

CITY OF WESTLAKE



MINUTES - DRAFT

City Council Regular Meeting

Monday, October 12, 2020 at 6:30 PM

This meeting took 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**. Members of the public participated in the meeting through electronic means with access as follows:

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

Meeting ID: 132 051 5017

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: 132 051 5017

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 REGULAR meeting of the City Council of the City of Westlake was held on Monday, October 12, 2020 at 6:30 PM., at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida 33470.

As a preliminary matter, Ms. Burgess noted that Mayor Manning, Vice Mayor Long-Robinson Councilman Paul, Councilwoman Crump and Councilman O'Connor are present physically. Ms. Burgess noted that City Manager, Kenneth Cassel and City Attorney Booker and Planning & Zoning Director were present physically and City Clerk, Burgess was attending via communications media technology.

Ms. Burgess identified the speakers on the agenda, Mr., Jonathan Brown was present and capable of speaking and hearing.

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 City of Westlake Regular City Council meeting of October 12, 2020 to order at 6:32 PM.

ROLL CALL

Present and constituting a quorum:

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

Also present:

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

PLEDGE OF ALLEGIANCE

Mayor Manning led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor Manning called for any additions, deletions or modifications to the Agenda. There being none, the Mayor called for a motion

Motion by Vice Mayor Long-Robinson to approve agenda, seconded by Councilwoman Crump.

UPON ROLL CALL:

Mayor Manning	YES
Vice Mayor Long- Robinson	YES
Councilman O'Connor	YES
Councilwoman Crump	YES
Councilman Paul	YES

With all in favor, motion carried without dissent (5-0).

PUBLIC COMMENTS AND REQUESTS- (OPEN FORUM NON-AGENDA ITEMS)

This section of the agenda allows for comments from the public to speak on any item not presented on the agenda. 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 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.

Mayor Manning introduced the Consent Agenda Item.

Motion by Councilwoman Crump to approve consent agenda, seconded by Councilman Paul.

UPON ROLL CALL:

Councilman O'Connor YES
Councilwoman Crump YES
Councilman Paul YES
Vice Mayor Long- Robinson YES
Mayor Manning YES

With all in favor, motion carried without dissent (5-0).

- A. Approval of Meeting Minutes
 - 1. September 14, 2020 - First Budget Hearing Minutes - DRAFT
 - 2. September 14, 2020 - City Council Regular Meeting Minutes - DRAFT
 - 3. September 21, 2020 - Final Public Budget Hearing Minutes - DRAFT
- B. Approval Finance Statement
 - 4. Financial Statement as August 31, 2020

PRESENTATIONS/PROCLAMATIONS

- E. Presentation - Palm Beach County Department of Housing and Economic Sustainability (HES)

Presented By: Jonathan B. Brown, Director

Mayor Manning introduced Presenter Jonathan Brown.

Jonathan Brown, the Director of Palm Beach County Department of Housing and Economic Sustainability, introduced himself, noting that his department oversees the housing programs throughout the County.

Mr. Brown provided a PowerPoint Presentation to identify the various housing programs available in the County. Mr. Brown provided statistical slides related to household occupancy and wage income variables.

Council questions and discussion.

There being no further discussion, the next item followed.

PUBLIC HEARING

- F. **ORDINANCE 2020-12** - Amendments to Chapter 3, to add additional Setback Provisions For Residential Zoning Districts of Residential-1 (R1) and Residential-2 (R2) (Second Reading).

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

Ms. Zacarias provided a PowerPoint Presentation to provide background, an overview and clarification of revisions, and requests made for Ordinance 2020-12.

City Council, City Attorney and City Manager provided comment and feedback during the progression of the presentation.

Ms. Zacarias continued PowerPoint Presentation, noting each objection submitted by Minto PBLH Counsel and staff's related comments, if any and/or revision made.

City Council provided additional comment and inquiry during the progression of the presentation.

Ms. Zacarias displayed staff's recommendation and conditions as presented in the Staff Report.

Mr. Cassel requested clarification of changes presented.

Ms. Kathryn Rossmell, attorney with Lewis, Longman and Walker representing Minto PBLH requested additional comment time, approved by Mayor Manning and provided feedback to include concerns, requests, and any exceptions to staff comments in the order presented by Ms. Zacarias.

Council inquiry and further discussion with Ms. Zacarias and Ms. Rossmell.

