

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary

Monday, January 7, 2019

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. EMPLOYEE OF THE MONTH**A. [18-2498](#) EMPLOYEE OF THE MONTH FOR NOVEMBER, 2018 - JENIFER BRITO**

Mr. Schofield announced that Jenifer Brito was being recognized as the Employee of the Month for the month of November.

Ms. Paulette Edwards stated that Jenifer came to the Village last March as the Senior Coordinator. She said that since that time, the Village has implemented new programs. She said that Jenifer's prior relationship with the health care industry was instrumental with the Village's first Senior Health Fair. Ms. Edwards said that the seniors loved the Fair. She said that, more importantly, Jenifer has been very personable with the seniors. She also pointed out that Jenifer has a gut instinct to check on seniors. She then relayed an incident that occurred on October 15th, where Jenifer made a life-saving decision when she asked Deputy Ciuperger to accompany her and a staff member, Kyle Ostroff, on a welfare check for one of the elderly residents. She explained that this resident was someone who has been coming in to Village Hall to pay her water bill. She noted that Susan Turturici, Front Desk Receptionist, also had some concerns about the resident, and the two coordinated checking on the resident, Lorna Schwarz. She said that upon the arrival at Ms. Schwarz' home, Jenifer, Kyle and the PBSO deputy found her faced down by the front of the door where she had been for almost 24 hours. She said that Fire Rescue was called and transported Ms. Schwarz to the hospital. Ms. Edwards said that those actions truly saved Ms. Schwarz' life. She said that the resident is now at a rehab facility and getting the care that she needs. She said that they were here today to celebrate Jenifer as November's Employee of the Month.

Ms. Brito thanked everyone for the recognition. She said that she loves living in Wellington and working for the Village, and most of all, loves Wellington's seniors. She said that she could not take all the credit

because she works for a great team in Community Services and has a close relationship with Palm Beach County Sheriff's Office. Ms. Brito reiterated that Deputy Sheriff Ciuperger went with her and they were able to save this woman's life. She said that it is so important that they continue to check on their seniors because many of them don't have family.

Council extended their thanks and congratulations to Ms. Brito. Kudos were also given to Ms. Edwards on running a great department.

3. REVIEW OF COUNCIL AGENDA

Mr. Schofield announced that Mr. Barnes was requesting to add an item to Council's agenda under Presentations and Proclamations.

Mr. Barnes said that Council had the agenda summary before them for a presentation by the Wellington Community Foundation which was originally proposed to be scheduled for December, but the appropriate parties could not be present.. He said this item involves schools, kids and money noting that the funds were coming from the Wellington Community Foundation. Mr. Barnes said that through the Village's involvement with the Community Foundation, they can fund a special population at the high school for the Vinceramos Therapeutic Riding Center using equine-assisted learning. He said that all parties were expected to be present at the Council meeting.

Mayor Gerwig asked if the high school was agreeing to help Vinceramos. Mr. Barnes explained that Vinceramos does the equine assistance either as an after school or out of school-type program. He said that they recently had experience with middle school students using equine-assisted learning from Okeeheelee Middle School and other middle schools in the County that was successful. He said in trying to come up with programs, they thought this was the right mix noting that the limitation was cost. Mr. Barnes indicated that the School District will be stepping up and transporting the students which had been an issue, and Vinceramos will provide the instructions. He said it was great they could make everything happen with the Wellington Community Foundation.

Councilwoman Siskind said that she was excited to see this happen noting when she first came on Council, they started having meetings with Vinceramos and then took Tom Wenham to see the program in action. She thanked everyone for making this happen.

Prior to discussing this consent agenda item, Mayor Gerwig wanted to give a shout out to her newest family member showing a picture of her new grandchild who was born on Thursday at 1:01 p.m.

- A. [18-2595](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF NOVEMBER 13, 2018 AND DECEMBER 11, 2018.

Mr. Schofield introduced the agenda item. This was the approval of the Minutes of the Regular Wellington Council Meetings of November 13, 2018 and December 11, 2018. He advised Council that if they had any corrections, Ms. Nubin would be happy to make the changes.

- B. [18-2582](#) AUTHORIZATION TO UTILIZE A STATE OF FLORIDA CONTRACT FOR THE PURCHASE AND DELIVERY OF A NIMBLE STORAGE ADAPTIVE FLASH BASE ARRAY

- C. [18-2583](#) AUTHORIZATION TO UTILIZE A SOURCEWELL CONTRACT (FORMERLY NATIONAL JOINT POWERS ALLIANCE - NJPA), AS A BASIS FOR PRICING, FOR THE PURCHASE AND DELIVERY OF THE EXAGRID STORAGE SERVERS; AND 2) DISPOSITION OF EXISTING SURPLUS EQUIPMENT

Mr. Schofield announced there were two related items. He introduced the first agenda item. This was authorization to utilize State of Florida alternate contract #43211500-WSCA-15-ACS, as a basis for pricing, for the purchase and delivery of a Nimble Storage Adaptive Flash Base Array with CDW-G in the amount of \$242,769.95. He said that the existing units were reaching their end of life service. Mr. Schofield said that Mr. Silliman was recommending that the Village lease this for \$7,226 per month which gives about \$18,000 in financing. However, he said that they were looking to spread the acquisition cost over out over more of a useful life as a cash management tool. He said that the money is budgeted.

Mayor Gerwig asked what was being stored there. In response, Mr. Silliman said that there were two things. The first item is storage which is everything that is on the H Drive and W Drive that is where employees are storing their daily work, what they are working on and other projects and such which is reaching its end of life and needs to be swapped out. He said that they are staying with the same company who has done great for the Village, and who are giving a great deal to renew and stay with them. Mr. Silliman said that the second item was backup storage.

At this point, Mr. Schofield introduced the second item which was authorization to 1) utilize Sourcewell contract #100614-CDW, as a basis for pricing, for the purchase and delivery of two (2) Exagrid EX4000 storage servers with CDW-G in the amount of \$131,444.24; and 2) disposition of existing surplus equipment, pursuant to Village disposition policies. He said that Mr. Silliman was recommending that the Village lease this for 36 months which provides for an additional \$9,400 in

financial cost which spreads the cost over most of the useful life of the system and is a cash management item.

Mayor Gerwig asked what was the storage timeframe that they were looking at noting that it depends on what document they are looking at. Mr. Silliman said that was correcting noting that there was a thick binder which indicated how long different documents have to be kept.

Mr. Schofield asked Mr. Silliman how much storage the Village had. Mr. Silliman said that currently they have 46 terrabytes. Mr. Schofield said that is actually more than the Library of Congress has. He said that some of the questions he has received from Council relates to the three-year data plan so he has asked Mr. Silliman to go back and look at the Village's storage needs. He said that since they store more information than the Library of Congress, it is something they need to look at. Mr. Silliman said the data backup they usually have is for 3-5 years and everything is transitioning to solid state storage, but the Village is in a hybrid of that. He said going full solid state storage is something he would love to do, but he doesn't want Wellington to be under that monetary strain because it is very expensive. He reiterated that they are in a hybrid solution which has been working out very well for the Village.

