# **Village of Wellington**

12300 Forest Hill Blvd Wellington, FL 33414



## **Action Summary - Final**

Tuesday, September 6, 2022 7:00 PM

**Village Hall - Council Chambers** 

# **Village Council**

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

## 1. CALL TO ORDER

Mayor Gerwig called the meeting to order at 7:00 p.m.

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

Advisors to the Council: Jim Barnes, Manager; Laurie Cohen, Attorney; Tanya Quickel, Deputy Village Manager; Ed De La Vega, Assistant Village Manager; and Chevelle D. Addie, Village Clerk.

#### 2. PLEDGE OF ALLEGIANCE

A student from Wellington Landings Middle School led the Pledge of Allegiance.

#### 3. INVOCATION

Deacon Al Payne, St. Therese de Lisieux Catholic Church, delivered the invocation.

#### 4. APPROVAL OF AGENDA

Ms. Quickel indicated staff recommended approval of the Agenda as amended.

- 1. Add Item 22-5403, Resolution No. AC2022-11 (0.213-Acre Parcel Surplus Portion of Parcel A of Mallet Hill of Wellington Countryplace PUD, PB37, PG123-124), to the Regular Agenda as Item 8D.
- 2. Move Item 6B, Authorization to Negotiate A Contract for Architectural and Engineering Services for the Construction of An Aquatics Facility to the Regular Agenda as Item 8E.
- 3. Move Item 8A, (A) Approval by the Wellington Council and Adoption by the Acme Improvement District Board of Supervisors of Resolution No. AC2022-09, (B) Approval by the Wellington Council and Adoption by the Acme Improvement District Board of Supervisors of Resolution No. AC2022-10, and (C) Approval by the Wellington Council of the Village of Wellington, Florida of Resolution No. R2022-53, to Public Hearings as Item 7B. Former Items 7B and 7C will become 7C and 7D, respectively.

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0), to approve the Agenda as amended.

#### 5. PRESENTATIONS AND PROCLAMATIONS

A. 22-5344 RECOGNITION OF WELLINGTON LANDINGS MIDDLE SCHOOL LUNCH LADIES

Ms. Quickel introduced this item.

Ms. Edwards presented the item and showed Council a video of the Wellington Landings Middle School Lunch Ladies. She thanked the lunch ladies for all they do for the students.

Ms. Marcia Andrews, Palm Beach County School Board Member/District 6, provided comments.

Principal Lindsay Ingersoll, Wellington Landings Middle School, provided an overview of how the Lunch Lady Squad began.

An 8th Grade student from Wellington Landings Middle School provided a speech.

Council commended and congratulated the Lunch Ladies and gave various comments. Council also acknowledged members of the Education Committee who were in the audience.

#### 6. CONSENT AGENDA

Ms. Quickel stated there were no comment cards on the Consent Agenda.

Ms. Quickel indicated staff recommended approval of the Consent Agenda as amended.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (5-0), to approve the Consent Agenda as amended.

**A.** 22-5385 MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF AUGUST 9, 2022

This item approved on Consent.

#### B. THIS ITEM MOVED TO ITEM 8E ON THE REGULAR AGENDA.

C. <u>22-5275</u> AUTHORIZATION TO RENEW AN EXISTING CONTRACT WITH STERLING WATER TECHNOLOGIES, LLC FOR THE SUPPLY AND

**PRESERVE BOARDWALK ENVIRONMENTAL IMPROVEMENT** PROJECT NUMBER T2104)

> A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF **ENVIRONMENTAL PROTECTION FOR** THE **PURPOSE** OF **RECEIVING** Α **GRANT UNDER PROVISIONS** OF THE

RECREATIONAL TRAILS PROGRAM FOR THE WELLINGTON ENVIRONMENTAL PRESERVE BOARDWALK IMPROVEMENT PROJECT NUMBER T2104; AND PROVIDING AN EFFECTIVE DATE.

B. RESOLUTION NO. R2022-55 (THE FISCAL YEAR 2021-2022 **CAPITAL FUND BUDGET FOR** THE RECREATIONAL **TRAILS PROGRAM GRANT** FOR THE WELLINGTON **ENVIRONMENTAL PRESERVE BOARDWALK IMPROVEMENT PROJECT** NUMBER T2104)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE FISCAL YEAR 2021-2022 CAPITAL FUND BUDGET FOR THE RECREATIONAL TRAILS PROGRAM FOR THE WELLINGTON ENVIRONMENTAL PRESERVE BOARDWALK IMPROVEMENT PROJECT NUMBER T2104; AND PROVIDING AN EFFECTIVE DATE.

