

# **Village of Wellington**

*12300 Forest Hill Blvd  
Wellington, FL 33414*



## **Action Summary - Final**

**Monday, March 8, 2021**

**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 Napoleone, Councilman and Michael Drahos, Councilman.

**2. PLEDGE OF ALLEGIANCE**

Mayor Gerwig led the Pledge of Allegiance.

**3. REVIEW OF COUNCIL AGENDA**

Mr. Barnes introduced the agenda for the March 9, 2021, Regular Council Meeting for review.

**A. [20-4317](#)**

A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA PROCLAIMING MARCH 2021 AS "FLORIDA BICYCLE MONTH" IN THE VILLAGE OF WELLINGTON

Mr. Barnes introduced the item. He said that this is a Proclamation recognizing March 2021 as "Florida Bicycle Month" in Wellington. He said that this is on our reoccurring proclamation list. He stated that we will have a representative from the Transportation Planning Authority (TPA) here to receive that presentation. Mr. Barnes said that staff will also be present to recognize our community efforts related to Bicycle Month and community efforts in general, specific to the support we get year round in Wellington.

Mayor Gerwig asked about getting a proclamation placed on the agenda.

Mr. Barnes stated that we were waiting to hear back. He said that we could certainly do it, but we wanted to hear back from them. The request is from Palms West Hospital to recognize March 12, 2021 as Palms West Appreciation for the front line workers. He said that we have not heard back if they will be available or if they are just wanting the proclamation. He said that once they are able to confirm, they may be able to place it on the agenda.

Mayor Gerwig stated that we could do the proclamation and send it over.

**B. [20-4321](#)**

RECOGNITION OF THE FLORIDA SECTION OF AMERICAN WATER WORKS ASSOCIATION (AWWA) 2020 OUTSTANDING WATER DISTRIBUTION SYSTEM, DIVISION 4 FIRST PLACE AWARD

Mr. Barnes introduced the item. He said that this is the Recognition of the Florida Section of American Water Works Association (AWWA) 2020 Outstanding Water Distribution System, Division 4 First Place Award.

Mayor Gerwig stated that we are proud of our water system.

**C.     [20-4304](#)     PRESENTATION OF AUDIT RESULTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

Mr. Barnes introduced the item. He said that this is the Presentation and Discussion of Audit Results for the fiscal year ended September 30, 2020. He said that the auditors would be present to discuss the outcome of the audit this year.

Ms. Quickel stated that the auditors will have someone here to speak.

**D.     [20-4314](#)     MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF FEBRUARY 23, 2021**

Mr. Barnes introduced the item. He said that this is the Council Approval of the Minutes of the Regular Wellington Council Meeting of February 23, 2021. He asked Council to let staff know if they have any corrections, if not they would adopt them as they are.

**E.     [20-4239](#)     AUTHORIZATION TO AWARD A CONTRACT FOR WATER RECLAMATION FACILITY WELL MECHANICAL INTEGRITY TESTING**

Mr. Barnes introduced the item. He said that this is the Authorization to Award a Contract to A.C. Schultes of Florida, Inc., for Water Reclamation Facility Mechanical Integrity Testing in the amount of \$72,100.00.

Ms. LaRocque explained that the utility has a permit with the Department of Environmental Protection to inject waste water accelerant down a deep injection well. She said that a condition of the permit is that we have to test the integrity of that well every five years, so this is our five year test. Upon completion of the test, we will renew our permit for another five years. The amount of the contract is \$72,100.00. She mentioned that we have not worked with AC Schultes of Florida, Inc. before, but their references came back very good. She said that these funds are budgeted in Utility Capital Improvements.

Councilman McGovern asked when we last did this.

Ms. LaRocque stated it was five years ago.

Councilman McGovern stated that we are basically just doing this on schedule.

Ms. LaRocque stated that was correct.

Mayor Gerwig mentioned that it is a new contractor doing the work for us.

Ms. LaRocque stated that was correct. They are new to us, but not the business.