Mayor Gerwig asked if it will assist in the easier retrieval of documents. Mr. Silliman responded affirmatively. He said that for backup storage, they were proposing additional storage which is needed because of the functionality to be able to have it on the fly. He said that they were still using tapes which they need to get off of. He said that this is Phase One of a two phase process which was budgeted, but they first have to get through this portion of it. He said that they will be getting rid of tape and will be backing up to some sort of a secure cloud service. He explained how archaic tape is which takes weeks to restore something as compared to how quickly that can be done with the cloud. Mr. Silliman said that this is getting the Village prepped to get to that point in order to give them the leverage to meet the various requirements that documents are required to be retained.

Vice Mayor Drahos asked if the information on the tapes will get converted to this system. Mr. Silliman responded affirmatively. He said that they would like to do it all, but it would come at a great cost, but they will be working with the Clerk once they get to that phase to figure out what can be done.

Councilman Napoleone asked if they anticipate the useful life to be only 36 months or longer. Mr. Silliman said that it would be three to five years on the Nimble Storage which includes full three-year warranty which

could be extended after that. He said that it is a similar idea with the backup as he believes they will get 3-5 years because of the wear and tear and how often they use it.

Councilman McGovern asked if the the Village had ever purchased anything like this in the past. Mr. Silliman said that this will be the second time that the Village purchased this type of stuff which was done about 3-5 years ago. Mr. Schofield said it is at its end of life this year. He said that it was done this time because of the conservation of funds because they are going into the new ERP. He said that there was additional cost there so they were trying to save money to keep the ERP project rolling.

Mr. Schofield said that Council will be provided with the three-year equipment plan on their desk.

Councilman McGovern said that they had purchased this in 2014 and there was no more support for either the software or hardware as of May of this year. Mr. Silliman responded affirmatively. Councilman McGovern then asked if there was a date as to how long this item will be supported. Mr. Silliman indicated that the company said that they will support this for ten years and after that time they have various ways of keeping on it. He said that will be long after he will be edging to get off of it and do something else. Mr. Silliman said that with hard drives they are still saving the info on spinning disks so they are running all day, every day. He said they are going to hit that three to four year mark, and he will be saying they need to get off of this. He said hopefully there will be something new by that time.

D. [18-2303](#)

AUTHORIZATION TO AWARD A TASK ORDER, TO PROVIDE ENGINEERING CONSULTING SERVICES, FOR THE WATER RECLAMATION FACILITY LIGHTING AND LIGHTNING PROTECTION UPGRADE DESIGN

Mr. Schofield introduced the agenda item. This was authorization to approve a task order to Hillers Electrical Engineering, Inc. to provide engineering consulting services for the Water Reclamation Facility lighting and lightning protection upgrade design in the amount of \$75,324.00. He said that this was approved in the Capital Improvement Plan for \$1.1 million, the authorization amount is \$75,324 which is 6.8% of the total cost that is well within the 7.5% that he usually looks at. He said that there is another item right behind this which is a utility rate and its design is 7.6%.

Ms. LaRocque said that this is authorization for sign work for Hillers Electrical to replace the exterior lighting at the Water Reclamation Facility and complete the lighting protection systems at that facility. She said that they requested authorization to get a study last year to look at

how much it would cost to do the interior and exterior lighting. She said that on the basis of that study, they are looking at doing only the exterior at this point in time. She anticipate the reduction of electrical power of about 58% as a result of this project. She noted that it is budgeted in the Utility Capital Improvement Plan for this year.

Mayor Gerwig asked why the exterior lighting was being done first. Ms. LaRocque said that the interior lighting wasn't in the capital plan and will be moved out later. She explained that some of it is being done under the Water Reclamation Facility project which Council will be seeing in the next couple of months.

Mayor Gerwig said that exterior LEDs are durable, long-lasting and energy saving. Ms. LaRocque added that it is also a security issue because it is very dark at the facility. She noted that the lighting at that facility is over 30 years old.

Vice Mayor Drahos wanted to ensure that would not interfere with neighboring homes. In response, Ms. LaRocque said that they will make sure everything stays on the property.

Councilman McGovern referred to Ms. LaRocque's comment that there would be a 58% reduction. Ms. LaRocque said that they haven't done a return on investment calculations which won't be done until they get the bids back.

E. [18-2304](#)

AUTHORIZATION TO AWARD A TASK ORDER, TO PROVIDE ENGINEERING CONSULTING SERVICES, FOR THE REPLACEMENT OF PROGRAMMABLE LOGIC CONTROLLERS (PLC) AT THE WATER RECLAMATION FACILITY

REQUEST: Authorization to approve a task order to Hillers Electrical Engineering, Inc. to provide engineering consulting services to design the replacement of the Programmable Logic Controllers (PLC), at the Water Reclamation Facility, in the amount of \$128,346.00.

Mr. Schofield introduced the agenda item. This was authorization to approve a task order to Hillers Electrical Engineering, Inc. to provide engineering consulting services to design the replacement of the Programmable Logic Controllers (PLC), at the Water Reclamation Facility, in the amount of \$128,346.00 on an estimated overall budget of \$1.675 million. He said that the design is 7.6% of the total cost and is in range that is expected. Mr. Schofield said that some of these range in age from 10 to 25 years old.

Ms. LaRocque said that the facility runs 24 hours per day/365 days per year. She said that these controllers are the smarts to all the process

operations to the plant. She said that there are 11 of them noting that one is 25 years old and the other ones are between 8 and 13 years old and are no longer supportive. She said the plant cannot be operated manually for a long period of time so it is important that these are replaced to ensure the long-term operation.

Councilman Napoleone asked how many controllers were being replaced. Ms. LaRocque indicated that all were being replaced.

Mayor Gerwig asked if the Village had the best use of their water reclamation. Ms. LaRocque stated that Council had approved the re-use master plan and they are in the process of conducting that study. She noted that the goal of that study is to determine what is the best use of the re-use of water from an economic standpoint as well as environmentally with their consumptive use permit. She noted that this item is about the plant and the operation and ensuring that it is always operable 100%.

Councilman McGovern asked what was the timeframe for the consulting portion. Ms. LaRocque believed that they will have the design by the time they review it and it will take about six months, then it will have to be put out to bid and then another couple of months and then construction is about 12 months because there is a lot of aspects relating to ensure that plant operations is not disrupted. She said it is a very complicated construction project. Ms. LaRocque said that hopefully they will have the construction of the water reclamation facility rehabilitation project going at the same time so careful planning will have to be done.