Ms. Rossmell continued with comments and further expressed concerns of the ability to adopt an Ordinance with conditions and inquired if the conditions would be included in the language of the Ordinance. Ms. Zacarias explained conditions were included in the staff report. Ms. Booker further explained that there is no proposal to have the language in the Ordinance, that it would be part of the application process. For further clarification, Ms. Rossmell inquired if it would be a Code requirement. Ms. Booker confirmed that it would not. For council clarification, Mr. Cassel identified the two (2) conditions that would be part of the application process, specifically, the applicant will comply with building department requirements and the applicant will provide copy of the section of the HOA document referencing the maintenance easement along with letter of approval from HOA for installation of standby generator. Ms. Rossmell noted that Minto would object to an application having requirements that are not found in Code. Ms. Booker noted that the department would address the first item and that the application can require a letter from the HOA as there are several items that are not codified with application processes.

Councilman O'Connor noted that he is opposed to requesting an HOA approval letter. Ms. Booker noted that the City is not enforcing, but the applicant needs to be aware that there is another process or procedure and noted that language is not in the Ordinance.

Ms. Booker provided additional comment and suggested changes to #2 noting that there is an agreement to interpretation. Ms. Booker further commented and addressed concern of more interpretation being needed and an issue of subjectivity on the item of plant material. Ms. Rossmell interjected, noting that if there is plant material that there be a waiver process. Ms. Zacarias noted that staff does not have a problem with additional screening and landscaping, the concern is with the 7.5 feet to have additional screening on the neighbor's side. Ms. Rossmell clarified that the issue is when space and safety may not allow for plant material that there would be an exception granted.

Councilman O'Connor explained that it should be handled by the HOA. Ms. Booker noted that the City can not mandate what the HOA does, as the HOA may choose to not have any screening.

Mr. Cassel for clarification confirmed that Item 3, 16 and 18 changes would be incorporated. Ms. Booker confirmed Mr. Cassel's inquiry and further confirmed each change, noting the remaining outstanding item related to language regarding the 7.5 foot side yard setback.

Further Council discussion and inquiry by Vice Mayor Long Robinson regarding language that may be in conflict suggested by Ms. Rossmell. Ms. Rossmell noted that it may be agreed upon by deleting 3 and 16 to identify the change of balconies with support structures that touch the ground. Ms. Zacarias noted that item 11 still remains noting that Chapter 3 can be amended to include walkway and driveway. Ms. Rossmell does not suggest that the particular language be identified in the suggested area of the Code.

Council discussion and request by Councilman Paul to table the item. Councilman O'Connor objected to tabling as there is a health and safety need to pass the Ordinance. Councilwoman Crump noted that everything has been resolved except the location in the code for driveways and walkways. Ms. Rossmell suggested that this item be removed and it can be further worked on with staff.

Ms. Booker reviewed the current language and noted that at the discretion Council, but due to the urgency, the language for item 11 can be removed and an amendment for Chapter 3 can be brought back before Council at a later date.

Ms. Burgess read, by title only, noting second reading, Ordinance 2020-12.

Motion by Councilman O'Connor to adopt Ordinance 2020-12 amending Chapter 3 with recommendations, seconded by Councilwoman Crump.

UPON ROLL CALL:

Vice Mayor Long- Robinson	YES
Mayor Manning	YES
Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES

With all in favor, motion carried without dissent (5-0).

- G. 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 (Second Reading).

Submitted By: Legal

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, 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 (Second Reading).

Ms. Booker noted that there were changes and identified for the record. Councilman O'Connor confirmed that there would be a 90-day timeframe to comply. Ms. Booker confirmed. Ms. Rossmell noted that there is one requested change in Section 3 A (3) where it lists rural parkway easements and multi-modal paths, to add shared use paths to be consistent throughout the Ordinance. Ms. Booker confirmed.

Ms. Burgess read, by title only, noting second reading, Ordinance 2020-11.

Motion by Councilman O'Connor to adopt Ordinance 2020-11, seconded by Vice Mayor Long Robinson

UPON ROLL CALL:

Councilwoman Crump	YES
Councilman Paul	YES
Councilman O'Connor	YES
Mayor Manning	YES
Vice Mayor Long- Robinson	YES

With all in favor, motion carried without dissent (5-0).

REGULAR AGENDA

- H. First Addendum to the Law Enforcement Service Agreement

Submitted By: Ken Cassel, City Manager

Mayor Manning introduced item. Mr. Cassel explained that the item is an addendum to the agreement noting the fees remain the same.

Motion by Vice Mayor Long Robinson to approve the First Addendum to the Law Enforcement Service Agreement, seconded by Councilwoman Crump.

UPON ROLL CALL:

Councilwoman Crump	YES
Councilman O'Connor	YES
Councilman Paul	YES
Vice Mayor Long- Robinson	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0)

NEW BUSINESS

I. City Council Liaison - Education and Youth Advisory Board

Submitted By: Zoie Burgess, City Clerk

RESOLUTION 2020-31 – Selecting a Member of the City Council to serve in the position of City Council Liaison to the Education and Youth Advisory Board

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, SELECTING A MEMBER OF THE CITY COUNCIL TO SERVE IN THE POSITION OF CITY COUNCIL LIAISON TO THE EDUCATION AND YOUTH ADVISORY BOARD.

