they should just do that next year. Mr.

Schofield felt that they should treat this like any of the others where at 3 or 5 years they go out anyway.

Vice Mayor Napoleone asked how long the Village has been with FMIT. Mr. Schofield said that as long as he could remember the Village has been with them. Mr. De La Vega said that the Village is customer number one for them.

Mr. Schofield said that the Village has solicited this in the past and no one has come close.

**D.**      [19-3199](#)

1) AUTHORIZATION TO APPROVE A CHANGE ORDER FOR WELLFIELD REHABILITATION PHASE 2; AND 2) APPROVAL OF RESOLUTION NO. R2019-59 AMENDING THE UTILITY FUND CAPITAL BUDGET FOR FISCAL YEAR 2018-2019 BY ALLOCATING FUND BALANCE FOR WELL R3 RELOCATION; AND PROVIDING AN EFFECTIVE DATE

Mr. Schofield introduced the agenda item. This was 1) Authorization to approve a Change Order for Wellfield Rehabilitation Phase 2, to Florida Design Drilling Corp., in the amount of \$94,189.05; and 2) Approval of Resolution No. R2019-59 amending the Utility Fund Capital Budget for fiscal year 2018-2019 by allocating fund balance for Well R3 relocation; and providing an effective date. He said that the Village had done one previously, but this is the well that sits inside the playground at the Boys & Girls Club. He said that there is about \$150,000 in the budget to rehab that well, and it will take the Boys & Girls Club out of service for at least three months. Mr. Schofield said that Shannon and her staff had made the decision to move it on the utility property so that they don't have to shut down the Boys & Girls Club. He said that the needs to add \$95,000 more or less to the contract to do it which provides the Village with additional security.

Ms. Shannon LaRocque, Utilities Director, add that in addition, it will provide the Village with a brand new well as opposed to a rehab well. She said that the well is about 30 years old and it is very challenging to rehab that because it is quite inconvenient to the Boys & Girls Club. She said that this is costing about \$100,000 and providing them with a new well it is off of the boys & Girls Club., and in a more secure location. Ms. LaRocque said that much of the work is being done in-house so it is keeping the cost down.

**E.**      [19-2965](#)

FIRST PUBLIC HEARING FOR PROPOSED FISCAL YEAR 2019/2020 MILLAGE RATE, BUDGET AND ADOPTION OF THE FISCAL YEAR 2019/2020 CAPITAL IMPROVEMENT PLAN

Mr. Schofield introduced the agenda item. This was Council approval of the proposed fiscal year 2019/2020 operating and capital budget including balances brought forward. This is the first public hearing on the proposed budget and the corresponding ad valorem millage rate in accordance with the Wellington Charter and Florida Statutes Chapter 200.065. The second public hearing and adoption is to be held on

September 24, 2019.

Mr. Schofield said that staff could present any much or as little information that Council wanted at this time noting that generally speaking the presentation is given at the Council Meeting.

Mr. Schofield said that they set the TRIM rate at 2.48 noting that they cannot go higher than that although they can go lower. He recalled that last year, they proposed a stable rate over five years.

**F. [19-3215](#)**

ORDINANCE NO. 2019-10 (AMENDING THE MUNICIPAL ELECTION DATE AND QUALIFYING PERIOD FOR 2020 MUNICIPAL ELECTION)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE MUNICIPAL ELECTION DATE AND QUALIFYING PERIOD FOR THE 2020 MUNICIPAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was approval of Ordinance No. 2019-10 amending the date of the election and qualifying period for Wellington's 2020 Municipal Election on second reading.

There was no Council discussion.

**4. WORKSHOP**

None

**5. ATTORNEY'S COMMENTS**

Mayor Gerwig spoke about the state's changes to communications in the Village's right-of-way and asked how they were addressing that. Ms. Cohen said that there were a few tweaks that have to be made She said they were in touch with the consultant and they were waiting for him to prepare something for the Village to adopt. She said that it would not be a major overhaul.

Mayor Gerwig said that her concern was that the new law left the Village susceptible to litigation. She said that they could be required to pay for legal representation if they were found to be out of compliance. She wanted to ensure that the Village was not getting into the zone where they could be challenged. Ms. Cohen said that they have submitted registration forms and were working cooperatively and she did not think they were in danger of that. She reiterated that they have communicated with the consultant who will be tweaking the ordinance and they will have to revise it, which they knew they would have to.

Mayor Gerwig asked Ms. Cohen if she had spoken to Gary Resnick

about it at all as he is the local Leagues guru on this. Ms. Cohen said that she had not spoken to him directly, but had heard him at seminars. Mayor Gerwig reiterated that they wanted to make sure they were not letting themselves be susceptible to the kind of pockets that these companies have. Ms. Cohen said that she would discuss this with Mayor Gerwig.

## 6. MANAGER COMMENTS

Mr. Schofield said that they have been getting a lot of questions from the public and Council as to when they are going to hear the BreFrank applications. Mr. Schofield said that the soonest they could hear them would be October 8th as there is an issue with the South Florida Water Management District with the release of a conservation easement. He said that this is a Comprehensive Plan Amendment that requires two readings, which means that there would be six weeks between the two hearings. Mr. Schofield said that they had looked to do it in October or the first meeting in November, and thought about having it on the October 8th meeting which is actually October 7th. He asked Council when they were inclined for him to put it on the agenda.

Councilman McGovern asked when South Florida was taking up the matter. Mr. Schofield said that there is a meeting on September 16th so they should know at that time.

Councilman Drahos believed that they should stay the course and put it on October 7th.

Councilman McGovern thought that there was nothing for Council to deal with until South Florida deals with it.