F. [18-2098](#)

AUTHORIZATION TO RENEW AN EXISTING CONTRACT WITH PROCESS CONTROL CONSULTANTS, INC. TO PROVIDE UTILITY PROCESS CONTROL SYSTEMS MAINTENANCE & MODIFICATION

Mr. Schofield introduced the agenda item. This was the authorization to renew an existing contract with Process Control Consultants, Inc. to provide utility process control systems maintenance & modification, in an amount not to exceed \$90,000 annually. He said that the Village has a system called "scada". He said that they actually have two scada systems one on the utility side and the other on the public works side. He said that this is the system that is used for remote monitoring and operations of the facilities. Mr. Schofield said that from using scada, Ms. LaRocque can look at any of the facilities from her office that they were using and modify them. He further explained that this system is used to monitor all of the utilities from the water and wastewater lift stations and distribution system. He said that they have a second system that handles the surface water management side, but this is the consulting contract to do the operation and maintenance that the scada system requires that the Village does not have the ability to do.

Ms. LaRocque said that the Village was just recently finishing replacing the two scada systems, one at the water plant and one at the wastewater plant which collects information and operates all of the facilities. She said that this contract will do control upgrades that are necessary as they are constantly having to reprogram, refine and change things which is what this consultant will do as the Village does not have that ability. Ms. LaRocque said that this is a very unique field and the consultant is very experienced in utilities.

Mayor Gerwig asked if this was for the drainage system and the utility system. Mr. LaRocque said that this was for utilities. Mr. Schofield added that they are separate systems.

G. [18-2542](#)

AUTHORIZATION TO UTILIZE A CITY OF POMPANO BEACH CONTRACT, AS A BASIS FOR PRICING, FOR REPAIRS AND CALIBRATION OF FLOW METERS AND RELATED SERVICES

Mr. Schofield introduced the agenda item. This was the authorization to renew an existing contract with Process Control Consultants, Inc. to provide utility process control systems maintenance & modification, in an amount not to exceed \$90,000 annually. He noted that there are a significant number of these systems in the plants that require annual maintenance.

Ms. LaRocque said that they are trying to consolidate everything under one umbrella which is what this contract does. She said that they have about 200 instruments across the utility that they have to ensure annually are reading properly. She said that they don't have the ability to do this volume of work in house.

There was no Council discussion.

H. [18-2603](#)

AUTHORIZATION TO AMEND AN EXISTING CONTRACT TO ADD LANDSCAPE MAINTENANCE SERVICE AREAS

Mr. Schofield introduced the agenda item. This was authorization to amend an existing contract (#024-17/DZ), to add landscape maintenance services on secondary roadways, with Wellington Professional Lawn Care, in the amount of \$61,920 annually. He said that they have added landscaping along Gracida Street, Stribling/K-Park berm and some other areas that were not areas that required maintenance when the Village did the original bid.

Mayor Gerwig noted that she has heard good comments about the landscaping on Stribling although she had not seen the landscaping on Gracida. Mr. Lundeen added that for Gracida, it is just mowing. Councilman McGovern asked how often those areas would be mowed

pursuant to the contract. Mr. De La Vega said they would be mowed 36 times per year. Mr. Schofield noted that once the C-23 canal is turned into a bridle path, they are committed to maintain and mow it.

I. [18-2604](#)

AUTHORIZATION TO AWARD A CONTRACT FOR THE RECONDITIONING OF THE TRASH RAKE AT PUMP STATION 6

Mr. Schofield introduced the agenda item. This was authorization to award a contract to Hydro Components Systems LLC for the reconditioning of the trash rake at Pump Station 6. He noted that the trash rake is currently not working and Mr. Lundeen received a price of \$46,200.00 to recondition it noting that he could replace it for \$175,000. Mr. Schofield said they thought it best to get an initial 5-7 years out of it by reconditioning it.

Mayor Gerwig asked the age of the trash rake that they were currently using. Mr. Lundeen said that it was originally installed in 2004. He thought they could get about 25-30 years out of them. He thought that the reconditioning would push them to about 5-7 years and then they will have to be reconditioning again.

Councilman McGovern said that this was not the first time Council has received a request regarding the trash rake. Mr. Lundeen said that the Village has about 6 of them. Mr. Schofield said that the Village has reconditioned other trash rakes adding that problems tend to creep up with them after major storms.

Councilman McGovern asked if this cost was in line with what had been previously paid. Mr. Barnes said that it was in line with what was previously paid. He explained that they have six trash rakes that are all manufactured by Hydro Components who are doing the actual reconditioning. He said that at some point when they reach the end of their useful life, they would at that point either consider sticking with they Hydro Components type system or going with a totally different system. He said by the time they get to the point when they need to replace them, they will have a better idea of what direction to go.

Councilman McGovern questioned the life span of the trash rakes. Mr. Lundeen said that the total life cycle is about 30 years. Mr. Schofield said that it is not 30 years without maintenance and reconditioning. He further explained that part of the cost with this is that it cannot be reconditioning locally as it has to be disassembled and shipped to Wisconsin. He said that when they get into having to replace they, they will want to come to Council with a more cost-effective system which can be maintained in-house. He noted that when the Village went through Hurricanes Frances and Jean in 2004, they did not have the trash rakes so they had people physically out on the structures raking out debris. He

then explained how the trash rakes operate. Mr. Schofield said that even at their cost, they are significantly cheaper than having people man those structures during a storm

Mayor Gerwig thought that the rakes at Section 24 won an award for their design. Mr. Barnes explained that it was actually the compete system. Mayor Gerwig thought that the rakes there were unique. Mr. Barnes indicated that he did not think so, but noted that they are one of the newer ones they have.

17-1595

1) AUTHORIZATION TO AWARD A CONTRACT FOR THE BINKS POINTE PATHWAY PROJECT; AND 2) APPROVAL OF RESOLUTION NO. R2019-01 AMENDING THE FISCAL YEAR 2018-2019 ROAD IMPACT FUND BUDGET AND THE GOVERNMENTAL CAPITAL FUND BUDGET TO ASSIGN FUNDS FOR THE BINKS POINTE PATHWAY PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was a two-part approval: 1) Authorization to award a contract to Ferreira Construction Southern Division Co., Inc., Group, for the Binks Pointe Pathway project in the amount of \$710,575.50; and 2) Approval of Resolution No. R2019-01 amending the fiscal year 2018-2019 road impact fund budget and the governmental capital fund budget to assign funds for the Binks Pointe Pathway project; and providing an effective date.

With regard to the budget amendment, Mr. Schofield said that the reason they were bringing this forward now was because out of this money that was being proposed, \$424,568 was coming from an FDOT grant and the Village's responsibility is \$286,000. He said this has been part of the capital plan, and the Village can fund it now by taking \$286,000 out of roadway fees which are available and can be combined with the FDOT grant. Staff said that staff was recommending the acceptance of the \$424,000 from the FDOT and taking \$286,000 from roadway reserves and funding the project.

Mayor Gerwig thought that there was a subcontract to Engenuity Group and if that was the case, she then had a conflict. Based on that, she then recused herself from this item, and left the room.

Based on that, Mr. Schofield said that this item would then have to be moved to the Regular Agenda as Item 8B.

Councilman Napoleone asked how long they anticipate it would take to construct this project. Mr. Schofield said that the biggest part of this is the bridge, but he anticipated it would take 6-9 months. He said that staff was recommending that they approve this because the Village is going

to build this project anyway.

