

CITY OF WESTLAKE



AGENDA

City Council Regular Meeting

Tuesday, October 03, 2023 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
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, AICP, Planning and Zoning Director
Suzanne Dombrowski, P.E., ENV SP, City Engineer

[TENTATIVE: SUBJECT TO REVISION]

This is a Public Meeting and members of the public may attend in-person; however, the option to attend and participate via Communications Media Technology is available via the Cisco WebEx Platform and may be accessed as follows:

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

Meeting ID: 2634 490 7090

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: 2634 490 7090

For participants attending the meeting via WebEx, public comments will be accepted via an electronic comment card, at least 24 hours prior to the public meeting and also acknowledged during the meeting when participants utilize the “raise your hand” feature during the designated time.

Procedures for Public Comment are also provided via the City website:
<https://www.westlakegov.com/cityclerk/page/covid-19-public-meetings>

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

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.

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.](#) Minutes_City Council Regular Meeting and First Budget Hearing - 09.05.2023 DRAFT
- [B.](#) Minutes_City of Westlake and Seminole Improvement District Joint Workshop - 09.12.2023 DRAFT
- [C.](#) Minutes_City Council Final Budget Hearing - 09.12.2023 DRAFT
- [D.](#) Minutes_City Council Rescheduled Final Budget Hearing - 09.20.2023 DRAFT

PRESENTATIONS/PROCLAMATIONS

- [A.](#) Proclamation 2023-09 - Government Week - October 16-22

PUBLIC HEARING

- [A.](#) SECOND READING - Ordinance 2023-03 - Prohibiting Medical Marijuana Treatment Center Dispensing Facilities

Submitted By: Administration

ORDINANCE 2023-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE NO. _____ AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION _____ TO BE ENTITLED "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED" ; PROVIDING FOR PURPOSE AND FINDINGS; PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

- B.** SECOND READING - Ordinance 2023-05 - Qualifying & Municipal Election Date Change for March 2024 Election

Submitted By: Administration

ORDINANCE 2023-05

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING QUALIFYING DATES FOR THE MARCH 2024 GENERAL MUNICIPAL ELECTIONS, IN ACCORDANCE WITH THE DIRECTION OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR A CHANGE IN DATE OF THE CITY'S MARCH 2024 GENERAL MUNICIPAL ELECTION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- C.** SECOND READING - Ordinance 2023-06 - Amending Ordinance 2020-11 and 2022-07 Regulating the Operation of Golf Carts

Submitted by: Administration

ORDINANCE 2023-06

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY SPECIFICALLY AMENDING ORDINANCE NO. 2020-11 AND 2022-07 REGULATING THE OPERATION OF GOLF CARTS WITHIN THE CITY LIMITS; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

CITY COUNCIL COMMENTS

- A. Councilwoman Charlotte Leonard
- B. Councilman Julian Martinez
- C. Councilwoman Pilar Valle Ron
- D. Vice Mayor Greg Langowski
- E. Mayor JohnPaul O'Connor

REPORT - STAFF

REPORT - CITY ATTORNEY

REPORT - CITY MANAGER

PUBLIC COMMENTS AND REQUESTS

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ADJOURNMENT

Next Meeting (Subject to Change or be Cancelled): **November 7, 2023**

NOTICE: If a person, firm or corporation decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, you will need a record of the proceedings, and you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above notice is required by State Law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript). The City of Westlake does not prepare or provide such verbatim record.

In accordance with the Americans with Disabilities Act, persons who need an accommodation in order to attend or participate in this meeting should contact the City Clerk at (561) 530-5880 at least three (3) business days prior to the meeting in order to request such assistance.

AGENDA POSTED: September 29, 2023

File Attachments for Item:

A. Minutes_City Council Regular Meeting and First Budget Hearing - 09.05.2023 DRAFT

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting & First Budget Hearing

Tuesday, September 05, 2023, 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, AICP, Planning and Zoning Director
Suzanne Dombrowski, PE, ENV SP, City Engineer

A regular meeting and first budget hearing of the City Council of the City of Westlake was held on Tuesday, September 5, 2023, 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 748 9736

Password: hello

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

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

Meeting ID: 2632 748 9736

As a preliminary matter, Ms. Burgess noted that council members are present physically constituting a quorum.

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 Tuesday September 5, 2023, to order at 6:01 PM.

ROLL CALL

Present and constituting a quorum:

Councilwoman Charlotte Leonard
Councilman Julian Martinez
Councilwoman Pilar Valle Ron
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, City Planner

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.

Mayor O'Connor requested the addition of a Proclamation acknowledging Suicide Awareness Month for September.

Motion by Vice Mayor Langowski to approve the agenda, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Councilwoman Leonard	YES
Councilman Martinez	YES
Councilwoman Valle Ron	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 agenda as amended.

Motion by Councilwoman Leonard to approve the agenda as amended, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

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. Jennifer Bermudez – 16091 Whippoorwill Circle - Discussed her concerns of the item on the agenda that calls for the dissolution of the Education & Youth Advisory Board. As a concerned member of the community,

she feels such action would be a step back for the community. She noted that there was a broad range of representation, diverse perspectives, and a positive impact to the community. She noted that she believes that instead of thinking about a committee that a new board be considered or new committee be created but a solution to make it better.

Mayor O'Connor responded by briefing Ms. Bermudez on why the decision came to be at the last meeting, noting the desire of the Council was to make it more of an Ad Hoc Committee in hopes of allowing them to communicate more freely and get more done.

Ms. Bermudez requested to speak again. Mr. Doody explained that it would be a vote of the Council to allow for extended discussion.

Mayor O'Connor called for a motion.

Motion by Councilman Martinez to allow Ms. Bermudez to speak for more than 3 minutes, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

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

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

Ms. Bermudez stated she appreciated the clarification and acknowledges there were various roadblocks as Sunshine Laws restricted conversations.

Alicia Torres – 5847 Whippoorwill Circle – Expressed her discontentment of the July 11, 2023, Council meeting that discussed the Education & Youth Advisory Board, noting that there were too many people in the discussion that were not aware of what the Committee is supposed to be. Ms. Torres continued, noting that Councilmember Leonard was asked her opinion by the mayor, but the Liaison, Ms. Torres explained, is Vice Mayor Langowski that should have responded. Ms. Torres explained that the Council spoke to Ms. Anita Kaplan, but Ms. Liriano is the chair of the committee. Ms. Torres also expressed her concern and that it would mean a step back, acknowledging that as a new city there needs to be more support, and more creativity. Ms. Torres understands the thought of making it an Ad Hoc Committee, but noted there are other community and social groups that do well, but there needs to be communication between the schools, the city and parents. Ms. Torres asked the Council to rethink this item.

Jackie Campbell – Ms. Campbell expressed her concern for children driving golf carts and inquired what enforcements can take place.

City Council and Captain Turner for the Palm Beach Sheriff's Office discussed regulations that are currently in place and enforcement that is being taken.

Ms. Burgess gave the virtual audience a moment to comment. There being no further 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. Minutes_City Council Budget Workshop - 08.01.2023 DRAFT
- B. Minutes_City Council Regular Meeting - 08.01.2023 DRAFT
- C. Monthly Financial Report – July

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

UPON ROLL CALL:

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

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

PRESENTATIONS/PROCLAMATIONS

- A. Proclamation 2023-04 - Palm Beach State College 90th Anniversary
Mayor O'Connor read and presented the Proclamation to Representatives.
- B. Proclamation 2023-06 - Constitution Week - September 11-22
Mayor O'Connor read Proclamation into the record.
- C. Proclamation 2023-07 - Patriot's Day 2023
Mayor O'Connor read Proclamation into the record.
- D. ADDITION TO AGENDA: Proclamation 2023 – 08 – Suicide Awareness
Mayor O'Connor read Proclamation into the record.

