

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting

Tuesday, August 02, 2022, at 6:00 PM

Westlake Council Chambers
4005 Seminole Pratt Whitney Road
Westlake, Florida 33470

CITY COUNCIL:

JohnPaul O'Connor, Mayor
Greg Langowski, Vice Mayor
Pilar Valle Ron, Council Member – Seat 1
Julian Martinez, Council Member – Seat 2
Charlotte Leonard, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager
Zoie P. Burgess, CMC, City Clerk
Donald J. Doody, Esq., City Attorney
Nilsa Zacarias, Planning and Zoning Director
Suzanne Dombrowski, City Engineer

A regular meeting of the City Council of the City of Westlake was held on Tuesday, August 02, 2022, at 6:00 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road. Members of the public also participated in the meeting through electronic means and accessed as follows:

1. Webex meeting from a computer, tablet or smartphone at the following link:
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2632 888 9851

Password: hello

2. Participants also dialed in using phone with the following number:

United States Toll: +1-408-418-9388

Meeting ID: 2632 888 9851

As a preliminary matter, Ms. Burgess noted that Mayor JohnPaul O'Connor, Vice Mayor Greg Langowski Councilwoman Pilar Valle Ron, and Councilman Julian Martinez were present physically constituting a quorum. Councilwoman Charlotte Leonard appeared via electronic media technology.

Ms. Burgess provided further instruction regarding public comments, noting that comments will be acknowledged by the mayor and accepted at the appropriate times as indicated in the agenda and those who wish to speak may use the "virtual" hand raise feature.

Ms. Burgess provided the disclaimer that the meeting is being recorded by both voice and video, reminding the audience microphones are live. Ms. Burgess further explained that microphones will be muted; audience members can unmute themselves and anyone that has called in should mute their device.

Ms. Burgess noted that anyone causing a disruption or being inappropriate will be removed from the meeting. Ms. Burgess reminded Council Members physically present to utilize microphones.

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of August 02, 2022, to order at 6:01 p.m.

ROLL CALL

Councilwoman Charlotte Leonard (Via Electronic Media Technology)
Councilman Julian Martinez
Councilwoman Pilar Valle Ron
Vice Mayor Greg Langowski
Mayor John Paul O'Connor

Also present:

Kenneth Cassel, City Manager
Danielle Schwabe, Esq., City Attorney
Zoie P. Burgess, CMC City Clerk
Osniel Leon, Planning & Zoning

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor O'Connor called for any additions, deletions, or modifications to the agenda.

Ms. Schwabe requested a motion to amend agenda under new business, item C, to add Resolution 2022-21, to appoint a new member to serve on the Education & Youth Advisory Board.

Motion by Vice Mayor Langowski to amend agenda, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (4-0).

Ms. Schwabe called for a motion to approve the amended agenda.

Motion by Vice Mayor Langowski to approve amended agenda, seconded by Councilman Martinez.

UPON ROLL CALL:

Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (4-0).

PUBLIC COMMENTS AND REQUESTS

This section of the agenda allows for comments from the public to speak. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk. When you are called to speak, please go to the podium, or unmute your device, and prior to addressing Council, state your name and address for the record.

Mayor O'Connor called for public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment. There being no comments, the next item followed.

CONSENT AGENDA

This section of the agenda consists of routine or administrative items that require final approval by the City Council and may be approved in its entirety by a single motion. There will be no discussion of these items unless a Council Member, requests such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.

A. Financial Report – June

Mayor O’Connor identified consent agenda item and called for a motion to approve.

Motion by Vice Mayor Langowski to approve Consent agenda, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O’Connor	YES
Councilman Martinez	YES

With all in favor, motion carried without dissent (4-0).

PRESENTATIONS/PROCLAMATIONS

A. NONE

PUBLIC HEARING

A. NONE

NEW BUSINESS

A. **FIRST READING:** Ordinance 2022-08 – Non-Conforming Lots, Uses, and Structures.

Submitted By: Planning & Zoning

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING SECTION _____ ENTITLED “NON-CONFORMING LOTS, USES, AND STRUCTURES”; PROVIDING FOR REGULATIONS FOR LOTS, USES, AND STRUCTURES LAWFULLY EXISTING AT THE TIME OF AN AMENDMENT TO THE CITY’S CODE OF ORDINANCES AND THEREAFTER DEEMED NON-CONFORMING; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O’Connor introduced item. City Attorney read Ordinance, by title only, into the record.

Mayor O’Connor called for staff presentations.