Councilman McGovern asked if there was enough funds in the roadway reserves. Mr. Schofield responded affirmatively.

Councilman Napoleone asked how the Village got the grant money. Mr. Barnes said that they applied through MPO grants.

Mr. Schofield stated that the Village has about \$2+ million in grant money from the MPO. He said that he had a discussion earlier in the day about some of the projects under TPA that were there, but were lowered down. He said that it was not because of lack of trying but they try to distribute projects. He said that the Village is at about \$2+ million and once they build these projects, they will go back up higher in the project priority list.

J. [18-2610](#)

RESOLUTION NO. R2019-02 (ROCREATION CORP EASEMENT AGREEMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT AGREEMENT BETWEEN WELLINGTON AND ROCREATION CORP TO PROVIDE A UTILITY EASEMENT AND A PUBLIC EQUESTRIAN BRIDLE TRAIL EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

K. [18-2611](#)

RESOLUTION NO. R2019-03 (LASSERGUT FARMS USA, INC. EASEMENT AGREEMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT AGREEMENT BETWEEN WELLINGTON AND LASSERGUT FARMS USA, INC. TO PROVIDE A UTILITY EASEMENT AND A PUBLIC EQUESTRIAN BRIDLE TRAIL EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the items explaining that the two are related: (1) Resolution No. R2019-02 which is a Recreation easement agreement; and (2) Resolution No. R2019-03 which is an easement agreement for Lassergut Farms.

Mr. Schofield explained that there is a bridle path along the south side of Pierson Road from South Shore east of Santa Barbara. He noted that all are privately owned; however, Mr. O'Dell has been working for three years to get easements across that. He said that there are two separate parcels that provide for a utility and bridle path easement for the Village so they can put in utilities as well as the ability to maintain the bridle path through one of the most heavily used crossings in the Village which is

South Shore. He said that staff was recommending doing this because it will take that section across the Swerdlin property noting that the Village has a public easement and this completes the last piece.

Mayor Gerwig said that this has been a huge problem for the equestrians over the years. She said that the Village had previously offered services, but they will now be able to do it the right way. Mr. Barnes said that they will be able to do the entire scope.

Councilman Napoleone asked what the cost was to maintain the easement. Mr. Schofield said that it would be relatively minimal since the Village already maintains the fence. Mr. Barnes said bringing it up to standard will be the biggest cost. Councilman McGovern asked how significant of a project would that be. Mr. Barnes said that they will need to be careful how they stage the work so they don't impede the traffic. Mr. Schofield said that between now and the end of the season, the Village will be grading and placing material as needed, but they won't do any significant work until the end of season.

Mr. Schofield recognized the hard work of Mr. O'Dell in working on getting these easements, and said they may actually be able to negotiate with Grand Prix Village.

Mayor Gerwig thanked Mr. O'Dell for his hard work. Mr. Schofield also recognized that a fair amount of the work that got the Village to this point was Dr. Swerdlin working with the Village and the property owner.

L. [18-2585](#)

ORDINANCE NO. 2019-01 (NUISANCE)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CHAPTER 30, ARTICLE II (NUISANCES), SECTION 30-53 (NUISANCE DECLARED) AND SUBSECTION 30-54 (NUISANCE TO BE ABATED) OF THE CODE OF ORDINANCES OF THE VILLAGE OF WELLINGTON, FLORIDA; TO MODIFY AND CLARIFY THE SPECIFIC REGULATIONS FOR THE CONTROL OF EXCESSIVE GROWTH OF GRASS, WEEDS AND LOW-GROWING VEGETATION ON UNDEVELOPED, PARTIALLY DEVELOPED PROPERTIES AND ON INACTIVE OR ABANDONED GOLF COURSE PROPERTIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this agenda item. This was the approval of the proposed Ordinance amending Chapter 30, Article II (Nuisances) of the Wellington Code of Ordinances. The proposed amendments require developed and undeveloped land to be maintained at a height of no more than six inches and clarifies the maintenance standards for golf

courses, whether active or inactive. The standards have also been put into a table to make them easier to read and understand. He said that this ordinance will provide some clarity adding that it also applies equally to the Village's property. He explained that the Village leases K-Park to Alderman Farms and if they should ever discontinue the lease, the ordinance the Village will be out there maintaining that property..

Mr. Basehart said that this is part of Chapter 30 of the Village's Code of Ordinances and they are amending three sections: (1) modifying definitions for clarification purposes; (2) nuisances; and (3) abatement. He said that the purpose of this is to improve the standards for maintenance of properties within the Village for the purpose of protecting the health, safety and enjoyment of the residents on their properties. Mr. Basehart said that when either developed or undeveloped properties fall into disrepair and are not being maintained, creates nuisances and it hurts people's ability to enjoy their property. He further stated that over the last couple of years, there have been a substantial increase in the amount of complaints from property owners about developed or undeveloped property so they have put in some clarification to clearly define that this ordinance applies to developed and undeveloped property and developed either occupied or unoccupied. Mr. Basehart said that it makes enforcement easier to do. He said that they wanted to make it so the provisions of the code are very clear and simpler to read and understand just as they have been doing with the land development regulations. Mr. Basehart said they have eliminated alot of the text in the nuisance section and replaced it with a table which he felt was clear. He said they have also specifically made a category of use for golf courses so it is very clear and nondebateable what is expected of them both active or inactive. Mr. Basehart said that the ordinance applies to all properties in the Village whether it be Village-owned, state-owned or privately-owned. He said if the Village was to decommission a park and stop using it as such, the Village would have to start maintaining it to the same standards as they would require of anyone else.

Mayor Gerwig asked about large undeveloped properties that have never been developed, for example the Fina property. She said if someone has property that they have had for a long time but never developed it, how will this ordinance affect that. Mr. Basehart said that the Village has increased the distance around the property that has to be maintained. Speaking to the Fina property, he said that it is developed property as the land has been used for active purposes and the Village considers it developed property. Mayor Gerwig asked if this would be a negative as it would not require clearing, etc. Mr. Basehart didnt believe so if she was talking about the property which has been sold.

Mayor Gerwig said that she has received a lot of complaints from people regarding golf courses; however, she was looking for the unintended consequences that may arise if this ordinance is not handled properly. She said that she wasn't singling the Fina property out but was just using it as an example. Mr. Basehart said that what they have done across the board except for undeveloped property for property greater than one acre is establish a six inch height limit for vegetation around the perimeter for 120 feet. He noted that it is currently 60 feet which will now be doubled the depth to which the property has to be maintained. He said that for undeveloped property that is greater than 1/2 acre, the environmental staff members felt that they should not put the six inch standard because on a truly undeveloped property there is often native understory that you want to preserve until the property comes into development. He noted that all changes once the property becomes developed. Mr. Basehart pointed out that they singled out Little Ranches allowing them a lesser standard the reason being was the provision for 18 inches for the first 120 feet was part of the Annexation Agreement so they did not touch it.

Councilman Napoleone referred to the nuisance abatement on page 346 that talks about if the nuisance creates a danger to the health, safety and welfare in one or more of the ways in Section 30.53. He asked who determines that. Mr. Basehart said that would be a staff interpretation. He said that initially it would be code enforcement who would appeal to him and then an appeal to the Planning Board if someone felt it wasn't actually a hazard.

Councilman McGovern asked if the reason for these changes was to add clarity. Mr. Basehart said that the primary purpose was to make it uniform and to make it easier to understand. Councilman McGovern said this isn't something that existed previously, but it has been included so it is clearer and easier to understand for everyone across the board. Mr. Basehart said that was correct. He said that the nuisance section was not new, but they are massaging it to be more uniform and easier to understand. Ms. Cohen said that it always has been interpreted this way, they are only putting it in writing.

Councilman Napoleone said that it can now apply to an active golf course. Mr. Basehart said that their interpretation is that there is debate about that, but the Special Magistrates agree with their interpretation of the code. He said that this amendment eliminates any need for any discussion or debate about what it applies to. Mr. Schofield said that this has been a 15 to 16 year discussion within the Village. He said that they have had properties that have gone dark in the past, and they will get an owner who says it is not developed property, but it is developed. He said just because it isn't being used doesn't mean that it wasn't developed at

some point. Mr. Schofield said that what this applies to are properties where there is a reasonable expectation that they will be maintained in a safe and healthy manner. He said that this provides for a standard and makes for consistency between the code of ordinances and the land development regulations. Mr. Schofield said that there was really nothing new in the ordinance except for the provision for the expansion of the maintenance going from 60 feet to 120 feet.

Councilman McGovern said that this ordinance becomes effective upon passage after second reading and how long after that do the property owners have to comply. Mr. Schofield said that he did not believe that the compliance was changed explaining that if they are in violation the Village will already cite them anyway. He said that it is not a new standard. Mr. Schofield said that for vegetation, people are given a courtesy notice that says you have 30 days to correct, if they don't, they will get another notice of violation, which gives them another 30 days. He explained that the code enforcement process is a two hearing process noting that there are 60 days before they hit the first hearing and at that time the special magistrate will determine that a violation exists and if it is not corrected they will get another notice which gives another 30 days. Mr. Schofield said that they are three months down the road before there is a consequence which is dictated by state law. Mr. Koch added that it will be a little of an education process for the lot owners who have been cutting to 60 feet, and they will reach out to them.

Mayor Gerwig said that this is not only along the right-of-way, but the private properties as well. She wanted to make sure people were aware of this. Mr. Schofield said that the area along rights-of-way is for undeveloped properties which are in a very different category. Mayor Gerwig said that undeveloped properties that are adjacent to residential properties would have to go to 120 feet. Mr. Basehart said that everyone will have to go to 120 feet.

Mr. Schofield said that one of the conversations was that members of the environmental staff thought that they did not want to be doing that to undeveloped properties because they may be disturbing native understory. Mr. Basehart explained that they did not want to go to the six inch requirement. Mayor Gerwig said that it is okay to be taller, Mr. Basehart said yes, but it still has to be maintained. Mr. Schofield said that in looking at the code, undeveloped properties that are in native condition and have not been taken over by invasives, requires that the native vegetation be left and the Village will be compensated if it is taken out.

Mayor Gerwig felt that the problem with the native vegetation versus

invasives, is that people see growth and don't know the difference.

Councilman McGovern asked Ms. Cohen if she had reviewed the ordinance. Ms. Cohen indicated that she had reviewed it and made her changes. Mr. Koch noted that he had also reviewed it.

Mayor Gerwig asked what committees had reviewed the ordinance. Mr. Schofield explained that as a code of ordinance amendment, it does not go to any committees for review as it is not a land development regulation. He said that this is a Council-legislative decision.

M. [18-2594](#)

REQUEST FOR REIMBURSEMENT OF LEGAL FEES INCURRED BY MAYOR ANNE GERWIG RELATING TO SUCCESSFUL DEFENSE OF ETHICS COMPLAINTS

Mr. Schofield introduced the agenda item. This was the approval of reimbursement of legal fees in the amount of \$6,750.00 incurred by Mayor Anne Gerwig in successfully defending Ethics Complaints.

Mayor Gerwig announced that she had to recuse herself from this item because it affected her personally. However, she asked the attorney for additional documentation because the letter submitted seemed to imply that this was heard by Mr. Novack and it was heard by Mr. Margolis and later tagged on. She believed that there was another piece to this because she did not believe the documentation provided gave the right impression. At this point, she left the room.

Ms. Cohen said following the 2012 election, there were a number of ethics complaints that were filed against sitting councilmembers. She said that those councilmembers were forced to retain attorneys to defend them in those cases and incurred fees. She said at that time, the Village had an insurance policy that provided 100% reimbursement for the fees up to \$25,000 per claim. Ms. Cohen said that after a number of claims, the Village changed the policy and reduced the coverage so that it only provided 50% coverage for successfully defending an ethics complaint. She further stated that in the 2015 timeframe, the Village adopted a reimbursement policy whereby if you successfully defend an ethics complaint you are entitled to first seek reimbursement through the insurance policy and for the portion that the insurance company does not pay, then you may make a request to the Village Council for attorneys fees and cost incurred in defending that complaint. Ms. Cohen said in 2016, a complaint was filed against the Mayor by Mr. Margolis and Mr. Novack. Ms. Cohen said that upon her advice, she retained an attorney to represent her in that matter. She said that Ms. Cohen had successfully defended it and there was a finding of no probable cause. Ms. Cohen said that a claim was submitted to the insurance carrier and funds were received as a result of the policy. She said that the Mayor has already

paid the full amount of \$6,750 to the law firm that she had retained. She said that the amount recovered from the League of \$3,415.63 needs to be remitted to the Mayor, and in addition, there is a balance that is owed to her for reimbursement of these fees of \$3,334.30. Ms. Cohen said that the request is approval to go ahead and reimburse the Mayor for that expenditure.

Councilman Napoleone said that the claim was already made to FMIT for the full amount and they paid 50% of it, and then per the Village's policy, the other 50% comes from the Village. Ms. Cohen said that was correct.

Councilman Napoleone asked if other cities were singled out besides Wellington when the League changed the policy to 50%. Ms. Cohen said that she believed that now applies to everyone, but it was precipitated by the number of claims that were filed on the portion of the Village's policy.

Councilman McGovern asked whether the engagement letter for the Coates firm was just for the invoices. Ms. Cohen said that they were the invoices from the Coates law firm. She noted that the Mayor was required to submit a letter informing that she complied with Section V as well as the invoices for the amounts that were billed and paid to the Coates law firm. She said that Council was also provided with the report from the Commission on Ethics showing that there was no finding of probable cause and no wrong doing. She said that Mayor Gerwig met the requirements of the reimbursement policy and she was recommending that Council approve the reimbursement to her. Ms. Cohen explained that the reason for this was that anyone on Council could find themselves in a similar situation and they don't want to have these types of things have a chilling effect on the willingness of people to be able to serve on Council or boards and committees.

Vice Mayor Drahos asked if travel costs, hotels and things of that nature were covered. Ms. Cohen said that was not part of the reimbursement policy as it speaks to attorneys fees and costs. She said that the way she interpreted that was like court costs and things; however the Mayor has not submitted for reimbursement of those costs, but that would not preclude Council from reimbursing her if they felt it was appropriate.

Councilman McGovern referred to the fee arrangement referenced in Section 3i on page 355. Ms. Cohen said that she could provide that for Council prior to the meeting. She explained that it is an agreement with the Mayor and the law firm.

Vice Mayor Drahos asked Ms. Cohen if the Mayor had submitted reimbursement for hotel and travel costs would that not have qualified.

Ms. Cohen said that you still have a right under Florida law to reimburse for those types of things. Councilman Napoleone believed that it could include such costs. Ms. Cohen said that it could be read that way; however, even if didn't say that in the policy itself, you would still have a right to seek that under the case law that speaks to a common law right of reimbursement for that type of expense. She said that the Mayor did not request reimbursement for that, but if she were to request it, Council could authorize it.

Councilman Napoleone asked if the Village had previously reimbursed those types of costs. Ms. Cohen said that the Village had not adding that the insurance policy does not cover that as well. She indicated that the insurance covered only attorneys fees and like court costs. She said that the amount that was previously reimbursed on any of these cases was strictly for attorneys fees and costs and not expenses incurred traveling to and from the hearing.

Vice Mayor Drahos believed that those types of things should be included in the future noting that the bill he submits to his clients includes his costs for travel and hotel. Ms. Cohen said that she could ask Mayor Gerwig to supplement her request to submit for those costs, which could be presented to Council at the meeting.

Council felt that was the most fair thing to do.

Councilman McGovern asked if this was the first time that the Village has paid out under this policy. Ms. Cohen responded affirmatively noting this is the first time, they have issued reimbursement under this policy; however, it is not the first time that they have made an insurance claim. She noted that in the past the insurance claim paid 100%.

Councilman McGovern referred to the email on page 377 and asked if that was the email they were saying complied with Section 3 on page 355. Ms. Cohen believed that the intent was to comply with that provision which was why the email was sent. Councilman Napoleone said that it Mayor Gerwig indicated that looking at the policy it appeared that she could request other expenses; however, she said that she was only requesting the actual legal fees that were paid and not the additional expenses she incurred. He said if Mayor Gerwig wanted to amend that he would be happy to entertain those changes; however, if she doesn't want to amend it, he would be happy to approve it as is.

Vice Mayor Drahos thought that the way they handled this situation could affect how future Councils handles this down the road. He felt it was only fair that they should include travel costs and hotel expenses. Ms. Cohen

said if that was Council's interpretation of that, she felt it was a fair reading of it. She said that she will provide Council with the additional information they were looking for. She also indicated she would ask the Mayor that she addresses a-j in the email so there is no question that has been complied with. Councilman McGovern felt they should have information regarding item i for the record.

After the discussion of this agenda item concluded, Mayor Gerwig returned to the Conference Room.

4. WORKSHOP

NONE

5. ATTORNEY'S COMMENTS

No Comments.

6. MANAGER COMMENTS

Mr. Schofield said that he has been advising Council that he has been in contact with the School District about potentially doing joint facilities within Wellington High School. He said that it has come down to his needing direction whether to continue with the fields at the Greenbriar site or continue with the high school. He said that Mr. Barnes could take Council through the details of what they could potentially do at the high school.

Mr. Barnes showed a slide presentation showing Wellington High School and the layout of the facilities. He said that they have preliminarily looked at the space occupied by the natural grass areas shown on the slide with the three fields with lines going across them. He said that the high school utilizes them for athletic and band practice and basically training facilities. He said that they also looked at the existing stadium field as well which is bordered by the track and field facilities. Mr. Barnes said that they looked at doing a joint project with the School District wherein they would improve and construct facilities on school property that would be available for use by the school during school use periods as well as available for Village use in the evenings and weekends. He said that the benefit there is that they maximize the efficiency by locating it on improved property within the school property already and not encumber any existing vacant Village property for those improvements. Mr. Barnes said that the facilities they looked to just site on this property are the sports/multi-purpose fields as well as to look at the size of the property to be able to accommodate a competition pool facility and the necessary support improvements for that pool. He said that since they were in the

general vicinity of the balance of their support athletic facilities is that they looked at taking that all on and being able to use those facilities as facilities available for the community. He said as a community high school notwithstanding access limitations, particularly current day access limitations that they have for security reasons, the whole purpose of community schools was to have facilities that could be used year-round noting they had that use in the past. He said that they would look to go ahead and improve those facilities noting that even School District staff would say those basketball, tennis and racquetball courts have not seen any type of upgrades since their original construction almost 30 years ago. Mr. Barnes said that was what they looked at and discussed with the School District both at the administrative level at the School District headquarters with Dr. Fennoy and his executive and real estate staff as well as at the school level with Ms. Hayden, Mr. Romano and the high school staff. He said that while Dr. Fennoy's staff is working on a conceptual agreement with the Village to at least indicate that from both a staff level and board level there is a desire on their part to move forward. He said that they have also met on site with the school staff and they are willing to undertake this joint use endeavor. Mr. Barnes said that at this point, it looks like they can accommodate three to four fields if they look at the existing field space as well as the stadium field and the pool facility. Mr. Barnes said that in order to provide greater community use is to go ahead and take those basketball courts, tennis courts and racquetball courts and maintain and improve them so they will be available for community use. He noted that those were existing asphalt basketball courts used for freshman basketball practice and community use and are lighted. He said that they would look to resurface that or some reconfiguration of that use.

Councilman McGovern said he heard that those courts currently were not available. Mr. Barnes said that it was because of security and access control issues that they have had over the last several years noting that they haven't been available for non-school time use.

Councilman McGovern said that he regularly hears since the tennis center was moved, that this area of the Village would like to have tennis courts that they could just go use them recreationally and this would provide that. Mr. Barnes said that was correct.

Mayor Gerwig said that there is the issue of the school day which the Village doesn't control. Mr. Barnes reiterated that this is just conceptually until everyone gives their blessing. He said that in talking with the staff at the school, the fields, basketball, tennis and racquetball courts, would remain school use during the course of the day. He said that what they could do in terms of security fencing and access control is they would

allow for should the determination be made for the future phase that the aquatics complex be located here as well there would allow for some daytime use during the school day.

Councilman McGovern asked about people swimming during the day. Mr. Barnes said not necessarily as they would not be swimming unless there was a special event. He noted that it would be handled with fencing. He said that there is a way that you can control access.

Mayor Gerwig said that there was no room for swim impact on this plan. She thought that the plan looked like the spectator area was significantly reduced. Mr. Barnes said that this was conceptual plan. He said that there are two existing portable bleachers at the existing facility so he believed that they could fit two portable bleachers there as well. He said that parking wise, they would look at utilizing parking for the entire site as they do for any major activity at the high school. He said that would be handled by fencing and secure walkways that would be separate so there would be no co-mingling during the school day.

Mayor Gerwig said that they were having this now because of the proposed fields at Greenbriar, so she said it was either one or the other. Mr. Barnes said that was correct. Mayor Gerwig noted that this was the first time that she had even seen the plan. She said that she was not ready to pull the trigger at Greenbriar because this might happen. She thought they should probably stall everything until they figure it out. Mayor Gerwig also said that the impact of the school was something that was just not that predictable, i.e., number of school days, timeframes, programming, etc. She felt that there was a lot of information that she did not currently have to make a decision.

Vice Mayor Drahos asked Mr. Barnes to explain exactly what he was asking Council for. Mr. Barnes said that at this point, the last thing he wanted to do was to get into an extended discussion with the School District and then come back and then either the School Board or this Council says they are not interested. He said that he did not want to go through an extended process and have an expectation at the back end of that process and then have to scrap that effort. He said that they are going to have to have some detailed meetings with the staff at the high school to discuss their schedule, their programming, plus the Village's scheduling which will entail time on the school's end as well as the Village's Parks & Recreation and Engineering staff. He said that more importantly they don't want to get too far along with their consultants on either project. Mr. Barnes said that they had started the Greenbriar project several months ago and they were moving into detailed design, but over the course of the last couple of months in 2018 after the School

District taking about a month or so evaluating on their end said that they were interested to take it to the next step in evaluating the possibility of this partnership.

Mr. Schofield said that he was not prepared to move forward without Council direction on this. He said that they have authorization to go ahead on Greenbriar. He said that they cannot afford to do both of them, so he needed to know where Council wanted to be.

Mayor Gerwig said that she wanted community input before doing something like this. She said that she did not agree putting the pool there because the Village has use of their pool all the time which is heavily staffed and the liabilities are completely different with that portion of it. She said that what she would like to see developed with Wellington High School which was not even on the plan was similar to what they are doing at Emerald Cove. She said that the school has asked her several times if they could work with them and do an astro turf field for football and they will work out a shared use agreement where the Village could use those facilities. She said that she saw a lot of moving parts in this discussion and not what she feels the community is asking for which is helping the high school have a better use of the fields they have. Mayor Gerwig said that with Jupiter the community came in as well as a private funder for a public/private partnership to provide astro turf for their main field. She said that they agreed at that time to leave it open for the community after school. She said that was something that the school has been asking for, but she did not think the school was asking for the other elements. Mayor Gerwig said that she was seeing things different than what she wanted to see in the process. Mayor Gerwig said that at Emerald Cove which is the Village field where the football field and the track around it belongs to the Village. She said that the tennis courts between Equestrian Trails and Emerald Cove are the Village's, but the parking is shared. She felt that those things are easier when they are driven by both sides. Mayor Gerwig reiterated that this is not what she has been asked for by the community. She said that the football field gets a lot of use which is why the football team and LaCrosse would rather have astro turf. She said if they could work out a shared agreement to have that, she would be more interested in that.

Mr. Barnes said that some of their subsequent discussions both at the District level and the high school level actually include that. He said that this was an early plan that was done. Mr. Barnes said that they would actually look at with discussions with the School District look at the two fields on the north end of the property. He said that in order to potentially accommodate since the School District can't commit if they need any expansion space at the high school is the field that is centrally located

adjacent to the existing basketball courts. He said that since there is potential that would be their expansion space, they would propose not to put synthetic turf there. He said that they would look at synthetic turf for the two practice fields on the north end of the site as well as the stadium field.

Mayor Gerwig thought that the access issue was such a huge problem. She raised concern about security for the children which she felt would trump everything.

Vice Mayor Drahos thought that there were pros and cons to be weighed on this. He said that the pros would certainly be that the fields would get a lot of use. He said that every coach that has a team at the high school will be thrilled about this because the football team suddenly has three more practice fields that they can use. He said that LaCrosse, soccer and even baseball can use those fields. He felt that it would be a benefit to the kids of the community; however, he understands that there are safety, access and parking issues. He said that it is hard looking at it from here to truly commit. He then asked the question what Mr. Barnes was asking Council for and what was the impact of whatever decision Council makes.

Mr. Barnes said if everyone was repulsed by this then tell him now and they will stop. He said if not, he reiterated that they actually talked to the School District and the school, particularly Principal, Assistant Principal and some other staff is that there are initial benefits for the school that he believed would help not only the layout but also the process, was that at this point, there are parking issues and drop-off issues at the front of the school now. He showed where the bus drop off was and showed where they would try to accommodate bus drop off.

Vice Mayor Drahos said that he understood what Mr. Barnes was saying, but believed that many people will be saying that it is not the Village's problem to help the school function better as it is the school's responsibility. Mayor Gerwig said that where they can work together, they will. Vice Mayor Drahos agreed; however, he did not look at that to be a reason as to why they should do this. Mr. Barnes said that they were not talking this in a vacuum. He noted that those fields are currently used by the school so it was not like these are fields sitting unused. He said that they are used by the school for practice, band, football, lacrosse, etc. He said that what this does is that the Village is proposing noting that it would make no sense whatsoever to put natural turf here (showing location) and not have any use because they were going to have excessive use. He showed the location where if they put synthetic grass they would have basically no down time in terms of the actual use

of the facility only because of the nature of that type of turf and that there is no down time with the weather and in terms of the wear and tear.

Vice Mayor Drahos said that in a sense the Village would be acquiring this land for community use. He asked what type of guarantees would the Village get if they sign a 99 year lease. Mr. Barnes said that they essentially have that same situation at Tiger Shark Cove. He explained that the facility on which the multipurpose field, four softball fields, concession stand, restroom and part of the parking are all school property. He said that none of that is either the Village or Acme property and the Village has a long-term agreement that has the Village utilize that as if it were a Village facility to maintain it, do their own projects and that type of thing. He said that they jointly use and have an agreement for any additional parking that has to spill over on the actual school site otherwise they treat the rest of Tiger Shark as the Village's. Mr. Barnes said that this would be similar and the only difference would be is back of school, but it would be similar in that there would be very limited. He said that security and access control is more important than any other aspect of plan.

Vice Mayor Drahos said that the high school's track is a community track that is used by the public. Mayor Gerwig said that it used to be. Mr. Barnes said that Vice Mayor Drahos was going back before Principal Aligood. He said that around the time that Ms. Aligood became the principal is when they encountered a lot of community use issues and as the years moved on there were more security concerns. He said that back then it was just vandalism. Mr. Barnes said he was Parks Recreation Director at that time where they had racquetball people in the community jumping the fence and that was the end. He said that with this the intent was that the Village would take over the limited maintenance of the other hard facilities, i.e., basketball, tennis, etc., and it expands or complements the athletic facilities for community use.

Councilman Napoleone said that presently none of the property in the back of the high school is accessible to the public. Mr. Barnes said that until the last 1 1/2 years /2 years when security concerns really became heightened, when there was a soccer game or another game at night, there was access to the facilities at night. He said that he could have gone to the back and played basketball all night because there were lights.