This item approved on Consent.

#### 7. PUBLIC HEARINGS

**A.** 22-5387

APPROVAL BY THE WELLINGTON COUNCIL AND ADOPTION BY THE ACME BOARD OF SUPERVISORS OF RESOLUTION NO. AC2022-08 APPROVING THE PLAN OF IMPROVEMENTS AND ENGINEER'S REPORT FOR UNIT OF DEVELOPMENT 50th STREET

Ms. Quickel introduced and presented this item.

Ms. Addie read the Resolution by title.

Ms. Quickel stated Ken Edwards and Mark Raymond were present. She said this is before Council as part of a series of actions on Unit of Development 50th Street. Ms. Quickel stated this is the next step in the process and is for official approval of the Engineer's Report.

Mr. Kenneth W. Edwards, Esq., Caldwell Pacetti Edwards Schoech & Viator LLP, provided an overview of the process and explained the reason for the Report of Engineer. He stated one objection was received from Mark Bellissimo.

Council made inquiries regarding the report and methodology.

Mr. Thomas A. Biggs, P.E., Engineer with Mock, Roos & Associates, Inc., explained the process and detailed cost opinion.

There was discussion between Council and Mr. Edwards regarding acreage, uses, assessments, enabling legislation for ACME and methodology used.

## Public Hearing:

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0), to open the Public Hearing.

## **Public Comment:**

- 1. Mr. Dan Rosenbaum, on behalf of Far Niente Stables No. 9, provided comments pertaining to the Engineer's Report. He provided a handout to Council.
- 2. Mr. Mark Bellissimo spoke regarding his ownership of property and the mathematical rounding of the acreage.

There being no further public comments, a motion was made by Councilman McGovern, seconded by Vice Mayor Drahos, and unanimously passed (5-0), to close the Public Hearing.

There was discussion between Council, Mr. Edwards and staff about the rounding, process steps, access points, and going before a judge regarding the methodology.

Ms. Cohen spoke about the methodology and steps in the process.

Mr. Mark E. Raymond, Attorney at Law, suggested that Council direct Mr. Biggs to re-examine the math to determine if there is an error or not. He said if there is no error with the mathematical rounding to bring the item back to Council at the next meeting.

A motion was made by Councilman McGovern, seconded by Vice Mayor Drahos, and unanimously passed (5-0) to direct staff and the engineer to verify the math and bring the item back to the Village Council at the second Council meeting in September (September 21, 2022).

**B**. 22-5389

BY A. ITEM: APPROVAL THE WELLINGTON COUNCIL AND ADOPTION BY THE ACME IMPROVEMENT DISTRICT BOARD OF SUPERVISORS OF RESOLUTION NO. AC2022-09 **LEVYING** DRAINAGE **TAXES** IN THE **FORM** OF NON-AD **VALOREM** ASSESSMENTS ON THE LANDS IN UNIT OF DEVELOPMENT 50TH STREET OF THE DISTRICT BENEFITTED BY THE IMPROVEMENTS DESCRIBED IN THE PLAN OF IMPROVEMENTS FOR SUCH UNIT; AND PROVIDING AN EFFECTIVE DATE.

B. ITEM: APPROVAL BY THE WELLINGTON COUNCIL AND ADOPTION BY THE ACME IMPROVEMENT DISTRICT BOARD OF SUPERVISORS OF RESOLUTION AC2022-10 NO. AUTHORIZING THE ISSUANCE IN ONE OR MORE SERIES OF NOT **EXCEEDING** \$6.387.187.00 BONDS OF SUCH DISTRICT FINANCE THE COST OF IMPROVEMENTS WITH RESPECT TO UNIT OF DEVELOPMENT 50TH STREET OF THE DISTRICT: PROVIDING SOLELY FROM THAT SUCH SHALL BE **PAYABLE** BONDS DRAINAGE TAXES LEVIED AS NON-AD VALOREM ASSESSMENTS BY THE DISTRICT ON THE ASSESSABLE LANDS WITHIN UNIT OF DEVELOPMENT 50TH STREET, AND OTHER MONIES PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES, AND REMEDIES FOR THE OWNERS OF SUCH BONDS; PROVIDING FOR THE CREATION OF SPECIAL FUNDS AND ACCOUNTS; APPOINTING A TRUSTEE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF WELLINGTON, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

C. ITEM: APPROVAL BY THE WELLINGTON COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA OF RESOLUTION NO. R2022-53 AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN INTERLOCAL AGREEMENT WITH ACME IMPROVEMENT DISTRICT, A DEPENDENT SPECIAL DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

This Item was formerly Item 8A.

