

# **Village of Wellington**

*12300 Forest Hill Blvd  
Wellington, FL 33414*



## **Action Summary - Final**

**Thursday, October 8, 2020**

**4:00 PM**

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

## **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.

Council Members in attendance: 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 stated prior to the agenda review, the Village's Community Rating has improved from a 6 to a 5. This number allows for a 25% discount on flood insurance policies for residents in the Village. Mr. Schofield presented the plaque to Mr. Tomasik who discussed the program which began in 2003.

Councilman Napoleone asked if the discount is automatic or if a person has to apply for it.

Mr. Schofield stated the discount is automatic.

Councilman Napoleone asked what is the county's rating.

Mr. Tomasik stated the county's rating is a 5. He stated the Village's achievement was a joint effort between departments.

Mr. Schofield introduced the agenda for the October 13, 2020 Regular Council Meeting for review.

**A. [20-3901](#) PRESENTATION OF 2020 WELLINGTON TOP COP AND TOP FIREFIGHTER AWARDS**

Mr. Schofield introduced the agenda item. This was a presentation of the Public Safety Committee Recommendations for the 2020 Wellington Top Cop and Top Firefighter.

**B. [20-4015](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF SEPTEMBER 22, 2020**

Mr. Schofield introduced the item. He stated this was for Approval of the Minutes of the Regular Wellington Council Meeting of September 22, 2020. He said that if Council has any corrections, additions or deletions

to let Ms. Addie know.

**C.**     [19-3348](#)

AUTHORIZATION TO UTILIZE A CITY OF PUNTA GORDA CONTRACT WITH AMERICAN WATER CHEMICALS, INC. FOR THE PURCHASE AND DELIVERY OF ANTI-SCALANT

Mr. Schofield introduced this item. This is for Authorization to utilize a City of Punta Gorda Contract with American Water Chemicals, Inc. for the Purchase and Delivery of Anti-Scalant. He stated this is a slight decrease in the cost with a savings of \$5,000 annually for an amount of \$65,000. He stated this is budgeted and the Village needs to do this.

Mayor Gerwig inquired about the comparison of best prices and asked how the Village finds these.

Mr. De La Vega stated the Village participates in the Southeast Florida Co-op for these types of purchases.

Ms. LaRocque stated this is a specialty chemical and the Village recently changed membranes. Therefore, staff went to the anti-scalant supplier and requested various contracts. Staff found this contract to meet the Village's needs and the cost was lower.

Mr. Schofield stated Purchasing scours contracts for the lowest price.

**D.**     [20-3782](#)

AUTHORIZATION TO APPROVE A TASK ORDER TO HAZEN AND SAWYER, P.C. TO PROVIDE ENGINEERING SERVICES FOR THE WATER RECLAMATION FACILITY ANAEROBIC SELECTOR DESIGN

Mr. Schofield introduced this item. This is for Authorization to approve a task order to Hazen Sawyer, P.C., to provide engineering services for the Water Reclamation Facility Anaerobic Selector Design at a cost of \$196,803.00. He stated this is in the rate study and capital plan and this is something the Village must do to keep the system current and functional.

Ms. LaRocque stated this is a project that was identified in the master plan that the Village started with Hazen & Sawyer about two years ago. This is intended to improve treatment efficiency as the Village's demand starts to increase and stated staff is running into permit constraints. This is a passive project and it was the most cost effective way to accomplish this from a treatment standpoint. Ms. LaRocque stated Hazen & Sawyer is well qualified to do the work and both construction and engineering are budgeted.

**E.**     [20-3793](#)

AUTHORIZATION TO: 1) AWARD A CONTRACT TO MULTIPLE VENDORS FOR ANNUAL SURFACE WATER MANAGEMENT

---

INFRASTRUCTURE INSPECTION, CLEANING AND REPAIR SERVICES AND 2) UTILIZE EXISTING CONTRACTS FOR PROJECTS OVER \$25,000

Mr. Schofield introduced this item. This is for Authorization to: 1) Award a contract to multiple vendors for annual surface water management infrastructure inspection, cleaning and repair services in the amount of approximately \$1,500,000 annually and 2) Utilize existing contracts for FY 2021 projects over \$25,000. He stated the Village is going to fix and maintain the drainage system and these are all budgeted.