FIRST BUDGET HEARING

- A. RESOLUTION 2023-22 - Adopting a Tentative Millage Rate
Submitted by: Administration

RESOLUTION 2023-22

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE OF _____ FOR THE CITY'S GENERAL OPERATING FUND FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2023, ENDING ON SEPTEMBER 30, 2024;

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

Mayor O'Connor introduced the item. Mr. Doody interjected requesting Council consider the tentative milage rate under separate motion and then incorporate it into the resolution under a separate Motion.

Mayor O'Connor commented regarding his challenge from the last workshop to lower the milage rate, and noted this is the largest millage rate reduction they have ever had and thanked staff for their efforts.

Mr. Doody requested that the City Manager provide additional pertinent information.

Mr. Cassel noted that the millage rate of 5.0 is greater than the roll back rate of 4.1933. Mr. Cassel corrected, noting it is greater than the rollback rate of 4.1993. He continued noting that the TRIM rate is an increase of 19.06% above the roll-back rate.

Mayor O'Connor called for a motion to accept the tentative milage rate.

Motion by Councilwoman Leonard to adopt the tentative milage rate of 5.0 for the 2024 budget, seconded by Councilman Martinez.

UPON ROLL CALL:

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

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

Mr. Doody read the item, by title only, into the record. Mr. Doody called for a motion to adopt the resolution.

Mayor O'Connor called for a motion to adopt the tentative milage rate.

Mr. Doody asked for council to entertain comments from council and the public.

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

Motion by Councilwoman Valle Ron to adopt Resolution 2023-22, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

Mr. Doody stated publicly for the record the tentative millage rate adopted is greater than the rollback rate of 4.1993 by 19.6%. Mr. Doody also stated there will be another public hearing on September 12th, 2023, at 6:00 PM in the Westlake Community Center located at 4005 Seminole Pratt Whitney Road, Westlake, FL 33470.

B. RESOLUTION 2023-23 - Adoption of Tentative Budget for Fiscal Year 2024

Submitted By: Administration

RESOLUTION 2023-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING ON SEPTEMBER 30, 2024; DETERMINING AND FIXING THE AMOUNTS NECESSARY TO CARRY ON THE GOVERNMENT OF THE CITY FOR THE ENSUING YEAR; DETERMINING THE AMOUNT OF APPLICABLE FUNDS ON HAND; ESTIMATING RECEIPTS AND EXPENDITURES FOR ALL FUNDS, EXHIBIT "A"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

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

Mayor O'Connor called for any additional comments from Mr. Cassel.

Mr. Cassel discussed items that were reviewed and helped facilitate trimming of the budget to lower it from 5.1 to 5.0.

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

Motion by Councilwoman Leonard to adopt Resolution 2023-23 adopting a tentative budget for the fiscal year beginning October 1st, ending September 30, 2023, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

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

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

Ms. Burgess asked the council to lower the microphones for the record.

PUBLIC HEARING - QUASI JUDICIAL

- A. MSP-2023-05:** Application of Gentile Holloway O'Mahoney & Associates, Inc. for a Site Plan Modification to modify the existing Grove Market at Westlake shopping plaza in the Mixed-Use Zoning District. The subject application modifies outparcel D, located at the southwest corner of the development. The Grove Market is located on the northeast corner of the intersection of Seminole Pratt Whitney Road and Persimmon Boulevard East on a 9.98-acre parcel of land. The subject application is located at 5060 Seminole Pratt Whitney Road, Westlake, Florida, 33470.

Submitted By: Planning and Zoning

Mayor O'Connor introduced the item. Mr. Doody swore in all witnesses who would be providing testimony. Mayor O'Connor called for staff presentations.

Mr. Leon discussed a PowerPoint presentation requesting approval for a site plan modification for the existing Grove Market at Westlake Shopping Plaza located in the Mixed-Use Zoning District. Mr. Leon confirmed that staff recommends application for approval with no conditions for approval.

Mayor O'Connor called for applicant presentation.

Mr. George Gentile of Gentile Holloway O'Mahoney & Associates discussed a PowerPoint presentation requesting the site plan modification of the existing Grove Market at Westlake Shopping Plaza proposing a one-story building to allow retail and medical office use.

Council and staff discussed item further.

Mayor O'Connor called for council comments.

Council members and staff discussed signage for the property.

Mayor O'Connor called for council comments. There being no additional comments, Mayor O'Connor called for public comments.

Ms. Burgess noted no public comment cards were received prior to the meeting but noted Ms. Torres raised her hand.

Alicia Torres – 5847 Whippoorwill Circle – Ms. Torres asked council and staff where the street signage for Grove Market would be located, where deliveries would be made and how the rear of the building would be hidden from public view.

Staff discussed the landscaping that will be placed around the building and stated deliveries should not be an issue.

Council and applicant discussed vendors anticipated for the plaza.

Mayor O'Connor called for additional public comments. Ms. Burgess noted there was another comment from a Mr. Williams.

Aaron Williams – Greenspoon Marger, 200 E. Broward Blvd., #1500, Ft. Lauderdale, FL 33301 –

Mr. Williams, a representative for Grove Market, the owner of the plaza. Mr. Williams discussed future plans for a retail space for the plaza. Mr. Williams stated the parking for that project has already been set aside. Mr. Williams discussed parking ratios needed and required for the spaces that will be taken up in the plaza.

Council discussed parking issues that might arise with staff.

Mayor O'Connor called for any additional public comments.

Ms. Burgess noted there were no additional comments.

There being none, Mr. Doody asked Council if they had any ex-parte communication, state it for the record.

Mayor O'Connor stated the owner of the plaza contacted him regarding parking for the plaza. Mayor O'Connor asked staff if the parking was sufficient for everything and any future developments.

Council and staff discussed the parking and space available in the plaza and verified it falls within the guidelines of the ordinance.

Council and staff continued discussing the plaza and parking.

Mr. Doody interrupted council and asked if there were any other members of council that had any ex-parte communication.

Council and staff continued to discuss parking and the plaza.

Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve MSP 2023-05, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

PUBLIC HEARING

- A. FIRST READING - Ordinance 2023-03 - Prohibiting Medical Marijuana Treatment Center Dispensing Facilities

Submitted By: Administration

ORDINANCE 2023-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE NO. _____ AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION _____ TO BE ENTITLED "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED" ; PROVIDING FOR PURPOSE AND FINDINGS; PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read Ordinance 2023-03, by title only, into the record.

Mayor O'Connor called Mr. Cassel to discuss item further.

Mr. Cassel discussed item in further detail.

Mayor O'Connor called for council comments.

Council discussed item with staff and city attorney.

Mayor O'Connor called for public comments.

Ms. Burgess noted no public comment cards were received prior to the meeting and gave the virtual audience a moment to raise their virtual hand. Ms. Burgess noted a Mr. Bock had a comment.

Darryl Bock – 15787 Cresswind Place – Mr. Bock stated he was in favor of the ordinance and allow council to come up with restrictions for these types of businesses.

Ms. Burgess noted another comment was received by Ms. Tapiero.

Annie Tapiero – 5991 Whippoorwill Circle – Ms. Tapiero stated she was in favor of this ordinance. Ms. Burgess gave the virtual audience a moment to raise their virtual hand. Ms. Burgess noted there were no additional comments.

Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve Ordinance 2023-03, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

B. FIRST READING - Ordinance 2023-04 - Dissolution of Education and Youth Advisory Board

Submitted By: Administration

ORDINANCE 2023-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY REVOKING ORDINANCES NO. 2020-05 AND NO. 2020-10 FOR THE PURPOSE OF DISSOLVING THE EDUCATION AND YOUTH ADVISORY BOARD; PROVIDING FOR THE REVOCATION OF THE APPOINTMENT OF BOARD MEMBERS; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Mr. Doody read Ordinance 2023-04, by title only, into the record.