Mayor Gerwig said that there would have to be a lot of agreement and she also said she did not see the deck space on the pool's floor. Mr. Barnes said this was just a plan to see if it fit.

Councilman Napoleone said that conceptually this can work with or without the pool. Mr. Barnes said that was correct. Councilman Napoleone said that they were not talking about a pool at Greenbriar, but fields at Greenbriar.

Councilman McGovern said that Mr. Barnes was asking Council if staff could keep discussing this. He said if the question was whether it was dead on arrival. He said that his opinion was that it was not dead on arrival.

Councilwoman Siskind asked if it was that there needed to be a definitive answer to stop on Greenbriar.

Mr. Barnes said that he understands that Council wants more information, but this was all they had at this time. He said that when they come back from the School District they will have a little more detail.

Mayor Gerwig felt that they were maxing everything out at this point.

Mr. Barnes said that the School District/school has seen this plan and they said that they were good with this with the exception that should they need any expansion space they would go to the center area adjacent to the basketball fields. He said that playing Devil's Advocate, the Village would counter and say that realistically most schools have gone vertical instead of out, but they were the experts. He said if the timeframe was less than five years, he would not recommend using synthetic material on that center field, but certainly any kind of natural turf that they know is going to be not as maintained as some of the other parks.

Mayor Gerwig said that she would not want to get into the situation where something happened during the day. She felt it was a tricky relationship, but she felt it was worth a discussion, but they needed a lot of public input. She said that the public would not have access during school hours or game times. She said a lot of it they would even be able to do.

Councilwoman Siskind said that she heard that there would be fencing and they would have access during school hours. Mr. Barnes said there would be access to the actual athletic facilities with the exception of a future phased pool. He said that the athletic facilities they would not access during the school day because they utilize those facilities for PE, etc.

Councilman Napoleone said that his question was how much after school use would the school want to have on those fields and how would the Village want to use them. He said that they have this type of ownership at

Emerald Cove. Councilman McGovern pointed out that the school day at Emerald Cove, which is a middle school, is later than the school day at the high school. He said that after school practice for the high school starts after 3:00 p.m. as opposed to starting at 5:00 p.m. Mr. Barnes said that there was no doubt that there will be overlap.

Mayor Gerwig felt that those were the types of things that she would want to explore. She said that the investment of the turf field is something that she would want to start that has value to the school. She said that she would not start conversations like this because they have been asking.

Mr. Barnes said that the plan involves discussion with both Mr. Romano, who was the football coach years ago, but who is now the AP for Community and Adult Education. He said that actually Mr. Abel who is the current football coach who talked to Mr. Romano who actually talked to staff as well. He said that their thought was that it does make sense that in the event they actually have any kind of synthetic turf on property it also helps to have a synthetic turf practice field and vice versa. He felt that synthetic makes sense in this case because of the extended amount of use that that they would propose on it both from the Village's and school's standpoint.

Vice Mayor Drahos said what is the next step if the Council approves staff to continue talking. Mr. Barnes said that the next step would be that they would discuss in detail programming and scheduling with the School District staff and with the actual school staff of Mr. Romano, Ms. Hayden and Ms. Fitzhugh and come up with a plan that works for both. He said that he cannot comfortably bring back a plan to Council that has the Village taking a lesser amount of time. Vice Mayor Drahos asked what timeframe were they looking at. Mr. Barnes said that he and Mr. Romano plan on meeting on programming within the next week and a half.

Vice Mayor Drahos said that what happens if the talks with the school don't go well, what would then happen to Greenbriar. Mr. Barnes said that they would go back to Mr. Schofield and tell him that they are unable to reach an agreement with the School District on programming and scheduling and the recommendation would be to move forward with Greenbriar.

Mayor Gerwig said that they would be putting Greenbrari on hold.

Councilman Napoleone asked what was the down time putting a hold on Greenbriar at this point so they can finish flushing this out. Mr. Schofield said that they wrote the contract based on best qualifications so the contract would not change although there would be a change if they do a

pool. With regard to Greenbriar, Mr. Barnes said that they had done a conceptual plan which involved both the Greenbriar Park site and the Boys and Girls Club. Mr. Schofield said that there is time to make the decision, but they need to move forward with the contract. He said that he is uncomfortable moving ahead without consensus from Council.

Councilman Napoleone said that he wanted to explore what they can explore here and if it works out where the Village can get the access they want and make the school happy. He reiterated that he wanted to pursue what could be done here and if they can preserve Greenbriar to do something else down the road as they don't have as much land they own. He said if this doesn't work out, then he believed they could go back to Greenbriar as a default. Councilman Napoleone believed this was an opportunity they didn't think they would ever be able to realize so, he wanted to see how far they can get with this.

Councilman McGovern thought they should do that as quickly as possible

Councilwoman Siskind saw this as a great opportunity to enhance one of their high schools that greatly needs the upgrades and to create new recreational spaces for their residents through an interlocal agreement. She said that she didn't see why they couldn't even make the school more secure that it is now.

Mayor Gerwig felt if they were adding recreation it will require additional security.

Councilman McGovern said that this could potentially bring back those tennis courts, racquetball courts and things that they had in the past.

Mayor Gerwig felt that this had to be the right mix. She said that they also have a recreation master plan in process so she wanted to see how this pays into that discussion.

Mr. Schofield said that he either wants to let that contract go or know that we can have that discussion; however, this discussion can't go on and if they sit at the first meeting in February if they don't have agreement with the School Board, he will recommend they go back to Greenbriar.

Mayor Gerwig said that she has some very sincere questions about the functionality about this in the long term, but not saying that they can't be answered or worked out, so she would not slam the door on this, but she felt public input is an important piece and how willing the School District is. She said if it gets to where the Village can't be guaranteed certain hours because the District is changing something that may be something

out of their and the Village's control. She doesn't want to put them in a situation that may be difficult.

Mr. Barnes said that he could not underscore the fact that the most important things here are (1) functionality for both the school and the Village; and (2) security and circulation. He thought if the security circulation part works absent any change, they could still have functional facilities given any adjustment in the schedule.

Councilman McGovern did not envision the time of the school's day changing as it hasn't changed in 30 years. Mr Barnes said even if there were double sessions, it would still work because the security and circulation would be such that you would have that much separation that the facilities could still function independently.

Mayor Gerwig said that with the Village being at build-out particularly around the school's location, she did not see the numbers changing to that degree for a double session. However, she just wanted to know that when you are dealing with schools alot of it is also out of their control.

Mr. Barnes said that during their walk through, Mr. Romano noted that at one point in time there were over 4,000 students at Wellington High School before Palm Beach Central and Seminole Ridge opened. He said now they have a little over 2,000 students.

Mr. Schofield said that staff has direction on this matter.

7. COUNCIL COMMENTS

No comments.

8. ADJOURN

There being no further business to be discussed by Council, the meeting was adjourned at 5:55 p.m.