Mr. Barnes stated this is for the infrastructure maintenance program and this is in two parts. He stated staff believes that the related projects will exceed \$25,000 so they brought this to Council. He discussed what the work entails for the drainage infrastructure. He stated the scope is adjusted accordingly for each project. He referenced some of the neighborhoods.

Councilman Drahos asked if work has been done in the Sugar Pond Neighborhood and how the Village is prioritizing locations.

Mr. Barnes stated yes and locations are prioritized based on the age of the pipes and material; and where the Village has problem areas. He discussed some areas where work has been done.

Mayor Gerwig commented regarding swale work and stated in other areas there were sub base problems.

Mr. Barnes explained the annual ranking and evaluation system. He stated the condition of the asphalt is ranked based on quantifiable criteria and the roadways are ranked. He stated the goal to have the roads at 80% or better and to balance thoroughfares with neighborhood roads.

Mayor Gerwig stated the overall cost is approximately \$1.5 million.

**F.**      [20-3842](#)

AUTHORIZATION TO AWARD A SOLE SOURCE CONTRACT FOR THE MWI PUMP CONVERSION TO WATER LUBRICATION PROJECT

Mr. Schofield introduced this item. This is for Authorization to award a sole source contract to MWI Pumps for the MWI Pump Conversion to Water Lubrication project in the amount of \$79,000.00. He stated this has been budgeted over a number of years and it is better for the pump and better environmentally.

Mayor Gerwig asked if this cost comes out of the General Fund.

Ms. Quickel stated the cost comes from ACME.

**G.**     [20-3967](#)

**AUTHORIZATION TO DISPOSE OF SURPLUS TANGIBLE PERSONAL PROPERTY**

Mr. Schofield introduced this item. This is for Authorization to Dispose of Surplus Tangible Personal Property. He stated there is a list and these are the items the Village is disposing of on GovDeals.

Mayor Gerwig asked if the monies are placed in the General Fund once the items are sold.

Mr. Schofield replied affirmatively.

**H.**     [20-3973](#)

**AUTHORIZATION TO AWARD A SOLE SOURCE CONTRACT FOR THE WASTEWATER RECLAMATION FACILITY BAR/FILTER SCREENS REBUILD**

Mr. Schofield introduced this item. This is for Authorization to Award a sole source contract to Parkson for the Wastewater Reclamation Facility Bar/Filter Screens Rebuild project, in the amount of \$155,888.00. He stated these screens are eight years old and can be rebuilt. The rebuild gives them the same surface life as new ones. He stated this is scheduled and budgeted.

Councilman McGovern asked if this is coming in at \$40,000 less than the budgeted amount.

Mr. Schofield replied yes.

**I.**     [20-3994](#)

**AUTHORIZATION TO EXECUTE A GUARANTEED MAXIMUM PRICE (GMP) AMENDMENT FOR THE AQUATIC COMPLEX SLIDE REPAIR PROJECT**

Mr. Schofield introduced this item. This is for Authorization to execute a Guaranteed Maximum Price (GMP) Amendment for the Aquatic Complex Slide Repair Project.

Mr. Barnes stated this project is for the two water slides at the Aquatic Complex. He stated it is fiberglass type material and has a steel structure that supports the frame and structure itself. He stated the last time maintenance was completed was in 2014. He stated they were brought back to do warranty work in 2015. He stated staff attempted to obtain a contractor previously in 2018/2019. However, the contractor let their license lapse since they were no longer going to do work in Florida. Now, via the CMAR process, staff has obtained a vendor and the work needs to be completed in order for the Village to continue to utilize the slides. This is for painting of the exterior, repair/coating of the interior gel coat

and prime, prep and paint of the steel structure that supports the entire slide apparatus.

