

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting
Tuesday, June 04, 2024 at 6:00 PM

The Lodge at Westlake Adventure Park
5490 Kingfisher Blvd.
Westlake, Florida 33470

CITY COUNCIL:

JohnPaul O'Connor, Mayor
Greg Langowski, Vice Mayor
Gary Werner, 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, AICP, Planning and Zoning Director
Suzanne Dombrowski, PE, ENV SP, City Engineer

A regular meeting of the City Council of the City of Westlake was held on Tuesday, June 4, 2024, at 6:00 PM., at The Lodge at Westlake Adventure Park, 5490 Kingfisher Blvd. Members of the public also live streamed the meeting through electronic means and accessed as follows:

1. Webex Meeting: <https://cityofwestlake.my.webex.com/>

Meeting ID: 2632 888 9851

Password: hello

2. By Phone:

United States Toll: +1-650-479-3208

Meeting ID: 2632 888 9851

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of Tuesday, June 4, 2024, to order at 6:00 PM.

ROLL CALL

Present and constituting a quorum:

Councilman Gary Werner
Councilman Julian Martinez
Councilwoman Charlotte Leonard
Vice Mayor Greg Langowski
Mayor JohnPaul O'Connor

Also present:

Kenneth Cassel, City Manager
Donald J. Doody, Esq., City Attorney
Zoie Burgess, City Clerk
Osniel Leon, Assistant City Planner

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mr. Cassel requested the April Financial Report be removed from the consent and brought back in July.

Mayor O'Connor called for a motion to remove the April Financial Report from the consent agenda to allow modifications.

Motion by Councilwoman Leonard to remove the April Financial Report from the consent agenda, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Councilman Werner	YES
Councilman Martinez	YES
Councilwoman Leonard	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

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

Mayor O'Connor called for a motion to approve the modified agenda.

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

UPON ROLL CALL:

Councilman Martinez	YES
Councilwoman Leonard	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilman Werner	YES

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

PUBLIC COMMENTS AND REQUESTS

Public Comment – Jay Estis – Confidential Address – Mr. Estis discussed his concerns regarding iguanas as an invasive species in the neighborhood.

PRESENTATIONS/PROCLAMATIONS

A. Palm Beach County District 6 Update

Presented By: Commissioner Sara Baxter - District 6

Ms. Baxter introduced herself and her staff who will present updates on roads and legislative updates.

Mr. Ed Chase, Director of Intergovernmental Affairs and Community Engagement for Palm Beach County gave an update on the legislative session that recently ended. Mr. Chase discussed state budgets for the various county programs, revenue received, funded programs, and appropriations received.

Director of Legislative Affairs for Palm Beach County, Ms. Kasey Denny gave updates on policies, recently passed bills, and discussed the different sales tax holidays. Ms. Denny also discussed impact fees, mobility fees, and time frames allowed for permitting in the county.

Ms. Baxter further discussed funding for roads.

B. Road Development Update - 60th Street

Presented By: David Ricks, P.E., Palm Beach County Engineer

Mr. Ricks presented an overview of the three segments of 60th Street North project:

- Seminole Pratt Whitney Rd. to 140th Ave. North
- 140th Ave. North to 120th Ave. North

- 120th Ave. North to SR-7

Mr. Ricks also discussed the widening of Seminole Pratt Whitney Road and gave an update on the Northlake Blvd. project.

Council discussed item further with Mr. Ricks regarding timeframe of projects, speed limits, multi-use paths, width of the roads, berms, and interlocal agreements.

C. Proclamation 2024-12 – Juneteenth

Mayor O’Connor identified Proclamations and read each into record.

CONSENT AGENDA

A. Minutes_City Council Regular Meeting - 05.07.2024 DRAFT

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

Motion by Vice Mayor Langowski to approve the consent agenda, seconded by Councilman Werner.

UPON ROLL CALL:

Councilwoman Leonard	YES
Vice Mayor Langowski	YES
Mayor O’Connor	YES
Councilman Werner	YES
Councilman Martinez	YES

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

B. Monthly Financial Report – April

Removed – Agenda Modified

PUBLIC HEARING - QUASI JUDICIAL

- A. **SPR-2024-01:** The applicant is requesting Site Plan approval of a 4.54 acre site for a proposed Retail Sales & Services use known as, “Tractor Supply” located in Parcel F2 within the Westlake Landings development. The application includes a 23,976 sq. ft. main building, a 20,055 sq. ft. fenced outdoor display area including a 1,300 sq.ft. storage shed. The applicant is also requesting a Waiver from Chapter 3, Section 3 (1)(b)(i)(b) to increase the allowed fence height around the outdoor display area from six (6) feet to eight 8 feet at this location.