Mayor O'Connor called for Mr. Cassel to discuss the item in further detail.

Council discussed item further.

Mayor called for any members in the public that are part of the Board to come up and comment.

Anita Kaplan – 5459 Santa Rosa Lane – Ms. Kaplan discussed board meetings and her time on the board, a year and the board only met twice. Ms. Kaplan believes the sunshine laws prohibit the board from communicating and moving forward.

Mayor O'Connor called for a motion.

Ms. Burgess stated there were additional public comments.

Darline Winewski – 5948 Buttonbush – Ms. Winewski stated the board was frustrated as guidance was not provided to them on how to properly deal with sunshine. Ms. Winewski stated no other council members supported the goals of the committee or saw what the board was trying to accomplish. Ms. Winewski stated she disagrees with the dissolution of the board and creating a social club where there is no transparency. Ms. Winewski stated her son was the student liaison and never received recognition or even a certificate for his participation with the board.

Mayor O'Connor called for additional public comments.

Pam Manning – The Groves – Ms. Manning stated she had never heard of the Education Board and would have loved to be a member of the board.

Ms. Burgess noted there was another comment from Ms. Bermudez.

Ms. Bermudez stated she is part of a local committee that serves the community. Ms. Bermudez stated the team she is part of has successfully collected school supplies and distributed them to the surrounding schools. Ms. Bermudez wanted the boards to be given another opportunity without the roadblock that had been put in place.

Mayor O'Connor discussed tabling this item to help give a chance to - Mr. Doody interrupted and stated roadblocks are not in place, they are statutes to help protect the board members and the City. Mr. Doody stated the council did not pass these, we simply adhere to them. Mr. Doody clarified the board is an Advisory Board that can make recommendations and the council acts upon the recommendations on behalf of the city, council is not granting the authority to the board to operate on its own.

Gaston Rubio – The Groves – Mr. Gaston asked what the function of the board is. Mr. Gaston stated if the people understood what the purpose of the board is they can properly defend their existence.

Mayor O'Connor discussed the purpose of the board.

Councilman Leonard asked to be able to read the mission of the board to clear any confusion.

Council discussed item in further detail.

Vice Mayor Langowski called for the item to be tabled for a future date. Mr. Doody asked for a second. Councilwoman Leonard stated yes.

Mr. Doody asked when council wanted the item to come back. Vice Mayor Langowski asked for time to discuss the item with city administration and bring it back in November.

UPON ROLL CALL:

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

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

C. FIRST READING - Ordinance 2023-05 - Qualifying & Municipal Election Date Change for March 2024 Election

Submitted By: Administration

ORDINANCE 2023-05

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING QUALIFYING DATES FOR THE MARCH 2024 GENERAL MUNICIPAL ELECTIONS, IN ACCORDANCE WITH THE DIRECTION OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR A CHANGE IN DATE OF THE CITY'S MARCH 2024 GENERAL MUNICIPAL ELECTION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Mr. Doody read Ordinance 2023-05, by title only, into the record.

Mayor O'Connor called for Mr. Cassel to discuss item in further detail.

Mayor O'Connor called for Council comments. There being none, Mayor O'Connor called for public comments.

Ms. Burgess stated no comment cards were received prior to the meeting and gave the virtual audience a moment to raise their virtual hand.

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

Motion by Vice Mayor Langowski to ordinance 2023-05, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

- D. FIRST READING - Ordinance 2023-06 - Amending Ordinance 2020-11 and 2022-07 Regulating the Operation of Golf Carts

Submitted by: Administration

ORDINANCE 2023-06

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY SPECIFICALLY AMENDING ORDINANCE NO. 2020-11 AND 2022-07 REGULATING THE OPERATION OF GOLF CARTS WITHIN THE CITY LIMITS; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Mr. Doody read Ordinance 2023-06, by title only, into the record.

Mayor O'Connor called for Mr. Cassel to discuss item in further detail.

Mayor O'Connor called for Council comments. There being none, Mayor O'Connor called for public comments.

Ms. Burgess stated no comment cards were received prior to the meeting and gave the virtual audience a moment to raise their virtual hand.

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

Motion by Councilwoman Valle Ron to approve ordinance 2023-06, seconded by Councilman Martinez.

UPON ROLL CALL:

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

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

- E. 2023 Solid Waste Annual Assessment

Submitted By: Administration

RESOLUTION 2023-25

A RESOLUTION OF THE CITY OF WESTLAKE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE SERVICES, IN THE CITY OF WESTLAKE, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE SERVICES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2023; IMPOSING A RESIDENTIAL SOLID WASTE SERVICES SPECIAL ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF WESTLAKE FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2023; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Mr. Doody read Resolution 2023-25, by title only, into the record.

Mayor O'Connor called for Mr. Cassel to discuss item in further detail.

Mayor O'Connor called for Council comments. There being none, Mayor O'Connor called for public comments.

Alicia Torres – 5847 Whippoorwill Circle – Ms. Torres stated she thought the charges were incorporated into the current taxes.

Mr. Cassel stated that is what this assessment does and puts it in a TRIM notice to add to the taxes.

Ms. Burgess stated no comment cards were received prior to the meeting and gave the virtual audience a moment to raise their virtual hand.

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

Motion by Vice Mayor Langowski to approve Resolution 2023-25, seconded by Councilman Martinez.

UPON ROLL CALL:

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

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

NEW BUSINESS

A. RESOLUTION 2023-24 - First Amendment to Non-Exclusive Use Agreement

Submitted By: Administration

RESOLUTION NO. 2023-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE FIRST AMENDMENT TO THE NON-EXCLUSIVE PERMISSIVE USE AGREEMENT BETWEEN THE WESTLAKE RESIDENCES MASTER HOMEOWNERS ASSOCIATION, INC. AND THE CITY OF WESTLAKE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Mr. Doody read Resolution 2023-24, by title only, into the record.

Mayor O'Connor called for Mr. Cassel to discuss the item in further detail.

Mayor O'Connor called for Council comments. There being none, Mayor O'Connor called for public comments.

Tara Duhy with Lewis, Longman and Walker on behalf of Minto PBLH, LLC – Ms. Duhy, on behalf of Minto PBLH further discussed the amendment that was made to the agreement.

Mayor O'Connor called for Council comments. There being none, Mayor O'Connor called for a motion.

Motion by Councilwoman Valle Ron to approve Resolution 2023-24, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

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

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

B. Fiscal Year 2022 Audited Financial Report

Submitted By: Administration

Mayor O'Connor introduced the item.

Mayor O'Connor called for Mr. Cassel to discuss the item in further detail. Mr. Cassel with council.

Mayor O'Connor called for motion.

Motion by Councilwoman Leonard to accept the FY 2022 audited financial report, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

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

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

C. Seminole Improvement District Reclaimed Water Tank Expansion

Submitted By: Administration

Mayor O'Connor introduced the item.

Mayor O'Connor called for Mr. Cassel to discuss the item in further detail. Mr. Cassel stated Allen Hendricks with Caulfield & Wheeler and Haze Templeton discussed item in further detail.

Mr. Hendricks discussed a presentation for the item.

Council further discussed item with Mr. Cassel.

Mayor O'Connor called for any council comments. There being none, Mayor O'Connor called for the next item.

Mr. Cassel interrupted and clarified this item needs to be approved first.

Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

Mr. Doody stated he has been advised there is a condition for approval. Mr. Cassel stated there was a condition to have landscaping installed at the time of the park build.

Vice Mayor Langowski amended his motion, seconded by Councilwoman Valle Ron.

Mr. Doody requested the motion include the condition. Vice Mayor Langowski stated with the conditions.

Motion by Vice Mayor Langowski to approve item with the conditions, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

Submitted By: Administration

Mayor O'Connor introduced the item.

Mr. Hendricks stated this item also has conditions for approval. Applicant and council discussed conditions and item in further detail. Condition for listed for item was, if there are ever residents move to the west of the facility, they will add in additional buffers about 100 to 150 feet on west side of parcel. Mayor O'Connor asked what the exact language was for the item, 150 or 100 feet. Mr. Cassel stated it was required to install a landscape buffer modification prior to building residential on the west side of the parcel.

Mr. Hendricks discussed PowerPoint presentation for the Seminole Improvement District Office.

Council and staff continued discussion on buffers and site plan.

Mayor O'Connor called for a motion to approve item with conditions.

Motion by Councilman Martinez to approve Seminole Improvement District Reclaimed Water Tank Expansion.

Correction by Councilman Martinez to approve Seminole Improvement District Office Facilities with staff conditions, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

CITY COUNCIL COMMENTS

A. Councilwoman Charlotte Leonard – Councilwoman Leonard notified council of the Black Chamber's request to come out and have a listening tour with the residents of the City of Westlake on either October 10 or 11. Councilwoman Leonard stated they would like to use the chamber or the Adventure Lodge. Councilwoman Leonard asked if council would approve and or willing to pay for the lodge to use on the date of the event.

Council discussed the use of the lodge for the event. It was decided that the meeting would be held at the current Council Chamber

B. Councilman Julian Martinez - Councilman Martinez asked if there was a cut off on length of meetings.

Mr. Doody stated there was no time limit.

C. Councilwoman Pilar Valle Ron – Councilwoman Valle Ron stated she was happy with the meeting and happy the Education and Youth Advisory Board was no longer being dissolved.

D. Vice Mayor Greg Langowski – Vice Mayor Langowski brought up two Proclamations for the upcoming meeting, Hunger Action Month and Hispanic Heritage Month. Vice Mayor Langowski asked for a consensus from the Council.

Council was in favor of the proclamations being presented at the next meeting.

E. Mayor JohnPaul O'Connor – Mayor O'Connor asked for staff to review surrounding cities Education Boards and see how they are structured. Mayor O'Connor also asked to impose an unexcused absence rule where after two meetings have been missed, they are to be replaced.

REPORT – STAFF

No reports.

REPORT - CITY ATTORNEY

No comments.

REPORT - CITY MANAGER

No comments.

PUBLIC COMMENTS AND REQUESTS

Anita Kaplan – 5459 Santa Rosa Lane – Ms. Kaplan stated there were some good suggestions to help the Education Board succeed.

Jackie Campbell – Ms. Campbell inquired as to why the City is being charged to use the lodge.

Mayor O'Connor explained to Ms. Campbell that the lodge is not owned by the city.

Mayor O'Connor called for additional public comments.

Ms. Ramirez noted there was a request to comment from Annie Rodriguez.

Annie Rodriguez – 5591 Whippoorwill Circle – Ms. Rodriguez is happy the elimination of the Education Board has been tabled and is hoping the board's commitment can be revised. Ms. Rodriguez also stated she would like to meet with the City Manager.

Mayor O'Connor gave the virtual audience a moment to comment, there being none, Mayor O'Connor moved to next item.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 8:43 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

B. Minutes_City of Westlake and Seminole Improvement District Joint Workshop Minutes - 09.12.2023 DRAFT

CITY OF WESTLAKE



MINUTES

**City of Westlake and Seminole
Improvement District Joint Workshop**
Tuesday, September 12, 2023, at 4:30 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, AICP, Planning and Zoning Director
Suzanne Dombrowski, PE, ENV SP, City Engineer

A joint workshop of the City Council of the City of Westlake and the Board of Supervisors for Seminole Improvement District was held on Tuesday, August 12, 2023, at 4:30 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: 2633 808 4988

Password: hello

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

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

Meeting ID: 2633 808 4988

As a preliminary matter, Ms. Ramirez noted that council members are present physically constituting a quorum. Ms. Ramirez also noted Councilman Martinez and Councilwoman Valle Ron were present were virtually present.

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

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

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of Tuesday August 1, 2023, to order at 4:33 PM.

ROLL CALL

Present and constituting a quorum:

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

District President Scott Massey
District Vice President Zane Beard
District Secretary Leolani Gevers

Also present:

Kenneth Cassel, City Manager
Sean M. Swartz, Esq., City Attorney
Mery Ramirez, Recording Clerk

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

WORKSHOP AGENDA

A. Proposed Park Discussion & Update

Mr. Cassel introduced and outlined the purpose of the meeting and what is hoped to be accomplished. Council and Board of Supervisors discussed the different concepts and layouts presented for the park.

Council and Board of Supervisors also discussed adding a dog park to the proposed park.

Ms. Ramirez stated Councilwoman Valle Ron is present virtually.

Council and Seminole Improvement Board discussed:

- Open Space
- Food Trucks
- Dog Park
- Fire Works
- Events
- Parking at the Park
- Gold cart Parking
- Restrooms

Mayor O'Connor asked if council could make a consensus to choose concept 1.2A. Mayor O'Connor called for Councilman Martinez to state which concept he preferred. Mayor O'Connor asked Councilwoman Leonard if she was ok with concept 1.2A, Councilwoman Leonard stated yes. Mayor O'Connor asked if Seminole Improvement District was ok with concept 1.2A, they said yes.

Ms. Ramirez stated Ms. Valle Ron was also present virtually. She did not respond.

Mayor O'Connor stated we can move forward with concept 1.2A as there is a council consensus.

CITY COUNCIL COMMENTS

A. Councilwoman Charlotte Leonard - Councilwoman Leonard had no additional comments.

B. Councilman Julian Martinez – Councilman Martinez had no additional comments.

C. Councilwoman Pilar Valle Ron - Councilwoman Valle Ron had no additional comments.

D. Vice Mayor Greg Langowski – Vice Mayor Langowski asked staff to think of any City projects that council can bring to the legislative delegation and state officials that may need to be promoted and funded.

E. Mayor JohnPaul O'Connor – Mayor O'Connor thanked staff for lowering the milage rate from 5.1 to 5.0.

BOARD OF SUPERVISORS COMMENTS

No additional comments.

PUBLIC COMMENTS

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. Ramirez noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment.

There being no further comments, the next item followed.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 5:16 PM

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

C. Minutes_City Council Final Budget Hearing Minutes - 09.12.2023 DRAFT

CITY OF WESTLAKE



MINUTES

City Council Final Budget Hearing

Tuesday, September 12, 2023, 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, AICP, Planning and Zoning Director
Suzanne Dombrowski, PE, ENV SP, City Engineer

A Final Budget Hearing of the City Council of the City of Westlake was held on Tuesday, September 12, 2023, 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: 2633 808 4988

Password: hello

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

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

Meeting ID: 2633 808 4988

As a preliminary matter, Ms. Ramirez noted that council members are present physically constituting a quorum. Councilmembers Julian Martinez and Pilar Valle Ron communicated before the hearing they will be attending virtually as they are unable to attend physically.

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

CALL TO ORDER

Mayor O'Connor called the City of Westlake City Council Final Budget Hearing of Tuesday September 12, 2023, to order at 6:01 PM.

ROLL CALL

Present and constituting a quorum:

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

Also present:

Kenneth Cassel, City Manager
Sean M. Swartz, Esq., City Attorney
Mery Ramirez, Recording Clerk

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.

There being no changes, Mayor O'Connor called for a motion to approve the agenda as presented.