Mr. Leon presented a PowerPoint Presentation. Identifying the following:

1. Intent: Currently within the City or by virtue of amendments to this Code of Ordinances that may be later adopted, there may exist:
 - a. Lots;
 - b. Structures;
 - c. Uses of Land and Structures.

Mr. Leon further explained the non-conforming uses being declared in the Ordinance, as they are to be incompatible with permitted uses in the zoning districts involved. A Non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance.

Mr. Leon continued, explain further non-conforming single family lots of records, structures, use of structures or structures and premises in combination.

2. Non-Conforming Single-Family Lots of Record: Any lot or parcel, of record prior to adoption of an amendment to the City's Code of Ordinances, that does not thereafter meet the requirements of the City's Code for lot area or lot width, may nevertheless be utilized for single-family residence purposes only, provided that the lot area and lot width are within two-thirds of that required by the terms of the regulations.
3. Non-conforming Structures: Where a lawful structure exists at the effective date of adoption or amendment to the City's Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity, but any structure or portion hereof may be altered to decrease its non-conformity.
 - b. Should such non-conforming structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the current City's Code of Ordinances.
 - c. Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
4. Non-Conforming Use of Structures or of Structures and Premises in Combination: If lawful use involving individual structures, or of structures and premises in combination, exists at the effective date of an amendment to the City's Code of Ordinances, that would not thereafter be allowed in the zoning district under the terms of the City's Code, the non-conforming use may be continued so long as it remains subject to the following provisions:
 - a. No existing structure devoted to a use not permitted in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, except that the City Council shall have the discretion to allow reasonable alterations for the purpose of allowing the non-conforming use to modernize or redesign when it is deemed that such changes are in the interest of the City's health, morals, safety and/or welfare.
 - b. *Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district, and the non-conforming use may not thereafter be resumed.*
 - c. *When a non-conforming use of a structure, or a structure and premises in combination, is discontinued or abandoned for one hundred eighty (180) calendar days from the time at which the license for said use expires (except when governmental action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.*

d. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this sub-section is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of the destruction.

e. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.

Mr. Cassel noted that there is only one structure at this time that is affected by this ordinance.

Mayor O'Connor called for additional comments, there being none, Mayor O'Connor called for a motion.

Motion by Councilwoman Valle Ron to approve amendment to ordinance 2022-08, seconded by Councilman Martinez.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilman Martinez	YES
Councilwoman Valle Ron	YES

With all in favor, motion carried without dissent (4-0).

B. FIRST READING: Ordinance 2022-09 – Granting Florida Public Utilities a Non-Exclusive Franchise

Submitted By: Administration

ORDINANCE 2022-09

AN ORDINANCE GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF 30 YEARS TO SELL, DISTRIBUTE, TRANSPORT, AND TRANSMIT NATURAL, MANUFACTURED, OR MIXED GAS IN THE CITY OF WESTLAKE, FLORIDA; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE UPON FINAL PASSAGE

Mayor O'Connor introduced item.

City Attorney read Ordinance into the record by title only.

Mr. Cassel discussed ordinance granting Florida Public Utilities the ability to provide services in the City of Westlake.

Mayor O'Connor called for additional comment. Council expressed their excitement for the implementation of this ordinance.

There being no additional comments, Mayor O'Connor called for a motion.

Motion by Councilman Martinez, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Mayor O'Connor	YES
Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES

With all in favor, motion carried without dissent (4-0).

C. Education and Youth Advisory Board - 1 Vacancy - Unexpired Term, Ending September 2023

Submitted By: City Clerk

Mayor O'Connor introduced item. He discussed two applications were received for the Education and Youth Advisory Board.

Ms. Burgess further explained that this member would finish out the term for previous board member Medvetz.

Mayor O'Connor called for council comments. Mr. Langowski expressed his gratitude towards Ms. Kaplan and her participation and attendance at past meetings.

Council discussion and vote to appoint Ms. Kaplan to the vacancy on the Education and Youth Advisory Board.

Mayor O'Connor called for additional comments, there being none, Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to appoint Ms. Kaplan to board vacancy on the Education and Youth Advisory Board, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (4-0).

RESOLUTION NO. 2022-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPOINTING ANITA KAPLAN TO SERVE ON THE EDUCATION AND YOUTH ADVISORY BOARD;

PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Burgess requested City Attorney read into record Resolution 2022-21.

City Attorney read Resolution, by title only, into the record.

- D. Second addendum to professional services agreement between City of Westlake and Chen Moore & Associates

Submitted By: Administration

RESOLUTION NO. 2022-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE A SECOND ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF WESTLAKE AND CHEN MOORE & ASSOCIATES, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

City Attorney read Resolution, by title only, into the record.

Mr. Cassel identified that the resolution would extend the contract, as Chen Moore has provided excellent services.

Mayor O'Connor called for additional comments, there being none, Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve Resolution 2022-19, approving a second addendum to professional services agreement between the City and Chen Moore & Associates, seconded by Councilman Martinez.

UPON ROLL CALL:

Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilman Martinez	YES

With all in favor, motion carried without dissent (4-0).

- E. Third Addendum to the Law Enforcement Service Agreement

Submitted By: Administration

RESOLUTION NO. 2022-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE A THIRD ADDENDUM TO THE LAW ENFORCEMENT SERVICE AGREEMENT BETWEEN THE CITY OF WESTLAKE AND

RIC L. BRADSHAW, SHERIFF OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Mayor O'Connor introduced item.

City Attorney read Resolution, by title only, into the record.

Mr. Cassel discussed two additional officers would be added to the contract later in the year.

Council discussed their appreciation of the Palm Beach County Sheriff's Office and the services they have provided.

Mayor O'Connor called for additional comments, there being none, Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve addendum to the Palm Beach Sheriff's Office agreement, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilman Martinez	YES
Councilwoman Valle Ron	YES

With all in favor, motion carried without dissent (4-0).

F. Discussion - Westlake 5k Turkey Trot

Mr. Martinez discussed his proposal for a turkey trot on Thanksgiving morning to promote health and exercise.

Council discussed they are willing to assist Mr. Martinez to make this event successful and are available to provide services and reach out to sponsors.

Mr. Cassel informed council it would be best to form another Ad Hoc for the Turkey Trot.

Mr. O'Connor stated he would like to create a special events committee to help with all city events. Mr. Cassel needs clarification from the City Attorneys office as to creating a board specifically for special events and would discuss further.

CITY COUNCIL COMMENTS

A. Councilwoman Charlotte Leonard – Councilwoman Leonard expressed her agreement with appointing Ms. Kaplan to the Education and Youth Advisory Board. Ms. Leonard also stated her willingness to be part of the Ad Hoc committee.

B. Councilman Julian Martinez – Councilman Martinez stated he is looking forward to the Turkey Trot on Thanksgiving morning.

C. Councilwoman Pilar Valle Ron – Councilwoman Valle Ron stated she had no additional comments.

D. Vice Mayor Greg Langowski – Councilman Langowski discussed the reorganization of the Education and Youth Advisory Board and their upcoming initiatives.

E. Mayor JohnPaul O'Connor – Mayor O'Connor would like to stagger terms of the City Boards and discuss their absences. Mr. O'Connor also thanked his colleagues for their leadership and his excitement for the Turkey Trot presented by Councilman Martinez.

REPORT - STAFF

A. Palm Beach County Fire Rescue - Monthly Report: June

Submitted By: District Chief Phillip Olavarria

For Informational Purposes Only

Mayor O'Connor called for comments from the Palm Beach Sheriff's Office and asked them to explain monthly crime report issued to the City.

Officer Demarzo discussed the reports issued to the City. Officer Demarzo noted that traffic stops and business checks will be the main issues they deal with in the City of Westlake.

REPORT - CITY ATTORNEY

City Attorney thanked the Mayor and City Council for having her at the meeting.

REPORT - CITY MANAGER

Mr. Cassel informed Council that license plate readers have been placed entering and exiting the City boundaries. Mr. Cassel explained the cameras track the bad guy's movements and timeframes of location.

Mr. Cassel also requested verification for Tuesday, August 23 at 5:00 pm to hold a joint meeting with the Seminole Improvement District. Mr. Cassel explained the interlocal agreement would be discussed to see what is in the works for the next year and in the future and have a meet and greet of board members. Council agreed the time and date worked for the Joint meeting. Mr. Cassel also stated modifications and adjustments were almost complete on the budget from what was requested by Council and will be ready for the next City Council meeting.

Mr. Cassel noted that Councilwoman Valle Ron contacted Minto and coordinated with the schools to collect bookbags on behalf of the City and Minto.

Mr. Cassel discussed the purchase of the Daughters of the American Revolution books to be donated to the freshman class of the high school. Mr. Cassel also mentioned a copy was ordered for Council Members.

PUBLIC COMMENTS AND REQUESTS

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Mayor O'Connor called for public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment. There being no comments, the next item followed.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 6:50 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor