

# **Village of Wellington**

*12300 Forest Hill Blvd  
Wellington, FL 33414*



## **Action Summary**

**Thursday, October 3, 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**

Mayor Gerwig called the meeting to order at 4:00 p.m.

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

**2. PLEDGE OF ALLEGIANCE**

Mayor Gerwig led the Pledge of Allegiance.

**3. REVIEW OF COUNCIL AGENDA**

Mr. Schofield presented the agenda for the October 7, 2019 Regular Wellington Village Council Meeting.

He announced that there were no Presentations or Proclamations.

**A. [19-3219](#) PROCLAMATION DECLARING NOVEMBER 8, 2019 AS WELLINGTON COMMUNITY FOUNDATION DAY IN WELLINGTON**

Mr. Schofield introduced the agenda item. This was a proclamation recognizing November 8, 2019 as Wellington Community Foundation Day in Wellington and announcing the foundation's Red, White and Blue Jean Event. He noted that this item would be added to the annual list of proclamations for next year.

**B. [19-3015](#) AUTHORIZATION TO CONTINUE UTILIZING A NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA) CONTRACT WITH MUNICIPAL CODE CORPORATION INNOVATIONS (MCCI), LLC FOR LASERFICHE DOCUMENT MANAGEMENT ANNUAL LICENSING, MAINTENANCE AND SUPPORT**

Mr. Schofield introduced the agenda item. This was authorization to continue utilizing a National Cooperative Purchasing Alliance (NCPA) contract, as a basis for pricing, with Municipal Code Corporation Innovations (MCCI), LLC for Laserfiche document management annual licensing, maintenance and support at a cost of \$35,233.29 annually. Mr. Schofield that this is a single, proprietary item, which the Village uses.

Mr. De La Vega said that this is the Village's document management system. He said that this year, they are looking to pay approximately \$8,000 less than in the past. He explained that as they have gone into the new that system has a P-card process that they used to use Laserfiche for that they no longer have to use. He said that in the next couple of years, the amount would continue to decrease as they fully

transfer into Munis and their own document management system.

C. [19-3298](#)

RESOLUTION NO. R2019-63 (WELLINGTON SENIORS CLUB AGREEMENT)

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

Mr. Schofield introduced the agenda item. This was the approval of the annual agreement between Wellington and the Wellington Seniors Club, Inc. for FY 2020. He said that this agreement encompasses the same things as the previous years; however, there is a request for a 10% increase. Mr. Schofield advised Council that it has been a number of years since there has been an increase.

Mr. De La Vega said that he went back as far back as 2007 and found that the Club have been receiving \$51,500 for the last 11 years. He said that they have come in with a 10% increase, which is accounted for in this agenda item and is part of the approved budget. He said that the Seniors Club have been doing pretty much the same as they have done in the past. He did note that their luncheons are now held in Village Park because of the increase in people attending.

Councilman Napoleone asked if there was a specific need for the 10% increase or was it just for them to do better with the things they already do. Mr. Barnes said that it is a combination of them seeing their costs going up regarding their trips noting that they do not do the same trips every year although the trips are largely funded with user payments. He said that their general operation costs, i.e., insurance, etc. have gone up.

Councilman McGovern asked if that was just what they were telling us. Mr. Barnes explained that is what they have reported explaining that they non-profit and operate as a corporate entity with a Board of Directors.

Councilman McGovern asked if the Village audits them. Mr. Barnes said that the Village does not audit them. Ms. Quickel added that they provide copies of their audit to the Village.

Mayor Gerwig said that the Village does not audit them, but they are audited and this data is based on facts. She said that people were asking her about the trips so she said if they were talking about paying for their trips, she advised them that the users pay for their own. Mr. Barnes said that that the lunches are paid for out of this as well noting that the monthly lunches are free and it will cost more as more people can attend the luncheons at Village Park. Mr. Schofield added that their membership has increased by a higher percentage than in the past.

Mr. Barnes said that the seniors are doing their first overnight trip, which is funded by the attendees, but in general there is a day-to-day increase. He noted that this year they will be going over to Daytona for a multiday deal. Mayor Gerwig thought that there were always such trips that were funded by the people who went. Mr. Barnes said that the people do pay for them, but there are general operating costs that have increased.

Councilman McGovern asked if this item is presented to the Senior Advisory Committee. Mr. Barnes said that it would not go to that committee explaining that committee just deals with the programs and issues with Village programs and has not historically been involved with the Senior Club. Ms. Cohen added that it has created a conflict in the past when there was a board member of the Senior Club also serving on the Advisory Board, as they are separate organizations.

Mayor Gerwig said that the charge between the two entities is different noting that the Senior Advisory Committee is for all seniors in town while the Senior Club is a membership.

Mr. Schofield said that they are seeking an opinion whether there is a conflict if you are a board member of the Senior Club and serve on the Senior Advisory Committee.

Councilman McGovern felt that this was an item that should go to the Senior Advisory Committee. He said if this was a sports provider contract, it would be going to the Parks & Recreation Advisory Board.

Councilman Drahos said that he did not want to mix those two entities. He said that he knows that there are members of the Senior Advisory Committee that are members of the Senior Club.

Mr. Schofield said that they could take the contract to that Committee; however, he said that he was going to suggest that since their organization directly benefits from this, they are not able to discuss it or vote. Ms. Cohen added that under the current Palm Beach County Ethics Code, it would be a conflict.

