

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, August 10, 2020

4:00 PM

Immediately following the CIP Workshop

Virtual

Village Council Workshop

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

1. CALL TO ORDER

Mayor Gerwig called the meeting to order at 4:00 p.m. via communications media technology.

Council Members present remotely: Anne Gerwig, Mayor; Tanya Siskind, Vice Mayor; John McGovern, Councilman; Michael Drahos, Councilman; and Michael Napoleone, Councilman.

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. REVIEW OF COUNCIL AGENDA

Mr. Schofield introduced the agenda for the August 11, 2020 Regular Council Meeting for review.

A. [20-3914](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF MAY 12, 2020, JUNE 9, 2020 AND JUNE 23, 2020

Mr. Schofield introduced the item. He stated this was for Approval of the Minutes of the Regular Wellington Council Meetings of May 12, 2020, June 9, 2020 and June 23, 2020. He said that if Council has any corrections, additions or deletions to let Ms. Addie know.

B. [20-3783](#) AUTHORIZATION TO AWARD A CONTRACT FOR LOBBYING SERVICES

Mr. Schofield introduced the item. This is for Authorization to Award a Contract for Lobbying Services. He stated he would like to postpone this item until he speaks to each Council member individually. Mr. Schofield stated he is not sure exactly what the Village will need regarding lobbying services for next year.

It was Council consensus to postpone the item.

C. [20-3785](#) AUTHORIZATION TO UTILIZE A CITY OF CAPE CORAL CONTRACT AS A BASIS FOR PRICING TO PROVIDE INVESTMENT MANAGEMENT SERVICES

Mr. Schofield introduced the item. This is for Authorization to Utilize a City of Cape Coral Contract, as a basis for pricing, to provide Investment Management Services.

Ms. Quickel thanked the purchasing department for finding a less expensive contract with the Village's current provider, Public Trust Advisors, to realize some additional savings. She stated John Grady is

the advisor who works with the Village and he is on the Zoom call.

Councilman Napoleone asked if we are keeping the same advisors but paying less money.

Ms. Quickel replied affirmatively.

Mayor Gerwig asked how long has it been since the Village addressed this contract and if staff is happy with the advisors.

Ms. Quickel stated the contract changed approximately three years ago and said staff is happy with the advisors. She stated staff reviews the Village's contract every year. Ms. Quickel briefly spoke about the Village's portfolio.

Councilman McGovern asked how much money the Village has under management with the advisors.

Ms. Quickel stated approximately \$136 million.

Councilman McGovern stated that the Village has managed to save money with this contract.

Ms. Quickel stated the Village is positioned very well for the next couple of years and it is staff's job to protect the principal and funds. Safety and security is the primary goal. She stated this is how all of the Village's portfolios are set up as well as to provide the liquidity the Village needs. Ms. Quickel stated the investments are stable and the advisors understand the government cycle and how the monies are collected.

Mayor Gerwig asked if the Village is seeing a significant difference in the amount of sales surtax collected.

Ms. Quickel stated the collections run approximately 60 days in arrears and staff is starting to see significant declines; and the question is how long will that continue.

D. [20-3887](#)

AUTHORIZATION TO CONTINUE UTILIZING A CITY OF WEST PALM BEACH CONTRACT, AS A BASIS FOR PRICING, FOR ADDITIONAL EXPENDITURES FOR LABOR AT THE WATER AND WASTEWATER TREATMENT PLANTS

Mr. Schofield introduced the item. This is for Authorization to continue utilizing a City of West Palm Beach Contract, as a basis for pricing, for additional expenditures for labor at the Water and Wastewater Treatment Plants. He stated there were two previous requests for funding and staff has had several issues related to COVID-19. He stated staff believes the

additional \$110,000 will cover the Village for the remainder of the year. Mr. Schofield spoke about previous expenditures approved under the emergency order and stated \$128,000 has already been spent.

Mayor Gerwig asked if the Village is able to receive emergency funds reimbursement since this was COVID related.

Ms. Quickel stated staff has applied for CARES funding in the amount of \$174,000 to include the operators.

Ms. LaRocque stated at the height of COVID, they had six to seven U.S. Water operators onsite and they proved to be invaluable. She discussed the number of hours utilized at the Water and Wastewater plants. She stated they currently do not have any U.S. Water operators onsite. Ms. LaRocque stated this will give staff the ability to have the contract available should there be any more issues related to COVID and U.S. Water was very responsive.

Mr. Schofield stated these funds are available in the Utility Fund. There are no general fund dollars associated with this.

Mayor Gerwig stated the residents will not carry the burden of the cost.

Mr. Schofield stated regarding new construction, by state statute and the Village's Code, these are developer paid improvements and the developer also covers related charges for the Water and Wastewater plant.

E. [20-3902](#)

RESOLUTION NO. R2020-31 (FEDERALLY FUNDED SUBAWARD AND GRANT AGREEMENT FOR COVID-19)

A RESOLUTION OF WELLINGTON'S COUNCIL APPROVING THE COVID-19 FEDERALLY FUNDED SUBAWARD AND GRANT AGREEMENT BETWEEN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT AND THE VILLAGE OF WELLINGTON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This is Resolution No. R2020-31 (Federally Funded Subaward and Grant Agreement for COVID-19).

Ms. Quickel stated this is for general FEMA reimbursement that staff applied for and this is separate from the CARES Act.

Mayor Gerwig asked if this resolution allows the Village to access the reimbursement.

Ms. Quickel replied affirmatively.

- F. [20-3919](#) RESOLUTION NO. R2020-36 (FLORIDA DEPARTMENT OF LAW ENFORCEMENT CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) SUBAWARD AND GRANT AGREEMENT FOR COVID-19 AND BUDGET AMENDMENT FOR SAME

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING THE SUBAWARD AND GRANT AGREEMENT BETWEEN THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT AND THE VILLAGE OF WELLINGTON; AMENDING THE FISCAL YEAR 2019/2020 BUDGET FOR GRANT FUNDING; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This is Resolution No. R2020-36 (Florida Department of Law Enforcement Coronavirus Emergency Supplemental Funding (CESF) Subaward and Grant Agreement for COVID-19) and Budget Amendment for same.

Ms. Quickel stated this is the CARES funding and staff has fully expended and submitted reimbursement for the \$174,820 and are in the process of receiving the reimbursement.

Councilman McGovern asked if the budget amendment is to move the money back in and replace the money that was spent.

Ms. Quickel replied affirmatively and stated the resolution is to accept the reimbursement.

- G. [20-3925](#) RESOLUTION NO. R2020-32 (COMMUNITY DEVELOPMENT BLOCK GRANT FISCAL YEAR 2020/2021 ANNUAL ACTION PLAN)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND ADOPTING THE FY 2020/2021 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO FORWARD THE FY 2020/2021 ANNUAL ACTION PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This is Resolution No. R2020-32 (Community Development Block Grant Fiscal Year 2020/2021 Annual Action Plan). He stated the Village will receive \$291,425 and one of things required is to have Council review and approve the Annual Action Plan. He discussed how the money will be utilized. He said this is federal grant money and it is based on population.

Ms. Cohen stated a public hearing is required for this item.

Councilman McGovern asked if the Village is locked into these particular categories.

Mr. Schofield replied no, the plan can change.

Councilman Napoleone asked if this needs to be removed from the Consent Agenda and placed under Public Hearings.

Mr. Schofield stated it will be moved to Public Hearings.

Mayor Gerwig asked if SHIP funds are separate from CDBG funds and stated the Village does not participate in the SHIP program.

Mr. Schofield stated SHIP and CDBG funds are separate.

Mayor Gerwig asked why the Village does not participate in the SHIP program.

Mr. Schofield stated the Village has not previously met the requirements but he will check into that.

Mayor Gerwig stated the Village's residents would participate through the County for this.

Councilman McGovern asked if needs change due to COVID, can the allocations in the specific categories be redistributed if needed.

Ms. Edwards stated the allocations can be changed; up to 50% can be moved without having to go back and amend the plan.

Mr. Stillings stated the Village is limited to the 20% for planning and administration and through the CARES Act the limitation on public services was limited at 15% but the limitation has been removed.

Mayor Gerwig asked if this is a temporary change.

Mr. Stillings stated he believes this is a temporary change as far as the CARES act but staff will find out for the next annual update to the plan.

Mayor Gerwig asked where the Village is now regarding senior transportation.

Ms. Edwards stated it is down but not substantially and reviewed the report regarding the number of rides.

Mayor Gerwig stated it is still useful.

Mr. Schofield stated as persons become more familiar with COVID restrictions, the numbers will increase.

H. [20-3904](#)

RESOLUTIONS ADOPTING THE BUDGETS AND ASSESSMENT RATES FOR THE ACME IMPROVEMENT DISTRICT, WELLINGTON SOLID WASTE COLLECTION AND SADDLE TRAIL PARK NEIGHBORHOOD IMPROVEMENT DISTRICT; AND RESOLUTIONS ADOPTING THE BUDGETS FOR THE WATER AND WASTEWATER UTILITY AND THE LAKE WELLINGTON PROFESSIONAL CENTRE.

I. RESOLUTION NO. AC2020-02: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE DISTRICT BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN; LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE DISTRICT AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF THE DISTRICT FOR CERTIFICATION OF THE DISTRICT'S NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

II. RESOLUTION NO. AC2020-03: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT ADOPTING THE WATER AND WASTEWATER UTILITY BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AND PROVIDING AN EFFECTIVE DATE.

III. RESOLUTION NO. R2020-33: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE SOLID WASTE COLLECTION PROGRAM BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AND LEVYING THE NON-AD VALOREM ASSESSMENTS FOR SOLID WASTE COLLECTION AND DISPOSAL WITHIN THE JURISDICTIONAL BOUNDARIES OF WELLINGTON; PROVIDING FOR RATES AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON TO CERTIFY THE SOLID WASTE COLLECTION NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

IV. RESOLUTION NO. R2020-34: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE LAKE WELLINGTON PROFESSIONAL CENTRE BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. R2020-35: A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE SADDLE TRAIL PARK NEIGHBORHOOD IMPROVEMENT DISTRICT NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN; LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE AREA AND APPOINTING AN AUTHORIZED REPRESENTATIVE OF WELLINGTON FOR CERTIFICATION OF THE AREA'S NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This is for Resolutions adopting the Budgets and Assessment Rates for the Acme Improvement District, Wellington Solid Waste Collection and Saddle Trail Park Neighborhood Improvement District; and Resolutions Adopting the Budgets for the Water and Wastewater Utility and the Lake Wellington Professional Centre.

Ms. Quickel stated there will be a presentation tomorrow night and she is happy to answer any questions from Council. She briefly highlighted the budgets.

Mr. Schofield stated the Utility Rates are remaining the same as adopted in the Utility Master Plan and Rate Study. The Solid Waste rate is staying the same and although the charge from Waste Management is increasing, this is being covered out of reserves directly connected to Solid Waste.

Mayor Gerwig stated all of the information is in the agenda packet.

I. [20-3909](#)

ORDINANCE NO. 2020-11 (VACATION RENTALS)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, MODIFYING ARTICLE 6 OF THE LAND DEVELOPMENT REGULATIONS RELATED TO VACATION RENTALS BY ADDING VACATION RENTALS TO TABLE 6.2-1: USE REGULATIONS SCHEDULE; AMENDING SEC.6.2.2.A BY CREATING SUPPLEMENTARY REGULATIONS FOR VACATION RENTALS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. This is Ordinance No. 2020-11 (Vacation Rentals). He stated this is intended to address vacation rentals. He stated the Village is beginning to have some vacation rentals and staff has recommendations for Council consideration to tweak the ordinance.

Mr. Stillings stated staff will have a full presentation tomorrow night. He stated staff had issues with party houses around the Village. Staff

reviewed the statutes and found that the Village is preempted from prohibiting vacation rentals and having an impact on the duration of stay. Some of the other aspects of the operations can be regulated. Staff reviewed similarly situated communities and not many have adopted regulations to have an impact on vacation rentals. Mr. Stillings stated staff feels that these are reasonable rules for recommendation to address some of the issues. He briefly discussed occupancy standards and referenced page 3 of the Ordinance.

Mayor Gerwig asked how this would affect a party house.

Councilman McGovern stated this is rectified in Section B2.

Mr. Stillings stated there is a maximum occupancy for overnight stay and a not to exceed number for any other times of the day.

Mr. Schofield discussed vacation rentals, occupancy limits and ages of children.

Councilman McGovern discussed the occupancy limits and stated the regulations should be the bulk of what the residents want.

Mayor Gerwig stated the parking regulations are still in force.

Mr. Schofield stated parking is limited to surface parking spaces and limited to four cars.

Councilman McGovern asked if this ordinance allows up to 10 adults and an unlimited number of children in a four bedroom house.

Mr. Stillings replied affirmatively.

Councilman McGovern stated this does not work.

Mayor Gerwig stated it is going to be difficult to enter a residence that has been rented and find out how many people are in there.

Councilman McGovern referenced the ordinance and violations. He stated this should be an ordinance that does not come as a surprise to residents.

Mr. Schofield discussed complaints and enforcement of the ordinance. He stated it gives the Village a set of standards when there is a problem. He said the ordinance is there with clear and precise rules when the Village has a complaint.

Councilman Drahos asked how this works with an HOA to the extent that the ordinance may be inconsistent with their existing rules.

Mr. Schofield stated the Village does not enforce HOA rules and the Village does not take their rules into consideration when adopting regulations. He stated that if there is a vacation rental, a person still needs to comply with their own HOA rules.

Ms. Cohen stated an HOA could be more restrictive than the Village's ordinance.

Mr. Schofield stated whichever is the most stringent, applies.