This item was not discussed due to the Village Council action on Item 7A.

**C.** 22-5169

FIRST PUBLIC HEARING FOR PROPOSED FISCAL YEAR 2021/2022 MILLAGE RATE, BUDGET AND ADOPTION OF THE FISCAL YEAR 2022/2023 CAPITAL IMPROVEMENT PLAN

This Item was formerly Item 7B.

Ms. Quickel introduced and presented this item.

Ms. Quickel indicated this is the first Public Hearing on the tentative millage and budget adoption for the Fiscal Year (FY) 2023 budget.

Ms. Quickel stated the proposed FY 2023 millage rate is 2.47 mills, which represents the fourth year of a stable millage rate. She discussed the budget objectives, millage, revenues, millage rate impacts, TRIM values and sample properties. Ms. Quickel discussed the change in

Wellington values for actual properties from FY 2021 to FY 2022. She stated there is a range of tax impacts on various assessed values for both homesteaded and non-homesteaded properties. Therefore, while the millage rate is unchanged, homeowners may see an increase in their taxes if their property value increases. She indicated 17% of the total tax bill goes to Wellington. Ms. Quickel discussed expenditures and ad valorem taxes. She stated the FY 2023 Proposed Budget is \$83 million. This is a decrease of \$6 million from FY 2022 due to a decrease in capital projects. Ms. Quickel highlighted the FY 2023 revenues and expenditures, Government Capital Projects, fund and projected balances.

The Village Council made inquiries and provided comments regarding the millage, budget, services and funds.

Ms. Quickel responded to Council's questions.

Ms. Quickel referenced the Budget Calendar and stated the second Public Hearing and final adoption will be held at the September 21, 2022 Council Meeting. She explained the advertising schedule.

The Village Council commended Ms. Quickel and team on the budget.

#### Public Hearing

A motion was made by Councilman Napoleone, seconded by Vice Mayor Drahos, and unanimously passed (5-0), to open the Public Hearing.

There being no public comments, a motion was made by Councilman Napoleone, seconded by Councilman McGovern, and unanimously passed (5-0), to close the Public Hearing.

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to approve the proposed FY 2023 millage rate, budget and adoption of the Fiscal Year 2022/2023 Capital Improvement Plan on first public hearing.

**D.** <u>22-5371</u> ORDINANCE NO. 2022-26 (LOTIS II ANNEXATION)

OF AN ORDINANCE WELLINGTON. FLORIDA'S COUNCIL. APPROVING THE VOLUNTARY ANNEXATION (PETITION NUMBER OF **REAL** AS 2021-0002-ANX) **PROPERTIES** KNOWN 441 PARTNERS TOTALING 52.43 ACRES. LESS. AND MORE OR

KNOWN AS LAKE WORTH DRAINAGE DISTRICT **RIGHT-OF-WAY** TOTALING 1.49 ACRES, MORE OR LESS, LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY A HALF MILE NORTH **BOULEVARD** STATE THE FOREST HILL AND ROAD INTERSECTION. IN PALM BEACH COUNTY. AS **MORE DECLARING SPECIFICALLY** DESCRIBED HEREIN: THAT THE VOLUNTARY ANNEXATION PETITION BEARS THE SIGNATURE OF PROPERTY OWNERS: AMENDING SECTION 12 OF THE VILLAGE CHARTER BY REDEFINING THE CORPORATE LIMITS OF THE VILLAGE OF WELLINGTON: DIRECTING THE **VILLAGE** MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS ANNEXATION: DIRECTING THE VILLAGE CLERK TO FILE A COPY OF THIS ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT IN PALM BEACH COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF PALM BEACH COUNTY, AND THE FLORIDA DEPARTMENT OF STATE WITHIN SEVEN DAYS AFTER ADOPTION, IN ACCORDANCE WITH CHAPTER 171 OF THE FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This Item was formerly Item 7C.

Mr. Barnes introduced the item.

Ms. Addie read the Ordinance by title.

Mr. Stillings presented the item.

Mr. Brian Terry, Agent/Insite Studio, Inc. was present on behalf of the applicant to answer any questions from Council.

#### Public Hearing

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0) to open the public hearing.

There being no public comments, a motion was made by Vice Mayor Drahos, seconded by Councilman McGovern, and unanimously passed (5-0) to close the public hearing.

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind. and unanimously (5-0)passed to Ordinance 2022-26 (LOTIS II approve No. ANNEXATION) as presented on first reading.

## 8. REGULAR AGENDA

#### A. THIS ITEM MOVED TO ITEM 7B UNDER PUBLIC HEARINGS.

**B.** 22-5284 RESOLUTION NO. R2022-43 (SPECIAL MAGISTRATE(S) SELECTION AND APPOINTMENT)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPOINTING NEW SPECIAL MAGISTRATE(S) IN ACCORDANCE WITH SECTION 2-203 OF WELLINGTON'S CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Ms. Quickel introduced this item.

Ms. Cohen presented this item. She stated there were three responses received for the call for Letters of Interest (LOI) for Special Magistrates. Ms. Cohen stated in regards to Councilman McGovern's question at the Agenda Review Meeting, Mr. Fumero is no longer involved in the State Road 7 litigation.

Councilman McGovern asked about the terms for the current magistrates.

Mr. Stillings discussed the special magistrate terms.

Mayor Gerwig stated Mr. De La Vega provided the amount that the special magistrates had been paid to date.

Ms. Cohen explained that Mr. Suarez-Rivas did not want to renew due to the driving distance.

There was brief Council discussion regarding the appointments.

A motion was made by Councilman McGovern, seconded by Councilman Napoleone, and unanimously passed (5-0) to appoint Mr. John J. Fumero, Esq. and Ms. Hollie Hawn, Esq. as special magistrates.

C. 22-5391 RESOLUTION NO. R2022-52 (APPOINTMENT FOR COMMITTEE MEMBERS FOR THE WELLINGTON AFFORDABLE HOUSING ADVISORY COMMITTEE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPOINTING MEMBERS OF THE AFFORDABLE HOUSING

ADVISORY COMMITTEE CONSISTENT WITH ORDINANCE NO. 2022-04 AND SECTION 420.9076, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Ms. Quickel introduced this item.

Mr. O'Dell presented this item and stated they received a number of applications from residents and two from non-residents. All applicants are well qualified to serve on the committee. He indicated that staff updated Exhibit C, "Applicant List with Eligible Role", as requested during the Agenda Review Meeting.

Ms. Addie noted the information was in the amendments folders.

Mr. O'Dell stated there are twelve roles for the committee and six of the twelve roles are required to be filled. There can be a minimum of eight committee members and a maximum of eleven members.

A motion was made by Councilman McGovern, seconded by Councilman Napoleone, and unanimously passed (5-0),to approve the appointment of Councilwoman Siskind as Elected Official/Chairperson on the Affordable Housing Advisory Committee.

The Council held discussion regarding the applicants.

A motion was made by Councilman McGovern, seconded Councilman unanimously Napoleone, and passed (5-0),to appointment of Elliot Johnson, Kathy approve Langley, Hind, Kesnel Theus Jr., Satyanarayana Polineni, Thomas Greene and Juan Pagan as members of the Affordable Housing **Advisory Committee.** 

**D.** <u>22-5403</u>

RESOLUTION NO. AC2022-11 (0.213-ACRE PARCEL SURPLUS – PORTION OF PARCEL A OF MALLET HILL OF WELLINGTON COUNTRYPLACE PUD, PB37, PG123-124)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME DISTRICT. **IMPROVEMENT** FLORIDA. DECLARING AN ACME **TOTALING APPROXIMATELY** PARCEL 0.213 ACRES (9,267)SQUARE FEET) AT THE SOUTHWEST CORNER OF PIERSON ROAD AND SOUTH SHORE BOULEVARD. MORE **SPECIFICALLY** DESCRIBED HEREIN, AS SURPLUS; AUTHORIZING THE SALE OF THE PARCEL TO 21W1 TRUST, THE ADJACENT **PROPERTY** OWNER: AUTHORIZING THE BOARD PRESIDENT AND BOARD SECRETARY TO EXECUTE A QUITCLAIM DEED CONVEYAING THE PARCEL; AND PROVIDING AN EFFECTIVE DATE.

This Item added to the Agenda.

Ms. Quickel introduced this item.

Mr. Barnes presented this Item via Zoom. He stated this item was referenced at the last Council meeting and the Agenda Review Meeting. Mr. Barnes stated this is the offer received from the owners of the adjacent property. He discussed the resolution and deed that would be prepared.

Mayor Gerwig asked Mr. Barnes to state the amount.

Mr. Barnes stated the amount is \$200,000.

Councilman Napoleone asked if the Village is satisfied that this is a fair price.

Mr. Barnes replied affirmatively.

There was brief reference to the bridle path.

A motion was made by Councilman Napoleone, seconded by Vice Mayor Drahos, and unanimously passed (5-0) to approve Resolution No. AC2022-11 (0.213-Acre Parcel Surplus - Portion of Parcel A of Mallet Hill of Wellington Countryplace PUD, PB 37, PG123-124).

## **E.** <u>21-4904</u>

AUTHORIZATION TO NEGOTIATE A CONTRACT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CONSTRUCTION OF AN AQUATICS FACILITY

This Item was formerly Item 6B.

Ms. Quickel introduced this item.

Mayor Gerwig declared a Conflict of Interest, passed the gavel to Vice Mayor Drahos and left the dais.

Mr. De La Vega provided an overview of this item and stated staff recommends the highest ranked firm, Ohlson Lavoie Corporation, LLC. He discussed the scope of the contract.

Councilman Napoleone inquired about a site capacity analysis.

Mr. De La Vega stated the scope includes the analysis.

Councilman McGovern asked if this item provides authority for staff to hire the firm who will take on the entire project.

Mr. De La Vega replied yes and indicated this is the first phase.

A motion was made by Councilman Napoleone, seconded by Councilwoman Siskind, and unanimously passed (4-0; with Mayor Gerwig recused) for Authorization to Negotiate A Contract for Architectural and Engineering Services for the Construction of An Aquatics Facility with Ohlson Lavoie Corporation, LLC.

## 9. PUBLIC FORUM

Ms. Quickel indicated there was one comment card received.

## **Public Comment:**

1. Steven Levin spoke regarding domestic violence. In addition, he explained the Western Ride that his family created. Mr. Levin invited the Village Council and public to attend this inaugural event on Sunday, October 9, 2022, beginning at 7:00 a.m. in front of Village Hall.

#### 10. ATTORNEY'S REPORT

**MS. COHEN:** Ms. Cohen presented the following report:

Ms. Cohen stated as a follow up to Thursday's discussion regarding the Palm Beach Polo Fine Reduction cases, the court issued an order to show cause. She stated staff will respond to the order and briefly discussed the remedy.

#### 11. MANAGER'S REPORT

MS. QUICKEL: Ms. Quickel presented the following report:

Next Council Meeting will be held on Wednesday, September 21, 2022 at 7:00 p.m.

Junior Tennis afterschool programs have begun and attendance is good. In addition, plans are underway for the second USTA National Family Championship at the end of October and the Village continues to host monthly USTA junior tournaments for area players.

#### 12. COUNCIL REPORTS

**COUNCILMAN NAPOLEONE:** Councilman Napoleone presented the following report:

Councilman Napoleone stated he would not be available for the Western Ride but is happy to make his bike available to Councilman McGovern or Vice Mayor Drahos.

Councilman Napoleone observed that this is the most women that have been on the dais.

**VICE MAYOR DRAHOS:** Vice Mayor Drahos presented the following report:

Vice Mayor Drahos waived comment.

**COUNCILMAN MCGOVERN:** Councilman McGovern presented the following report:

Councilman McGovern thanked staff for the workshop discussions of cellular service improvements and the fair rent initiatives.

Councilman McGovern thanked the residents who voted for the two referendum questions in the August 23, 2022 Election.

Mayor Gerwig stated she appreciated the Supervisor of Elections for the signs placed at each polling location. She stated this was beneficial with the previous confusion about the sample ballot.

Councilman McGovern stated the 9/11 Memorial is this Sunday at 8:30 a.m.

Councilman McGovern stated there is an informational meeting for the OOO High School tomorrow night at 7:00 p.m. at Woodlands Middle School.

Councilman McGovern stated there is an Equestrian Preserve Committee and Planning, Zoning and Adjustment Board joint meeting regarding the proposal for the expansion of the Wellington International Equestrian Center tomorrow night at 7:30 p.m. at the Wellington Community Center.

Mayor Gerwig stated this meeting would be recorded.

**COUNCILWOMAN SISKIND:** Councilwoman Siskind presented the following report:

Councilwoman Siskind waived comment.

MAYOR GERWIG: Mayor Gerwig presented the following report:

Mayor Gerwig thanked Mr. Barnes for his attendance via Zoom.

Mayor Gerwig stated Ms. Quickel did a great job at tonight's meeting.

## 13. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned at approximately 9:44 P.M.