Vice Mayor Napoleone did not believe that this should go to the Senior Advisory Committee as it would just be another layer for no valid purpose, as he believed the Council could handle this.

Ms. Cohen advised Council that this has not historically been put through the Senior Advisory Committee.

Mr. Schofield said that this is the first time he can recall that they have

asked for an increase, which makes this different than every other year.

Councilwoman Siskind asked if the members have to pay a fee when they join. Mr. Schofield said that there are membership dues. He said they have increased the cost to their members more than what they are requesting.

Mayor Gerwig asked if it would be customary to add a cost of living increase to this every year. Mr. Schofield said that they would continue doing what they are doing. He said that when there is a reason to increase the funding, they will consider it. Mr. Schofield said that he spoke to the Seniors Club about 8-10 months ago who said they may do this. He said that given what they are asking for, he did not see it as anything out of the ordinary. He explained that if they had given them a 3% cost of living increase every year, it would have been 36%.

Councilman Drahos said that considering this is their first request for an increase, he did not see a concern that they were not spending the money wisely. He asked if the Village is at all involved with the Seniors Club. Mr. Schofield said that the Community Services Department deals with them most often. He noted that Ms. Brito is in charge of the Seniors. He said that they would notice in the Weeklies, that they are expanding the senior programming at both the Community Center, Community Services, and Village. He said that half the usage at the Community Center is for seniors so they are trying to consolidate that and expand some of those programs. Mr. Schofield said that Ms. Brito has done a phenomenal job with the seniors. He said the Community Service Department over the last several months have come together and have put together a good team.

Mayor Gerwig said that she attended the Senior Luau last week and it was a huge turnout. She said that it was sponsored by a private entity, but they do a good job to get costs covered. Mayor Gerwig felt that as they see the club grow, they may need the money. Mr. Barnes clarified that the Luau was a Village event and was not a Senior Club.

Mr. Schofield explained that the Seniors Club's participation is regularly about 300 noting their membership is about 600-700. He said that Community Services is looking at the other seniors so they can get a much broader participation.

**D. [19-3009](#)**

RESOLUTION NO. R2019-65 (INTERLOCAL AGREEMENT WITH THE SOLID WASTE AUTHORITY (SWA) TO PROVIDE BIOSOLID PROCESSING AND RECYCLING ON AN EMERGENCY BASIS)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL

APPROVING AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY SWA TO PROVIDE BIOSOLID PROCESSING AND RECYCLING ON AN EMERGENCY BASIS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was the approval of Resolution No. R2019-65 and the Interlocal Agreement with Palm Beach County SWA to provide biosolid processing and recycling on an emergency basis.

Ms. Shannon LaRocque, Utilities Director, explained that the disposal of biosolids is highly regulated. She said that the Village made a very wise decision around 2010-2011 to build an industrial dryer to dry their solids. She explained that the dryer dries their solids to AA standards, which is not regulated and can be sold as commercial fertilizer. Ms. LaRocque said that helps them out immensely at the utility with respect to what do they do with their biosolids. She said that they do not have redundancy in the dryer due to cost issues noting that the dryer costs about \$3 million. Ms. LaRocque said that in the rare event that they needed to take the dryer down for maintenance or it failed; they would need an alternative location to dispose of the biosolids because it would be the regulated class. She said that they reached out to the Solid Waste Authority in participation with a private entity who owns a dryer that dries biosolids from numerous utilities around the County into a Class A standards. She said that they approached all the entities who said that they would have space on an emergency basis only. Ms. LaRocque said that should the Village need to dispose of the biosolids because the dryer is down, they would pay a contractor to haul it to their dryer facility or the landfill. She said that the agreement identifies the costs associated with that. She said that their goal is to never have to use this, but it provides them with the emergency backup that they do not currently have.

Councilman McGovern asked what the Village would do now if the dryer failed. Ms. LaRocque said that it would be extremely challenging noting that over the past year the regulations have gotten even more stringent for the disposal of the biosolids. She said that this has been in process for the past year because she knew the regulations were tightening down. She said hopefully this will be approved at the meeting, the Solid Waste Authority will approve it and they would be good to go.

Mayor Gerwig said that they were not having any difficulty with anyone picking up their Class 2A. Ms. LaRocque said that originally there was a thought that it would be a highly marketable product, but they make only about \$2,500 on it annually and do not really make any money. She said that they were ready to go out to bid on a disposal contract to see what is the price to purchase it, and if not, provide a price to dispose of it. She said that they deal with the disposal and the Village doesn't have to get involved with that and they will provide them with a price to haul it to the Solid Waste Authority.

Mayor Gerwig said that there is conversation about Class 2A. Ms. LaRocque said that the Waterworks Association, which the Village is a member, does a

great job at notifying the utilities.. She said that being a heavily regulated industry, the Village cannot watch everything.

Mayor Gerwig asked if the Village had a contingency plan for the Class 2A. Ms. LaRocque said that is not a problem and that they can always get rid of them. She said that the problem is when they cannot dry it and it doesn't meet that Class AA standard then it is highly regulated and where and how you dispose of it is a big issue.

Mr. Schofield explained to Council why the Village has a dryer. He said that a number of years ago when the Solid Waste Authority was putting in their incinerator, one of the things that they did not want to do was deal with municipal sludge. He said that since the Village did not have a way to dispose of it and it is very expensive to dispose of, they then went to the dryer. He said that the number of people who wanted to buy that product has dropped over the years. He said he suspected that they would reach a point where it is even more difficult to get rid of especially when regulations kick in. He said that where they treat it today, it is a far easier product to dispose of noting that the worst case they are ever going to be in is they haul it to the Solid Waste Authority and they incinerate it there.

Ms. LaRocque said that this the insurance policy that the Village needs to ensure that they are meeting all the regulations as it related to the disposal of bioproducts.

Mayor Gerwig asked if the Village looked at any other options. Ms. LaRocque said that there were no other options.

E. [19-3320](#)

ORDINANCE NO. 2019-08 (COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE MAP DESIGNATION FOR WELLINGTON GREEN TRACT W-5)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE WELLINGTON COMPREHENSIVE PLAN (PETITION NUMBER 2019-05 CPA 3) BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM CONSERVATION TO REGIONAL COMMERCIAL/LARGE SCALE MULTIPLE USE (RC/LSMU) FOR A PORTION OF CERTAIN PROPERTY KNOWN AS WELLINGTON GREEN TRACT W-5, TOTALING 8.59 ACRE, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE WEST OF THE INTERSECTION OF STATE ROAD 7 AND LIME DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced Ordinance No. 2019-18. He said that Mr. Basehart and Ms. Cramer were going to make a presentation. He suggested that any real discussion would wait until the actual Council Meeting.

Mr. Basehart suggested that they hear the agenda item for St. Rita's

Church prior to this item. He noted that there was no objection or controversy to that application.

Council agreed to reverseing the two agenda items.

At this time, the Conditional Use for St. Rita's was heard followed by the discussion of Ordinance No. 2019-18.

F. [19-3301](#)

RESOLUTION NO. R2019-43 (CONDITIONAL USE FOR A DAYCARE AT ST. RITA'S CATHOLIC CHURCH)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A CONDITIONAL USE APPLICATION FOR PETITION NUMBER 18-135 (2018-047 CU1), A CONDITIONAL USE APPLICATION TO ALLOW A DAYCARE OPERATION AT ST. RITA'S CATHOLIC CHURCH, LOCATED ON THE NORTHWEST CORNER OF PADDOCK DRIVE AND BIG BLUE TRACE, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was the approval of Resolution No. R2019-43, which is a Conditional Use, to allow a daycare operation at St. Rita's Catholic Church with conditions of approval. He said that this is a use that is generally consistent with religious churches under the 2000 Religious Land Use and Institutionalized Persons Act, which limits how the Village can deal with this. He noted that they have met all of the requirements and it is a very good project.

Mr. Basehart said that the church has been semi doing this for years. He explained that the existing campus is a church facility along with their parish building. Mr. Basehart said that the location and size of the existing parish building is cumbersome and makes their parking and circulation inefficient. He said that the church wants to tear that building down and build a new parish center next to the north side of the church building. He said that the new building would be somewhat smaller than the existing one. Mr. Basehart said that they have had religious instructions in the parish building for a number of years and have not had to qualify as day care; however, they now want to offer day care. Mr. Basehart said that they have met all the requirements, which include Health Department requirements as well as those under the Village's Code for drop off area, parking and all of the things associated with the operation.

Mayor Gerwig asked how many parking spaces was the church adding. Ms. Cory Cramer said that there are 292 parking spaces noting that they originally had 270. Mr. Basehart said that in addition to adding some parking, they were making it much more efficient. Ms. Cramer added



that the church was also working with the School District to enter into an agreement to utilize their parking lot during the construction period. She said staff has walked through the steps with them on how they would have to phase the project if they do not reach an agreement so there is not parking along the roads that would create a traffic issue.

Vice Mayor Napoleone asked about the traffic impact of this project on the elementary school. Ms. Cramer said that the day care would not be more than 60 students. She noted that their hours of operations are from 6:30 a.m. to 6:30 p.m., so the day care would operate at different start times than the school. She said that staff did not foresee this being an issue. She said that the Village's traffic consultant looked at it and part of the circulation plan was to reroute the parking so they are utilizing their two access in a different manner than they do during their Saturday and Sunday service hours so it would not be a conflict.

Mayor Gerwig said that she did not anticipate the school having difficulty working with them because they use the parking lot to drop off people. She felt that they have been good partners. Mayor Gerwig said that the situation there is that people park along the road to avoid into the traffic in the parking lot. She asked staff if they felt this was curing that problem. Mr. Basehart responded affirmatively. Mayor Gerwig said that this has been a significant problem.

Vice Mayor Napoleone asked if staff had received any resident comments or input. Mr. Basehart and Ms. Cramer indicated they had received none.

Mr. Basehart noted that Council was being provided with the site plan although it was not on their agenda.

Mr. Basehart said that this had been to the Planning, Zoning and Adjustment Board who unanimously approved the project. He indicated that there were no objections raised at the PZAB meeting; however, there were several speakers who supported the project.

**G.**     [19-3320](#)

ORDINANCE NO. 2019-08 (COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE MAP DESIGNATION FOR WELLINGTON GREEN TRACT W-5)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE WELLINGTON COMPREHENSIVE PLAN (PETITION NUMBER 2019-05 CPA 3) BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM CONSERVATION TO REGIONAL COMMERCIAL/LARGE SCALE MULTIPLE USE (RC/LSMU) FOR A PORTION OF CERTAIN PROPERTY KNOWN AS WELLINGTON

GREEN TRACT W-5, TOTALING 8.59 ACRE, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE WEST OF THE INTERSECTION OF STATE ROAD 7 AND LIME DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

At this time, the Council discussed Agenda Item 19-3320 - Ordinance No. 2019-08.