Submitted By: Planning and Zoning

Mayor O’Connor introduced item and asked for Mr. Doody to swear in witnesses. Mr. Doody swore in all witnesses who would be providing testimony.

Mr. Doody asked for members to disclose any ex-parte communications if any, Mayor O’Connor stated he was not sure if he had any but has communicated with the landowner regarding the item

Staff presentation by Mr. Leon, on behalf of the City.

Council discussion regarding golf cart parking, electrical vehicle parking, size and specifications regarding trailers stored outside of the business, and conditions recommended by staff.

Applicant presentation, presented by Donaldson Hearing of Cotleur & Hearing on behalf of Minto PBLH, LLC. Mr. Hearing, included in presentation an east elevation waiver to increase the height of the fence proposed around the outdoor display area to 8 feet.

Mr. Doody requested Mr. Hearing to identify the applicant. Mr. Hearing confirmed the applicant to be Hix Snedeker who is under a purchase contract with Minto, the landowner.

Council discussed item further regarding trailer size, storage and security of merchandise and conditions.

Ms. Jennifer Nylander, representative for the developer Hix Snedeker discussed the trailers that will be sold at Tractor Supply.

Mayor O'Connor opened for council comment.

Council discussed if the applicant would consider building the shed of concrete material instead of metal, items sold at the business, height of the shed, and the location of the fenced area located behind 7-Eleven.

Mr. Doody inquired if application is to be considered, for it be done so in two steps: initial application and site plan and second motion the waivers.

Mr. Doody asked the applicant if they agree to the restrictions on the size of the trailers, not to exceed four wheels, three-point hitches and they will not exceed 20 feet in length, Mr. Hearing agreed.

Council discussed if applicant would consider adding tubular steel fencing instead of chain-link fencing around the outdoor enclosed area. Mr. Hearing stated they would prefer not to change the fencing of the area.

Mayor O'Connor opened for public comment, there being none, Council discussion followed.

Mayor O'Connor called for a motion.

Motion by Councilman Werner to approve Tractor Supply with a few amendments to the site plan, that the outside display area be enclosed with an eight-foot high elelaster rod iron or tubular steel fence instead of chain-link and that the medal shed be replace with a concrete structure.

Motion not considered as there was no second.

Mr. Doody asked for council to open for public hearing.

Public Comment - Jennifer Nylander – 805 Trione St., Daphne, AL 36526 – Ms. Nylander confirmed they are following the code as it exists related to fencing, and it is being enhanced with black mesh as well as landscaping.

Motion by Vice Mayor Langowski to approve SPR 2024-01 with the conditions identified in the staff report as well as the additional condition relative to the trailers, seconded by Councilwoman Leonard.

Mr. Osniel listed the conditions recommended by staff as follows:

1. Applicant shall contribute one percent (1%) of the building's construction cost of Parcel F2 to the City of Westlake Art Acquisition Fund prior to building permit issuance.
2. Outdoor merchandise display is prohibited outside of the designated display areas.
3. Outdoor display areas shall be kept orderly and clean at all times.
4. The storage of merchandise outside the fenced outdoor merchandise display is prohibited.
5. The obstruction of parking spaces or drive isles is prohibited. All loading/unloading of merchandise shall only be permitted in the designated loading areas.

6. Display area adjacent to Persimmon Blvd. West shall be limited to Trailer display only.
7. Outdoor merchandise display located on sidewalk shall be limited to push and riding mowers, garden carts, log splitters, blowers, dog houses and kennels, wheelbarrows, bagged fertilizer, pine shavings, and bagged feed.

Mr. Doody clarified if those conditions were acceptable to the applicant. Mr. Hearing and Ms. Nylander discussed the outdoor merchandise display and asked for it to add the word or similar items. Further discussion on wording.

Mr. Doody stated the condition will read as subject to the approval of the City Manager. Applicants agreed with the condition.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilman Werner	NO
Councilman Martinez	YES
Councilwoman Leonard	YES

Motion carried, with Councilmember Werner dissenting (4-1).

Mayor O'Connor called for another motion regarding the waiver.

Motion by Vice Mayor Langowski to approve the requested waiver relative to the height of the fence, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Mayor O'Connor	YES
Councilman Werner	YES
Councilman Martinez	YES
Councilwoman Leonard	YES
Vice Mayor Langowski	YES

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

- B. SPR-2023-01:** The applicant is requesting approval of a Site Plan Review for a Bank with Drive Through for Parcel C within the Westlake Plaza development. Parcel C is located on the east side of the Westlake Plaza site, abutting the south side of Parcel B. The proposed Bank with Drive Through consists of a 1,956 sq.ft. building with dual drive-through lanes.