Councilman Drahos did not think that this was any way related, and did not care what South Florida Water Management District was going to do if it was not a viable project from Wellington's perspective. He felt that the residents want them to hear it, so they should do that.

Ms. Cohen said that if it is Council's decision to approve, they could always make it contingent upon the South Florida Water Management District either releasing or amending the conservation easement.

Vice Mayor Napoleone asked if staff had a sense of whether or not the South Florida Water Management District will approve what they want. He said they all know that it will be a long, late meeting and the fact that South Florida said no, it seems silly to have residents come out, but he was willing to do it.

Councilman Drahos felt it was silly to ask some other governmental body to do their job for them. He said that the applications were already put in place, had gone through the Planning and Zoning process, it is now in line for Council to hear it, so he felt they should hear it

Mr. Schofield said that they will never predict what elected officials are going to do, but he can only give them his sense of what they are going to do. He said that when you look at the 1996 staff report that the South Florida Water Management District wrote, the environmental recommendation was that those preserves not be set aside as preserves and they recommended that they mitigated. He said that the reason for that was that the Village has a canal adjacent to that with an elevation that is at 12 and there are wellfields that draw from there. He said that their prediction was that it would be very hard to keep those areas hydrated. Mr. Schofield did not know if there was any change in the science, but what they have had is 23 years of a conservation easement over the top. He said that all things are mitigatable.

Mr. Schofield said that one of the things that he wanted to stress to the residents was that the Council and the Planning, Zoning & Adjustment Board have no control over what applications are made. He said that they have a legal obligation to consider every application that is properly made under the Village's criteria. Mr. Schofield said that the criteria that these applications were evaluated under have been in place since the Village incorporated in 1996. He said that the Village then adopted its own regulations in 2001, and there was no change to the P&Z regulations that existed at that time. Mr. Schofield said that conservation easements were not required either by the County's approval or by Wellington's approval while they were required by the South Florida Water Management District's approval. He said in this case, you could not adopt a plan amendment that has a self-amending position. Mr. Schofield said that the saving grace here is that the day that it is transmitted by the Village, it will be at least a month before they hear back and it is two weeks after that before it can be scheduled. He said that when the application gets to the State, they will do what they have done every year since the Department of Community Affairs was sunsetted, they will find no compelling regional concerns and there will be no objections from the State. Mr. Schofield said they have never seen an objection from the current iteration from the State's planning agency.

Vice Mayor Napoleone said that he had no problem having this heard on October 7th as long as the Village can do their part before South Florida does theirs. Mr. Schofield said that was possible.

Mr. Schofield said that he would make sure that only Consent items are

on that agenda.

Vice Mayor Napoleone wanted to make sure that everyone who came to PZAB, emailed, called, etc., are notified. Mr. Schofield said that they will notice everyone they have an email address for and make sure it is advertised.

Mr. Schofield reiterated his earlier comments that Council cannot refuse an application, but the law states that they must go into that meeting with an open mind and must make their decision on what is presented. He said that for everyone who is asking you what you are going to do, you cannot do that. Mr. Schofield said that if as an agency they telegraph what they are going to do, that opens them up to a challenge. He said that he is very grateful that Council has kept their opinions to themselves. Mr. Schofield said that the residents need to understand that what Council is doing what the law requires them to do.

Mr. Schofield then asked if Council wanted an update on Hurricane Dorian. Council said that they wanted to thank staff for a job well done.

At this point, Council discussed the Wellington Green Market.

Mr. Schofield said that the boardwalk is going to be built and under construction at the same time as the Green Market. He said that that the Village received a letter from POTC that they elected not to do the Green Market this year. He said the question becomes whether the Village wants to do it and have the staff do it, take the construction year and rethink what they want to do. He said that given Royal Palm Beach is moving their market to Saturday and Wellington Green is going to be holding a Green Market every other Saturday, his recommendation was that for the period the boardwalk is under construction, they re-evaluate what they want and then come back to it next year with a different vendor or POTC if they want to apply again.

Councilman Drahos asked staff what they all recommended. In response, Mr. De La Vega said that construction would be happening at the same time as the Green Market and will not be completed until March. He said that POTC has now decided to move their Green Market to Saturdays at Royal Palm Beach which is the same time that Wellington would normally be doing theirs. Mr. De La Vega said that based on discussions with Eric and the Mall, they would be holding a Green Market the 2nd Saturday and Sunday of the Month.

Council asked what was the Mall doing. In response, Mr. Juckett said that they were holding a "Farmers Market" which is the same duration



time as the Mall is open, so it would be all day Saturday and all day Sunday. They were going to hold it this month and next month and see how that goes. Councilman McGovern asked if the Mall would be holding their market indoors. Mr. Juckett said that was correct.

Councilman McGovern said that when they last discussed this, Mr. Juckett was going to talk to the vendors. Mr. Juckett said that they did meet with them; however, not as many vendors as they would have liked. He said that it seems that they want a market but raised concerns with POTC and what the Village and POTC could do better for the market.

Vice Mayor Napoleone asked if the vendors were going to go to Royal Palm or the Mall. Mr. Juckett said that he assumed if the Village did not hold the Green Market, they would go to Royal Palm since the Village is going to do it the same day and time as the Village was doing. He reiterated that POTC was now doing it with Royal Palm

Mr. Schofield clarified that the vendors that were at Wellington on Saturdays were the same vendors that Royal Palm had on Sundays and they used POTC as well. Mr. Juckett noted that Royal Palm was moving the site of their market to Village Hall at Royal Palm and Okeechobee. The market at the Mall would have different vendors.

Council supported the one-year hiatus for the Green Market.

## **7. COUNCIL COMMENTS**

None

## **8. ADJOURN**

There being no further business to be discussed by Council, the meeting was adjourned at 4:25 p.m.