Vice Mayor Napoleone asked why they would just be hearing Tract W-5 and not W-3 at the same time. In response, Mr. Basehart explained that the Comprehensive Plan designation for W-5 on the Future Land Use Map is Conservation; however, the W-3 parcel is not. He explained that there were five wetland preserves; however, Council eliminated one a few years ago in 2008 when Whole Foods went in. He said that the other three are not designated on the Future Land Use Map as preserves or conservative areas. He noted that the other ones are large scale/mixed use.

Vice Mayor Napoleone said that they were not hearing W-3 at all. Ms. Cramer said that they would see the W-3 parcel on some of the exhibits as it will come back with the master plan, but this is the only one that requires a Comprehensive Plan Amendment. Mr. Basehart explained that the application package had two parts: (1) the Comprehensive Plan Amendment for W-5 and (2) Wellington Green Mall Master Plan Amendment, which would amend the master plan for both W-3 and W-5 to cut W-5 and to eliminate the designation.

Ms. Cohen explained that the Comprehensive Plan is a legislative action noting the ordinance adopting the change requires two readings while the Master Plan Amendment only requires one reading. Ms. Cohen added that they would send the Comprehensive Plan Amendment up to Tallahassee, wait the 30 days until they respond and then bring it all back.

Councilman McGovern indicated that this was not being considered as it had been at the Planning, Zoning & Adjustment Board (PZAB) meeting, and why was it being considered differently. Ms. Cohen said that it was being considered differently. Mr. Schofield explained that the PZAB would hear the entirety of the application only one time. He noted that they are a recommending body so nothing that they say has the force of a real approval on this. Mr. Schofield said that in order for PZAB to decide if they are going to make a recommendation, they have to hear the entirety of the application. He said that, as a Council, there are steps that have to happen. He said that they couldn't amend the Master Plan if it is

inconsistent with the Comprehensive. He said that the Comprehensive Plan has to be amended first. Mr. Schofield indicated that if Council votes to transmit the Comprehensive Plan, it will go to Tallahassee, the Village will get the review and it will come back to Council. He said that they will then go to the second reading of the ordinance, which will get you to the master plan. He reiterated that they could not even consider the master plan as it has to be consistent with the Comprehensive Plan. Mr. Schofield said that Council will hear a presentation on everything but they will only vote on the transmittal of the Comprehensive Plan Amendment.

Vice Mayor Napoleone said that Council was going to hear both the W-3 and W-5 portion at the meeting. Mr. Schofield said that they would hear a complete description and all elements of the application, but would only be voting on the Comprehensive Plan Amendment.

Mayor Gerwig said so the public understands the entire presentation, she wanted to insure that they know that the Mall interior is one owner, and the Mall exterior is several owners.

Mayor Gerwig asked about the Ex-Parte Communications. Ms. Cohen said that it was a legislative item, and they would do that when they hear the quasi-judicial item, which is not at this meeting. Mayor Gerwig thought it would be impossible for her to come with a list because she spoke with so many people. Ms. Cohen said that she should describe specific people and what they spoke about. Mr. Schofield said he did not think there was any expectation that Council would be able to recount every person who bumped into them, such as at Publix. However, to the best of their ability where they have had meetings with applicants, concerned residents, they should say who they met with as well as other people. Ms. Cohen added that she would say there are names she can't recall but state generally what the substance of the communication was which is required by the ordinance.

Ms. Cramer said that as part of their PowerPoint presentation, they do have a slide that identifies each individual parcel and ownership so they will see its entirety and will be easy for staff to explain.

Mayor Gerwig said that when the Mall was proposed in the DRI, it was all one piece. Mr. Schofield responded affirmatively. Mayor Gerwig reiterated that she wanted to get the process explained so that everyone understands where it started and where they are now. Mr. Basehart said they could go into a little more detail on that at the meeting. Mayor Gerwig felt it was important to do that. She also stated that the DRIs were over. Mr. Schofield said that the DRI statute did not extinguish with the

Department of Community Affairs; however, he was not aware of a DRI being done since the mid-point of Governor Scott's first term. Mayor Gerwig said that it was good for people to understand that the Village did not make the DRI go away as in their day the DRI was a cumbersome process.

Vice Mayor Napoleone asked, from the public's standpoint, what was the difference between something being done legislatively and quasi-judicial. Ms. Cohen explained that a legislative action is subject only to a rational basis and it affects all of the similarly situated properties in the Village whereas with quasi-judicial, you are applying that law to a specific parcel or development. She said that in terms of the public's comments, it is acceptable to consider all of their comments whether they are fact-based or emotional. She said that in a quasi-judicial hearing, in order for Council to rely on those statements as competent substantial evidence, they have to be fact-based and cannot just be an opinion that someone does not like the project. She said that the comments have to be supported by some factual testimony in order for Council to rely on the public's comments in that setting. Ms. Cohen said that at the Council meeting, since it is legislative, it is acceptable to consider all of the public comments whether they are fact-based or not.

Mayor Gerwig wanted to be sure that people do not think this will change other conservation areas elsewhere.

Councilman McGovern thought it was important to lay out at the start of the meeting what the limited nature of what this vote is. He said if Council votes to transmit this and it all comes back on second reading, it could all be voted down. Ms. Cohen said it could, and in fact, on first reading it only requires a simple majority of three to transmit for review; however, at the second reading, a super majority vote will be required to adopt it. She said that this was because under the Village's Comprehensive Plan, if you change the density and intensity, then you are required to have a super majority vote. She said that it is plausible that it could be sent to Tallahassee after first reading and yet not pass on second reading. She said that is true with every ordinance as there is nothing that commits Council on first reading to adopt the final reading.

Vice Mayor Napoleone said that this ordinance could arguably pass 3-2 on first reading and then on second reading it could fail 3-2. Ms. Cohen said that was correct; however, she indicated that was not usually the case.

Mr. Schofield said he wanted to make it clear to the public that there is a different standard that is applied to a Comprehensive Plan Amendment

as opposed to something like a Zoning or Master Plan application. He explained that the Comprehensive Plan is Council's view for the future and is an aspirational document. He said that Council has enormous latitude in deciding whether they want to change their vision of the future, which a map change is. Mr. Schofield said that when it gets down to something like a site plan approval, they are far more limited because they have a set of published criteria and the expectation is if you meet the criteria, then you get your approval. He reiterated that Comprehensive Plan is aspirational and that someone cannot tell them how to paint their picture. Mr. Schofield said that Council has to have very good reason to approve an amendment. He said they have to have reasonable basis for failing to approve it, but it is a very different standard. He said that, as Ms. Cohen had explained, when the public provides comments, Council could consider what they have to say that are not fact-based. He said that public opinion in this case is something that is fair consideration. Mr. Schofield said that if this was a site plan, he would tell them that if it is not factual-based, they will listen, but they will not consider it in deliberations. He reiterated that Council has far more latitude in this case than in most things that they see.

Councilman Drahos asked if they only had the applicant presenting or had anyone asked to be an interested party. Mr. Schofield said that they have not, but they expect a significant amount of public comments in the three-minute comment section.

Councilman McGovern felt that they should alert people, other than just from this meeting, as to just what is being considered on Monday. Mr. Schofield said they would do that as part of the introduction. Councilman McGovern thought it should be done in advance of that.

Vice Mayor Napoleone did not think that telling the public that this is only one piece of it will change the turnout because they will turn out in opposition to this not caring that it is just the Comprehensive Plan versus the Master Plan as well. Vice Mayor Napoleone questioned what Councilman McGovern wanted to communicate.

Councilman McGovern said that he wanted to communicate that as it applies to W-3 there is no consideration of that occurring on Monday. He thought that was important for people to know. Vice Mayor Napoleone stated that it was going to be presented even though Council would not be voting on it.

Mayor Gerwig said she wanted to lay it out. She said this agenda is published and it goes into detail. She said that people do not speak in planner speak because it would take too long.

Vice Mayor Napoleone thought, they should tell people that they are voting only on the Comprehensive Plan Amendment that impacts only the W-5 tract, and if it is approved 3-2 on Monday, it will go to Tallahassee, come back and then it would be heard for second reading at which time they would hear the W-3 parcel as well.

Mr. Basehart said that if Council does not get four votes after it comes back on the Comprehensive Plan Amendment, then all applications die.

Mayor Gerwig thought that the W-3 could be presented without this. Mr. Basehart explained that the applicant could come back with an application for W-3 only, which would only be a Master Plan Amendment.

Mayor Gerwig reiterated that she wanted to make sure that everyone understands what was before Council.

Ms. Cohen said that the other thing that came up in the PZAB meeting was when the Vice Chair was reading the cards, the addresses were not being read of the person speaking. She said it has been the Village's policy to read, not only the name of the individual speaking, but also the address.

Mayor Gerwig indicated that there was one email that said their comment was not read at all.

Councilman Drahos asked when cards are collected. He said that at the last meeting, a stack of 20 cards were turned in and they suspected those people did not come to the meeting. He asked what was the process for the cards. Mr. Basehart said that there is a table at the back of the room and people will pick up the cards and then hand them to the Clerk. He explained that since they expected a large turnout at the PZAB, they set up a table in the Lobby with the cards and the cards were handed out as people came in.

Vice Mayor Napoleone thought, that Councilman Drahos' question was different.

Councilman McGovern said that the cards should be turned into the Clerk one person per card. Ms. Cohen said that if a person wants to be heard either through speak or through the card, it has been the Village's policy that they be present at the meeting. She said that someone for or against should not be going out and collecting cards prior to the meeting.

Vice Mayor Napoleone thought that people often use cards because they

can't stay for the meeting. He thought the issue was that they had a lot of cards from people who did not show up at the meeting. He felt that you have to show up to turn in the card, but do not have to stay once you turn it in. Ms. Cohen said that has always been the policy.

Mayor Gerwig said that the card would still be part of the record but some standard should be applied when that happens.

Ms. Cohen explained that in the case of the person who was upset that their card was not read, that person was going to be reading a statement from someone else. She said that she was not aware that they have ever really read lengthy statements into the record if they have been attached to a card. She said that they might say that there is a statement attached to the card.

Mayor Gerwig said that in some of these circumstances some of the cards are almost illegible. Mr. Schofield said that people are allowed to speak and get their three minutes, but if they get a card, where they say they do not wish to speak and say they oppose or support, Council is not required to read those into the record. He said that they could say I have this number of cards and this many support and this many oppose, but they don't need to read the entirety of it into the record. Mr. Schofield said that is something that Council has always chosen to do, but it is something that Council may want to consider.

Vice Mayor Napoleone said that a lot of people write one or two sentences on the card which goes faster than three minutes making it much more efficient. He said he is happy to read the sentences as long as it does not take more than three minutes to three.

Ms. Cohen said if there is some lengthy written attachment to the card, Council has not typically read that into the record. She said that typically, if the party is not there, they have not read a statement given to someone else to read that statement. Mr. Basehart added that typically, letters that are mailed in are attached to the staff report, but they are not read either.

Councilman McGovern said that for the cards that are brought by other people who are not present at the meeting, he felt it was fine to say we have 15 other cards stating how many opposed and how many supported and make those part of the record.

Ms. Cohen did not believe that they have ever taken the position that the Village Council reading the cards should be compelled to fill an entire three minutes of comments from the public if they are not there. She said if it is something that is lengthy, that is attached, they just note that it is

attached and it is part of the record. Ms. Cohen pointed out that the three minutes is for the people who want to speak and not people who want to hand in the card and attach lengthy statements. She said that has never been the procedure nor did she believe it was required by the Village procedures or the statute.

Councilman McGovern said he would like to be provided by Monday if possible, what the staff knows about the people who intend to come to the Village for apartment units so that he can be aware of what the whole universe of those proposals is so that they are aware of them. He said that they have another proposal with another set of apartment units, and the folks north of the hospital want to do apartments as well. Mr. Schofield said that they would look beyond the Village's boundaries because they have limited frontage on SR7 and he wants them to look from Okeechobee Blvd down to Lantana Road. Councilman McGovern thought that Tuttle should be included in that.

#### **4. WORKSHOP**

None

#### **5. ATTORNEY'S COMMENTS**

Ms. Cohen said that on October 10th, there is an Injunction hearing on their lawsuit against Pine Tree in front of Judge Rowe which is a two-hour specially set hearing. She said that they have a hearing on a Motion to Dismiss coming up in October on the foreclosure lawsuit on the Straub Palm Beach Polo properties. She said that they have two Motions for Summary Judgement coming up in October on Palm Beach Polo's claim that the Special Magistrates were improperly appointed. Ms. Cohen said that she would let Council know the results of these cases as soon as they know them.

#### **6. MANAGER COMMENTS**

Mr. Schofield updated Council on the Westhampton House, otherwise known as the Cat House. He said that the demolition has started. He stated that all of the interior drywall is down on the first floor and second floor, the debris has been removed from the first floor and will be out of the second floor probably today. He said that they pulled it down including the furring strips, the flooring and insulation is being removed and will be out probably by Friday. He said that their inspectors are in there. He said that there is still some odor, but it is generally not discernible in the adjacent unit. He said that Building inspectors and Code are out there every day and the contractor is working on it. He said that they made significant progress. Mr. Schofield said that they will also be doing some exterior improvements, so they are seeing real progress on that at the



moment.

Mr. Schofield stated that there has been a lot of social media discussion about stating that the Council approves every project that comes along, give away density and are essentially turning Wellington into an asphalt jungle. He said that was simply not the case. On the screen, Mr. Schofield said that what you have is Wellington's boundary that has mostly the Urban Services core. He said that he wanted to take Council through what is out there and when they approve it.

Councilman McGovern said that when Mr. Schofield refers to the Council, was he referring to Wellington's very first Council and all Council. Mr. Schofield said that he was talking about all Councils.

Mr. Schofield said that when people talk about the original Wellington was something small. He said that is Wellington's PUD that was approved in 1972. He said that since 1972, everything in Wellington's Urban Service Core have had an underlining land use of two units to the acre. He said that in 1972, they knew that the Urban Core of Wellington could have potentially about 31,000 units in it.

Mayor Gerwig asked if Wellington was the first PUD in Palm Beach County. Mr. Schofield indicated that Wellington was the second in the County. Mr. Basehart said that Boca West was the first.

Mr. Schofield reiterated that in 1972, they knew that they were going to be about 31,000 units in the urban core.

Mr. Schofield asked Council to remember a couple of things. He said that Wellington did not become a municipality until 1996 and they did not start doing their own land use planning until 2000. He said that as they look at how Wellington has progressed, they have the Wellington PUD, the next major component of it is the Landings at Wellington PUD. He said that it was importance to notice that was developed at a little over one unit to the acre. Mr. Schofield said that after that comes Country Place, which is one-half unit per acre, followed by Orange Point. He said that the Isles and Grand Isles are at two units to the acre. He explained that they got that by transferring things off of what is today, Section 34.

Mayor Gerwig said that originally Orange Point did not have a cut out, and asked what it was. Mr. Schofield indicated that he would get to that.

Mr. Schofield continued stating that after Orange Point was Grand Prix Village, which was approved at about one unit per three acres. He said that was where the Orange Grove PUD comes in which was the last part

of it, which was two units to the acre.

Mr. Schofield said that the next thing that Council saw on the screen was the Mall at Wellington Green. He said that the reason they changed in colors because this begins in 1996, but it was not an approval that the Wellington Council did as it was done by Palm Beach County. He explained that the residential component of that is 2.77 units per acre. He noted that after that Equestrian Club comes in at .99 and its underlying land use was one unit per acre. He noted that Black Diamond came in at two dwelling units per acre, which was an approval that Wellington issued, but it issued it under Palm Beach County's entitlement at two units to the acre. The next thing that comes in is Versailles at two units to the acre, which was exactly what they were entitled to prior to annexation. Mr. Schofield said that after that you get to Olympia, Buena Vida and Village Walk. He said that their development density is two units to the acre, the same exact density that they knew was going to be here since 1972. He said that Oakmont followed that at 1.99 at two units to the acre, Castellina at 1.83 less than the two units per acre. He said that you then come into Wellington Parc MUPD. Mr. Schofield said that when that came in they have an entitlement for their SR7 frontage so they were at 5.81, which was exactly the entitlement they had under Palm Beach County's land use. Mr. Schofield said that when you get to Isla Verde, they are at .66, but they have a commercial component, which is consistent with Palm Beach County's land use designation.

Mr. Schofield then presented the Planned Development timeline. He said that there were two lines: the first vertical line is when the Village incorporated in 1996, and the second vertical line is when the Village actually started doing their land use approvals. He then directed Council to the little blue line up at the top that looks like a separator between the title and the graph, it was not. He said it was the number of units that was the 30,710 units that the Village has known since 1972 could be built within the Wellington boundaries that Council saw. He noted that was an undercount because there were units that were entitled on the stormwater treatment area that is a part of it and they were not counting the units in the Equestrian Preserve that they are entitled to. Mr. Schofield said that when they look at this, as you take each of those approvals in sequence, these were the numbers in the original approvals for each of these and were the units that were approved as part of the original plan. He said that up until the second vertical line, everything was approved by Palm Beach County, and not by a Wellington Council. He pointed out that the things that were approved after were approved by Wellington Councils, but they were approved consistent with the Palm Beach County land use designation that is on them explaining that the Village can't take away a right that they have had prior to annexation.

Mr. Schofield then pointed to the line, which was the actual Wellington development approvals that Council has issued. He said that up until 1995, the actual unit counts of approved sites were slightly below the approved ones. He noted that in the 1995/1996 timeframe, the number of units that were finally approved slightly exceeded what the original approvals were from the County. Mr. Schofield said that when you look at those, that change in units principally comes from units that were added into the Mall at Wellington Green, which was an approval done by Palm Beach County.

Mr. Schofield then addressed the second vertical line, which was where Wellington's Council took over the approval. He said that today they are at about 198 units more than the original approvals contemplated back in the 1970's, but they are also more than 5,000 units lower than the maximum density that they knew could exist. Mr. Schofield said that he wanted to talk about where those units came from because there was no Village Council at this point or previous ones who went out and approved wholesale development and paving over the world and turning Wellington into a concrete jungle, which hasn't happened.

Mr. Schofield said that in the Wellington PUD itself, which was actually a little bit lower in total units than was contemplated in 1972, they added 107 units to the Landings PUD. He said they were at just over one unit per actual and they could develop as high as 2. He said that Village Councils have done two unit approval in there. He said that back in the early 2000's, they added 98 units to Binks Pointe, which were the condos that went on the old driving range. Mr. Schofield said that was not done lightly by that Council. He explained that what Council received in exchange for those 98 units were taking the entirety of the rest of the golf where there is a restriction on it that says it can never be anything other than a golf course unless it is put to a vote by the entire population of the Village. He added that it has to go on a general election. Mr. Schofield said that, at that time he was the Planning Director, he believed it was a good bargain for the residents. He explained that they had a golf course that was closed, the Village had been maintaining it as it was in difficult condition, and for those 98 units they now have an operable working golf course that has a restriction on it. Mr. Schofield said that they will never be faced with a request to turn that golf course into something else unless it goes to a vote of the entire Village.

Mr. Schofield said that the only other change in units is there were nine equestrian lots added to what is now the Wanderer's Club, but was originally the Wellington Executive Golf Course. He noted that Winding Trails was added, so now instead of something sitting out there fallow

and unused, it is being maintained. Councilman McGovern said that it was added to the Equestrian Preserve with all of the guidelines and restrictions. Mr. Schofield said that was correct. He further stated that when the developer came in and said they were not proposing multi-family housing, he certainly could have done that. He pointed out that where there are new units, they are either at the Mall or in a place where there were good trades made on the part of the Village to protect property, to protect the golf course keep it a golf course and then to take a piece of property that had been closed for at least two decades.

Mr. Schofield reiterated that they have not as a Council or had their predecessors ever gone out and given a developer carte blanche to do whatever they wanted. He said that what was important to remember was that the entitlement for the 30,710 units has existed since 1972. He said that when he and his wife moved to Palm Beach County in 1974, the population of Palm Beach County was under 250,000 while today it is approaching 1.4 million and will continue to grow. Mr. Schofield said that when you look at what the Wellington Councils have done, the density of the projects on State Road 7 is far less than that is being approved in any other community on State Road 7. He pointed out that Royal Palm Beach has higher intensities as do Delray Beach, Boynton Beach and Boca Raton than Council has approved.

Mr. Schofield said that he could not argue an emotional position with fact, but it was important to him that Council have the actual facts about what Councils have done. He said that he would make this available to anyone who asks. He said he believes that every Village Council, including this one, have been extremely responsible in terms of the developments that they look at and the impacts they have on the community. He said that it is simply inaccurate to say that Councils give developers everything they want because they do not.

Mayor Gerwig said that there were many things that were proposed that were not approved. He said that one of the things that the Tuttle development is not in Wellington was because they would not have entertained that type of approvals. She said that they marketed it, found out where they could get what they wanted, and Wellington was never going to do that.