Mr. Stillings stated in order for someone to receive a BTR, a person has to acknowledge that the vacation rental is permitted in the HOA along with a copy of the governing document or consent from the HOA.

Mayor Gerwig inquired about what is currently applicable and asked if there are any state laws that govern Airbnb rentals regarding sex offenders and transient people who have to report.

Ms. Cohen stated the ordinance is not in conflict with any state provision and it is consistent with the Village's code in respect to sexual predators. She stated that is why the language is in the ordinance.

Mr. Schofield stated the Village has a code that deals with predators. He stated the Village is beginning to have problems and as the rentals continue to rise the Village needs regulations in place that provides guidance beyond what the state regulations do.

Mayor Gerwig stated the Village wants to maintain as much control as possible over this but do not want to violate the state's preemption.

Ms. Cohen stated the ordinance is well within the bounds of the state preemption because the preemption applies to not prohibiting or regulating frequency and duration. She stated that none of the proposed regulations prohibit or regulate frequency and duration. Therefore, the Village is within a safe regulatory zone.

Mr. Schofield stated adding regulations like limiting occupancy to two persons per bedroom, limiting parking to a total of four, with not more than two exterior and not counting children (infants and toddlers) are well within what the state will allow. These regulations are closer to what the Wellington expectation is for family neighborhoods which is where some

rentals are located. Mr. Schofield stated he does not view these as unreasonable restrictions on a for-profit business in a residential neighborhood.

Vice Mayor Siskind asked if the Village gets more restrictive on occupancy will the Village be in conflict with any state statutes.

Mr. Schofield replied no.

Vice Mayor Siskind stated she feels that most of what is in the ordinance is already in existence in other codes and the Village is putting it all into one place.

Councilman Napoleone referenced certain sections of the ordinance and stated he does not like to repeat things. He stated in the future making the change in one place instead of multiple ordinances is better policy.

Ms. Cramer stated the reason they were included as a standard checklist is because the Village is going to require with the BTR that the vacation rental property owner and responsible party sign an affidavit that they understand all of the regulations. She briefly discussed what happens with changes to sections of the code.

Mr. Schofield referenced the limitations regarding occupancy and parking again.

Councilman Drahos asked what citation can be issued, is there a limitation, and will it go through the general code enforcement process.

Mr. Schofield stated years ago an amendment was made to the Code of Ordinances that any violation was a misdemeanor punishable by up to 30 days in jail and a \$500 fine. He stated this option can be used and the arrest option also exists in the code if needed.

Councilman Drahos inquired about the process for calls regarding parties.

Mr. Schofield explained the process for calls regarding parties.

Mr. Stillings stated vacation rentals are still closed in Palm Beach County and there is time to work through the details of the ordinance.

Mayor Gerwig stated alot of this is tough to enforce.

Councilman Drahos stated his lingering concern is parking and

requested a copy of Article 7 of the Land Development Regulations (LDR).

There was brief discussion regarding parking.

Ms. Cramer discussed an example in a municipality that staff researched that limited cars to one car per bedroom which meant that as the number of bedrooms increased, so did the cars.

Councilman McGovern stated that they would still have to have space to park.

Ms. Cramer stated the Village's parking code was modified a few years ago and has a provision for single family homes that after 3 bedrooms, the parking calculation has to increase to accommodate additional bedrooms.

Mr. Schofield stated there has to be an additional parking space for each bedroom over 3.

Councilman McGovern asked how many parking spaces are required for 3 bedrooms.

Mr. Schofield stated two parking spaces are required for 3 bedrooms.

Mayor Gerwig stated this is a good start because she feels that the Village is providing the residents with some kind of protection and putting the regulations all in one place. She stated she feels it should be cross checked often whenever the code changes. She stated the owners of the vacation rentals have the responsibility of enforcing the regulations.

Councilman McGovern asked if Section B2 of the ordinance is changing.

Mr. Schofield reiterated staff recommendations regarding occupancy and parking.

Councilman McGovern commented regarding parking.

Councilman Drahos suggested that the parking be discussed tomorrow.

Mr. Stillings stated that vacation rentals cannot violate the parking regulations. He stated staff will provide revised language for Council's consideration for tomorrow night's meeting.

Mayor Gerwig commended staff for their work on the ordinance.

4. WORKSHOP

None.

5. ATTORNEY'S COMMENTS

Ms. Cohen reminded Council that there is a Zoom shade session tomorrow night at 5:00 p.m.

6. MANAGER COMMENTS

Mr. Schofield explained that the Emergency Operations Center (EOC) meeting is not a Sunshine meeting and no Council action is taken during EOC meetings.

7. COUNCIL COMMENTS

None.

8. ADJOURN

There being no further business to be discussed by Council, the meeting was adjourned at 5:12 p.m.