Mayor Gerwig asked how long will the slides be out of service.

Mr. Barnes stated it will be 30 days to completion. He briefly discussed the schedule for the slides.

Vice Mayor Siskind asked about the cost and stated this seems like a large figure for a repair.

Mr. Barnes stated the cost is \$100,000. He stated this will extend the life of the slide for approximately five years.

Councilman McGovern asked what is the overall life expectancy of the slides.

Mr. Barnes stated staff is conducting a study now to review the entire Aquatic Complex. He stated there are multiple components and discussed the life cycle of the slide and pump. He stated staff will have a better answer once the study is completed.

Councilman Napoleone asked how urgent is it to do this now since the Village is looking at the entire Town Center area. He stated he does not want to spend money and have to tear anything down.

Mr. Barnes stated this needs to be done to not expose the Village to issues and this repair will keep it usable.

J. [20-4001](#)

RESOLUTION NO. R2020-49 (CODE COMPLIANCE FINE REDUCTION FOR 1016 LAKE BREEZE DRIVE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL COMPROMISING A LIEN ASSOCIATED WITH A CODE COMPLIANCE ACTION NOH-18-3666, 1016 LAKE BREEZE DRIVE, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This is for Resolution No. R2020-49 (Code Compliance Fine Reduction For 1016 Lake Breeze Drive). He stated this went on for 557 days and it is the homeowner's first violation. The homeowner, based on their circumstances, has indicated that they can only pay \$1,000 and staff supports this. He stated the homeowner has corrected the violation.

Mayor Gerwig asked how long has this been going on.

Mr. Schofield stated since 2018.

Councilman Drahos asked about the stained walls on the house.

Mr. Koch gave an overview of what happened with the notices and violation.

Councilman McGovern asked how did this get to 557 days.

Mr. Koch stated the homeowner did not respond to the notice and said he did not receive the notice. However, someone did sign for the notice and staff proceeded with the case. He stated the code officer who handled this case is no longer here and he could not find where the code officer knocked on the homeowner's door like what is normally done when there is no service on a notice. He stated Mr. Weintstein has been responsive and corrected the violation.

Discussion continued between Council and staff regarding the initial notice of violation, certified mail, magistrate hearings and code issues in general.

Mr. Schofield stated this is a code reduction where staff has to come to Council.

Mr. Koch stated the code compliance rate is very high.

Councilman McGovern stated there should be some benchmark regarding the certified letters.

Councilman Drahos stated the homeowner is saying that he was not informed of the magistrate hearings and asked what letter is provided regarding magistrate hearings.

Mr. Koch explained the notification process.

There was Council consensus to review the code enforcement processes.

K. [20-4014](#)

RESOLUTION NO. AC2020-04 (14603 HORSESHOE TRACE VACATION)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT VACATING A 12.5-FOOT WIDE PORTION

OF A 25-FOOT WIDE LAKE MAINTENANCE EASEMENT, TOTALING APPROXIMATELY 0.02 ACRES, LOCATED AT LOT 14, BLOCK 7, SUGAR POND MANOR (14603 HORSESHOE TRACE), MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This is for Resolution No. AC2020-04 (14603 Horseshoe Trace Vacation). He stated back in 1998, ACME issued a permit for a pool to be constructed within one of their easements. He stated on the property between the easement and the lake there is sufficient room to do what the Village needs to do. Mr. Schofield stated they are trying to clear title on the property.

Mayor Gerwig asked if staff has verified that the pool directly to the south is permitted and the easement was abandoned there.

Mr. Barnes stated this is one of the few that had an ACME permit allowing the encroachment that went along with the original permit for the pool. He stated it probably was not abandoned because it was in unincorporated Palm Beach County.

Mr. Schofield stated there are about 26 years of permits under the county's jurisdiction where they did or did not coordinate with ACME. He stated staff cleans them up as quickly as they can.

L. [20-4010](#)

ORDINANCE NO. 2020-15 (AMENDING CHAPTER 2, ARTICLE IV (CODE ENFORCEMENT), SECTION 2-203 (SPECIAL MAGISTRATE) OF WELLINGTON'S CODE OF ORDINANCES TO CORRECT A SCRIVENER'S ERROR)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL , AMENDING CHAPTER 2, ARTICLE IV (CODE ENFORCEMENT), SECTION 2-203 (SPECIAL MAGISTRATE) OF WELLINGTON'S CODE OF ORDINANCES TO CORRECT A SCRIVENER'S ERROR IN THE DATES OF THE INITIAL STAGGERED TERMS TO BE SERVED BY THE REAPPOINTED SPECIAL MAGISTRATES; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced this item. This is for Ordinance No. 2020-15 (Amending Chapter 2, Article IV (Code Enforcement), Section 2-203 (Special Magistrate) of Wellington's Code of Ordinances to Correct a Scrivener's Error). He stated this is Ms. Cohen's item.

Ms. Cohen stated when the Council adopted Ordinance No. 2020-15, there was a scrivener's error in the ordinance. The term of the magistrates was intended to commence on June 1, 2020 and the actual

ordinance read July 1, 2020. She stated she reviewed the discussions, the agenda summary for the May 21, 2020 meeting and the public hearing at which the ordinance was adopted. She stated the intent was that there should be no gap in their terms and that the terms would commence on June 1, 2020. This ordinance is correcting the scrivener's error.

Mayor Gerwig inquired about the "whereas clause".

Councilman McGovern asked what are the terms of the special magistrates that are currently serving.

Mr. Koch stated the term for Mr. Zangen is a 3 year term and Mr. Posen is a 2 year term. Both terms commenced on June 1, 2020.

Councilman Drahos asked how was it determined that Mr. Zangen would serve a three year term and Mr. Posen would serve a two year term.

Mr. Koch stated that was done at the staff level.

Councilman McGovern asked if under the new ordinance the terms are terminable at any time.

Ms. Cohen replied yes and stated the magistrates serve at the Council's pleasure.

Councilman McGovern inquired about Mr. Suarez-Rivas.

Mr. Koch stated Mr. Suarez-Rivas is still serving his current term which does not expire until next year.

Councilman Napoleone stated the ordinance that was approved months ago changed the term ending from May 31 to June, then June and July, which indicate there was a scrivener's error because staff would not have left a gap intentionally.

At this time, Mr. De La Vega stated Feeding South Florida has agreed to continue working with the Village indefinitely. Therefore, the Village will continue to work with Feeding South Florida.

There was discussion between Council and staff regarding Feeding South Florida. There was consensus to continue until at least Thanksgiving.

#### **4. WORKSHOP**

**A.**     [20-4035](#)**DISCUSSION ON GOLF CARTS**

Mr. Schofield introduced this item. He stated in June staff sent the study for golf carts to Council. He stated as the Village is completing the pathway along Aero Club, near the middle school and Big Blue is getting ready to go underway, he would like to provide a recap of the progress. Mr. Schofield stated the discussion was to look at viably making the golf carts legal to use on local streets that had posted speed limits of less than 25 mph and to look at criteria where golf carts can be used on pathways. He stated there are two sets of criteria that can come into place: 1) looking at the state statute that governs having them on public streets, the Village would have to be compliant with that statute which says the golf cart driver has to be 14 years old and the Village cannot require registration for use on public streets. However, it does say that the Village can create regulations for use on the Village's pathways. It also requires an engineering study-which the Village has done. The staff would like to recommend the following criteria: maximum speed of not more than 15 mph, 16 years old/licensed driver and a Wellington registration sticker for use on the pathways. He stated staff would like permission to take this to the committees that have a vested interest in this and to the public to receive input which will take about 4 months. He stated they would like to have input prior to the end of equestrian season.

Councilman McGovern asked if under the current statute, if a person makes their golf cart street legal, can the Village do anything to prevent this.

Mr. Schofield stated if a person makes their golf cart street legal, they can be on any roadway with a posted speed limit of 35 mph or less, must be a licensed driver and have a license plate on the golf cart and must meet any other requirements. Mr. Schofield discussed the difference between golf cart use on pathways and streets. He stated staff is requesting authorization to go to the committees.

Mayor Gerwig commented regarding use of golf carts by the equestrian community and stated the Village is looking for ways to make the use safer.

Councilman McGovern stated the Village is looking to make the use of golf carts safer and in a uniform way. He stated this should go to the Senior Advisory Committee as well.

Councilman Drahos inquired about which committees this will be presented to.

Mayor Gerwig stated the communication is better with schools and parents regarding drop off.

Councilman McGovern commented regarding the use of golf carts during school drop off.

Councilman Drahos stated he would like for this to stay on track.

There was brief discussion between Council and staff regarding the use of golf carts being presented to the committees.

Councilman McGovern stated this is a large scale transformative undertaking if the Village does this and feels there should be a good deal of input on this.

Mayor Gerwig commented about signage for the pathways.

Mr. O'Dell read the statute regarding the designation of roadways that golf carts can be operated on. He stated staff listed neighborhoods in the ordinance which show the Wellington maintained roadways within those communities, under Wellington's jurisdiction and have also listed the roadways where the adjacent pathways are located. He stated the pathways adjacent to the Village's thoroughfare roadways are what staff is referencing. He stated Ms. Cohen's office has done a great job of reviewing the roadways.

Councilman Napoleone inquired about the state statute age requirement of 14 years old. He stated the age requirement should be consistent.

Mr. Schofield spoke about the age requirement and stated the Village would like more responsible drivers. He stated the Village needs to find a way to deal with the golf carts for them to be operated safely on the pathways.

Councilman Napoleone stated he would like for the committees to discuss this also.

Councilman McGovern asked what can be done legally today, what is being enforced currently by PBSO and how many tickets have been written regarding golf carts.

Mr. Schofield stated it is enforced similar to traffic, if PBSO sees an infraction they will stop the person and cite them. He stated in neighborhoods, maybe 2 have been written in the last few years.

Mayor Gerwig reiterated the Village is working towards a safer option.

Councilman McGovern stated the Village wants to increase safety and in some cases, decrease traffic and allow for more efficient travel.

Councilman Drahos stated the Village also wants to increase community awareness. He stated the Village has an obligation to make golf cart use safer.

Councilman Napoleone stated the goal of the ordinance is to put the rules in place and then, PBSO will have enforcement of zero tolerance.

Mayor Gerwig stated this is difficult because of all of the moving parts. She stated this has to be a concerted effort and has to make sense. Mayor Gerwig stated getting the golf carts off of the roadways will be safer for everybody.

Mr. Schofield commented about the multi-modal pathway system and stated by the time this is completed the standards need to be in place. He commented regarding street legal golf carts.

Vice Mayor Siskind inquired about the 35 mph speed limit.

Mr. Schofield discussed the speed limit for street legal golf carts and other golf carts that are not street legal.

Ms. Cohen stated the study has been completed and Council will have to make the final decision regarding the golf cart use.

Mr. O'Dell stated staff will work on this and bring it back.

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

None.

## **6. MANAGER COMMENTS**

None.

## **7. COUNCIL COMMENTS**

Mayor Gerwig stated there is an opening on the Construction Board of Adjustments & Appeals. She asked if Council will need to wait until Tuesday night.

Ms. Cohen stated since it is an At-Large appointment this appointment

will have to wait until Tuesday night.

**8. ADJOURN**

There being no further business to be discussed by Council, the meeting was adjourned at 5:33 p.m.