Mr. Schofield said that when you look at what their neighboring community has approved on State Road 7, the densities in Victoria Groves are significantly higher than anything than Wellington would approve. He said that what was going in on State Road 80 on Tuttle Village is significantly higher than Wellington would ever have approved. Mr. Schofield said that is the mindset of the communities around

Wellington. He said that when you look at other communities, Wellington is really very conservative.

Mr. Schofield said that there was an article that labeled Wellington as a community that is resistant to change, which he did not believe. He said that what they are resistant to is bad change. He said that he has not found any Council that he has worked for that is resistant to good change. Mr. Schofield said that it takes a while to make a decision; however, they usually come out pretty well.

Mayor Gerwig said that concept of mitigation is the part of the conversation that people don't understand using the example of the golf course where Village Council said yes under certain circumstances. She said that is what mitigation is. She said that they do not decide on what to consider, but rather they consider what is brought to them by private property owners. She said that either they get approvals or they do not. She said that it is a serious matter and no one is taking it lightly.

Councilman Drahos said that he believed the number of people who complain may not be as large as was first stated. He said that there is a population on social media who want to complain which they are entitled to. He felt that from a layperson's perspective the two projects that are repeatedly brought up to him was the CVS property and the bank that went in at the Schaffer Drug complex. He said that he brought up the CVS property at the last meeting so that this could be brought out to the public so there is some clarification that Council never approved either of those projects because both those landowners had those entitlements built in so they did not have to come to Council for approval. Councilman Drahos felt it was important for the public to know that because those are two very noticeable commercial developments in very noticeable areas that popped up under this Council's watch. He felt it was important for the public to know that the Council did not have a role there and they were not entitled to have a role.

Mr. Schofield showed what was the original Wellington approval that was granted in 1972. He said that the ability to put the bank and CVS were approved as a part of that original PUD that have valid development orders and are entitled to be considered under the rules that were adopted at the time when they were approved. Mr. Schofield indicated that Council did not make those approvals, but the Palm Beach County Board of County Commissioners did in 1972. He said that since they were substantially complete, there was no way to come back and say no you could not do the thing you were approved to do. He said that the State law is very clear on that.

Mayor Gerwig believed that Council approved the drive-thru at the Starbucks. She said that she was on the Council that looked at that drive-thru. She said that they do see things change. She said that what has happened there is a difference in development where commercial uses have found that looking at that big sea of parking was not necessarily better than looking at an attractive bank building. She said that things will change over time, but she believed the Council did have the purview on the drive-through. Mr. Schofield pointed out that it was a drive-through for a building that already existed.

Mr. Schofield said that one of the questions they have heard a lot is why do they even let the developers apply. He said that a fundamental guarantee in the United States Constitution is the right to petition government. He said that you have to take it and cannot say no. Mr. Schofield said that they do not have the ability that they cannot ask the Village to do something different to their property as it is guaranteed in both the United States Constitution and the Florida Constitution.

Councilman McGovern said that it is also in the Palm Beach County and the Village's Charter and is the right to request. Mr. Schofield said that it is the right to request, and not necessarily the right to get. He said that Council does not have the ability to tell any property owner that they can't ask them for something. He said that what they do have is the right that they have exercised repeatedly to say that it has to be a reasonable, appropriate development that is good for Wellington and apply conditions to it. He said that Council have denied multiple applications, have changed densities, intensities, and applied the conditions that make those proposals work for Wellington. Mr. Schofield reiterated that Council is constrained by the law and that they cannot say no. He also pointed out that Council cannot tell people how they are going to vote before because the people are entitled to fair consideration.

Vice Mayor Napoleone said that people do not appreciate the amount of growth going on in the surrounding communities. He said that he and the Mayor attended a Business Development Board luncheon on economic development. He noted all of the multi-family projects coming on line in Boca, Jupiter and Palm Beach Gardens. He said that Palm Beach Gardens is anticipating 12,000 more residents in a very short window of time based upon projects that are either pre-approved, approved or in the approval process. Mayor Gerwig added that she would not be happy with that and that is not Wellington. She said that is what makes communities different.

Councilman McGovern said that this Council and Councils to follow will look at how the big developments coming around Wellington will impact

Wellington and everything that is Wellington which is unavoidable.

Mayor Gerwig said that many comments have been made on how overcrowded the schools are. She said that if you look at the boundaries of the schools borders, they don't match Wellington's. She said that there were times when not all Wellington children went to Wellington's schools, so they have met the need for that. She said that the borders that the School District draws are not Wellington's. She said that as boundaries change, the boundaries for the schools change. Mayor Gerwig said that Wellington does not see the overcrowding they have had in its schools as in the past. Councilman McGovern noted the availability at Panther Run, Binks and now Polo Park, from changes on the boundaries.

Mr. Schofield said that every residential developer has to provide a certification from Palm Beach County that they have adequate, available school capacity for the children that any residential development is expected to generate. Mayor Gerwig noted that previously concurrency was that schools had to be built before you could do that. Mr. Schofield said that now the concurrency says now that there has to be classroom space available as the units come on line.

Councilman McGovern said that the communities are setting aside land for the schools, but those schools are not there now as the School District has to build them.

Mayor Gerwig thanked Mr. Schofield for his presentation and thought they could do something on the web on development similar to the sustainability video.

Mr. Schofield said that Council heard his presentation, and he asked them to advise him of the things he may need to shorten or clarify as he wanted to incorporate them.

## **7. COUNCIL COMMENTS**

NONE

## **8. ADJOURN**

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