Motion by Vice Mayor Langowski to approve the agenda, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Councilwoman Leonard	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (3-0).

PRESENTATIONS/PROCLAMATIONS

A. Proclamation 2023-10 - Hunger Action Month - October 2023

Mayor O'Connor identified the Proclamation that was previously approved by council and read the proclamation into the record.

Next item followed.

B. Proclamation 2023-12 - Hispanic Heritage Month

Mayor O'Connor identified the Proclamation that was previously approved by council and read the proclamation into the record.

Next item followed.

PUBLIC HEARING

A. RESOLUTION 2023-26 – Adoption of Final Millage Rate for Fiscal Year 2024

Submitted By: Administration

Mayor O'Connor introduced the item.

Mr. Swartz read Resolution 2023-26 into record, by title only.

Mr. Cassel stated the Millage Rate is 5.0 mills, 19.067 percent above Trim Rate. The millage rate has been lowered by .1.

Mayor O'Connor called for council comments. There being none, Mayor O'Connor stated he challenged staff to find the funds to lower the millage rate and they were able to do so. Mayor O'Connor thanked staff.

Mayor O'Connor called for public comments.

Ms. Ramirez noted there were no comment cards, however, gave the virtual audience a moment to comment.

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

Motion by Vice Mayor Langowski to approve Resolution 2023-26, Adoption of Final Millage Rate for Fiscal Year 2024, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES

With all in favor, motion carried without dissent (3-0).

B. RESOLUTION 2023-27 - Adoption of Final Budget for Fiscal Year 2024

Submitted By: Administration

Mayor O'Connor introduced item.

Mr. Swartz read Resolution 2023-27 into record, by title only.

Mr. Cassel stated there has been no change in the budget since the last budget hearing.

Mayor O'Connor called for council comments. There being none, Mayor O'Connor called for public comments.

Ms. Ramirez noted there were no comment cards, however, gave the virtual audience a moment to comment.

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

Motion by Vice Mayor Langowski to approve Resolution 2023-27, Adoption of Final Budget for Fiscal Year 2024, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Mayor O'Connor	YES
Councilwoman Leonard	YES
Vice Mayor Langowski	YES

With all in favor, motion carried without dissent (3-0).

CITY COUNCIL COMMENTS

A. Councilwoman Charlotte Leonard - Ms. Leonard had no additional comments.

B. Councilman Julian Martinez - Mr. Martinez had no additional comments.

C. Councilwoman Pilar Valle Ron - Ms. Valle Ron had no additional comments.

D. Vice Mayor Greg Langowski – Mr. Langowski asked staff to think of any city projects the council can bring to the legislative delegation and state officials that may need to be promoted and funded.

E. Mayor JohnPaul O'Connor – Mr. O'Connor thanked staff for lowering the milage rate from 5.1 to 5.0.

PUBLIC COMMENTS AND REQUESTS

Mayor O'Connor called for public comments.

Ms. Ramirez stated no comment cards were received prior to the meeting and gave the virtual audience a moment to raise their virtual hand.

There being no further comments, Mayor O'Connor called for the next item.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 6:12 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

D. Minutes_City Council Rescheduled Final Budget Hearing - 09.20.2023 DRAFT

CITY OF WESTLAKE



MINUTES

City Council Rescheduled Final Budget Hearing

Wednesday, September 20, 2023, at 5:01 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, AICP, Planning and Zoning Director
Suzanne Dombrowski, PE, ENV SP, City Engineer

A rescheduled final budget hearing of the City Council of the City of Westlake was held on Wednesday, September 20, 2023, at 5:01 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: 2633 857 1570

Password: hello

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

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

Meeting ID: 2633 857 1570

As a preliminary matter, Ms. Burgess noted that council members are present physically constituting a quorum.

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 Wednesday September 20, 2023, to order at 5:02 PM.

ROLL CALL

Present and constituting a quorum:

Councilwoman Charlotte Leonard
Councilman Julian Martinez
Councilwoman Pilar Valle Ron
Vice Mayor Greg Langowski
Mayor JohnPaul O'Connor

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.

There being no changes, Mayor O'Connor called for a motion to approve the agenda as presented.

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

UPON ROLL CALL:

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

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

PUBLIC HEARING

- A. RESOLUTION 2023-28 – Adoption of Final Millage Rate for Fiscal Year 2024

Submitted By: Administration

RESOLUTION 2023-28

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING A FINAL MILLAGE RATE OF _____ FOR THE CITY'S GENERAL OPERATING FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read Resolution 2023-28, by title only, into the record.

Mayor O'Connor called for City Manager Kenneth Cassel to discuss item in further detail. Mr. Cassel discussed item.

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

Ms. Burgess stated no comment cards were received prior to the meeting and gave the virtual audience a moment to raise their virtual hand.

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

Motion by Councilman Martinez to approve Resolution 2023-28, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

B. RESOLUTION 2023-29 - Adoption of Final Budget for Fiscal Year 2024

Submitted By: Administration

RESOLUTION 2023-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ADOPTING A FINAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; DETERMINING AND FIXING THE AMOUNTS NECESSARY TO CARRY ON THE GOVERNMENT OF THE CITY FOR THE ENSUING YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read Resolution 2023-29, by title only, into the record.

Mayor O'Connor called for City Manager Kenneth Cassel to discuss item in further detail. Mr. Cassel discussed item.

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

Ms. Burgess stated no comment cards were received prior to the meeting and gave the virtual audience a moment to raise their virtual hand.

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

Motion by Vice Mayor Langowski to approve Resolution 2023-29, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

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

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

PUBLIC COMMENT

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 stated no comment cards were received prior to the meeting and gave the virtual audience a moment to raise their virtual hand.

There being no further comments, Mayor O'Connor called for the next item.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 5:06 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

A. Proclamation 2023-09 - Government Week - October 16-22

Proclamation

FLORIDA CITY GOVERNMENT WEEK

WHEREAS, city government is the government closest to most citizens and the one with the most direct daily impact upon its residents; and

WHEREAS, municipal government provides services and programs that enhance the quality of life for residents, making their city their home; and

WHEREAS, city government is administered for and by its citizens and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, Florida City Government Week offers an important opportunity for elected officials and city staff to spread the word to all citizens of Florida that they can shape and influence this branch of government; and

WHEREAS, the Florida League of Cities and its member cities have joined together to teach citizens about municipal government through a variety of activities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WESTLAKE AS FOLLOWS:

Section 1. That the City of Westlake encourages all citizens, city government officials and employees to participate in events that recognize and celebrate Florida City Government Week.

Section 2. That the City of Westlake encourages educational partnerships between city government and schools, as well as civic groups and other organizations.

Section 3. That the City of Westlake supports and encourages all Florida city governments to actively promote and sponsor Florida City Government Week.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, DOES HEREBY PROCLAIM OCTOBER 16 THROUGH 23, AS

“Florida City Government Week”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Westlake, Florida to be affixed this 3rd day of October 2023.

JohnPaul O’Connor, Mayor

ATTEST:

Zoie P. Burgess, CMC
City Clerk

File Attachments for Item:

A. SECOND READING - Ordinance 2023-03 - Prohibiting Medical Marijuana Treatment Center Dispensing Facilities

Submitted By: Administration

ORDINANCE 2023-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE NO. _____ AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION _____ TO BE ENTITLED "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED" ; PROVIDING FOR PURPOSE AND FINDINGS; PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE NO. _____ AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION _____ TO BE ENTITLED "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED" ; PROVIDING FOR PURPOSE AND FINDINGS; PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Art. X, § 29, Fla. Const., entitled, "Medical Marijuana production, possession and use," was passed by the electors of Florida in November 2016, and amended the Florida Constitution to allow the use of marijuana in certain medical applications; and,

WHEREAS, Art. X, § 29, Fla. Const. defines Medical Marijuana Treatment Centers (" MMTCs") to mean an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department (of Health); and,

WHEREAS, the City Council, pursuant to the authority provided to the City in Section 381.986(11), Florida Statutes, desires to prohibit MMTCs from establishing dispensaries within the municipal limits of the City of Westlake.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

SECTION 2. The City Council hereby amends Ordinance No. ____ by amending Article ____ by specifically creating Section ____ entitled "Medical Marijuana Dispensing Facilities Prohibited" to read as follows:

Sec. _____ . - Medical Marijuana Treatment Center Dispensing Facilities Prohibited.

(a) Purpose. It is the purpose of this ordinance to prohibit Medical Marijuana Treatment Centers created under Art. X, § 29 of the Florida Constitution from establishing Medical Marijuana Treatment Center Dispensing Facilities within the municipal limits of the City of Westlake;

(b) Findings. Based on authority granted to municipalities in Section 381.986(11) Florida Statutes, the City Council finds that a ban on the

1 establishment of Medical Marijuana Treatment Center Dispensaries within
2 the City of Westlake is in the best interest of the City;
3 (c) Prohibition. Medical Marijuana Treatment Center Dispensing Facilities are
4 prohibited within the municipal boundaries of the City of Westlake;

5

6

7 **SECTION 3. Codification.** It is the intention of the City Council of the City of
8 Westlake that the provisions of this Ordinance shall become and be made a part of the Code
9 of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may
10 be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
11 "Article" or such other word or phrase in order to accomplish such intention.

12

13 **SECTION 4. Conflicts.** All ordinances or parts of ordinances, resolutions or
14 parts of resolutions which are in conflict herewith, are hereby repealed to the extent of
15 such conflict.

16

17 **SECTION 5. Severability.** Should the provisions of this ordinance be declared to be
18 severable and if any section, sentence, clause or phrase of this ordinance shall for any
19 reason be held to be invalid or unconstitutional, such decision shall not affect the validity
20 of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall
21 remain in effect, it being the legislative intent that this ordinance shall remain
22 notwithstanding the invalidity of any part.

23

24 **SECTION 6. Effective Date.** This ordinance shall be effective upon adoption on
25 second reading.

26

27 **PASSED** this 5th day of September 2023, on first reading.

28 **PUBLISHED** on this 24th day of September 2023 in the Sun Sentinel.

29 **PASSED AND ADOPTED** this 3rd day of October 2023, on second reading.

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City of Westlake
JohnPaul O'Connor, Mayor

ATTEST:

Zoie Burgess, CMC City Clerk

File Attachments for Item:

B. SECOND READING - Ordinance 2023-05 - Qualifying & Municipal Election Date Change for March 2024 Election

Submitted By: Administration

ORDINANCE 2023-05

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING QUALIFYING DATES FOR THE MARCH 2024 GENERAL MUNICIPAL ELECTIONS, IN ACCORDANCE WITH THE DIRECTION OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR A CHANGE IN DATE OF THE CITY'S MARCH 2024 GENERAL MUNICIPAL ELECTION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING QUALIFYING DATES FOR THE MARCH 2024 GENERAL MUNICIPAL ELECTIONS, IN ACCORDANCE WITH THE DIRECTION OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR A CHANGE IN DATE OF THE CITY'S MARCH 2024 GENERAL MUNICIPAL ELECTION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 11 (Elections) of the City Charter sets the dates for qualifying for municipal elections from and including noon on the last Tuesday in January to and including noon on the second Tuesday in February, of the year in which the election is held; and

WHEREAS, in order to accommodate the statutory vote-by-mail requirements, the Palm Beach County Supervisor of Elections (“SOE”) has requested that the City amend its qualifying period to ensure that it ends no later than ninety-five (95) days before Election Day.

WHEREAS, the SOE has further advised that it may not be able to accommodate the elections of those municipalities that do not change their qualifying dates, as requested; and

WHEREAS, Section 166.021(4), F.S., authorizes the City Council, by ordinance, to amend the qualifying dates and the regular City Council election date as set forth in the City Charter; and

WHEREAS, in response to the SOE’s request, the City Council seeks to change the qualifying dates for the City’s March 2024 general election to November 7, 2023, at 12:00 p.m., through November 14, 2023, at 12:00 p.m.; and

WHEREAS, the City Council finds that changing the dates of the City's March 2024 general municipal election, as requested by the SOE, is in the best interests of the citizens and residents of the City.

1 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF**
2 **WESTLAKE, FLORIDA, AS FOLLOWS:**

3
4 **SECTION 1. Recitals.** The foregoing recitals are confirmed, adopted and
5 incorporated herein and made a part hereof by this reference.

6
7 **SECTION 2.** In accordance with Section 166.021(4), F.S., and at the request of
8 the Palm Beach County Supervisor of Elections, the qualifying dates for the City's March
9 2024 general election are hereby established as November 7, 2023, at 12:00 p.m. through
10 November 14, 2023, at 12:00 p.m.

11
12 **SECTION 3.** The City Council deems it the best interest of the residents of the
13 City of Westlake to change the date of the regular City election to be held on March of 2024
14 to be held on March 19, 2024 which is the Presidential Preference Primary Election.

15
16 **SECTION 4. Conflicts.** All ordinances or parts of ordinances, resolutions or
17 parts of resolutions which are in conflict herewith, are hereby repealed to the extent of
18 such conflict.

19
20 **SECTION 5. Severability.** Should the provisions of this ordinance be declared
21 to be severable and if any section, sentence, clause or phrase of this ordinance shall for any
22 reason be held to be invalid or unconstitutional, such decision shall not affect the validity
23 of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall
24 remain in effect, it being the legislative intent that this ordinance shall remain
25 notwithstanding the invalidity of any part.

26
27 **SECTION 6.** Effective Date. This ordinance shall be effective upon adoption on
28 second reading.

29
30 **PASSED** this 5th day of September 2023, on first reading.

31 **PUBLISHED** on this 24th day of September 2023 in the Sun Sentinel.

32 **PASSED AND ADOPTED** this 3rd day of October 2023, on second reading.

33
34
35
36 _____
37 City of Westlake
38 JohnPaul O'Connor, Mayor

39
40
41 ATTEST:

42 _____
Zoie Burgess, CMC City Clerk

File Attachments for Item:

C. SECOND READING - Ordinance 2023-06 - Amending Ordinance 2020-11 and 2022-07
Regulating the Operation of Golf Carts

Submitted by: Administration

ORDINANCE 2023-06

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA,
AMENDING THE CITY'S CODE OF ORDINANCES BY SPECIFICALLY AMENDING
ORDINANCE NO. 2020-11 AND 2022-07 REGULATING THE OPERATION OF GOLF CARTS
WITHIN THE CITY LIMITS; PROVIDING FOR CODIFICATION, PROVIDING FOR A
CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE
DATE.**

ORDINANCE NO 2023-06

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY SPECIFICALLY AMENDING ORDINANCE NO. 2020-11 AND 2022-07 REGULATING THE OPERATION OF GOLF CARTS WITHIN THE CITY LIMITS; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 316.212(1), Florida Statutes, permits golf carts to be operated on a street(s) that has been designated by a municipality, provided the municipality first determines that they may safely travel on or cross such public roads upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets; and

WHEREAS, Section 316.212(5), Florida Statutes, states that golf carts may only operate on such public roads during the hours between sunrise and sunset, unless the governmental agency specifically determines that such golf carts may also safely operate during the hours between sunset and sunrise and the golf carts possess headlights, brake lights, turn signals and windshields; and

