

CITY OF WESTLAKE



MINUTES- DRAFT

Local Planning Agency Meeting (Immediately following First Budget Hearing)

Monday, September 14, 2020 at 7:00 PM

This meeting shall take place at the **Westlake Community Center/City Council Chambers located at 4005 Seminole Pratt Whitney Road, Westlake, Florida, 33470** and publicly viewed **Via Communications Media Technology** in accordance with the Governor's Executive Order 2020-69 and 2020-179. Due to COVID-19, and the need to ensure public health safety and welfare, this meeting will be conducted utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

Members of the public may participate in the meeting through electronic means and may access as follows:

1. Join the Webex meeting from your computer, tablet or smartphone at the following link:

<https://cityofwestlake.my.webex.com/>

Meeting ID: 132 446 2017

Password: hello

2. Participants may also dial in using your phone with any of the following number(s):

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

Meeting ID: 132 446 2017

CITY COUNCIL:

Roger Manning, Mayor

Katrina Long Robinson, Vice Mayor

Patric Paul, Council Member – Seat 1

Kara Crump, Council Member – Seat 2

JohnPaul O'Connor, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager

Pam E. Booker, City Attorney

Zoie P. Burgess, City Clerk

A Local Planning Agency meeting of the City of Westlake was held on Monday, September 14, 2021 at 6:30 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road.

As a preliminary matter, Ms. Burgess noted that Mayor Roger Manning, Councilman Patric Paul, Councilwoman Kara Crump, Councilman JohnPaul O'Connor are present physically. Vice Mayor Katrina Long-Robinson was absent.

Ms. Burgess noted that City Manager Kenneth Cassel and City Attorney Pam Booker, were present physically. Planning & Zoning Director, Nilsa Zacarias, was present via communications media technology. City Clerk Zoie Burgess was present via communications 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 that microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members have the ability to 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 Manning called the meeting to order at 7:28 PM.

Mayor Manning acknowledged that the meeting was being held in accordance with the Governor's Executive Order 2020-69 (as extended by Executive Order 20-179) and as Adopted by the City of Westlake City Council in Emergency Ordinance 2020-08.

Mayor Manning also noted that due to COVID-19 and the need to ensure the public health, safety and welfare, the meeting may be conducted without a quorum of its members present physically or at any specific location and utilizing communications media technology such as telephonic or video conferencing, as provided by Florida Statute.

ROLL CALL

Present and constituting a quorum

Councilman JohnPaul O'Connor
Councilwoman Kara Crump
Councilman Patric Paul
Vice Mayor Long-Robinson - Absent
Mayor Roger Manning

Also, present:

Kenneth Cassel, City Manager
Pam E. Booker, Esq.
Zoie P. Burgess, CMC, City Clerk - Present via communications media technology
Nilsa Zacarias, Planning & Zoning Director - Present via communications media technology

PLEDGE OF ALLEGIANCE

Mayor Manning noted that the Pledge of Allegiance was done at the Budget Meeting prior this evening.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Motion by Councilwoman Crump to approve the agenda, seconded by Councilman O'Connor.

Mayor Manning	YES
Councilman O'Connor	YES
Councilwoman Crump	YES
Councilman Paul	YES

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

PUBLIC COMMENTS

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, prior to addressing the Council, state your name and address for the record.

Ms. Burgess noted there were no public comment cards received prior to the meeting.

Ms. Burgess gave the virtual participants a moment to raise a virtual hand or unmute their devices and provided a reminder to state name and address.

There being no comment, 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 City Council Member requests such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.

- A. February 10, 2020 - Local Planning Agency Meeting Minutes
- B. March 9, 2020 - Local Planning Agency Meeting Minutes

Mayor Manning introduced the Consent Agenda Item.

Motion by Councilwoman Crump to approve consent agenda, seconded by Councilman O'Connor.

Roll Call

Councilman O'Connor	YES
Councilwoman Crump	YES
Councilman Paul	YES
Mayor Manning	YES

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

PUBLIC HEARING

- A. Ordinance 2020-11 - An Ordinance allowing the use of golf carts upon designated Rights-of-Ways, Rural Parkway Easements and Multi-Modal Paths throughout the City.

Submitted By: Engineering

ORDINANCE 2020-11 - AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ALLOWING THE USE OF GOLF CARTS UPON DESIGNATED CITY ROADS IN THE CITY OF WESTLAKE, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR IMPLEMENTATION AND PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced item.

Councilwoman Crump inquired on the language of the ordinance and requested clarity on the age requirements, permits and section 3A.

Councilman O'Connor commented that he has a problem with the language under section C and D. He mentioned that the age to obtain a learner permits is 15 years of age in the state. He commented on the power golf carts and advised that there is no definition; he said it needs clarification or either stricken.

Mayor Manning said that he is concerned with the fee and registration.

Councilman Paul said that he agrees with the Mayor.

Council discussion on the fee, permit and golf cart requirements.

Councilwoman Crump inquired who will be responsible for the enforcement of golf carts.

Mr. Cassel responded this is where it becomes a nightmare for Administration as the City would not be able to recover the cost of what it would cost to keep track of everyone every year. The cost would have to be borne by every residents in the general revenue.

Councilman O'Connor responded to Councilwoman Crump this would be enforced by the Palm Beach Sheriff Office (PBSO). He said that every golf cart would need to have a decal and commented assuming the ordinance is adopted to include language giving residents 90 days to come into compliance.

Councilman Paul commented this is all the reason to make sure that there is registration.

Mr. Cassel said that a signed affidavit can be included with the registration process that does not have to be part of the ordinance. If owner of the cart does not maintain the golf cart the sticker can be pulled until compliance is met. These are some of the administrative things that can be done without requiring additional cost.

Councilman O'Connor explained the reason for the golf cart ordinance.

Mr. Cassel advised that comments were received from Seminole Improvement District (SID) and the comments will be sent to the City as SID has concerns regarding liability issues.

Mayor Manning commented his concerns on individuals driving golf carts near the lakes.

Mr. Cassel advised that the golf carts are only to be operated on multimodal paths.

Councilman O'Connor said that there are some things that can be tweaked between first and second reading.

Mayor Manning said that Council needs to determine what needs to be tweaked.

Ms. Booker noted conversations held with Councilman O'Connor regarding the ordinance language in sections 4C and 4D which appear to be in conflict. She advised that the language is from the Florida State Statues and not from another district code. She noted that she does not have any

objection in deleting 4D and said that the State Statute will still apply; this ordinance does not supersede the State Statute. She advised that clarification can be provided regarding motor and gas carts; she can obtain an answer before second reading. She mentioned the conversation held with the City Manager regarding registrations, renewals and the balance between the two. She thinks that it puts the City in a better legal position that the renewals be done yearly; this is at the discretion of Council on how the registration and renewals are handled. She mentioned that she has gone over this with SID's Counsel as they are concerned with the liability in section 7. She said that if SID has any more comments, she is willing to review. She advised that liability was an issue for SID and had to consent to this before it came before Council as the City does not own most of the facilities and roadways. She noted that Engineering has looked at the ordinance. She recommended that the map of roadways in which the golf carts can be operated be included and updated annually in registration packet for renewal.

Councilman Paul inquired if there should be a restriction on the number of people allowed on the golf carts while driving.

Mr. Cassel advised that there is a license requirement in order to drive the carts. As long as the driver is not exceeding the amount of people that can be on the golf cart this should not be an issue.

Councilman O'Connor commented that according to the ordinance an individual has to be sixteen (16) to drive and this helps.

Ms. Booker commented that the ordinance is not set in stone and if more changes need to be made at Council's discretion to make amendments.

Councilman O'Connor said that this is the first step to curve the speeding issues that are being had within the gated communities. The City just cannot allow PBSO to go in to enforce as there is no Traffic Enforcement agreement.

Mayor Manning inquired on traffic agreement status.

Mr. Cassel explained the process of the agreement going through the County system. He said that he expects to see it shortly.

Further Council discussion.

Mayor Manning asked how does the Council coordinate.

Ms. Booker explained that the ordinance should be heard for second reading in October. She doubts that the County's agreement would be implemented prior to Council's October meeting. She said that just because Council chooses to allow the 90-day grace period does not mean that this will be invalidate the ordinance.

Mayor Manning inquired if the residents will be pulled over.

Mr. Cassel advised that the residents will be warned and given 90 days to get registered. He said that he will have the City Clerk post on the City's website and will get out on the media as well.

Mayor Manning inquired if a motion is needed to have renewals every year or renew once.

Ms. Booker responded that it is Council's discretion; if it is seconded with a majority vote this is the direction Counsel will take and make the changes.

Councilwoman Crump inquired if inspections will be held every year.

Mr. Cassel responded yes.

Further Council discussion on renewals.

Council made a consensus for a 3-year renewal.

Mayor Manning asked for public comments on the ordinance.

Ms. Burgess noted there were no public comments.

For the record, Ms. Burgess read Ordinance 2020-11 by title only.

Motion by Councilman O'Connor to approve Ordinance 2020-11 allowing the use of golf carts upon designated Rights-of-Ways, Rural Parkway Easements and Multi-Modal Paths throughout the City with the recommendation that the City allow 90 days or so to become compliant with permitting renewals every three years, seconded by Councilwoman Crump.

Mr. Cassel advised that since this is an LPA meeting this is a recommendation to Council to approve with those conditions.

Roll Call

Mayor Manning	YES
Councilman O'Connor	YES
Councilwoman Crump	YES
Councilman Paul	YES

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

- B. Ordinance 2020-12 - Amendments to Chapter 3, to add additional Setback Provisions For Residential Zoning Districts of Residential-1 (R1) and Residential-2 (R2).

Submitted By: Legal

ORDINANCE 2020-12 - AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER THREE ENTITLED "ZONING DISTRICTS AND STANDARDS", TO INCLUDE ADDITIONAL SETBACK PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS OF RESIDENTIAL-1 (R1) AND RESIDENTIAL-2 (R2), PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced the item.

Councilman O'Connor thanked staff for placing this item on the agenda. He recommends that permits be accepted now if approved. He noted that many residents have put down deposits on the home generators and some residents cannot afford to lose power as they have special needs people living with them. He inquired if permits can be accepted immediately if approved.

Ms. Booker advised that staff could review, but the owners would need to understand that it is at their risk if the ordinance is not approved for seconded reading. She said that the residents must understand that they cannot continue with the installation. She believes that residents can get through the review process before Council's next meeting.

Ms. Zacarias identified staff recommendation to Council. She advised that by adopting the new ordinance, staff will not use the existing code and noted R1 and R2 on installations of generators. She provided an overview of lot setbacks mentioned at a previous workshop meeting.

Mayor Manning called for any questions and public comments.

Ms. Burgess gave the audience a moment to raise their virtual hand.

Alicia Torres - 5847 Whippoorwill Circle - Ms. Torres inquired if there are any size lots that would not be feasible for generators.

Ms. Zacarias responded that the ordinance contemplates lots that are 40-50 feet, and the lots will have 5 feet setbacks.

Mayor Manning advised there being no further questions or discussions.

Ms. Burgess read Ordinance 2020-12 by title only.

Motion by Councilman O'Connor to approve Ordinance 2020-12, seconded by Councilman Paul.

Roll Call

Councilman Paul YES

Ms. Booker apologized and advised that she wanted to make sure that Council understands the additional clarification on 8, 9 and 10 that will be added.

Mr. Cassel mentioned modifications will be made between first and second reading for numbers 3 and 17.

Mayor Manning commented that just as long as it is redlined out for Council to have an understanding.

Roll Call

Councilman Paul YES

Councilwoman Crump YES

Councilman O'Connor YES, with the recommendation.

Mr. Cassel commented that this is a recommendation to approve for Council.

Ms. Burgess inquired with Ms. Booker if the motion should be restated.

Ms. Booker advised that she understands the motion.

Mayor Manning YES

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

ADJOURNMENT

There being no further business, Mayor Manning adjourned the meeting at 8:24 PM.

Zoie P. Burgess, City Clerk

Roger Manning, Mayor