Mayor Gerwig mentioned that it was a bid and they had good references.

Mr. De La Vega informed the Council that the contractor had been in business for over 18 years. Staff checked the references with Sunrise, Port St. Lucie and Key West and they all checked out.

**F.     [20-4240](#)**

**AUTHORIZATION TO UTILIZE A BOYNTON BEACH ANNUAL CONTRACT FOR WATER SERVICE INSTALLATION AND RESTORATION SERVICES**

Mr. Barnes introduced the item. He said that this is the Authorization to Utilize a Boynton Beach Annual Contract with Line-Tec, Inc. for Water Service Installations and Restoration Services in the amount of approximately \$100,000 annually.

Ms. LaRocque stated that this contract will allow us to utilize this contractor to replace services, meters and associated parts with the meters. She mentioned that we have 21,000 services in the Village of Wellington and it can get a little challenging for us to do all the work in-house. This contract is appealing from a price perspective as we could not do it with internal forces at the same prices that they can do it. She said that there is no work guaranteed, although we say \$100 annually. She said that everything over \$24,000 will come before the Council.

Councilman Napoleone asked if we have been previously doing this by ourselves.

Ms. LaRocque said that we have, but our meters are getting a little older and some components are starting to fail. Given the magnitude that we are starting to see, staff thought it would be good to have another insurance policy in our back pockets, just in case we could not execute it in-house.

Mayor Gerwig asked if our first attempt would be to do it in-house.

Ms. LaRocque stated that this is something we do day in and day out, but in case we need extra resources, we will have it.

Mayor Gerwig stated that the Village is facing some aging infrastructure.

Ms. LaRocque stated that we have some meters that have gone past the 10-12 year period. They are good from up until 10-20 years, so they are watching them very closely on a month to month basis.

**G.**     [20-4272](#)

AUTHORIZATION TO 1) UTILIZE A SOURCEWELL CONTRACT FOR THE VILLAGE SKATE PARK PROJECT, AND 2) APPROVAL OF RESOLUTION NO. R2021-08 AMENDING THE SALES SURTAX FUND CAPITAL BUDGET FOR FISCAL YEAR 2020-2021 BY ALLOCATING FUND BALANCE FOR THE SKATE PARK RECONSTRUCTION PROJECT; AND PROVIDING AN EFFECTIVE DATE

Mr. Barnes introduced the item. He said that this is the Authorization to 1) Utilize a Sourcewell Contract #112420-ARC with American Ramp Company, Inc., as a basis for pricing for the Village Park Skate Park Reconstruction Project in the amount of approximately \$150,000, and 2) Approval of Resolution No. R2021-08 Amending the Sales Surtax Fund Capital Budget for Fiscal Year 2020-2021 by Allocating Fund Balance for the Skate Park Reconstruction Project; and Providing an Effective Date.

Mr. De La Vega explained that we are looking to remove and replace the current skate park equipment with new skate park equipment. He said that on December 9, 2020, staff shut down the skate park due to safety concerns. He said that Mr. Reinsvold would come up and speak on any concerns that Council may have. He said that it would cost \$150,000 to do that replacement, which includes \$16,000 in contingencies. As part of this project, staff is also seeking approval to amend the Sales Surtax Fund. He said that they are recommending using Sales Surtax Funds for this project. He mentioned that this project was presented in front of the Parks and Recreation Advisory Board last Monday for the approval for the Surtax Funding and they approved it. He said that they are seeking authorization of the \$150,000 to replace the equipment and also to amend the Sales Surtax Fund Capital Budget for Fiscal Year 2020-2021.

Councilman Napoleone asked if they were replacing everything that was there with similar items or were they making changes to it.

Mr. Barnes stated that it will not be exactly what is there because that type of equipment is no longer manufactured or serviceable. This is the reason that they are wanting to replace as it is no longer repairable due to the age of that equipment. We have had that park in service for over 18 years and had originally been over at Little Blue Park.

Mayor Gerwig stated that staff felt it was not safe and asked Mr. Reinsvold to go into more detail on the park.

Mr. Reinsvold presented a powerpoint with the proposed replacements. He explained that Mr. Lundeen had shut the site down in December after he visited the site and determined that it was not safe for public use any longer.

Councilman Drahos asked if they knew what specifically it was that Mr. Lundeen was concerned about when he shut it down.

Mr. Reinsvold stated that he did not, but he would look into it.

Mr. Barnes stated that the rails are deteriorating as they are metal with rust. A lot of the material for the ramps was wood, and based on the de-lamination of the wood material that is there, there are uneven lips and many areas where you could have issues.

Councilman McGovern asked what the new material will be.

Mr. Reinsvold stated that the new material will be a Polypropylene, a high density plastic.

Councilman McGovern asked if the lifespan is longer.

Mr. Reinsvold stated that it comes with a 20 year warranty.

Mr. Barnes stated that most companies warranty something for 20 years, they should get a longer life out of it.

Councilman McGovern asked what the hours were for the Skate Park and how many people were using it when we shut it down.

Mr. Juckett stated that it was a passive park and he could not give usage with numbers. He said that the park was highly utilized on weekends and nights. As a passive park, they do not track it as there were no cameras.

Councilman McGovern asked if it was lit.

Mr. Juckett stated that it is not lit.

Mr. Barnes stated that there was enough light around there as the hockey rink was nearby, parking lot was nearby, the pavilion was nearby and the pathway lighting. He said that there is a lot of ambient light. Mr. Barnes indicated that he suspects that if we have new equipment in there and use picks up, then we may want to have some additional lighting.

Councilman McGovern asked how do we know the usage dropped due

to the quality of the equipment. He said that he wants to know that with new equipment, the usage will go up.

Mr. Barnes stated that there are not guarantees and we will not know that.

Mayor Gerwig stated that we do not like seeing areas of our Village that are problematic.

Councilman Drahos mentioned that he spends a lot of time at this park. He said that for awhile, the park was closed due to COVID. He said that he asked for the park to be re-opened when it was allowed and once it was, they went out several times before the end of the year. He said that every time he went out, there were several others out there using the park. He said that there is demand for this and feels he would rather they utilize this park than use the parking lots.

Councilman McGovern stated that he does not disagree. He stated that he just wants to know that before they spend \$150,000 that there is a demand and need for this.

Mr. Juckett stated that he cannot guarantee it, but he is confident that the demand is there. He said that the usage was there, even with failing equipment. Mr. Juckett stated that with new equipment and with proper marketing, he is confident the usage will be there.

Councilman McGovern asked how long the project should take.

Mr. Reinsvold stated that they have a six week production time and a 15 day construction time.

Mayor Gerwig asked if staff has talked to the skaters to see what elements they are interested in. She asked if we know any to make sure that this is the right fit.

Mr. Juckett stated that he had spoke to three of them and it seems that everything that they are wanting is already being incorporated in the design.

Councilman Drahos stated that the half pipe is what they all tend to crowd around. He suggested also placing benches in that area for people who are not participating to sit.

Mr. Reinsvold and Mr. Barnes commented that they could put benches outside of the fence area.

Vice Mayor Siskind asked if there were any skate parks nearby in any other communities that uses these materials that they could see.

Mr. Barnes stated that he does not believe they have done a local install with these materials. He said that there was a roller hockey rink in Royal Palm Beach, but did not believe it was open any longer.

Mr. Juckett stated that he believes it has been re-opened.

Mr. Barnes stated that he also believed there was a roller hockey rink in Boynton Beach. He said that there used to be a roller rink at Industrial Park, but that has been closed for a few years.

Mayor Gerwig stated that she believed there was one in Albacoa, up near Jupiter.

Mr. Juckett stated that there was one on PGA in Palm Beach Gardens.

Mayor Gerwig stated that they feel it is the best they are going to get for the money and we have talked to the skaters.

Mr. Barnes stated that it is the best for this price point. He mentioned that they could have gone higher. He said that for the price point and the area, that this is a great replacement.

Councilman Drahos asked if this qualifies for the Penny Sales Tax spending.

Mr. Barnes stated that it did.

Councilman Drahos mentioned that he did not raise any issues on this park, that it came to his attention as it was put in the agenda binder. He has not had any discussions with staff and is not looking to put anything there because his daughter uses it. He said that he does agree that it is necessary, but he had no involvement in this at all.

Mr. Juckett stated that it is a growing sport and a good use of funds.

Mayor Gerwig stated that we do not have a huge liability any more than other sports.

Mr. Barnes stated that we have not had any issues with the skate park and in general, there is the same "at risk" use that you have at any unmanaged facility.



Councilman McGovern asked if any of the other Council members felt it would be beneficial to pull this item off the Consent agenda so that others may see it.

Mayor Gerwig suggested talking about it on a public service announcement.

Councilman Drahos stated he felt it would be a good idea for the next meeting to display it.

Mayor Gerwig said they could definitely do a press release on it. She asked where the 25th Anniversary item was on the agenda.

Mr. Barnes stated that it was last.

Councilman McGovern stated that this item could go after the 25th Anniversary item.

Mayor Gerwig stated that as long it is a quick presentation as she does not want to keep people late at the meeting. She said that this item would now be item 8A on the agenda.

H. [20-4269](#)

ORDINANCE NO. 2021-06 WELLINGTON GREEN CPA

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) OF WELLINGTON'S COMPREHENSIVE PLAN, (PETITION NUMBER 2020-0001-CPA), TO MODIFY THE LAND USE DESIGNATION FOR TRACT W-5 (CONSERVATION), TOTALING 17.62 ACRES, MORE OR LESS, AND THE LAND USE DESIGNATION FOR POD B (RESIDENTIAL F), TOTALING 25.96 ACRES, MORE OR LESS, TO REGIONAL COMMERCIAL/LARGE SCALE MIXED USE (RC/LSMU); TO DELETE THE MAP NOTATION FOR PROPERTIES DESIGNATED LSMU; TO DELETE THE SITE SPECIFIC TABLE THAT INDICATES THE MINIMUM AND MAXIMUM ACREAGE THRESHOLDS FOR EACH USE TYPE FOR THE SUBJECT SITE, KNOWN AS WELLINGTON GREEN, TOTALING 456.30 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Barnes introduced the item. He said that Ordinance No. 2021-06 and Ordinance No. 2021-07 have been asked to be postponed by the applicant. They have asked during the approved timeframe and by right, date certain to the next Council meeting, which would be March 23rd.

Mayor Gerwig mentioned that this item has gotten a lot of social media and she had resisted to engage on it. She said that there were a lot of pictures posted of the preserve with people walking through it. She stated that she wanted to be clear that this is private property as of today.

Mr. Barnes stated that was correct. He mentioned that all the preserves by the mall are private property.

Mayor Gerwig stated that it is not really open to the public and a person could be considered trespassing if they are in the preserves.

Mr. Barnes said that it is all private ownership and is owned by BreFrank. He said that the owners would have to make the determination of what the accessibility would be. He said that there is not a requirement from the documents that they have reviewed to have it open and accessible to the public.

Mayor Gerwig said she felt that there is a lot of disinformation about this coming into the discussion. She said that the distrust from the community towards the Council she feels is inappropriate. She said she feels that they have been very measured in their approaches to these things and they value the actual position, but so much of what is being written and said is not actual fact. She said that she is looking forward to getting this conversation going in public, having BreFrank present their plan if they have one and getting down to the real issues. She said that she really does not feel it is fair for all the conjecture to happen and disparage the Council for a decision that has not been made. She said she is getting a bit annoyed with it.

Councilman McGovern mentioned that he agrees with Mayor Gerwig. He said that he feels that with the situation, the concern is that there is a belief that this topic was brought up by one of them on the Council, such as it is in Tallahassee. He said that he wanted to make it clear that it is not how it is. He stated that items on our agenda get put on there by one of two ways. One way would be that they are brought forward by staff or they are brought forward by an applicant. This specific item has been brought forward by an applicant. As an applicant, they have rights guaranteed by the Charter to receive fair and full consideration, including a quasi-judicial hearing. He said that the Council, staff and the committees are obligated to hear them out and the chance for the residents to be heard is at the committee process and ultimately at the Council Meeting. At that point, a final decision is made. He said that at this point, no decision has been made.

Councilman Drahos mentioned that he thought people often

misconstrued the Council's silence. Just because they do not make a comment in one way or another, does not show support or lack of support for an issue. He said that they are not allowed to comment or pre-judge, which is why they are being silent. He said that it is the responsible thing to do and hopefully the public understands that now as they watch this process unfold.

Mayor Gerwig asked if everyone could give the Council a chance to be fair and do their job by allowing the applicant a chance to present the entire plan. She commented that some of this item is housekeeping and they rely on staff to advise them on the issues that are happening with the mapping.

Mr. Barnes commented that to make things clear, for both items, 2021-07 and 2021-06, the applicant is the Mall at Wellington Green Property Owners Association. The subsequent corresponding master plan application was considered last year by the PZAB, subsequently scheduled in the event that these two make it through the process, that is an application by BreFrank.

Mayor Gerwig stated that it is delayed two weeks for everyone.

Mr. Barnes said that was correct. The request was to postpone. In one of the items, the master plan, the owner is scheduled for the governing board of the South Florida Water Management District for their review and consideration of his request and proposed request for modification to the original conservation limitations and restrictions on preserve properties. They thought, and staff agreed, that it would be better to wait until they had that information from the Water Management District, which is one of the lead review environmental agencies on those conservation areas. He said that we are not required to do that, it was recommended that they take that course.

Mayor Gerwig stated that she is proud of the environmental record that Wellington has and feels that we really do value the environment here. She said that the environment is always something for us to consider in the forefront.

Councilman McGovern stated that we regularly consider it and make serious investments in it.

Mayor Gerwig told a story about building up the preserve in Wellington. She stated that Wellington goes above and beyond to make the preserves a useful part of the plan to engage us in the environment, not just have it look good, but to have a purpose and function. She said the

whole Council is looking for a solution that is good for the community and is a long term solution.

I. [20-4270](#)

ORDINANCE NO. 2021-07 (WELLINGTON GREEN DOA)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A DEVELOPMENT ORDER AMENDMENT (PETITION NUMBER 2020-0001-DOA) TO MODIFY THE OFFICIAL ZONING MAP OF WELLINGTON FOR CERTAIN PROPERTIES, KNOWN AS WELLINGTON GREEN, TOTALING 456.30 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, TO ILLUSTRATE THE ONE (1) PLANNED UNIT DEVELOPMENT (PUD) AND SEVEN (7) MULTIPLE USE PLANNED DEVELOPMENTS (MUPD) AS ESTABLISHED; TO DELETE ALL CONDITIONS OF APPROVAL THAT WERE ORIGINALLY ADOPTED AS PART OF THE REZONING BY PALM BEACH COUNTY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This item was discussed in conjunction with the previous item.

J. [20-4313](#)

RECOGNITION OF KATHY FOSTER, CARMINE PRIORE AND TOM WENHAM FOR THEIR SERVICE TO THE VILLAGE OF WELLINGTON ON ITS 25TH ANNIVERSARY

Mr. Barnes introduced the item. He said that this is the Recognition of Kathy Foster, Carmine Priore and Tom Wenham for their service to the Village of Wellington on its 25th Anniversary. He said that this is to recognize the three remaining individuals who served on the original or founding Council. He said that they will be here to be recognized for that.

Councilman McGovern asked if all three would be here.

Ms. Quickel stated that they had heard back from two so far and are checking on the third.

Mayor Gerwig stated that if community members wanted to stop by, they certainly could do that or it could be watched from home. She said that they are encouraging "at home" watching, but everyone is still welcome to come to the meeting.

Mr. Barnes stated that they have invited some community members who were also on different committees and some of our original other civic-minded residents who participated in government early on. He said that our approach is how they handled the post meeting gathering with Mr. Schofield's departure. The lobby will be set up to be able to allow

people to gather briefly after the Council meeting and speak to those that are being recognized.

#### **4. WORKSHOP**

Mr. Barnes asked Ms. Edwards to come up and play a video that shows what her and her staff have been working on with the youth from Palm Beach Central High School and Wellington High School. He said that she will also be giving the Council an update on what is going on with the other youth programming that is happening within the Community Services Department.

Ms. Edwards presented a video celebrating Black History, completely done with the youth from Wellington High School. After the video, she thanked Communications for their help in putting the video together saying that they did a phenomenal job. She mentioned that the content of the video was all done by the students. Communications put the entire video together for the students. She said that the students were all juniors and seniors that are part of the BLAST curriculum. BLAST stands for Black Leadership and Student Team. BLAST is an accredited honors class that is given through the Palm Beach County School District as part of their Leadership Techniques Program. She explained that Principal Hayden reached out to her because of the success they have had with the SWAG program, and asked if the Village would partner with them and be mentors to that program. Ms. Edwards said that they brought it in-house and her team worked with them as well as another group they brought on board, Latinos in Action (LIA). She said that the Council would see a similar video from that class as well. She said that they are excited to be working with this group and meet each week. She said that they brought them in to work with the SWAG program as well. There will be Black and Latino professionals, such as doctors, attorneys, construction managers and engineers that look like them. She said that it is making a big difference with these students. Ms. Edwards indicated that they have specifically been reaching out to some African American men for the young men in the group. She said that they have the Crowned Pearls, who are doing a great job, but are obviously all women and they wanted to see men who are like them. She said that they were able to reach out to Tony Nelson and he did a segment for them. She stated that Mr. Nelson's son, who is an attorney, came and did a session with the students as well.

Mayor Gerwig stated that she knows of an African American engineer that she could refer to them.

Ms. Edwards stated that they are actually looking for engineer placements for internships this summer. She said that she will be

reaching out to Mayor Gerwig for that. She mentioned that right now they are working on their locations for internships for this summer for their SWAG program and many of them have expressed interest in engineering. She mentioned that the Crowned Pearls of Wellington have been officially chartered to be a charter of Alpha Kappa Alpha Sorority in Wellington. She said that they wanted her to give the Council a personal "Thank You" for all the help that they have given to the Pearls. She said that what it means for them is that there is national funding that they will be able to get. They are also be considered a non-profit organization to be able to raise money to be able to do the things they do with us.

Mayor Gerwig asked if the complaints that the students had in their video were directed towards the Village.

Ms. Edwards replied no.

Mayor Gerwig stated that those things are not okay. She said that they should not feel less than. She said that none of that should happen. Mayor Gerwig stated that she does not want to give the impression that the Village would be okay with those behaviors.

Ms. Edwards informed Mayor Gerwig that the students were addressing national issues and bringing that to the forefront. She said that what is great about what they are doing is that all the things the students are saying that they want to be able to see, we are able to expose them to those types of opportunities.

Mayor Gerwig stated that is what she wants to happen. She said that she does not want to be left out because she is perceived as not being in this conversation. She said that she desperately wants to be in it. She stated that the Village is a multi-cultural community and everyone should feel important. Every child of every skin tone should feel important and valued. Mayor Gerwig commented that she is very proud of our production staff and it was a great production.

Ms. Edwards reminded the Council that Palm Beach Central High School Civics 101 class was scheduled for today at 5:30 p.m.

Vice Mayor Siskind commented that it was a great job and she really enjoyed watching the video. She said that they really had some great content. She asked if it was going to be on the website.

Councilman McGovern stated that it has already been shared on the Village's Facebook page over the last several weeks.

Vice Mayor Siskind also commended the staff for helping to make the video look very professional.

Councilman Drahos directed his comment to Ms. Edwards by saying that what they have done is exactly what community service is about. He said that they did a great job.

Councilman Napoleone stated that it was well done and the content was great. He asked if we are working with Palm Beach Central High School as well and do they have a similar group.

Ms. Edwards stated that they are going to get one now.

Councilman McGovern mentioned that the takeaway is that we often forget that we may be doing things well in the Village, outside influences and national forces still shape mindsets and what people are feeling on a daily basis. While we may not have those practices here, the fact that those practices exist in other places, means that as a part of government, they will partially be branded with having them. It is a daily obligation of the staff and Council to continue to demonstrate they support programs like that, but also that they are vigilant that there is no appearance that those policies and practices are occurring on any level in this Village. That is what is important about these videos that our team and those students are coming together. That is what needs to continue.

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

Ms. Cohen mentioned that the Village has a situation that has arisen with respect to Section 24. She explained that they acquired the property back in 2009, after we worked with the South Florida Water Management District to re plumb the south end of the Village so that it pumps north up to the C51 Canal. She said that as a result of that plumbing, we no longer drain into Pine Tree's system. Pine Tree has continued to levy assessments on the Village's property on Section 24 and along the roadway along that property as well.

Mayor Gerwig mentioned that they are discussing surface water management by local District 298.

Ms. Cohen stated that was correct. She explained that even though Pine Tree is within Wellington's boundaries, it is an independent special district. She said that Wellington also has Acme, but that is a dependent district, whereas Pine Tree is independent district with its' own governing body. She said that we do not believe that the assessments are proper. She said that in 2012, the Village stopped paying for assessments because we were not receiving a benefit. Recently, staff learned that

there were tax certificates that had been sold by the tax collector and that one of those certificates for one of the year's assessments was eligible for a tax deed in April. She said that the amount of the assessments is not large and they went ahead and paid it because they do not want to have any question out there. They also do not want anyone to acquire Section 24 through a tax deed. Ms. Cohen stated that they have sent a demand letter to Pine Tree to cease assessing. She mentioned that she believed it is in the Village's best interest to engage in conversation with them.

Councilman McGovern asked if there was a deadline in the letter.

Ms. Cohen stated that there was no deadline, but there is a mechanism through Chapter 164 for having negotiations with respect to issues that rise between governmental bodies. She said that it is her suggestion that they begin that process formally through the adoption of a resolution and hold a meeting with Pine Tree to discuss this issue as required by Chapter 164. She said that if staff is unable to resolve the issue, then the Village would need to take the next step and initiate litigation including a Dec action, an action for injunctive relief and an action to refund monies that have been paid.

Mayor Gerwig asked if there were other governmental agencies that owned property within Pine Tree and do they receive a benefit.

Ms. Cohen informed them that the other governmentally owned property is STA 1E, which is owned by the South Florida Water Management District, and she does not believe they derive any benefit from Pine Tree's system. She said that she does know that they have not been paying their assessments as well. She said that she does not know the status of whether tax certificates have been issued.

Councilman McGovern asked if they were still on the tax roll.

Ms. Cohen stated that she did not know that.

Councilman McGovern asked if we have reached out to the South Florida Water Management District.

Ms. Cohen stated that she has not.

Mayor Gerwig stated that she was there during that process and she recalls that they initially did that first and our project was with them on Section 24. She said that she clearly remembers that we were not required to pay that assessment because we are not receiving any



benefit. She said that it was her recollection that it was South Florida Water Management that stopped paying the assessment before us.

Ms. Cohen stated that they did stop first, but she is not aware if tax certificates have been issued for South Florida Water Management. Unlike a municipality, they are a subdivision of the State and there is some nuance there with respect to the existing case law. She has had conversations with a number of attorneys who specialize in special districts and assessments and all the attorneys she has spoken with believe that our position is the correct position. She said that if they cannot solve it with Pine Tree through this pre-suit negotiation process, then it would behoove us to get a determination from a court. She expects that they will be bringing a resolution to the Council probably at the next Council meeting or perhaps the one after that.

Councilman McGovern asked the date of the letter.

Ms. Cohen stated that it was February 11, 2021 and she has received no response. She said that it was sent via email and by US Mail to the President of the District.

Councilman McGovern asked if it was sent certified.

Ms. Cohen said no, but it was a PO Box that is listed as their address. She said that they sent it the way they felt it was most appropriate. There is no requirement to send by certified mail.

Councilman McGovern stated that he is concerned that the Village sent a demand letter that does not have a demand deadline. He said that he is also concerned that this process has been allowed to reach this stage. The idea that we were on the verge of having tax deed certificates issued against Section 24 is troubling to him. He said that once a year, when they received the bills, he does not feel that the option was to stick the bills in a drawer and say "we are not going to pay the bill". He said that he does feel this needs to be resolved and feels that we are on the right course. Councilman McGovern stated that we need to reach out to them and start this process as soon as possible because clearly there is an issue if we got close to tax deed certifications being issued to Section 24 and having that be sold to members of the public or commercial entities. This needs to be resolved and he feels that this is a subset of the ongoing matters visa vi the Village. He said that if there are any other issues like this between the Village and Pine Tree, those all need to be put on the table and brought to some kind of conclusion, which has been the position of this Council from the beginning.

Ms. Cohen stated that she is not aware of any other issues.

Mayor Gerwig asked to be clear, the tax deed was not sold.

Ms. Cohen replied no. She said that the tax certificates were purchased for a couple of years, but there was no tax deed issued. She stated it was eligible to be applied for beginning in April, so they made the decision to go ahead and pay it. She said that the total amount was \$19,507.37 for all the year's taxes. She said that it was not a huge amount of money, but they do not want to keep experiencing this as they go forward.

Mr. Barnes said that to clarify the drainage and property issues, the property itself was part of the original property that the Water Management worked on as part of its STA 1E project. It was carved out and initially thought of being a long term lease or some type of grant to the Village. At the end of the completion of the actual construction project, a joint project between the Water Management District and the Village, the Water Management District decided to transfer ownership of that property to the Village. At no point did that property, under our ownership, ever receive services from Pine Tree Water Control District. Because of the design and construction of that facility, it was designed to actually serve as an impoundment and filter area for ACME.

Mayor Gerwig asked what our next step was in the process.

Ms. Cohen stated that it was to bring forward the resolution for the Council to pass.

Mayor Gerwig asked if that will lead to the mediation.

Ms. Cohen stated that they will serve it on Pine Tree and attempt to schedule a joint session of the Council and Pine Tree's board.

Councilman McGovern said that they could also respond to her letter and they could address it less formally.

Ms. Cohen stated that it could happen.

Councilman McGovern asked if it would be brought forward at the next meeting or at the March 23, 2021 meeting.

Ms. Cohen stated most likely it would be at the March 23, 2021 meeting or perhaps the meeting after that.

Councilman McGovern stated that he feels it should be the March 23, 2021 meeting to get this moving along.

Mayor Gerwig asked if there are any subsequent assessments.

Ms. Cohen replied not yet. She said that there will be if we do not get this corrected now. The Village needs to get a declaratory action filed and an injunction to prohibit them from assessing Wellington for services they do not receive.

Mayor Gerwig asked if she has consulted with outside counsel on this.

Ms. Cohen stated that she had.

Mayor Gerwig stated that if this moved forward, then the Village should have someone who is versed in this.

Ms. Cohen stated that we would have someone who is well versed in special districts and assessment law.

**6. MANAGER COMMENTS**

None.

**7. COUNCIL COMMENTS**

Mayor Gerwig stated that she would be in attendance at the Civics 101 class to talk to the students.

**8. ADJOURN**

There being no further business to discuss with Council, the meeting adjourned at 5:04 pm.