WHEREAS, Section 316.212(8), Florida Statutes, allows a local government to enact restrictions and regulations regarding golf cart operations that are more restrictive than those contained in Section 316.212 on sidewalks adjacent to specific streets, roads, and highways; and

WHEREAS, this ordinance is intended to promote the general health, safety and welfare of the public, of the City of Westlake, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

SECTION 2. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

DEFINITIONS

As used in this ordinance, the following words and terms shall have the meaning ascribed thereto:

1 Designated roads means all streets and roads within the City, except for prohibited streets
2 and roads.
3
4 Golf cart means a motor vehicle designed and manufactured for operation on a golf course
5 for sporting or recreational purposes and that is not capable of exceeding speeds of 20
6 miles per hour as defined in Chapters 316 and 320 of the Florida Statutes 316.003(27) and
7 320.01(22).
8
9 Hybrid golf cart is a golf cart, which shares its electric motive power with another source,
10 such as a gasoline engine.
11
12 Low speed vehicle is any four-wheeled electric vehicle whose top speed is greater than
13 twenty (20) miles per hour but not greater than twenty-five (25) miles per hour, including
14 neighborhood electric vehicles.
15
16 Shared Use Path is a paved facility for use by pedestrians, bicyclists, and/or other users
17 that is separated from vehicular traffic.
18
19 Neighborhood electric vehicle {NEV} is an electrically driven vehicle designed for speeds
20 of twenty (20) to twenty-five (25) miles per hour. A NEV is considered a low speed vehicle.
21
22 Sidewalk is that portion of a street between the curbline, or the lateral line, of a roadway
23 and the adjacent property, intended for use by pedestrians, which includes shared use
24 paths, rural parkway easement, and multimodal paths.
25
26 Speed modified golf cart is a golf cart originally manufactured for at speeds up to twenty
27 (20) miles per hour that has been modified after initial manufacture to travel at speeds
28 over twenty (20) miles per hour.
29
30 ~~Permit Owner means an official authorization designating that the golf cart to which the~~
31 ~~authorization is affixed meets the requirements of state law and the City of Westlake Code~~
32 ~~of Ordinances.~~
33
34 Prohibited streets mean Seminole Pratt Whitney Road, 60th Street, portions of Town
35 Center Parkway East, Persimmon Boulevard East of Ilex Way and Sycamore Drive West.
36
37 Roads/Streets means the entire width between the boundary lines of every way or place
38 of whatever nature when any part thereof is open to the use of the public for purposes of
39 vehicular traffic as defined in Chapter 320 of the Florida State Statutes 320.01(16).
40
41 Slow moving vehicles means any vehicle designed for use and speeds less than 25 miles
42 per hour.
43
44 ~~Unlicensed driver means a driver who does not hold and possess a valid state issued~~
45 ~~driver's license.~~
46

1 Homeowners' Association shall mean a Florida corporation responsible for the operation
2 of a community or a mobile home subdivision in which the voting membership is made up
3 of parcel owners or their agents, or a combination thereof and in which membership is a
4 mandatory condition of parcel ownership, and which is authorized to impose assessments
5 that, if unpaid, may become a lien on the parcel. The term "homeowners' association" does
6 not include a community development district or other similar special taxing district
7 created pursuant to statute.

8
9 **ROADS, AND STREETS, AND SIDEWALKS.**

10
11 1. Golf carts may be operated on those streets, ~~and~~ roads, sidewalks, or portions thereof as
12 designated by the City of Westlake City Council based upon recommendations of the City
13 Engineer. These designations shall be in accordance with Florida Statute, Section 316.212
14 and shall be made in accordance with City of Westlake Code of Ordinances.

15
16 2. Upon designating any streets or roads as authorized for use by golf carts, the city shall
17 ensure that proper signage to identify the designate the streets and roads for golf cart
18 utilization.

19
20 3. Golf carts may be utilized on sidewalks ~~the Rural Parkway Easements~~, shared use paths
21 and the multimodal paths that are eight (8') feet or greater in width at a reduced speed of
22 fifteen (15) miles per hour within the jurisdictional boundaries of the City.

23
24 4. ~~In addition to the requirements of Florida Statutes, Section 316.212, which is applicable~~
25 ~~to the operation of golf carts on the aforementioned designated streets and roads, the~~
26 ~~following restrictions shall also apply:~~

27
28 ~~(a) No golf carts shall be operated upon those streets or roads that the City has identified~~
29 ~~as arterial or collector roads unless otherwise authorized by the enabling ordinance.~~

30 ~~(b) No persons shall operate golf carts on designated street or roads or shared use path~~
31 ~~without a valid driver's license issued in his or her home state.~~

32 ~~(c) It shall be unlawful for an unlicensed driver, defined as a driver who does not hold and~~
33 ~~possess a valid state issued driver's license, to operate a golf cart upon streets and roads~~
34 ~~or shared use paths within the jurisdictional boundaries of the City.~~

35 ~~(d) All golf carts operated under this Ordinance shall be restricted to a maximum attainable~~
36 ~~speed of twenty (20) miles per hour on a street or road and fifteen (15) miles per hour on~~
37 ~~a Rural Parkway Easement, a shared use path, and/or a multi-modal path. (e) Golf carts~~
38 ~~and utility vehicles may cross a portion of a county road if the county has reviewed and~~
39 ~~approved the location and design of the crossing and any traffic control devices needed for~~
40 ~~safety purposes.~~

41 ~~(f) All golf carts operating subject to this Ordinance must be equipped with efficient brakes,~~
42 ~~reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning~~
43 ~~devices in both the front and rear at all times while operated on the designated streets or~~
44 ~~roads.~~

45 ~~(g) Golf carts may only be operated on the designated streets or roads, Rural Parkway~~
46 ~~Easement, shared use path or multi-modal path during the hours between sunrise and~~
47 ~~sunset, unless otherwise designated by the City of Westlake City Engineer.~~

1 ~~(h) Golf carts equipped with headlights, brake lights, turn signals, and windshields may~~
2 ~~operate at night, if nighttime operation is designated by the City of Westlake City Engineer.~~

3 ~~(i) In accordance with the provisions of Florida Statute 322.16, a person who holds a~~
4 ~~driver's license and who is under 17 years of age, when operating a golf cart after 11:00~~
5 ~~p.m. and before 6:00 a.m., must be accompanied by a driver who holds a valid license to~~
6 ~~operate the type of vehicle being operated and is at least 21 years of age, unless that person~~
7 ~~is driving directly to or from work.~~

8 ~~(j) In accordance with the provisions of Florida Statute 322.16, a person who holds a~~
9 ~~driver's license who is 17 years of age, when operating a golf cart after 1:00 a.m. and before~~
10 ~~5:00 a.m., must be accompanied by a driver who holds a valid license to operate the type of~~
11 ~~vehicle being operated, and is at least 21 years of age, unless that person is driving directly~~
12 ~~to or from work.~~

13
14 B. The City of Westlake shall ensure the posting of signs along the designated sidewalks
15 ~~streets or roads, Rural Parkway Easements,~~ multi-modal paths and shared use paths where
16 golf cart operation is allowed advising motorists of the possible presence of golf cart traffic
17 and alerting the public that the operation of such golf carts is subject to the various
18 requirements of this Ordinance.

19
20 ~~C. The individual Homeowner's Associations or the Master Homeowner's Association shall~~
21 ~~be responsible for the posting of signs along the designated streets and roads where golf~~
22 ~~cart operation is allowed behind the gates in each respective community advising motorist~~
23 ~~of the possible presence of golf cart traffic alerting the public that the operation of such golf~~
24 ~~carts is subject to the various requirements of this Ordinance.~~

25 26 **MINIMUM REQUIRED EQUIPMENT**

27
28 (a) All golf carts operated on sidewalks designated streets and roads, ~~Rural Parkway~~
29 ~~Easements,~~ shared use paths, and/or multi-modal paths pursuant to this ordinance shall,
30 at a minimum, be equipped with the following:

- 31 (1) Properly functioning brakes.
32 (2) Two (2) properly functioning brake lights.
33 (3) Properly functioning steering apparatus.
34 (4) Safe tires.
35 (5) A rearview mirror.
36 (6) Florida Department of Transportation approved lap safety belts for the driver and all
37 passengers.
38 (7) Red Reflectorized warning devices in the front and the rear of the golf cart.

