

Council Members

Roger Manning-Mayor
Katrina Long Robinson-Vice Mayor
John Stanavitch-Seat 1
Kara Crump-Seat 2
Phillip Everett-Seat 3



City of Westlake

4001 Seminole Pratt Whitney Rd.
Westlake, Florida 33470
Phone: 561-530-5880
Fax: 561-790-5466

Special Meeting

Monday, October 24, 2016

Meeting Location

Westlake Council Chambers

4005 Seminole Pratt-Whitney Road

Westlake, FL 33470

7:00 PM

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings and for such purpose 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 meeting/hearing may be continued to another date and time as may be found necessary during the aforesaid meeting. In accordance with the provisions of the Americans with Disabilities Act (ADA), any person requiring special accommodations at these meetings because of disability or physical impairment should contact the Interim City Manager at (954)753-5841 at least two (2) calendar days prior to the meeting.

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October 17, 2016

City Council
City of Westlake

Dear Mayor and Council:

A special meeting of the City Council of the City of Westlake will be held Monday, October 24, 2016 at 7:00 p.m. at the Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida. Following is the advance agenda for the meeting.

1. Call to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Audience Comments on Agenda Items (3) Minute Time Limit
5. Public Hearing to Adopt Ordinance 2016-3, Establishing a Planning and Zoning Board - Second Reading
6. Ordinance 2016-4, Including the City of Westlake in the Fire Rescue Municipal Service Taxing Unit for Palm Beach County for the Provision of Fire Services – First Reading
7. City Manager’s Update
8. City Attorney’s Update
9. Audience Comments on Other Items (3) Minute Time Limit
10. Adjournment

Any additional supporting material for the items listed above, not included in the agenda package, will be distributed at the meeting. Staff will present their reports at the meeting. I look forward to seeing you, but in the meantime if you have any questions, please contact me.

Sincerely,

Kenneth Cassel

Kenneth G. Cassel
Interim City Manager

cc: Pam E. Booker, Esq
Terry Lewis

John Carter
Johnnie Easton

Fifth Order of Business

ORDINANCE NO. 2016-3

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF THE PLANNING AND ZONING BOARD; PROVIDING FOR COMPOSITION OF THE BOARD, PROVIDING FOR A TERM OF OFFICE FOR MEMBERS OF THE BOARD; DESIGNATING THE BOARD AS THE CITY’S LOCAL PLANNING AGENCY; PROVIDING POWERS AND DUTIES OF THE BOARD AS AN ADVISORY BOARD TO THE CITY COUNCIL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the Growth Policy Act under the Florida Statutes, Chapter 163, the City has the responsibility of planning for the future growth and development of the City of Westlake; and

WHEREAS, the City of Westlake is a newly incorporated City, it is required to establish a local planning agency within one year of incorporation; and

WHEREAS, the responsibilities of the local planning agency include but are not limited to establishment of a comprehensive plan, comprehensive plan amendments, review of zoning and rezoning applications, review of land development regulations, land development codes, or any amendments thereto, and to perform any other functions, duties or responsibilities as assigned by the City Council; and

WHEREAS, the Planning and Zoning Board is established to provide the City Council with recommendations as an advisory board on planning and zoning related matters, including without limitation, recommendations on development applications; and

WHEREAS, the City Council finds that it is in the best interest of the City of Westlake to designate the Planning and Zoning Board as the City’s Local Planning Agency pursuant to the provisions as set forth in Florida Statutes, Section 163.3174; and

WHEREAS, the City Council will designate itself to serve as the local planning agency with the addition of a non-voting member of the school board as permitted by Florida Statute, Section 163.3174; and

WHEREAS, the City Council shall appropriate funds for expenses as necessary in the conduct of work for the local planning agency and shall establish a schedule of fees to be charged by the local planning agency.

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

Section 1. Recitals: The foregoing recital are confirmed, adopted and incorporated herein and made a part hereof by this reference.

Section 2. Code Reference: The City Council hereby adopts a chapter within the City's code of ordinances, entitled "Planning and Zoning Board" which shall read as follows:

Composition and Term of Office:

- (1) The Planning and Zoning Board shall be composed of the five transitional members of the City Council for the City of Westlake, and an alternate member selected by the City Council.
- (2) The transitional council members shall serve as members of the Planning and Zoning Board until November of 2020, at which time the City Council may re-evaluate the composition of Planning and Zoning Board.
- (3) Future members of the Planning and Zoning Board shall serve for a term of four (4) years. Future members of the Board shall be knowledgeable as to the functions of municipal government, planning and zoning matters and municipal development and may include professions associated with development including architects, planners, attorney, engineers and contractors.
- (4) The alternate member shall be allowed to participate and vote on matters which are before the board when any regular member of the Board is unable to attend a scheduled meeting.
- (5) Three members of the Planning and Zoning Board who are in attendance shall constitute a quorum for purpose of convening a meeting and conducting business for the City.
- (6) The members of the Planning and Zoning Board shall serve without compensation but shall be reimbursed for any expenses authorized by the City of Westlake, which may be incurred in the performance of their duties.
- (7) During the initial meeting of the Planning and Zoning Board, the Board shall select a chair and a vice-chair to serve for the orderly conduct of the meeting. The chair and the vice chair shall serve for a one (1) year term. The chair and the vice-chair shall be selected at the first meeting in April of each year.

Business Meetings and Procedures:

- (1) The meetings shall be scheduled once per month at the direction of the City Manager. The City Manager may cancel the monthly meeting if there are no business matters pending for the meeting as scheduled. The City Manger may call a special meeting if necessary in the discretion of the City Manager to facilitate the growth and development that is in the best interest of the City. The Board may schedule additional meetings as deemed necessary to conduct the business of the City, training or workshop matters.
- (2) The meetings shall be held on the second Monday of each month, commencing at six (6) o'clock (6:00pm). The meetings shall be held at the Westlake Community Center, located at 4005 Seminole Pratt Whitney Road.
- (3) The meetings of the Planning and Zoning Board shall be public meetings, open to the public. The public is encouraged to participate and attend the meetings. There shall be an official agenda for each of the regular meetings of the Planning and Zoning Board. The City Manager shall prepare the agenda for each board meeting.
- (4) Decisions of the Board shall be by motion and a roll call vote of the members present. Minutes of the proceedings of all meetings shall be kept by the City Clerk.

Administrative Assistance:

- (1) The City Manager shall attend the Planning and Zoning Board meetings. The City Manager shall provide staff and clerical assistance for the Planning and Zoning Board members as may be required for the reasonable performance of their duties. This shall include a recording secretary to keep records of all proceedings.
- (2) The City Planner shall advise and assist the Planning and Zoning Board in all of its presentations, hearings, and deliberations on items which appear before the board for consideration.
- (3) The Board may request from the City Manager, the City Attorney or other City consultant(s) additional information for the proper evaluation of items which appear before the Board which will assist in the decision making process.
- (4) The City Attorney shall provide legal representation to the Planning and Zoning Board at all meetings of the Board.

Local Planning Agency:

The Planning and Zoning Board shall serve as the local planning agency ("LPA") for the City of Westlake in accordance with the provisions as set forth in the Growth Policy Act, under Florida Statutes, Chapter 163, and more specifically, §163.3174. The Board shall make recommendations to the City Council regarding the adoption of the comprehensive plan and any amendments thereto.

Powers and Duties:

- (1) The Planning and Zoning Board shall hear and consider items which come before the Board and make recommendations to the City Council as to findings of fact on applications for the following items:
 - (a) Zoning applications
 - (b) Re-Zoning applications
 - (c) Zoning ordinance amendments
 - (d) Site Plans
 - (e) Conditions Uses
 - (f) Special Exception Uses
 - (g) Variances
 - (h) Administrative Appeals
 - (i) Special Permits and Nonconforming Uses
 - (j) Any other planning or zoning related matter referred to it by the City Council.
- (2) The Board shall make a motion to recommend approval of an item, denial of the item or approval with conditions, restrictions or other limitations as deemed necessary and consistent with applicable law.
- (3) The decisions of the Planning and Zoning Board shall not be binding and final on the City Council, but shall be advisory recommendations only.

Section 3. Conflicts: All ordinances or parts of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

Section 4. 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 5. Effective Date: This ordinance shall be effective upon adoption on second reading.

City of Westlake
Roger Manning, Mayor


Sandra DeMarco, City Clerk

Pam E. Booker, City Attorney

Sixth Order of Business

MEMORANDUM

To: Mayor Roger Manning
City Council Members

From: Pam E. Booker, City Attorney 
Ken Cassel, City Manager

Date: October 19, 2016

Subject: Fire Rescue Municipal Servicing Taxing Unit

Attached please find an ordinance for the City of Westlake to be included in the Fire Rescue Municipal Service Taxing Unit ("MSTU") for Palm Beach County for the provision of fire services. Florida Statutes, Chapter 125, allows for local governments to enter into agreement for essential government services. This agreement is for a term of ten (10) years. The fire department will provide all of the services set forth under Chapter 633, of the Florida Statutes, including but not limited to fire protection, fire-rescue, advanced life support, emergency services, plan review, fire inspections, fire prevention services, code enforcement and other services.

The ordinance will allow the Florida Fire Prevention Code and the Palm Beach County local amendments thereto to be applied to property within the City of Westlake's boundary. The properties within the City's boundaries were included in the MSTU prior to the City's incorporation. The ad valorem revenues to be paid to the County for the 2016 tax year are approximately \$49,713.01. This amount is based upon a millage rate of 3.44581 per \$1,000.00 of taxable value. The amount of ad valorem revenue received by the county will increase on an annual basis as properties are improved within the City. There are 25 parcels within the City's limits which will be assessed for fire services.

The ordinance has been reviewed and approved by the City Manager, the City Attorney and the staff of Palm Beach County. We would recommend approval of the ordinance, which will come back for second reading on November 14, 2016. Should you have any questions, please do not hesitate to contact me at (772) 971-8676.



Fire Rescue

Chief Jeffrey P. Collins
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Mary Lou Berger, Mayor
Hal R. Valeche, Vice Mayor
Paulette Burdick
Shelley Vana
Steven L. Abrams
Melissa McKinlay
Priscilla A. Taylor

County Administrator

Verdenia C. Baker

October 19, 2016

Mr. Ken Cassel, Interim City Manager
City of Westlake
4001 Seminole Pratt Whitney Road
Westlake, FL 33470

RE: Fire/Rescue MSTU Services

Dear Mr. Cassel:

As you know, the County and the City are in the process of preparing their respective ordinances to formalize the City's inclusion in the County's Fire/Rescue MSTU. Once adopted, these ordinances will continue the provision of Palm Beach County Fire Rescue (PBCFR) services, including Fire Code enforcement, within the area that is now within the City's boundaries.

I wanted to take this opportunity to address the City's concern about PBCFR's ability to timely process new construction plan review and inspections as the City builds out.

PBCFR's performance measures demonstrate that new construction plan review and new construction inspections are typically performed within four (4) working days 85% of the time. I am confident that PBCFR will be able to meet or exceed this performance standard as the City builds out. Furthermore, the Fire Code provides a process for an expedited plan review should the need arise.

Should any unanticipated issues arise, please feel free to contact me directly so we can work together to resolve them expeditiously.

Sincerely,

Jeffrey P. Collins
Fire Rescue Administrator

Electronic copy: Nancy Bolton, Assistant County Administrator
Sharon Burrows, Senior Assistant County Attorney
Pam Booker, City Attorney

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Affirmative Action Employer"

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY OF WESTLAKE, FLORIDA; PROVIDING FOR THE CITY’S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF WESTLAKE’S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY’S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE AND CONSENT; PROVIDING FOR EFFECTIVENESS AND DURATION OF CONSENT; PROVIDING FOR EFFECTIVENESS OF REPEAL; ACKNOWLEDGING AD VALOREM MILLAGE RATE LIMITATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CAPTIONS; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida Legislature has empowered counties to establish Municipal Service Taxing Units (“MSTU”s), whereby a county may levy a tax within the MSTU for certain essential municipal services, including the provision of fire-rescue services; and

WHEREAS, pursuant to Section 125.01(1)(q), Florida Statutes, a municipality may be included within an MSTU, subject to approval by ordinance of the governing body of the municipality giving consent either annually or for a term of years; and

WHEREAS, Palm Beach County (“County”) established an MSTU known as the Fire/Rescue MSTU to provide fire protection, fire-rescue, advanced life support (or similar emergency services), code enforcement and other services necessary and incidental to the purpose for which the MSTU was created; and

WHEREAS, the City of Westlake (“City”) was incorporated on June 20, 2016; and

WHEREAS, prior to the City’s incorporation, all territory within the municipal boundaries of the City was, included within the Fire/Rescue MSTU as part of the unincorporated area of the County; and

WHEREAS, the City Charter authorizes the Fire/Rescue MSTU to continue within the boundaries of the City until the City adopts an ordinance to the contrary; and

WHEREAS, the City desires to adopt this Ordinance to formalize its consent, in accordance with Section 125.01(1)(q), Florida Statutes, to be included in the Fire/Rescue MSTU

for County fire-rescue and related services within the territorial limits of the City including, but not limited to, the County's enforcement of the Florida Fire Prevention Code and Palm Beach County Local Amendments thereto, and any other laws and regulations that relate to fire-rescue services and are enforceable by the County within the MSTU (collectively "Fire Code"); and

WHEREAS, the City Council of the City of Westlake believes that such inclusion in the County's Fire/Rescue MSTU is in the best interest of the health, safety and welfare of the citizens of the City.

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

Section 1: Intent, Purpose and Consent: It is the intent, purpose and effect of this Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The City Council of the City of Westlake hereby ratifies and consents to the inclusion of all territory within the incorporated municipal boundaries of the City, as may be amended from time to time, within the County's Fire/Rescue Municipal Service Taxing Unit (the "Fire/Rescue MSTU"), which was established pursuant to enabling legislation adopted by the Board of County Commissioners of Palm Beach County. The purpose of the enactment of this Ordinance is for the City to be included in the County's Fire/Rescue MSTU in order to enable the County to fund and provide fire-rescue services, new construction plan review, fire inspections and related services within the territorial limits of the City including, but not limited to, the County's enforcement of the Florida Fire Prevention Code and Palm Beach County Local Amendments thereto, and any other laws and regulations that relate to fire-rescue services and are enforceable by the County within the MSTU (collectively "Fire Code").

Section 2: Effectiveness and Duration of Consent: The City's consent to be included in the County's Fire/Rescue MSTU shall be implemented effective December 31, 2016, for Tax Year 2017, and shall continue for a term of ten (10) years through December 31, 2026; provided, however, that the City's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2027, to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year including, but not limited to, the County's enforcement of the Fire Code. Notwithstanding anything herein that may be construed to the contrary, the City's consent and inclusion in the

Fire/Rescue MSTU shall be deemed to be ratified and effective retroactively from June 20, 2016, to the extent necessary for the County to fund and provide within the City fire-rescue and related services including, but not limited to, the County's enforcement of the Fire Code, between June 20, 2016, and the commencement of services funded by Tax Year 2017.

Section 3: Effectiveness of Repeal: Should the City intend to repeal its consent to be included in the Fire/Rescue MSTU prior to its expiration on December 31, 2026, the City shall provide written notice to the County, by March 1st of any given year, of the City's intent to repeal this Ordinance and the consent provided herein effective December 31st of the same year. The City shall adopt an ordinance to repeal this Ordinance and the consent provided herein, and shall provide a certified copy of the repealing ordinance to the County and to the Property Appraiser, by said December 31st. The City's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st; provided, however, that the City's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following October 1st at 7:30 a.m. to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year, including, but not limited to, the County's enforcement of the Fire Code.

Section 4: Ad Valorem Millage Rate Limitation: The City acknowledges that by opting into the MSTU, it cannot levy an annual ad valorem millage rate that would exceed the ten (10) mill cap for municipal purposes when combined with the Fire/Rescue MSTU's annual ad valorem millage rate.

Section 5: Repeal of Conflicting Ordinances: All other ordinances and parts of ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of the conflict.

Section 6: Severability: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 7: Codification: The provisions of this Ordinance shall become and be made a part of the code or ordinances of the City of Westlake, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 8: Captions: The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the

interpretation of the provisions of this Ordinance.

Section 9: Effective Date: This Ordinance shall take effect upon adoption. Notwithstanding anything here to the contrary, the City’s inclusion in the MSTU is contingent upon the County adopting and maintaining an ordinance including the City within the Fire/Rescue MSTU.

FIRST READING this _____ day of October, 2016.

APPROVED AND ADOPTED ON SECOND READING by the City Council of the City of Westlake, Florida, on this _____ day of November, 2016.

CITY OF WESTLAKE

By: _____
Roger Manning, MAYOR

ATTEST:

Sandra Demarco, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Pam E. Booker, City Attorney