Mayor Manning introduced item.

Councilman O'Connor nominated Vice Mayor Long-Robinson to serve as liaison to the Education and Youth Advisory Board; Council agreed.

Vice Mayor Long-Robinson accepted and suggested to Council that the individuals that serve in such a capacity provide the board with a welcome letter thanking each individual for their services. Council agreed.

Motion by Councilman O'Connor to recommend Vice Mayor Long-Robinson as the liaison, seconded by Councilwoman Crump.

UPON ROLL CALL:

Mayor Manning	YES
Vice Mayor Long- Robinson	YES
Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES

With all in favor, motion carried without dissent (5-0).

CITY COUNCIL COMMENTS

A. Councilman JohnPaul O'Connor

Councilman O'Connor commented on the trash bill recently received by residents and recommending holding the late fee.

B. Councilwoman Kara Crump

Councilwoman Crump had no comments.

C. Councilman Patric Paul

Councilman Paul Inquired to the status of the permits required for the extension of driveways and moving forward with those that have already completed. Mr. Cassel provided an update. Councilman Paul inquired if the rules and requirements had been posted to the website. Mr. Cassel confirmed that he would direct the City Clerk to post the updated checklist.

D. Vice Mayor Katrina Long Robinson

Vice Mayor Long-Robinson provided an update to the 2020 census and update regarding current statistics for Westlake.

Vice Mayor Long-Robinson requested the early voting link be shared with the locations

Vice Mayor Long-Robinson inquired of Publix and the possibility of incubator spacing and if staff would meet with Council to review programs for small businesses.

Vice Mayor Long-Robinson requested a report on the international soccer school and Christ fellowship. Mr. Cassel provided update noting the international soccer school is still moving forward and Christ fellowship is currently in a holding pattern because of COVID.

Vice Mayor Long-Robinson inquired of any additional departments expected. Mr. Cassel explained that he expects to expand the City Clerk's office, building department and stepping up code enforcement; however, behind the gate is an HOA function. Mr. Cassel will provide an update to HOA regarding efforts for Code Enforcement.

Vice Mayor Long-Robinson inquired of the amount of funds in the HAPPY program. Mr. Cassel provided update on the number of funds and the number of applicants being provided with assistance, and current applications being reviewed.

E. Mayor Roger Manning

Mayor Manning thanked staff and Council for their efforts.

REPORT - STAFF

No additional staff reports, the next item followed.

REPORT - CITY ATTORNEY

Ms. Booker provided an update regarding the process to include solid waste collection on the tax roll, noting it is in process.

REPORT - CITY MANAGER

Mr. Cassel noted the shortage of trash cans and efforts being made to secure.

Mr. Cassel followed up to a previous email regarding a special meeting to be held November 2nd to complete staff reviews.

Mr. Cassel discussed new site developments and developing PODs.

Mr. Cassel noted continued discussions with County regarding fueling stations and C-2 development.

Mayor Manning inquired to the status of identifying the City facilities in comparison to other city's facilities. Mr. Cassel explained that planning and zoning is completing review and will provide an overview for what all 39 municipalities have.

PUBLIC COMMENTS - AGENDA ITEMS ONLY

This section of the agenda allows for comments from the public to speak on items only presented on the agenda. 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.

Mayor Manning called for any public comments.

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.

Nancy Bongiovanni - 16016 Whippoorwill Circle - Provided a thank you on the movement of the stand-alone generators and appreciates her request being accentuated and made into a viable matter.

Alicia Torres - 5847 Whippoorwill Circle - Inquired of Sky Cove South and if the original sky cove would be identified as Sky Cove North. Mr. Cassel believes it will be as there will be two separate HOAs under the master.

Ms. Torres in reference to Ordinance 2020-12, inquired if the residents may move forward in submitting applications. Mr. Cassel confirmed that residents may move forward and thanked staffed for the zoning for the Generators.

Lieutenant Turner - PBSO - Acknowledged there are a couple of juvenile group homes in the general vicinity and there is a need of mentors and would like to inquire of the citizens if there is any interest. Mr. Cassel acknowledged that information may be sent and it will be shared wit the community.

Councilman O'Connor inquired what is the next step to enforcing behind the gates. Lieutenant Turner explained that there still needs to be a traffic agreement in place which was previously being discussed with Mr. Carter and that any Ordinance adopted within the City will need to be forwarded to him for the legal department to review. Mr. Cassel will follow up with Mr. Carter to continue moving forward.

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

There being no further comments, the next item followed.

ADJOURNMENT

Mayor Manning adjourned the meeting at 9:44 PM.

Zoie P. Burgess, City Clerk

Roger Manning, Mayor