39
40 (b) In addition, all golf carts operated on sidewalks ~~city streets or roads~~ in fog, smoke and
41 rain and/or operated earlier than thirty (30) minutes after sunrise or later than thirty (30)
42 minutes before sunset shall at a minimum be equipped with the following:

- 43 (1) Two (2) properly functioning headlights.
44 (2) A properly functioning horn.
45 (3) Properly functioning left and right turn signals.
46 (4) An approved windshield.
47 (5) Reflective devices or reflective tape on both sides of the of the golf cart.

1
2 **RESTRICTIONS**
3

4 (a) Only electric or gas power golf carts are authorized by this ordinance for use upon
5 sidewalks ~~designated streets or roads, Rural Parkway Easements, shared use paths and/or~~
6 multimodal paths.

7 (b) "Speed-modified golf carts", "hybrid golf carts", and "neighborhood electric vehicles"
8 (NEV) or other "low speed vehicles" are not authorized by this ordinance for use upon
9 designated sidewalks ~~streets or roads~~.

10 (c) Owners and operators of all golf carts shall comply with applicable state laws pertaining
11 to insurance requirements.
12

13 ~~Section 6 GOLF CART REGISTRATION~~

14 ~~(a) Each golf cart owner shall present an affidavit to the City demonstrating that the golf~~
15 ~~cart meets all City and state law requirements prior to operating on a designated street and~~
16 ~~road.~~

17 ~~(b) The owner of any golf cart to be operated on designated streets and roads pursuant to~~
18 ~~this section shall first register said golf cart with the City of Westlake. The owner~~
19 ~~registering the golf cart must be at least eighteen (18) years of age. The City shall charge~~
20 ~~an initial registration fee of \$40.00. Regardless of the date of registration, all golf cart~~
21 ~~registrations shall be valid from January 1 until December 31.~~

22 ~~(c) The owner of a golf cart to be operated on designated streets and roads pursuant to this~~
23 ~~section shall be required to renew the golf cart registration prior to January 1, every three~~
24 ~~years following initial registration. The city shall charge a renewal fee of \$30.00 for each~~
25 ~~registration renewal. An owner who fails to renew the registration of a golf cart prior to~~
26 ~~January 1, every three years following the initial registration, shall be required to obtain a~~
27 ~~new registration and pay the initial registration fee of \$40.00.~~

28 ~~(d) All owners of properly registered golf cart shall be issued a registration sticker which~~
29 ~~sticker shall be placed and maintained on the left front quarter panel or left side of the front~~
30 ~~windshield. The City of Westlake shall maintain a list of all golf cart registrations.~~

31 ~~(e) Golf carts shall not carry more passengers than those for which the golf cart was~~
32 ~~designed.~~

33 ~~(f) Golf cart operators shall not obstruct or interfere with traffic flow and operators shall~~
34 ~~yield to pedestrians, bicyclist and all other users on the shared use paths, Rural Parkway~~
35 ~~Easement and multi-modal paths.~~

36 ~~(g) Each golf cart owner shall provide an affidavit to the City demonstrating that the golf~~
37 ~~cart meets all City and state law requirements prior to operating on a designated street or~~
38 ~~roads.~~

39 ~~(h) Upon submitting a completed permit application, affidavit, proof of insurance and the~~
40 ~~payment of a \$40.00 application fee or \$30.00 renewal application fee, the City shall issue~~
41 ~~a permit to operate a golf cart.~~
42

43 **SECTION 7 INDEMNIFICATION AND INSURANCE**

44 (a) ~~Hold Harmless. Any person operating a golf cart on any designated streets, roads, rural~~
45 ~~parkway easements, shared use paths or multi-modal paths does so at his/her own risk~~
46 ~~and must operate such vehicle with due regard for the safety and convenience of other~~
47 ~~motor vehicles, bicyclists, and pedestrians. The City in designating certain city streets,~~

1 roads, rural parkway easements, shared use paths or multi-modal paths for the operation
2 of golf carts, extends such operating privileges on the express condition that the operators
3 of any golf carts under this ordinance undertakes such operation at their own risk and
4 assumes sole liability for operating the vehicle on the designated streets, roads, rural
5 parkways, shared use paths or multi-modal paths and by such operation agrees to defend,
6 release, indemnify, and hold harmless the City, its officials and employees for and regarding
7 any and all claims, demands, or damages of any nature whatsoever arising from such
8 operation by any person

9 (b) Liability insurance required. Any operator of a golf cart on the designated streets, roads,
10 rural parkway easements, shared use paths or multi-modal paths shall be covered by
11 motor vehicle or other liability insurance that includes operation of the golf cart insuring
12 the owner and/or operator against loss from liability for bodily injury, death, and property
13 damage arising out of the ownership, maintenance, or use of a motor vehicle of not less
14 than the limits described in Section 324.021(7), Florida Statutes, as may be amended.

15 16 **ENFORCEMENT**

17
18 (a) Violations of this section shall constitute a non-criminal traffic infraction punishable
19 pursuant to Chapter 318 as a moving or non-moving violation. ~~enforceable by all duly~~
20 ~~authorized law enforcement officers pursuant to the provisions of Florida Statutes,~~
21 ~~Sections 316.212(9) and 318.14.~~

22 (b) The City shall have the authority to enforce the provisions set forth herein and
23 applicable traffic laws, ~~provided however, that the enforcement of rules and regulations~~
24 ~~created and established by home owners associations shall be the sole responsibility of~~
25 ~~those communities.~~

26 (c) City of Westlake may enforce the provisions of this ordinance through any legal means
27 including prosecuting violations of this ordinance pursuant to Florida Statute 162, or the
28 procedures for civil citations contained in the City of Westlake Code Compliance
29 Ordinance.

30 ~~(d) The operation of an unregistered golf cart, the operation of a golf cart which has been~~
31 ~~modified so as to no longer comply with the provisions of this ordinance, the operation of~~
32 ~~a golf cart without minimum required equipment for the conditions, and the operation of~~
33 ~~any golf cart on non-designated city streets presents an immediate threat to the health,~~
34 ~~safety and welfare. Accordingly, anyone adjudged by a court of competent jurisdiction, a~~
35 ~~code compliance board, a code compliance special magistrate or the city council, sitting in~~
36 ~~a quasi-judicial capacity, shall be subject to revocation of golf cart registration.~~

37
38 **SECTION 3. Codification.** It is the intention of the City Council of the City of
39 Westlake that the provisions of this Ordinance shall become and be made a part of the Code
40 of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may
41 be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
42 "Article" or such other word or phrase in order to accomplish such intention.

43
44 **SECTION 4. Conflicts.** All ordinances or parts of ordinances, resolutions or
45 parts of resolutions which are in conflict herewith, are hereby repealed to the extent of
46 such conflict.

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SECTION 5. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

SECTION 6. Effective Date. This ordinance shall be effective upon adoption on second reading.

PASSED this 5th day of September 2023, on first reading.

PUBLISHED on this 24th day of September 2023 in the Sun Sentinel.

PASSED AND ADOPTED this 3rd day of October 2023, on second reading.

ATTEST:

City of Westlake
JohnPaul O'Connor, Mayor

Zoie Burgess,CMC City Clerk