Submitted By: Planning and Zoning

Mayor O'Connor introduced item. Mr. Doody swore in all witnesses who would be providing testimony.

Mr. Doody read the Resolution, by title only, into the record.

Staff presentation by Mr. Leon, on behalf of the City.

Council discussed if code prevents the driving of a golf cart through a drive thru.

Applicant presentation, presented by Mr. Donaldson Hearing of Cotleur & Hearing on behalf of Public Supermarket, Inc.

Mr. Doody asked for clarification on who the property owner is. Mr. Hearing confirmed Publix Super Market, Inc. is the property owner.

Council and staff discussed item in further detail.

Mr. Doody asked for members to disclose any ex-parte communications if any. Mayor O'Connor stated he was sure he had spoken with someone regarding the project.

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

Motion by Councilman Werner to approve Site Plan review for Fifth Third Bank SPR 2023-01 as recommended by staff, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Councilman Werner	YES
Councilman Martinez	YES
Councilwoman Leonard	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

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

NEW BUSINESS

- A. Art In Public Places Advisory Board - Consideration and Appointment of Carole Waldman as a Regular Advisory Board Member

Submitted By: City Clerk's Office

RESOLUTION NO. 2024-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPOINTING ONE (1) MEMBER TO SERVE ON THE ART IN PUBLIC PLACES ADVISORY BOARD; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Mr. Doody called for motion to appoint the board member prior to the consideration of the resolution.

Mayor O'Connor called for a motion.

Motion by Councilman Werner to appoint Carole Waldman to the Art in Public Places Committee, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Councilman Werner	YES
Councilman Martinez	YES
Councilwoman Leonard	YES

Vice Mayor Langowski YES
Mayor O'Connor YES

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

Mayor O'Connor called for Mr. Doody to read the Resolution, by title only, into the record to include Ms. Waldman.

Mr. Doody read the Resolution, by title only, into the record.

Mayor O'Connor called for a motion.

Motion by Councilman Werner to approve Resolution 2024-10 for the appointment of Carole Waldman to the Art in Public Places Advisory Board, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Councilwoman Leonard YES
Vice Mayor Langowski YES
Mayor O'Connor YES
Councilman Werner YES
Councilman Martinez YES

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

B. City of Westlake 5k - Discussion and Action for Donation of Surplus Funds

Submitted By: Administration

RESOLUTION NO. 2024-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING THE DONATION OF SURPLUS FUNDS IN THE AMOUNT OF \$_____ TO _____ SCHOOL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Council discussed the surplus of funds (\$2,014.02) and agreed the funds to go to Golden Groves Elementary School to be facilitated by the Education Advisory Board.

Council discussed item further.

Mayor O'Connor called for a motion.

Motion by Councilman Werner to approve the use of surplus funds from the 5K to be given to Golden Groves Elementary School, seconded by Vice Mayor Langowski.

Mr. Doody asked to read the Resolution, by title only, into record.

UPON ROLL CALL:

Vice Mayor Langowski YES
Mayor O'Connor YES
Councilman Werner YES
Councilman Martinez YES

Councilwoman Leonard YES

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

CITY COUNCIL COMMENTS

- A. Councilwoman Charlotte Leonard – No further comments.
- B. Councilman Julian Martinez – Councilman Martinez discussed the new businesses coming to the city and the upcoming FourthFest.
- C. Councilman Gary Werner – No further comments.
- D. Vice Mayor Greg Langowski – Vice Mayor Langowski discussed for council and staff to look into having a flag and a statue for the city.
- E. Mayor JohnPaul O'Connor – Mayor O'Connor is looking forward to FourthFest.

REPORT – STAFF

Chief Vomero of the Palm Beach County Fire Department discussed the Palm Beach County Fire Rescue monthly response times report for the City.

Sergeant Gaudreau of the Palm Beach County Sheriff's Office discussed the monthly response time report for the City of Westlake.

REPORT - CITY ATTORNEY

REPORT - CITY MANAGER

Mr. Cassel clarified if there is an iguana issue and it is behind the gate it is an HOA issue, if it is on Seminole Improvement District Property or right-of-way, Seminole Improvement District will address those.

PUBLIC COMMENTS AND REQUESTS

Public Comment – Daniel Hirsch -15227 Goldfinch Circle – Mr. Hirsch asked about the golf cart path at the schools located in Westlake.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 8:12 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor